

**SENATE JOURNAL**  
**SIXTY-SECOND LEGISLATURE**  
**STATE OF WASHINGTON**

**AT**

**OLYMPIA, THE STATE CAPITOL**

*2011 Second Special Session Convened November 28, 2001*

*Adjourned Sine Die December 11, 2011*

*2012 Regular Session Convened January 9, 2012*

*Adjourned Sine Die March 8, 2012*

*2012 First Special Session Convened March 12, 2012*

*Adjourned Sine Die April 10, 2012*

*2012 Second Special Session Convened April 11, 2012*

Official Record of All Senate Actions Compiled, Edited and Indexed  
Pursuant to Article II, Section 11 of the Constitution of the State of  
Washington, by Thomas Hoemann, Secretary of the Senate

**Volume 1**



Linda Jansson,  
Minute and Journal Clerk

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Lieutenant Governor Brad Owen, *President of the Senate*  
Senator Margarita Prentice, *President Pro Tempore*  
Senator Paull Shin, *Vice President Pro Tempore*

**SENATE CAUCUS OFFICERS**

**2011**

**DEMOCRATIC CAUCUS**

*Majority Leader*.....Lisa Brown  
*Majority Caucus Chair*.....Karen Fraser  
*Majority Floor Leader* .....Tracey J. Eide  
*Majority Whip* .....Nick Harper  
*Majority Assistant Floor Leader*.....David Frockt  
*Majority Caucus Vice Chair* .....Debbie Regala  
*Majority Assistant Whip* .....Kevin Ranker

**REPUBLICAN CAUCUS**

*Republican Leader*.....Mike Hewitt  
*Republican Caucus Chair* .....Linda Evans Parlette  
*Republican Floor Leader*.....Mark Schoesler  
*Republican Whip*.....Doug Ericksen  
*Republican Deputy Leader*.....Mike Carrell  
*Republican Caucus Vice Chair*.....Dan Swecker  
*Republican Deputy Floor Leader*.....Jim Honeyford  
*Republican Deputy Whip*.....Jerome Delvin

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*Secretary of the Senate* ..... Thomas Hoemann  
*Deputy Secretary* ..... Brad Hendrickson  
*Sergeant at Arms* ..... Jim Ruble  
*Minute and Journal Clerk* ..... Linda Jansson  
*Readers* ..... Kenneth Edmonds and Dave Whitmore

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**FIRST DAY**

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NOON SESSION

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Senate Chamber, Olympia, Monday, November 28, 2011

At 12:00 noon, pursuant to law, the Senate of the 2011 Second Special Session of the Sixty-Second Legislature of the state of Washington assembled in the Senate Chamber at the State Capitol. President Pro Tempore Margarita Prentice, called the Senate to order. The Secretary called the roll and announced to the President Pro Tempore that all Senators were present with the exception of Senators Baxter, Carrell, Delvin, Holmquist Newbry, Plug and Zarelli.

The Sergeant at Arms Color Guard consisting of Senators Mike Hewitt and Lisa Brown, presented the Colors. Pastor John Rosenburg of the Lutheran Church of the Good Shepard of Olympia offered the prayer.

**MOTION**

On motion of Senator Eide, the Senate advanced to the third order of business.

**MESSAGE FROM THE GOVERNOR**

**PROCLAMATION BY THE GOVERNOR**

11-13

**WHEREAS**, in accordance with Article II, Section 12 (Amendment 68) of the Washington State Constitution, the Legislature adjourned its 2011 regular session on April 22, 2011, the 103<sup>rd</sup> day of the session; and

**WHEREAS**, the Legislature reconvened on Tuesday, April 26, 2011, to continue work on the 2011-2013 biennial operating budget, 2011-2013 capital budget, and related bills; and

**WHEREAS**, the Legislature adjourned the 1<sup>st</sup> Special Session of 2011 on May 25, 2011, after approving the 2011-2013 operating budget, 2011-2013 capital budget, and related bill; and

**WHEREAS**, the Economic and Revenue Forecast Council adopted a September 2011 forecast that reduced expected state revenues by nearly \$1.4 billion in the 2011-2013 biennium; and

**WHEREAS**, on November 16, 2011, the Caseload Forecast Council will meet and on November 17, 2011, the Economic and Revenue Forecast Council will meet, to provide additional projections for the 2011-2013 biennium; and

**WHEREAS**, timely legislative action is needed to secure the State's fiscal health and address the shortfall in the 2011-2013 operating budget; and

**WHEREAS**, the Speaker of the House, House Minority Leader, Senate Majority Leader, and Senate Republican Leader working together with the Governor may agree upon additional matters that are necessary for the Legislature to address;

**NOW, THEREFORE, I**, Christine O. Gregoire, Governor of the state of Washington, by virtue of the authority vested in me by Article II, Section 12 (Amendment 68) and Article III, Section

7 of the Washington State Constitution, do hereby convene the Washington State Legislature in Special Session in the Capitol at Olympia on Monday, November 28, 2011, at noon for the sole purpose of enacting legislation addressing the 2011-2013 Operating Budget.

Signed and sealed with the official seal of the state of Washington this 27<sup>th</sup> day of October, A. D. Two-thousand and Eleven at Olympia, Washington.

(Seal)

CHRISTINE O. GREGOIRE,  
Governor of Washington

BY THE GOVERNOR  
SAM REED  
Secretary of State

**RESIGNATION LETTER**

Honorable Christine Gregoire  
Washington State Governor  
Office of the Governor  
P. O. Box 40002  
Olympia, WA 98504

June 6, 2011

Dear Governor Gregoire:

This letter serves to notify you of my intention to resign my seat in the Washington State Senate, effective June 30, 2011.

In addition, I wish to advise you that I am honored to accept the appointment you have graciously extended to me, to serve as a member of the Northwest Power and Conservation Council, commencing July 1, 2011. I look forward to enhancing the working relationship between your office and the Council, and to ensuring that our State's needs and interests are advanced through the work of the Council to the maximum degree possible.

Permit me also to express my thanks for the wonderful manner in which you advised me of your appointment by traveling to the Senate chamber the day before Sine Die last week! That was a very special moment for me, one that I shall treasure. Your action also made it possible for me to share the news with my colleagues and to wish them farewell shortly before we adjourned Sine Die. After 13 years, it was with distinctly mixed feelings that I announced my departure; but at the same time, I am very excited at the prospect of continued public service to our State and the Pacific Northwest region as a member of the Council.

Again, thank you for this wonderful opportunity.

Sincerely,  
State Senator Phil Rockefeller  
23<sup>rd</sup> legislative District

**APPOINTMENT OF SPECIAL COMMITTEE**

The President Pro Tempore of the Senate appointed a committee of honor consisting of Senators Kline and King to escort Associate Chief Justice Charles Johnson to the rostrum.

**KITSAP COUNTY COMMISSIONERS**

Resolution No. 100-2011

**RESOLUTION APPOINTING CHRISTINE ROLFES TO FILL THE VACANCY TO THE 23<sup>RD</sup> LEGISLATIVE DISTRICT SENATE**

WHEREAS, Phil Rockefeller, a Democrat, serving as Senator for the 23<sup>rd</sup> Legislative District resigned his position effective June 2011;

WHEREAS, Article II, Section 15 of the Washington State Constitution requires that vacancies in any legislative district elective office shall be filled by appointment by the county legislative authority of the county, and the person appointed to fill the vacancy must be from the same legislative district and the same political party as the partisan legislator whose office was vacated, and must be one of three persons nominated by the county central committee of that party;

WHEREAS, on July 12, 2011, the Democratic Central Committee of Kitsap County officially nominated three persons to fill the vacancy created by the resignation of Phil Rockefeller, a Democrat residing in the 23<sup>rd</sup> Legislative District; and

WHEREAS, at a regular meeting on Wednesday, July 20, 2011, the Board of County Commissioners selected Christine Rolfes to fill the vacancy created by the resignation of Phil Rockefeller.

Now, Therefore, the Board of County Commissioners resolves as follows:

Christine Rolfes being duly qualified is hereby appointed to fill the 23<sup>rd</sup> Legislative District Senator vacancy and hold office until the general election of 2012.

Adopted this 20<sup>th</sup> day of July, 2011

**BOARD OF COUNTY COMMISSIONERS**  
KITSAP COUNTY, WASHINGTON  
CHARLOTTE GARRIDO, Chair  
ROBERT GELDER, Commissioner  
JOSH BROWN, Commissioner

ATTEST:  
DANA DANIELS, Clerk of the Board

**KING COUNTY SIGNATURE REPORT**  
KING COUNTY, WASHINGTON

Motion 13597

Proposed No. 2011-0454.2      Sponsors Gossett and Lambert

A motion making an appointment to fill the vacancy in the 46<sup>th</sup> legislative district of the Washington state Senate.

WHEREAS, a vacancy exists in the position of state senator for the 46<sup>th</sup> legislative district due to the death of Senator Scott White, and

WHEREAS, the 46<sup>th</sup> legislative district Democrats have met to consider possible replacements for this position, and

WHEREAS, the King County Democratic Central Committee has submitted the names of three nominees to fill the vacancy;

NOW, THEREFORE, BE IT MOVED by the Council of King County;

David Frockt is hereby appointed to the position of state senator from the 46<sup>th</sup> legislative district.

Motion 13597 was introduced on 10/31/2011 and passed as amended by the Metropolitan King County Council on 11/14/2011, by the following vote:

Yes: 7 – Mr. Phillips, Mr. von Reichbauer, Mr. Gossett, Ms. Patterson, Ms. Lambert, Mr. Ferguson and Mr. McDermott

No: 0

Excused: 2 – Ms. Hague and Mr. Dunn

**KING COUNTY COUNCIL**  
KING COUNTY, WASHINGTON  
LARRY GOSSETT, Chair

ATTEST:  
ANNE NORRIS, Clerk of the Council

The Secretary called the roll of the following newly appointed members of the Senate and all were present: Senators Christine Rolfes and David Frockt.

The Sergeant at Arms escorted each of the newly appointed members of the Senate to the rostrum of the Senate to receive the oath of office.

Associate Chief Justice Charles Johnson there upon administered the oath of office to each of the newly appointed members.

The Sergeant at Arms escorted each of the newly appointed members to their seats on the floor of the senate.

**OATH OF OFFICE**

I, Christine Rolfes, do solemnly swear that I will uphold the Constitution and laws of the United States of America, the Constitution and laws of the State of Washington, and the rules of the Washington State Senate, and that I will faithfully perform the duties of State Senator to the best of my ability, so help me God.  
CHRISTINE ROLFES  
Subscribed and sworn to before me this 26<sup>th</sup> day of July, 2011.

THEODORE SPEARMAN  
Judge

**OATH OF OFFICE**

I, David Frockt, do solemnly swear that I will support the Constitution of the United States and the Constitution and laws of the state of Washington, and that I will faithfully discharge the duties of the office of State Senator of the 46<sup>th</sup> Legislative District to the best of my ability.

FIRST DAY, NOVEMBER 28, 2011  
 DAVID FROCKT  
 ATTEST:  
 Janet Masuo  
 November 14, 2011

2011 2ND SPECIAL SESSION

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

SECOND READING

HOUSE CONCURRENT RESOLUTION NO. 4406, by Representatives Sullivan and Kretz

Specifying the status of bills, memorials, and resolutions for the 2011 second special session of the Sixty-second legislature.

The measure was read the second time.

MOTION

On motion of Senator Eide, the rules were suspended, House Concurrent Resolution No. 4406 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the final passage of House Concurrent Resolution No. 4406.

HOUSE CONCURRENT RESOLUTION NO. 4406, was adopted on third reading by voice vote.

MOTION

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

MOTION

Senator Eide moved adoption of the following resolution:

SENATE RESOLUTION  
 8662

By Senators Brown and Hewitt

WHEREAS, The Senate adopted permanent rules for the 2011-2013 biennium under Engrossed Senate Resolution 8604 as amended by Senate Resolution 8611; and

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

WHEREAS, The Senate desires to make the following changes to the names of the following standing committees: Committee on Agriculture & Rural Economic Development to Committee on Agriculture, Water & Rural Economic Development; Committee on Environment, Water & Energy to Committee on Environment; and Committee on Natural Resources & Marine Waters to Committee on Energy, Natural Resources & Marine Waters;

NOW, THEREFORE, BE IT RESOLVED, That Rule 41 is amended as follows:

**"Rule 41.** The president shall appoint all conference, special, joint and standing committees on the part of the senate. The appointment of the conference, special, joint and standing committees shall be confirmed by the senate.

In the event the senate shall refuse to confirm any conference, special, joint or standing committee or committees, such committee or committees shall be elected by the senate.

APPOINTMENT OF SPECIAL COMMITTEE

The President Pro Tempore of the Senate appointed a committee of honor consisting of Senators Kline and King to escort Associate Chief Justice Charles Johnson from the Senate chambers.

MOTION

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

MESSAGE FROM THE HOUSE

November 28, 2011

MR. PRESIDENT:

The House has adopted:

HOUSE CONCURRENT RESOLUTION NO. 4406, and the same is herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

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

INTRODUCTION AND FIRST READING

SB 5965 by Senators Parlette, Pridemore and Fraser

AN ACT Relating to a plan of finance to prevent the default of bonds issued by distressed public facilities districts; amending RCW 82.14.390, 82.14.050, and 43.79A.040; adding new sections to chapter 35.57 RCW; adding new sections to chapter 82.14 RCW; creating new sections; and declaring an emergency.

Referred to Committee on Ways & Means.

SUPPLEMENTAL INTRODUCTION AND FIRST READING

HCR 4406 by Representatives Sullivan and Kretz

Specifying the status of bills, memorials, and resolutions for the 2011 second special session of the Sixty-second legislature.

MOTION

On motion of Senator Eide, all measures listed on the Introduction and Supplemental First Reading report were referred to the committees as designated with the exception of House Concurrent Resolution No. 4406, which was placed on the second reading calendar under suspension of the rules without objections.

MOTION

The following standing committees shall constitute the standing committees of the senate:

**Standing Committee**

- 1. Agriculture, ~~Water~~ & Rural Economic Development..... 8
- 2. Early Learning & K-12 Education.....11
- 3. Economic Development, Trade & Innovation.....9
- 4. Environment(~~(, Water & Energy)~~).....9
- 5. Financial Institutions, Housing & Insurance.....7
- 6. Government Operations, Tribal Relations & Elections.....7
- 7. Health & Long-Term Care.....9
- 8. Higher Education & Workforce Development.....9
- 9. Human Services & Corrections.....7
- 10. Judiciary.....9
- 11. Labor, Commerce & Consumer Protection.....7
- 12. ~~Energy~~, Natural Resources & Marine Waters.....7
- 13. Rules.....20 (plus the Lieutenant Governor)
- 14. Transportation.....16
- 15. Ways & Means.....20"

The President Pro Tempore declared the question before the Senate to be the adoption of Senate Resolution No. 8662.

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

**MOTION**

On motion of Senator Eide, the Senate reverted to the third order of business.

**MESSAGE FROM THE GOVERNOR  
PARDONS AND COMMUTATIONS**

May 12, 2011

To the Honorable, the Senate  
of the State of Washington

Ladies and Gentlemen:

In compliance with the provisions of Article III, Section 11, of the Constitution of the State of Washington, the Governor hereby submits her report of each case of reprieve, commutation or pardon that she has granted since her last report submitted on June 23, 2010, copies of which are attached.

Sincerely,  
Narda Pierce  
General Counsel

Cc: Jay Manning, Chief of Staff

**FULL AND UNCONDITIONAL PARDON  
OF  
STARCIA MARIE AGUE**

**To all to Whom These Presents Shall Come, Greetings:**

WHEREAS, Starcia Marie Ague, as a juvenile, pled guilty to two counts of Robbery in the First Degree and one count of Kidnapping in the First Degree after participating in a March 23, 2003, home invasion robbery in which the occupants of the home

were tied up and threatened and items from the home were stolen. These offenses occurred when Ms. Ague was 15 years old. She had been removed from her parents' custody after suffering abuse, neglect and exposure to criminal activities, following which she was placed in foster homes and then lived on the streets. At sentencing, the juvenile court imposed three 103-129 week sentences to be served consecutively until Ms. Ague reached the age of 21. The juvenile court also imposed restitution and costs, which have been paid.

WHEREAS, Ms. Ague, upon confinement in the juvenile rehabilitation facilities of Naselle Youth Camp and Echo Glen Detention Center, determined to change her life and develop strong positive values and the will to succeed. During her six years in juvenile rehabilitation facilities, she earned her high school diploma and participated in a course of online studies that allowed her to earn college credit. Aided by friends and mentors, Ms. Ague developed and mastered the interpersonal and academic skills necessary to achieve a positive direction in her life.

WHEREAS, after her release at age 21, Ms. Ague entered Washington State University and, while pursuing her degree, worked as an intern with the juvenile unit of the Spokane County Defender's Office and as Residence Life Staff at Washington State University's Orton Hall. She earned a degree in Criminal Justice from the Washington State University.

WHEREAS, Ms. Ague has participated in efforts to improve juvenile rehabilitation by assisting faculty at the University of Washington and Washington State University on projects to improve alternatives to detention for juvenile status offenders and to better equip detention staff and probation officers to deal with mentally ill youthful offenders and their families. She took her passion and commitment to improving the lives of youth in the juvenile justice system to the Washington Legislature. She successfully advocated for Senate Bill 6561, allowing the sealing of juvenile records under certain circumstances, thereby helping to remove roadblocks faced by young adults trying to overcome their juvenile histories. She was awarded scholarships to attend the Georgetown University Certificate Program to Improve Outcomes for Children and Youth Involved in the Child Welfare and Juvenile Justice Systems.

WHEREAS, Ms. Ague is now 23 years old, has demonstrated her successful rehabilitation, and wants to be a mentor and role model and make positive changes in the lives of youth who have lost their way. She has a goal of obtaining employment in a field that works with at-risk youth and juvenile offenders, and her juvenile offense history is a barrier to this goal. A pardon will allow these juvenile adjudications to be removed from the criminal history record that is available to the public.

WHEREAS, there was a strong showing of support at Ms. Ague's hearing before the Clemency and Pardons Board in the form of testimony recommending a pardon by Lieutenant Don Stevens of the Tumwater Police Department, Washington State Senator James Hargrove, Regents Professor Nicholas Lovrich of the Washington State University, and others that explained that Ms. Ague is a person with exceptional qualities that Washington needs to work with our at-risk youth.

WHEREAS, Ms. Ague's Petition for a pardon was supported by numerous letters of support, including letters from Justice Bobbe J. Bridge (Retired), the President of the Center for Children &

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Youth Justice, Washington State Representative Mary Lou Dickerson, Washington State Representative Susan Fagan, Professor Eric Trupin of the University of Washington School of Medicine, numerous juvenile justice and juvenile rehabilitation officials, and others. A victim of these crimes has also encouraged the grant of Ms. Ague’s request for a pardon.

Attorney General in *Operation: Allied Against Meth* school presentations, speaking to students of all ages throughout the state of Washington to share her experiences and to warn youth about the dangers of methamphetamine.

WHEREAS, I have reviewed all pertinent facts and circumstances surrounding this matter, the circumstances of the offenses, and the favorable recommendation of the Washington State Clemency and Pardons Boards. In light of the foregoing, I have determined that the best interests of justice will be served by this action.

WHEREAS, Ms. Crawford is now 26 years old, the mother of two children, and has a goal of obtaining a license and employment in the health care field. Her criminal history is a barrier to this goal. Ms. Crawford also has the goal of obtaining a presidential pardon of her federal felony conviction.

**NOW, THEREFORE**, I, Christine O. Gregoire, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to Starcia Marie Ague, this full and unconditional pardon of her adjudications of guilt for two counts of Robbery in the First Degree and one count of Kidnapping in the First Degree so she may pursue permanent and gainful employment in her chosen field. This pardon supersedes the previous pardon for these offenses date February 17, 2011.

WHEREAS, there was a strong showing of support at Ms. Crawford’s hearing before the Clemency and Pardons Board in the form of letters recommending clemency from her federal probation officer, the Washington Attorney General, the Nursing Program Director at Heritage University, a Sergeant of the Yakima Police Department, and the testimony of Ms. Crawford’s mother that her daughter has made an extraordinary transformation from a drug-addicted lifestyle to a wonderful person and mother.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia on this 24<sup>th</sup> day of March, A.D., two thousand and eleven.

WHEREAS, Ms. Crawford understands that she must disclose her pardoned convictions to potential employers, officials or other appropriate entities that legally may request such information;

SEAL

WHEREAS, I have reviewed all pertinent facts and circumstances surrounding this matter, the circumstances of the crimes, and the favorable recommendation of the Washington State Clemency and Pardons Board. In light of the foregoing, I have determined that the best interests of justice will be served by this action.

BY THE GOVERNOR

Sam Reed  
Secretary of State

**NOW, THEREFORE**, I, Christine O. Gregoire, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to Jamie Lee Crawford, this full and unconditional pardon of her convictions for Second Degree Rendering Assistance, Contempt of Court, Bail Jumping, and Forgery so she may pursue permanent and gainful employment.

**FULL AND UNCONDITIONAL PARDON  
OF  
JAMIE LEE CRAWFORD**

**To All to Whom These Presents Shall Come, Greetings:**

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia on this 4<sup>th</sup> day of January, A.D., two thousand and eleven.

WHEREAS, Jamie Lee Crawford was convicted of three misdemeanor charges in 2003 and 2004; Second Degree Rendering Assistance, Contempt of Court and Bail Jumping. She was convicted of one felony charge of Forgery in 2004. She has fully served her sentences of time in confinement and has satisfied all legal financial obligations. These convictions occurred when Ms. Crawford was 18 and 19 years old and addicted to methamphetamine.

SEAL

BY THE GOVERNOR

Sam Reed  
Secretary of State

**FULL AND UNCONDITIONAL PARDON  
OF  
STEVEN TENG ANDERSON**

WHEREAS, upon a federal felony arrest and conviction in 2005, Ms. Crawford used her days in confinement to reflect on her actions and her future and made a conscious choice to change her life for the better. She completed drug and alcohol treatment, volunteered with a non-profit organization in her community, and eventually joined with another person to form a nonprofit called “Generating Hope” to help the homeless in the Yakima Valley. She went on to obtain her General Educational Development (GED) certificate from Yakima Valley Community College and a nursing degree from Heritage University, demonstrating her dedication to positive personal change through education.

**To All to Whom These Presents Shall Come, Greetings:**

WHEREAS, Ms. Crawford has participated in efforts to increase awareness of the dangers of methamphetamine, addressing the Methamphetamine Action Team and joining the Washington

WHEREAS, in October 1998, Steven Teng Anderson was a Private First Class in the United States Army when he was called home on emergency leave because his wife had been assaulted by a former friend. Mr. Anderson was ordered by his chain of command to refrain from contacting the former friend. Despite this order, on October 26, 1998, Mr. Anderson went to the former friend’s house and talked with him at the door. The former



friend closed the door when the discussion became heated. Mr. Anderson broke down the door and a physical altercation between Mr. Anderson and the former friend ensued.

WHEREAS, Mr. Anderson pled guilty to Third Degree Assault and Second Degree Burglary in March 1999, and on February 22, 2001, the Pierce County Superior Court entered an order indicating that Mr. Anderson had complied with his sentencing requirements, satisfied the Court's judgement, and was discharged from any further court supervision.

WHEREAS, Mr. Anderson has honorably served our nation in two tours of duty in support of Operation Iraqi Freedom II; has exhibited bravery and earned a Bronze Star, an Army Commendation Medal, Army Achievement Medal (3<sup>rd</sup> award), Army Good Conduct Medal, National Defense Service Medal, Global War on Terrorism Expeditionary Medal, and other citations for service; and in 2005 was honorably discharged by the United States Army.

WHEREAS, over twelve years have elapsed since the offenses, during which time Mr. Anderson has remained a law abiding citizen and is fully rehabilitated.

WHEREAS, the Pierce County Prosecuting Attorney and the victim do not object to this full and unconditional pardon.

WHEREAS, Mr. Anderson has requested a full pardon so that he may pursue employment opportunities without barriers and may again lawfully own and carry firearms.

WHEREAS, I have reviewed all pertinent facts and circumstances surrounding this matter, the circumstances of the crime, and the favorable recommendation of the Washington State Clemency and Pardons Board and, in light of the foregoing, I have determined that the best interests of justice will be served by this action.

**NOW, THEREFORE, I, Christine O. Gregoire**, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to Steven Teng Anderson this **FULL AND UNCONDITIONAL** pardon of his 1999 convictions of Burglary in the Second Degree and Assault in the Third Degree so that he may lawfully own and possess firearms and pursue gainful employment.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the State of Washington to be affixed at Olympia on this 29<sup>th</sup> day of November, A.D., two thousand and ten.

SEAL

BY THE GOVERNOR

Sam Reed  
Secretary of State

**FULL AND UNCONDITIONAL PARDON  
OF  
MANY CHOUT UCH**

**To All to Whom These Presents Shall Come, Greetings:**

WHEREAS, on May 17, 1994, Many Uch and three other men participated in the armed robbery of Yoeun Yon, her nephew and two nieces. Mr. Uch waited in a getaway car as three men entered Ms. Yon's home and held the victims at gun point, threatening them with death, while they took jewelry, cash, video cassettes, wallets and other items. Upon exiting the premises, one of the robbers kicked Ms. Yon's nephew, Sothone, several times. Sothone ran after the robbers and was able to get a description of the getaway car. He later called the police.

WHEREAS, King County police responded to the call, saw a car matching the description of the getaway vehicle, stopped it and arrested all occupants. Mr. Uch was driving the car at the time it was stopped, and the vehicle contained the items taken in the robbery, along with weapons and bandanas.

WHEREAS, Mr. Uch pled guilty to Robbery in the First Degree with a Deadly Weapon and on November 5, 1994, was sentenced to 55 months incarceration with credit for 172 days served and ordered to pay Ms. Yon \$1,128.00 in restitution.

WHEREAS, Mr. Uch came to the United States at the age of eight in 1984 as a refugee from Cambodia with his parents who were fleeing the Khmer Rouge regime.

WHEREAS, Mr. Uch served forty months of his fifty-five month sentence and was released because of good behavior in 1997.

WHEREAS, the Illegal Immigration Reform and Immigrant Responsibility Act of 1996, (Pub.L. 104-208, Div. C, 110 Stat. 3009-546) expedited deportations for immigrants convicted of certain offenses. Mr. Uch was released from the Washington State Department of Corrections to Immigration and Customs Enforcement custody on August 18, 1997. Mr. Uch was held by the Immigration and Customs Enforcement until November 1999, when he was released because the United States did not have a repatriation agreement with Cambodia.

WHEREAS, in March of 2001, the United States signed a repatriation agreement with Cambodia. As a result, Mr. Uch is now required to check in with Immigration and Customs Enforcement every six months and is at risk of being deported at any time.

WHEREAS, after his release, Mr. Uch became extremely active within his community. In 2006, Mr. Uch and a friend purchased a pool hall with the goal of creating a space that would keep community youth off the streets. It has been transformed into a neighborhood gathering spot and cultural center. Mr. Uch is also the founder of Khmer In Action, a group founded to connect local youth and young adults to address economic and political injustice impacting their community. In addition, Mr. Uch served on the Board of Dreams Across America, an organization that tells the stories of immigrants to spread awareness of their plight. Mr. Uch's story and his endeavors on behalf of others has been documented in the Emmy-nominated documentary "Sentenced Home" by Seattle filmmaker Nicole Newnham.

WHEREAS, Mr. Uch has acknowledged that he made poor choices as a young man. Since that time he has become a business owner, married and is the father of a young daughter. Mr. Uch has been described as a loving and devoted father.

WHEREAS, Mr. Uch's petition has been supported by numerous community leaders, including but not limited to Washington

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State Representative Bob Hasegawa; Diane Narasaki, Executive Director of the Asian Counseling & Referral Service; and Beth Takekawa, Executive Director of the Wing Luke Asian Museum.

April 18, 2011

WHEREAS, the King County Prosecutor's Office took no position regarding Mr. Uch's petition.

To the Honorable President and Members,  
The Senate of the State of Washington

WHEREAS, Mr. Uch paid all his restitution and satisfied all other court requirements.

Ladies and Gentlemen:

WHEREAS, I have reviewed all pertinent facts and circumstances surrounding this matter, the circumstances of the crime, and the favorable recommendation of the Washington State Clemency and Pardons Board. In light of the foregoing, I have determined that the best interests of justice will be served by this action.

I am returning herewith, without my approval as to Section 501, Substitute Senate Bill No. 5788 entitled:

“AN ACT Relating to regulating liquor by changing tied house and licensing provisions and making clarifying and technical changes to liquor laws.”

**NOW, THEREFORE, I, Christine O. Gregoire, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to Many C. Uch, this full and unconditional pardon of his conviction of Robbery in the First Degree with a Deadly Weapon.**

The emergency clause in Section 501 provides that three sections of Substitute Senate Bill 5788 take effect on July 1, 2011. All sections of the bill will be effective ninety days after the adjournment of the session at which it was enacted, which will be no later than July 24, 2011. There is no need to provide an earlier effective date for the sections listed in Section 501. Therefore, this emergency clause is unnecessary.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the State of Washington to be affixed at Olympia on this 26<sup>th</sup> day of June, A.D., two thousand and ten.

For these reasons, I have vetoed Section 501 of Substitute Senate Bill 5788.

SEAL

With the exception of Section 501, Substitute Senate Bill 5788 is approved.

BY THE GOVERNOR

Respectfully submitted,  
Christine Gregoire, Governor

Sam Reed  
Secretary of State

PARTIAL VETO ON ENGROSSED SECOND SUBSTITUTE  
SENATE BILL NO. 5073

MESSAGE FROM THE SECRETARY OF STATE

April 29, 2011

The Honorable Brad Owen  
President of the State Senate  
Legislature of the State of Washington  
Olympia Washington 98504

To the Honorable President and Members,  
The Senate of the State of Washington

Dear President Owen:

Ladies and Gentlemen:

We respectfully transmit for your consideration the following regular session bills which were partially vetoed by the Governor, together with the official veto message setting forth her objection to the section or items of the bill, as required by Article III, Section 12, of the Washington State Constitution:

I am returning herewith, without my approval as to Sections 101, 201, 407, 410, 411, 412, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 701, 702, 703, 704, 705, 801, 802, 803, 804, 805, 806, 807, 901, 902, 1104, 1201, 1202, 1203 and 1206, Engrossed Second Substitute Senate Bill No. 5073 entitled:

Substitute Senate Bill No. 5788,  
Engrossed Second Substitute Senate Bill No. 5073,  
Senate Bill No. 5083,  
Senate Bill No. 5045,  
Substitute Senate Bill No. 5691,  
Substitute Senate Bill No. 5700.

“AN ACT Relating to medical use of cannabis.”

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the seal of the State of Washington this 19<sup>th</sup> day of August 2011.

In 1998, Washington voters made the compassionate choice to remove the fear of state criminal prosecution for patients who use medical marijuana for debilitating or terminal conditions. The voters also provided patients' physicians and caregivers with defenses to state law prosecutions.

SAM REED  
Secretary of State

I fully support the purpose of Initiative 692, and in 2007, I signed legislation that expanded the ability of a patient to receive assistance from a designated provider in the medical use of marijuana, and added conditions and diseases for which medical marijuana could be used.

MESSAGE FROM THE GOVERNOR

PARTIAL VETO ON SUBSTITUTE SENATE BILL NO. 5788

Today, I have signed sections of Engrossed Second Substitute Senate Bill 5073 that retain the provisions of Initiative 692 and

provide additional state law protections. Qualifying patients or their designated providers may grow cannabis for the patient's use or participate in a collective garden without fear of state law criminal prosecutions. Qualifying patients or their designated providers are also protected from certain state civil law consequences.

Our state legislation may remove state criminal and civil penalties for activities that assist persons suffering from debilitating or terminal conditions. While such activities may violate the federal Controlled Substances Act, states are not required to enforce federal law or prosecute people for engaging in activities prohibited by federal law. However, absent congressional action, state laws will not protect an individual from legal action by the federal government.

Qualifying patients and designated providers can evaluate the risk of federal prosecution and make choices for themselves on whether to use or assist another in using medical marijuana. The United States Department of Justice has made the wise decision not to use federal resources to prosecute seriously ill patients who use medical marijuana.

However, the sections in Part VI, Part VII, and Part VIII of Engrossed Second Substitute Senate Bill 5073 would direct employees of the state departments of Health and Agriculture to authorize and license commercial businesses that produce, process or dispense cannabis. These sections would open public employees to federal prosecution, and the United States Attorneys have made it clear that state law would not provide these individuals safe harbor from federal prosecution. No state employee should be required to violate federal criminal law in order to fulfill duties under state law. For these reasons, I have vetoed Sections 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 701, 702, 703, 704, 705, 801, 802, 803, 804, 805, 806 and 807 of Engrossed Second Substitute Senate Bill 5073.

In addition, there are a number of sections of Engrossed Second Substitute Senate Bill 5073 that are associated with or dependent upon these licensing sections. Section 201 sets forth definitions of terms. Section 412 adds protections for licensed producers, processors and dispensers. Section 901 requires the Department of Health to develop a secure registration system for licensed producers, processors and dispensers. Section 1104 would require a review of the necessity of the cannabis production and dispensing system if the federal government were to authorize the use of cannabis for medical purposes. Section 1201 applies to dispensaries in current operation in the interim before licensure, and Section 1202 exempts documents filed under Section 1201 from disclosure. Section 1203 requires the department of health to report certain information related to implementation of the vetoed sections. Because I have vetoed the licensing provisions, I have also vetoed Sections 201, 412, 901, 1104, 1201, 1202 and 1203 of Engrossed Second Substitute Senate Bill 5073.

Section 410 would require owners of housing to allow the use of medical cannabis on their property, putting them in potential conflict with federal law. For this reason, I have vetoed Section 410 of Engrossed Second Substitute Senate Bill 5073.

Section 407 would permit a nonresident to engage in the medical use of cannabis using documentation or authorization issued under other state or territorial laws. This section would not require these other state or territorial laws to meet the same standards for health care professional authorization as required by

Washington law. For this reason, I have vetoed Section 407 of Engrossed Second Substitute Senate Bill 5073.

Section 411 would provide that a court may permit the medical use of cannabis by an offender, and exclude it as a ground for finding that the offender has violated the conditions or requirements of the sentence, deferred prosecution, stipulated order of continuance, deferred disposition or dispositional order. The correction agency or department responsible for the person's supervision is in the best position to evaluate an individual's circumstances and medical use of cannabis. For this reason, I have vetoed Section 411 of Engrossed Second Substitute Senate Bill 5073.

I am approving Section 1002, which authorizes studies and medical guidelines on the appropriate administration and use of cannabis. Section 1206 would make Section 1002 effective January 1, 2013. I have vetoed Section 1206 to provide the discretion to begin efforts at an earlier date.

Section 1102 sets forth local governments' authority pertaining to the production, processing or dispensing of cannabis or cannabis products within their jurisdictions. The provisions in Section 1102 that local governments' zoning requirements cannot "preclude the possibility of siting licensed dispensers within the jurisdiction" are without meaning in light of the vetoes of sections providing for such licensed dispensers. It is with this understanding that I approve Section 1102.

I have been open, and remain open, to legislation to exempt qualifying patients and their designated providers from state criminal penalties when they join in nonprofit cooperative organizations to share responsibility for producing, processing and dispensing cannabis for medical use. Such exemption from state criminal penalties should be conditioned on compliance with local government location and health and safety specifications.

I am also open to legislation that establishes a secure and confidential registration system to provide arrest and seizure protections under state law to qualifying patients and those who assist them. Unfortunately, the provisions of Section 901 that would provide a registry for qualifying patients and designated providers beginning in January 2013 are intertwined with requirements for registration of licensed commercial producers, processors and dispensers of cannabis. Consequently, I have vetoed section 901 as noted above. Section 101 sets forth the purpose of the registry, and Section 902 is contingent on the registry. Without a registry, these sections are not meaningful. For this reason, I have vetoed Sections 101 and 902 of Engrossed Second Substitute Senate Bill 5073. I am not vetoing Sections 402 or 406, which establish affirmative defenses for a qualifying patient or designated provider who is not registered with the registry established in section 901. Because these sections govern those who have not registered, this section is meaningful even though section 901 has been vetoed.

With the exception of Sections 101, 201, 407, 410, 411, 412, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 701, 702, 703, 704, 705, 801, 802, 803, 804, 805, 806, 807, 901, 902, 1104, 1201, 1202, 1203 and 1206, Engrossed Second Substitute Senate Bill 5073 is approved.

Respectfully submitted,  
Christine Gregoire, Governor

FIRST DAY, NOVEMBER 28, 2011

2011 2ND SPECIAL SESSION

VETO ON SUBSTITUTE SENATE BILL NO. 5097

May 10, 2011

To the Honorable President and Members,  
The Senate of the State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval, Substitute Senate Bill No. 5097 entitled:

“AN ACT Relating to juveniles with developmental disabilities who are in correctional detention centers, juvenile correction institutions or facilities, and jails.”

This bill would establish a work group to address issues relating to juveniles with developmental disabilities who are confined in juvenile detention or correctional facilities. The work group would be required to report to the Legislature by December 1, 2011, with recommendations concerning specific topics related to juveniles with developmental disabilities and the juvenile justice system. If recommended by the work group, a screening tool and related materials would be developed by September 1, 2012, to assist juvenile detention and correction institutions and facilities in identification of offenders with the most common types of developmental disabilities. The work group would expire on January 1, 2013.

I support the intent behind this bill, but not the process established. As I have stated many times, I believe that, in most cases, work groups that are charged with making recommendations on policy objectives should not be created in statute. However, development of the information and recommendations outlined in the bill would be useful to executive agencies and the Legislature. The Washington Developmental Disabilities Council has indicated it would participate in the work group and underwrite related costs with monies allocated from federal funds. I am confident the Washington Developmental Disabilities Council will be able to coordinate with the parties listed in the bill and accomplish the tasks outlined without a statute. Representatives of the Juvenile Rehabilitation Administration have indicated a willingness to participate in a work group established by the Washington Developmental Disabilities Council.

For this reason, I have vetoed Substitute Senate Bill 5097 in its entirety.

Respectfully submitted,  
Christine Gregoire, Governor

PARTIAL VETO ON SENATE BILL NO. 5045

May 12, 2011

To the Honorable President and Members,  
The Senate of the State of Washington

Ladies and Gentlemen:

I have approved, except for Sections 34, 508, 520 and 590, Senate Bill No. 5045 entitled:

“AN ACT Relating to making technical corrections to gender-based terms.”

I am vetoing Section 34 because it incorrectly amends the phrase “his widow” to “his or her widow” in RCW 2.12.037. I am vetoing the following sections due to conflicting amendments in other bills already signed into law in the 2011 session: Sections 508, 520 and 590.

With the exception of Sections 34, 508, 520 and 590, Senate Bill 5045 is approved.

Respectfully submitted,  
Christine Gregoire, Governor

PARTIAL VETO ON SENATE BILL NO. 5083

May 12, 2011

To the Honorable President and Members,  
The Senate of the State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval as to Section 3, Senate Bill No. 5083 entitled:

“AN ACT Relating to clarifying that the basis for business and occupation tax for real estate firms is the commission amount received by each real estate firm involved in a transition.”

Senate Bill 5083 provides that when a real estate commission on a particular transaction is divided among real estate firms at the closing of the transaction, each firm must pay the tax only upon its respective share.

Section 3 would apply this act both prospectively and retroactively. The retroactive application of the bill would reward delinquent taxpayers while those who paid on time would not receive a refund under the prohibition on the gift of state funds in Article VIII, Section 5 of the Washington Constitution, as interpreted by the Washington Supreme Court.

For this reason, I have vetoed Section 3 of Senate Bill 5083.

With the exception of Section 3, Senate Bill 5083 is approved.

Respectfully submitted,  
Christine Gregoire, Governor

PARTIAL VETO ON SUBSTITUTE SENATE BILL NO. 5691

May 12, 2011

To the Honorable President and Members,  
The Senate of the State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval as to Sections 402, 503, 804 and 805, Substitute Senate Bill No. 5691 entitled:

“AN ACT Relating to crime victims’ compensation.”

With this bill, the Legislature has taken important steps to ensure the sustainability of our Crime Victims' Compensation program. Administrative efficiencies, coupled with painful but necessary benefit reductions, will allow the program to maintain its viability for the foreseeable future. However, only temporarily reducing these benefits will only temporarily strengthen the Crime Victims' Compensation program. An increase in crime victims' benefits is a discussion that should occur if and when state revenues improve, but not before that time.

For these reasons, I have vetoed Sections 402, 503, 804 and 805 of Substitute Senate Bill 5691.

With the exception of Sections 402, 503, 804 and 805, Substitute Senate Bill 5691 is approved.

Respectfully submitted,  
Christine Gregoire, Governor

PARTIAL VETO ON SUBSTITUTE SENATE BILL NO. 5700

May 16, 2011

To the Honorable President and Members,  
The Senate of the State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval as to Section 1, Substitute Senate Bill No. 5700 entitled:

“AN ACT Relating to certain toll facilities.”

I am vetoing Section 1, the intent section. As outlined in an informal Attorney General Opinion, Initiative 1053 does not constrain the manner in which the legislature approves imposition or increases in fees. Section 1 could be misconstrued to constrain the form of legislative approvals. Vetoing the intent section does not impede implementation of the bill.

For these reasons, I have vetoed Section 1 of Substitute Senate Bill 5700.

With the exception of Section 1, Substitute Senate Bill 5700 is approved.

Respectfully submitted,  
Christine Gregoire, Governor

PARTIAL VETO ON ENGROSSED SECOND SUBSTITUTION  
SENATE BILL NO. 5182

June 6, 2011

To the Honorable President and Members,  
The Senate of the State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval as to Section 246, Engrossed Second Substitute Senate Bill No. 5182 entitled:

“AN ACT Relating to establishing the office of student financial assistance by eliminating the higher education

coordinating board and transferring its functions to various entities.”

Section 246 transfers powers, duties and functions of the higher education coordinating board pertaining to student financial assistance to the new office of student financial assistance. Due to a technical bill drafting error, the effective date of the transfer of powers would occur prior to the creation of the new office of student financial assistance on July 1, 2012.

For this reason, I am vetoing Section 246. The new higher education steering committee will make recommendations concerning higher education governance prior to the 2012 legislative session. I expect the committee to consider the transfers of authority set forth in Section 246 and recommend any statutory changes necessary in the 2012 session to successfully achieve the appropriate transfers.

For these reasons, I have vetoed Section 246 of Engrossed Second Substitute Senate Bill 5182.

With the exception of Section 246, Engrossed Second Substitute Senate Bill 5182 is approved.

Respectfully submitted,  
Christine Gregoire, Governor

PARTIAL VETO ON ENGROSSED SUBSTITUTE SENATE  
BILL NO. 5749

June 6, 2011

To the Honorable President and Members,  
The Senate of the State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval as to Section 1, Engrossed Substitute Senate Bill No. 5749 entitled:

“AN ACT Relating to the Washington advanced college tuition payment program.”

Section 1 would expand the membership of the Committee on Advanced Tuition Payment, limit private sector and citizen representatives on the committee to four year terms and require Senate confirmation of citizen and business representatives. The work of this committee involves oversight of complex financial issues. The bill does not stagger the terms of the committee members, and expands the number of term-limited members to four of the committee's seven members. Unstaggered and limited terms for a majority of the committee members would leave the committee highly vulnerable to the loss of expertise accumulated by citizen and business representatives and inhibit the work of this committee.

For these reasons, I have vetoed Section 1 of Engrossed Substitute Senate Bill 5749.

With the exception of Section 1, Engrossed Substitute Senate Bill 5749 is approved.

Respectfully submitted,  
Christine Gregoire, Governor

FIRST DAY, NOVEMBER 28, 2011  
 PARTIAL VETO ON SECOND ENGROSSED SUBSTITUTE  
 SENATE BILL NO. 5742

2011 2ND SPECIAL SESSION  
 "AN ACT Relating to Innovate Washington."

June 7, 2011

To the Honorable President and Members,  
 The Senate of the State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval as to Sections 11, 13, 14 and 15, Second Engrossed Substitute Senate Bill No. 5742 entitled:

"AN ACT Relating to the Washington state ferry system."

Section 11 requires the Washington State Department of Transportation (WSDOT) to provide quarterly on-time performance reports to the Legislature and to post the data on vessels, at terminals, and on the WSDOT's website. I am vetoing this section because Washington State Ferries already reports on-time performance through the Government Management Accountability and Performance program (GMAP), and quarterly reports are posted on the GMAP website.

Sections 13 and 14 contain conflicting requirements for actions that must be taken if Washington State Ferries does not meet at least eighty percent of performance measure targets. Section 13 requires that the governor appoint a management representative and Section 14 requires WSDOT to solicit requests for qualifications to privatize Washington State Ferries management. In addition, I do not believe either of these requirements is necessary or practicable.

Section 15 requires the Office of Financial Management's (OFM) Attainment Report to include the performance measures in Sections 10 and 11. Once the ad hoc committee in Section 10 completes its work, a determination will be made regarding the high-level performance indicators that should be included in the Attainment Report. Accordingly, I am vetoing this section so the ad hoc committee's recommendations can be considered.

For these reasons, I have vetoed Sections 11, 13, 14 and 15 of Second Engrossed Substitute Senate Bill 5742.

With the exception of Sections 11, 13, 14 and 15, Second Engrossed Substitute Senate Bill 5742 is approved.

Respectfully submitted,  
 Christine Gregoire, Governor

PARTIAL VETO ON SECOND ENGROSSED SENATE BILL  
 NO. 5764

June 7, 2011

To the Honorable President and Members,  
 The Senate of the State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval as to Section 18, Second Engrossed Senate Bill No. 5764 entitled:

This bill creates Innovate Washington as the successor agency to the Washington Technology Center and the Spokane Intercollegiate Research and Technology Institute.

Section 1 provides that Innovate Washington will act as the primary agency focused on growing innovation-based sectors of our economy and will work with business to meet technology transfer needs. This section defines the mission of Innovate Washington as making our state the best place to develop, build, and deploy innovative products with collaborative partnerships among academic institutions, industry and government. Among the means Section 1 outlines to carry out this mission is leveraging state investments in sector-focused, innovation-based economic development initiatives. Innovate Washington is designated as the lead entity to coordinate and approve state funding "for programs targeted at expanding the clean energy sector" while maintaining policy and regulatory functions at the state energy office housed at the Department of Commerce.

Given Innovate Washington's mission, the definition of "lead entity" is Section 1(7) to mean "the organization that all other state agencies must coordinate with and receive approval from in order to award state funds in support of clean energy initiatives" is limited to approval of state funding awards for the primary purpose of economic development in the clean energy sector. Approval would not extend to state funding of initiatives not specifically targeted to grow the clean energy sector. Moreover, as stated in a colloquy on the Senate floor and consistent with the terminology clean energy "initiatives," the approval required under Section 1(7) applies to new programs begun after the effective date of the act. The above understanding and interpretation of the bill is shared by the legislature as set forth in a letter to me from Senator Jim Kastama and Representative Deb Eddy dated May 25, 2011 encouraging me to give clarifying direction to the agencies involved. It is with this understanding that I approve Section 1.

I am vetoing Section 18 of Second Engrossed Senate Bill 5764 which requires the joint legislative audit and review committee to review performance of Innovate Washington and to make recommendations regarding the effectiveness of its programs by December 1, 2015. Innovate Washington is required to submit its first five year business plan to the legislature by December 1, 2012, which will identify its activities and programs, and set forth its operational plan and strategy for carrying out its mission. The timing of a study to determine the effectiveness of its programs is best determined based on the schedule in the business plan. When the business plan is completed, the joint legislative audit and review committee can determine the appropriate timing and content of a review based on experience without the need for a statutory provision.

For this reason, I am vetoing Section 18 of Second Engrossed Senate Bill 5764.

With the exception of Section 18, Second Engrossed Senate Bill 5764 is approved.

Respectfully submitted,  
 Christine Gregoire, Governor

PARTIAL VETO ENGROSSED SUBSTITUTE SENATE BILL  
 NO. 5919

June 7, 2011

To the Honorable President and Members,  
The Senate of the State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval as to Section 6,  
Engrossed Substitute Senate Bill No. 5919 entitled:

“AN ACT Relating to education funding.”

Section 6 requires students in the graduating class of 2015, rather than 2013, to meet the state standard on the high school assessment in order to earn a certificate of academic achievement or certificate of individual achievement.

The House or Representatives delivered Engrossed Substitute House Bill 1410 containing a similar provision on May 25, 2011. That bill is among those I sign today.

For this reason, I have vetoed Section 6 of Engrossed Substitute Senate Bill 5919.

With the exception of Section 6, Engrossed Substitute Senate Bill 5919 is approved.

Respectfully submitted,  
Christine Gregoire, Governor

PARTIAL VETO ON SECOND SUBSTITUTE SENATE BILL  
NO. 5459

June 15, 2011

To the Honorable President and Members,  
The Senate of the State of Washington

Ladies and Gentlemen:

I am returning, without my approval as to Sections 7 and 11,  
Second Substitute Senate Bill No. 5459 entitled:

“AN ACT Relating to services for people with  
developmental disabilities.”

This bill makes a number of changes that address the increased provision of services to persons with developmental disabilities in a community setting. It reduces admissions to residential habilitation centers, closes the Frances Haddon Morgan Center by December 31, 2011, provides for relocation and alternatives, and strengthens the array of support available in communities.

Section 7 of this bill mandates that the Department of Social and Health Services provide a series of processes and services that assist successful client transitions into the community. Most provisions in this section are current practices within the Department, including the following: person-centered approaches to discharge plans, family mentoring, offering residential habilitation center employees opportunities for employment in community settings, offering residents leaving a residential habilitation center the ability to return, and maximizing federal funding. Approval of Section 7 is not required to implement these approaches. However, Section

7(2)(f)(vii) could be interpreted to mandate that the Department provide new transportation services and other supports to assist family and friends in maintaining regular contact with residents who have moved out of a residential habilitation center. While I agree that clients should maintain contact with their family and friends, this subsection could create a broad, undefined requirement that is also unfunded. The type, frequency, and costs of transportation are not easily assessed. Because these unknown elements present serious concerns about unanticipated fiscal impacts, I am vetoing Section 7.

Section 11 mandates that the Department annually submit a report to the Legislature regarding persons who have transitioned from residential habilitation centers to the community. Much of the information required for this report is already gathered as a standard part of the client assessment and existing quality assurances processes. Aggregating and assembling client-specific information into a new report is a significant unfunded mandate.

Although I am vetoing this section, I am directing the Department to share the various reports related to the quality of client transitions and community-based services with the Legislature.

For these reasons, I have vetoed Sections 7 and 11 of Second Substitute Senate Bill 5459.

With the exception of Sections 7 and 11, Second Substitute Senate Bill 5459 is approved.

Respectfully submitted,  
Christine Gregoire, Governor

PARTIAL VETO ON ENGROSSED SUBSTITUTE SENATE  
BILL NO. 5921

June 15, 2011

To the Honorable President and Members,  
The Senate of the State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval as to Sections 3 and 26, Engrossed Substitute Senate Bill No. 5921 entitled:

“AN ACT Relating to social services.”

This omnibus bill addresses redesign and policy changes to Washington’s WorkFirst program, including provisions related to eligibility, accountability, fraud detection and enforcement. During the current economic downturn the state has experienced increased utilization of safety net programs. Now is the time to redouble our focus on service delivery that meets the intended outcomes and ensures fiscal accountability for the use of limited public funds.

Sections 3 of the bill requires the Department of Social and Health Services to engage in competitive performance-based contracting for all WorkFirst activities. I strongly support government efficiency and improved performance in providing critical services to Washington residents. However, Section 3 of the bill is not needed and could create confusion about the applicable law that would govern such contracting. The Legislature enacted a law in 1997, codified as RCW 74.08A.290,

FIRST DAY, NOVEMBER 28, 2011

2011 2ND SPECIAL SESSION

that authorized the Department of Social and Health Services to engage in competitive contracting using performance-based contracts to provide all work activities. The Department of Social and Health Services would be expressly mandated to exercise its authority granted in 1997 under RCW 74.08A.290 by Second Engrossed Substitute House Bill 1087, a bill among those I sign today. I will direct the Department of Social and Health Services and the WorkFirst Subcabinet to act on the Legislature's direction in Second Engrossed Substitute House Bill 1087 to competitively contract all work activities under the 1997 law.

during this timeframe will redirect key leadership and staff capacity and attention from implementing these complex and resource intensive initiatives to reviewing the rationale for the current strategies underway.

Section 26 of the bill establishes a Fraud Ombudsman in the State Auditor's Office to audit and provide oversight of the Office of Fraud and Accountability at the Department of Social and Health Services. Transparency of public funds is critically important. I remain committed to ensuring appropriate use of public funds when providing critical services for the State's most vulnerable residents.

Sections 901 through 909 transfer the Education Research Data Center (ERDC) from the Office of Financial Management's Forecasting Division to the Legislative Evaluation and Accountability Program Committee (LEAP). The ERDC and LEAP are collaboratively involved in building a robust and informative research capability that informs decision-making for both the executive and legislative branch. This transfer would not accomplish the goals that are shared among the legislative and executive branches and may actually slow the federally funded initiatives underway. The ERDC will continue to serve our shared commitment to transparency, education data quality, and useful information for decision makers while remaining at the Office of Financial Management.

However, Section 26 is duplicative of the State Auditor's Office existing authority to audit the work of the Office of Fraud and Accountability. The Department of Social and Health Services will provide the State Auditor's Office with access to any relevant records in its possession to the fullest extent practicable upon the request of the State Auditor's Office.

For these reasons, I have vetoed Sections 815 and 816 and Sections 901 through 909 of Engrossed Substitute Senate Bill 5931.

For these reasons, I have vetoed Sections 3 and 26 of Engrossed Substitute Senate Bill 5921.

With the exception of Sections 815 and 816 and Sections 901 through 909, Engrossed Substitute Senate Bill 5931 is approved.

Respectfully submitted,  
Christine Gregoire, Governor

With the exception of Sections 3 and 26, Engrossed Substitute Senate Bill 5921 is approved.

MOTION

Respectfully submitted,  
Christine Gregoire, Governor

On motion of Senator Eide, the vetoes and partial vetoes messages were held at the desk.

PARTIAL VETO ON ENGROSSED SUBSITUTE SENATE  
BILL NO. 5931

PERSONAL PRIVILEGE

June 15, 2011

To the Honorable President and Members,  
The Senate of the State of Washington

Senator Hewitt: "Thank you Madam President. I want to welcome everyone back especially the two new members that we have on the floor with us today. We have a lot of serious business ahead of us this year, we're back here in special session, we have some very tough choices to make. We'd like you to know that last year the Lieutenant Governor on the last day of session, made a statement, he said, 'He's been here for thirty-six years and he'd never seen cooperation like he saw this year this spring.' We're hopeful that we can continue that, work together, I think we all have the end result in mind. It's a matter of how we go down that path, I know we're going to have a little more difficulty this year in performing some of our tasks but I hope the Senate can stay together like we did this spring, work together to resolve the problems of the people of the state of Washington and make this a much better place to live. Thank you Madam President."

Ladies and Gentlemen:

I am returning herewith, without my approval as to Sections 815 and 816 and Sections 901 through 909, Engrossed Substitute Senate Bill No. 5931 entitled:

"AN ACT Relating to reorganizing and streamlining central service functions, powers, and duties of state government."

PERSONAL PRIVILEGE

Sections 815 and 816 require the State Auditor to conduct a performance audit of the consolidated state data center during the same period that the Department of Information Services and Office of Financial Management will be fully engaged in the transformative activities associated with implementation of this bill and the consolidated data center business plan. Such activities will include designing and installing the consolidated state data center infrastructure; moving staff to the new office building; structuring the new Department of Enterprise Services, Consolidated Technology Services, and Office of the Chief Information Officer; and conducting a statewide information technology total cost of ownership study. A performance audit

Senator Parlette: "Thank you. Well, I just wanted to thank all of you colleagues, staff and security and thank you for all the notes I received. When I left the session this year, earlier in the spring, I knew I was having surgery on September 6. That was scheduled. What wasn't scheduled was surgery also on October 12 and October 19 and I have to tell you, I am an elected official who, you might say a politician, who has survived having her throat slit twice. How many other people can say that? I just wanted you to know that I acknowledged first the cards and the thank yous and then it became overwhelming. So, please accept that from the bottom of my heart, I thank all of you. I still have a



few things to do which maybe will take me away for a few days because I will be radioactive but other than that I think I'm one hundred percent in good health and I thank you for all your thoughts, and your prayers cards and your calls. Thank you very much."

MOTION

At 12:31 p.m., on motion of Senator Eide, the Senate adjourned until 12:00 noon, Tuesday, November 29, 2011.

BRAD OWEN, President of the Senate

THOMAS HOEMANN, Secretary of the Senate

**SECOND DAY**

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NOON SESSION

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Senate Chamber, Olympia, Tuesday, November 29, 2011

The Senate was called to order at 12:00 noon by the Vice President Pro Tempore. No roll call was taken.

**MOTION**

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

**SPOKANE COUNTY ELECTIONS DEPARTMENT**

**CERTIFICATION OF THE CANVASSING BOARD**

STATE OF WASHINGTON  
COUNTY OF SPOKANE

The undersigned officers designated by law as constituting the Canvassing Board for the County of Spokane, State of Washington, hereby certify that this is a full, true and correct copy of the Abstract of Votes including the cumulative results, precinct results, and a reconciliation report of votes cast at the General Election held on November 8, 2011, in Spokane County, State of Washington, and that the following are the true and reconciled numbers of voters and votes counted.

Witness our hands and official seal this 29<sup>th</sup> day of November 2011

VICKY DALTON, County Auditor  
AL FRENCH, Chair, County Legislative Authority  
DAN CATT, County Prosecuting Attorney Designee

**OATH OF AUDITOR OR SUPERVISOR OF ELECTIONS**

STATE OF WASHINGTON

**COUNTY OF SPOKANE**

I solemnly swear that the returns of the General Election held on November 8, 2011, in Spokane County, State of Washington, have been in no way altered and that they are the same as when they were deposited in my office.

Subscribed and sworn to me this 29<sup>th</sup> day of November 2011

VICKY DALTON, County Auditor  
AL FRENCH, Chair, County Legislative Authority

Justice James Johnson administered the oath of office to the newly elected member.

**OATH OF OFFICE**

I, Mike Padden, do solemnly swear that I will uphold the Constitution and laws of the United State of America, the Constitution and laws of the State of Washington, and the rules of the Washington State Senate, and that I will faithfully perform the duties of State Senator to the best of my ability, so help me God.

MIKE PADDEN

Subscribed and sworn to before me this 29<sup>th</sup> day of November 2011.

**MOTION**

At 12:03 p.m., on motion of Senator Eide, the Senate adjourned until 10:00 a.m. Wednesday, November 30, 2011.

BRAD OWEN, President of the Senate

THOMAS HOEMANN, Secretary of the Senate

## THIRD DAY

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MORNING SESSION

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Senate Chamber, Olympia, Wednesday, November 30, 2011

The Senate was called to order at 10:00 a.m. by the President Pro Tempore. The Secretary called the roll and announced to the President Pro Tempore that all Senators were present with the exception of Senators Benton, Delvin and Pflug.

The Sergeant at Arms Color Guard consisting of Legislative Facilities Technicians Stephen Malmstrom and Legislative Assistant Sarah Miller, presented the Colors. Pastor Tim Heffer of Hidden Creek Community Church of Olympia offered the prayer.

## MOTION

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

## MOTION

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

## REPORTS OF STANDING COMMITTEES

November 29, 2011

SB 5019 Prime Sponsor, Senator Regala: Concerning the privacy of nonconviction records. Reported by Committee on Ways & Means

MAJORITY recommendation: That it be referred without recommendation. Signed by Senators Murray, Chair; Kilmer, Vice Chair, Capital Budget Chair; Zarelli; Parlette; Brown; Conway; Fraser; Harper; Hatfield; Hewitt; Kastama; Keiser; Kohl-Welles; Pridemore; Regala and Schoesler.

Passed to Committee on Human Services & Corrections.

November 29, 2011

SB 5056 Prime Sponsor, Senator Kline: Concerning bail and pretrial release practices. Reported by Committee on Ways & Means

MAJORITY recommendation: That it be referred without recommendation. Signed by Senators Murray, Chair; Kilmer, Vice Chair, Capital Budget Chair; Zarelli; Parlette; Brown; Conway; Fraser; Harper; Hatfield; Hewitt; Kastama; Keiser; Kohl-Welles; Pridemore; Regala and Schoesler.

Passed to Committee on Judiciary.

November 29, 2011

SB 5214 Prime Sponsor, Senator Hobbs: Concerning the use of surplus property for the development of affordable housing. Reported by Committee on Ways & Means

MAJORITY recommendation: That it be referred without recommendation. Signed by Senators Murray, Chair; Kilmer, Vice Chair, Capital Budget Chair; Zarelli; Parlette; Brown; Conway; Fraser; Harper; Hatfield; Hewitt; Kastama; Keiser; Kohl-Welles; Pridemore; Regala and Schoesler.

Passed to Committee on Financial Institutions, Housing & Insurance.

November 29, 2011

SB 5283 Prime Sponsor, Senator Hobbs: Providing cost-saving measures and allocation of vouchers for low-income housing. Reported by Committee on Ways & Means

MAJORITY recommendation: That it be referred without recommendation. Signed by Senators Murray, Chair; Kilmer, Vice Chair, Capital Budget Chair; Zarelli; Parlette; Brown; Conway; Fraser; Harper; Hatfield; Hewitt; Kastama; Keiser; Kohl-Welles; Pridemore; Regala and Schoesler.

Passed to Committee on Financial Institutions, Housing & Insurance.

November 29, 2011

SB 5310 Prime Sponsor, Senator Kline: Concerning false claims against the government. Reported by Committee on Ways & Means

MAJORITY recommendation: That it be referred without recommendation. Signed by Senators Murray, Chair; Kilmer, Vice Chair, Capital Budget Chair; Zarelli; Parlette; Brown; Conway; Fraser; Harper; Hatfield; Hewitt; Kastama; Keiser; Kohl-Welles; Pridemore; Regala and Schoesler.

Passed to Committee on Judiciary.

November 29, 2011

SB 5322 Prime Sponsor, Senator Kastama: Creating a commission to restructure state government. Reported by Committee on Ways & Means

MAJORITY recommendation: That it be referred without recommendation. Signed by Senators Murray, Chair; Kilmer, Vice Chair, Capital Budget Chair; Zarelli; Parlette; Brown; Conway; Fraser; Harper; Hatfield; Hewitt; Kastama; Keiser; Kohl-Welles; Pridemore; Regala and Schoesler.

Passed to Committee on Economic Development, Trade & Innovation.

November 29, 2011

SB 5404 Prime Sponsor, Senator Chase: Authorizing community economic revitalization board funding to benefit innovation partnership zones. Reported by Committee on Ways & Means

MAJORITY recommendation: That it be referred without recommendation. Signed by Senators Murray, Chair; Kilmer, Vice Chair, Capital Budget Chair; Zarelli; Parlette; Brown; Conway; Fraser; Harper; Hatfield; Hewitt; Kastama; Keiser; Kohl-Welles; Pridemore; Regala and Schoesler.

Passed to Committee on Economic Development, Trade & Innovation.

November 29, 2011

SB 5475 Prime Sponsor, Senator Murray: Regarding education funding. Reported by Committee on Ways & Means

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MAJORITY recommendation: That it be referred without recommendation. Signed by Senators Murray, Chair; Kilmer, Vice Chair, Capital Budget Chair; Zarelli; Parlette; Brown; Conway; Fraser; Harper; Hatfield; Hewitt; Kastama; Keiser; Kohl-Welles; Pridemore; Regala and Schoesler.

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

November 29, 2011

SB 5732 Prime Sponsor, Senator Chase: Exempting certain manufacturing research and development activities from business and occupation taxation. Reported by Committee on Ways & Means

MAJORITY recommendation: That it be referred without recommendation. Signed by Senators Murray, Chair; Kilmer, Vice Chair, Capital Budget Chair; Zarelli; Parlette; Brown; Conway; Fraser; Harper; Hatfield; Hewitt; Kastama; Keiser; Kohl-Welles; Pridemore; Regala and Schoesler.

Passed to Committee on Economic Development, Trade & Innovation.

November 29, 2011

SB 5735 Prime Sponsor, Senator Chase: Encouraging economic development by removing the expiration date from the research and development spending business and occupation tax credit. Reported by Committee on Ways & Means

MAJORITY recommendation: That it be referred without recommendation. Signed by Senators Murray, Chair; Kilmer, Vice Chair, Capital Budget Chair; Zarelli; Parlette; Brown; Conway; Fraser; Harper; Hatfield; Hewitt; Kastama; Keiser; Kohl-Welles; Pridemore; Regala and Schoesler.

Passed to Committee on Economic Development, Trade & Innovation.

MOTION

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

MOTION

On motion of Senator Eide, the Senate advanced to the third order of business.

MESSAGE FROM THE GOVERNOR  
GUBERNATORIAL APPOINTMENTS

August 5, 2011

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following reappointment, subject to your confirmation.

Steven Adelstein, reappointed October 1, 2011, for the term ending September 30, 2016, as Member, Board of Trustees, Community College District No. 21 (Whatcom Community College).

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Higher Education & Workforce Development.

August 25, 2011

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

Elaine R. Akagi, appointed August 17, 2011, for the term ending July 1, 2016, as Member of the State School for the Blind Board of Trustees.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Higher Education & Workforce Development.

August 12, 2011

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following reappointment, subject to your confirmation.

Mark Asmundson, reappointed October 1, 2011, for the term ending September 30, 2016, as Member, Board of Trustees, Technical College District #25 (Bellingham).

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Higher Education & Workforce Development.

June 22, 2011

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

Phillip L. Barrett, appointed March 8, 2010, for the term ending September 30, 2014, as Member, Board of Trustees, Community College District No. 7 (Shoreline Community College).

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Higher Education & Workforce Development.

November 8, 2011

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

Elizabeth L. Baum, appointed November 1, 2011, for the term ending June 30, 2015, as Member of the Housing Finance Commission.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Financial Institutions, Housing & Insurance.

November 1, 2011

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following reappointment, subject to your confirmation.

Ariele Belo, reappointed October 11, 2011, for the term ending July 1, 2016, as Member, Board of Trustees for the Center of Childhood Deafness and Hearing Loss.

Sincerely,  
CHRISTINE O. GREGOIRE, Governor  
Referred to Committee on Early Learning & K-12 Education.

September 23, 2011

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

Arthur A. Blauvelt, appointed October 1, 2011, for the term ending September 30, 2016, as Member, Board of Trustees, Community College District No. 2 (Grays Harbor College).

Sincerely,  
CHRISTINE O. GREGOIRE, Governor  
Referred to Committee on Higher Education & Workforce Development.

July 19, 2011

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

Jacob K. Bredstrand, appointed July 5, 2011, for the term ending June 30, 2012, as Member, Board of Regents, Washington State University.

Sincerely,  
CHRISTINE O. GREGOIRE, Governor  
Referred to Committee on Higher Education & Workforce Development.

June 16, 2011

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

Mark E. Brennan, appointed June 16, 2011, for the term ending June 30, 2013, as Member of the Marine Employees' Commission.

Sincerely,  
CHRISTINE O. GREGOIRE, Governor  
Referred to Committee on Transportation.

October 13, 2011

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

LARRY BROWN, appointed October 5, 2011, for the term ending April 3, 2014, as Member of the State Board for Community and Technical Colleges.

Sincerely,  
CHRISTINE O. GREGOIRE, Governor  
Referred to Committee on Higher Education & Workforce Development.

October 10, 2011

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

Wayne E. Brown, appointed October 3, 2011, for the term ending September 30, 2016, as Member, Board of Trustees, Community College District No. 23 (Edmonds Community College).

Sincerely,  
CHRISTINE O. GREGOIRE, Governor  
Referred to Committee on Higher Education & Workforce Development.

October 10, 2011

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

Geneanne (Gigi) Burke, appointed January 4, 2010, for the term ending September 30, 2014, as Member, Board of Trustees, Community College District No. 5 (Everett Community College).

Sincerely,  
CHRISTINE O. GREGOIRE, Governor  
Referred to Committee on Higher Education & Workforce Development.

June 22, 2011

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

Thomas A. Campbell, appointed April 6, 2009, for the term ending September 30, 2013, as Member, Board of Trustees, Community College District No. 10 (Green River Community College).

Sincerely,  
CHRISTINE O. GREGOIRE, Governor  
Referred to Committee on Higher Education & Workforce Development.

August 8, 2011

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following reappointment, subject to your confirmation.

Jorge Carrasco, reappointed October 1, 2011, for the term ending September 30, 2016, as Member, Board of Trustees, Community College District No. 6 (Seattle, So. Seattle, and No. Seattle Community Colleges).

Sincerely,  
CHRISTINE O. GREGOIRE, Governor  
Referred to Committee on Higher Education & Workforce Development.

October 13, 2011

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

Diana Clay, appointed October 3, 2011, for the term ending September 30, 2013, as Member, Board of Trustees, Community College District No. 23 (Edmonds Community College).

THIRD DAY, NOVEMBER 30, 2011

2011 2ND SPECIAL SESSION

Sincerely,  
 CHRISTINE O. GREGOIRE, Governor  
 Referred to Committee on Higher Education & Workforce  
 Development.

November 14, 2011  
 TO THE HONORABLE, THE SENATE OF THE STATE OF  
 WASHINGTON

Ladies and Gentlemen:  
 I have the honor to submit the following reappointment,  
 subject to your confirmation.

Don Dennis, reappointed October 1, 2011, for the term  
 ending September 30, 2016, as Member, Board of Trustees,  
 Community College District No. 22 (Tacoma Community  
 College).

Sincerely,  
 CHRISTINE O. GREGOIRE, Governor  
 Referred to Committee on Higher Education & Workforce  
 Development.

August 12, 2011  
 TO THE HONORABLE, THE SENATE OF THE STATE OF  
 WASHINGTON

Ladies and Gentlemen:  
 I have the honor to submit the following reappointment,  
 subject to your confirmation.

Joseph Dolezal, reappointed October 1, 2011, for the term  
 ending September 30, 2016, as Member, Board of Trustees,  
 Community College District No. 12 (Centralia College).

Sincerely,  
 CHRISTINE O. GREGOIRE, Governor  
 Referred to Committee on Higher Education & Workforce  
 Development.

November 8, 2011  
 TO THE HONORABLE, THE SENATE OF THE STATE OF  
 WASHINGTON

Ladies and Gentlemen:  
 I have the honor to submit the following appointment, subject  
 to your confirmation.

Jack Eng, appointed October 17, 2011, for the term ending  
 June 17, 2017, as Member of the Board of Industrial Insurance  
 Appeals.

Sincerely,  
 CHRISTINE O. GREGOIRE, Governor  
 Referred to Committee on Labor, Commerce & Consumer  
 Protection.

August 25, 2011  
 TO THE HONORABLE, THE SENATE OF THE STATE OF  
 WASHINGTON

Ladies and Gentlemen:  
 I have the honor to submit the following reappointment,  
 subject to your confirmation.

Leonor Fuller, reappointed October 1, 2011, for the term  
 ending September 30, 2016, as Member, Board of Trustees,  
 Community College District No. 24 (South Puget Sound  
 Community College).

Sincerely,  
 CHRISTINE O. GREGOIRE, Governor  
 Referred to Committee on Higher Education & Workforce  
 Development.

June 8, 2011  
 TO THE HONORABLE, THE SENATE OF THE STATE OF  
 WASHINGTON

Ladies and Gentlemen:  
 I have the honor to submit the following appointment, subject  
 to your confirmation.

Andrea Gamboa, appointed May 13, 2011, for the term  
 ending June 30, 2014, as Member of the Professional Educator  
 Standards Board.

Sincerely,  
 CHRISTINE O. GREGOIRE, Governor  
 Referred to Committee on Early Learning & K-12 Education.

August 25, 2011  
 TO THE HONORABLE, THE SENATE OF THE STATE OF  
 WASHINGTON

Ladies and Gentlemen:  
 I have the honor to submit the following appointment, subject  
 to your confirmation.

John Glenn, appointed August 17, 2011, for the term ending  
 July 1, 2016, as Member of the State School for the Blind Board  
 of Trustees.

Sincerely,  
 CHRISTINE O. GREGOIRE, Governor  
 Referred to Committee on Early Learning & K-12 Education.

November 1, 2011  
 TO THE HONORABLE, THE SENATE OF THE STATE OF  
 WASHINGTON

Ladies and Gentlemen:  
 I have the honor to submit the following appointment, subject  
 to your confirmation.

Judy Guenther, appointed September 29, 2011, for the term  
 ending August 2, 2017, as Member of the Lottery Commission.

Sincerely,  
 CHRISTINE O. GREGOIRE, Governor  
 Referred to Committee on Labor, Commerce & Consumer  
 Protection.

August 8, 2011  
 TO THE HONORABLE, THE SENATE OF THE STATE OF  
 WASHINGTON

Ladies and Gentlemen:  
 I have the honor to submit the following appointment, subject  
 to your confirmation.

Alan Haight, appointed August 1, 2011, for the term ending  
 at the governor's pleasure, as a Director of the Department of  
 Licensing.

Sincerely,  
 CHRISTINE O. GREGOIRE, Governor  
 Referred to Committee on Transportation.

October 10, 2011  
 TO THE HONORABLE, THE SENATE OF THE STATE OF  
 WASHINGTON

Ladies and Gentlemen:  
 I have the honor to submit the following reappointment,  
 subject to your confirmation.

Dwayne Johnson, reappointed October 1, 2011, for the term  
 ending September 30, 2016, as Member, Board of Trustees,  
 Community College District No. 1 (Peninsula College).

Sincerely,  
 CHRISTINE O. GREGOIRE, Governor  
 Referred to Committee on Higher Education & Workforce  
 Development.

October 25, 2011  
 TO THE HONORABLE, THE SENATE OF THE STATE OF  
 WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

Janet M. Kusler, appointed October 1, 2011, for the term ending September 30, 2016, as Member, Board of Trustees, Community College District No. 5 (Everett Community College).

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Higher Education & Workforce Development.

June 21, 2011

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

Jonathan M. Lane, appointed October 1, 2011, for the term ending September 30, 2016, as Member, Board of Trustees, Community College District No. 18 (Big Bend Community College).

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Higher Education & Workforce Development.

May 31, 2011

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

Jerald (Jerry) R. Litt, appointed July 1, 2011, for the term ending June 30, 2017, as Member of the Transportation Commission.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Transportation.

October 28, 2011

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

Wayne J. Martin, appointed October 1, 2011, for the term ending April 3, 2015, as Member of the State Board for Community and Technical Colleges.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Higher Education & Workforce Development.

August 5, 2011

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

Michael S. Maxwell, appointed July 28, 2011, for the term ending September 30, 2012, as Member, Board of Trustees, Community College District No. 1 (Peninsula College).

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Higher Education & Workforce Development.

November 16, 2011

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following reappointment, subject to your confirmation.

Dr. Kristina Mayer, reappointed November 8, 2011, for the term ending January 30, 2015, as Member of the State Board of Education.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

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

August 12, 2011

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following reappointment, subject to your confirmation.

Louis A. Mendoza, reappointed October 1, 2011, for the term ending September 30, 2016, as Member, Board of Trustees, Community College District No. 30 (Cascadia Community College).

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Higher Education & Workforce Development.

October 1, 2011

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

Salvador Mendoza, appointed October 1, 2011, for the term ending September 30, 2016, as Member, Board of Trustees, Community College District No. 19 (Columbia Basin College).

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Higher Education & Workforce Development.

November 16, 2011

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

Steven Moss, appointed November 1, 2011, for the term ending June 30, 2015, as Member of the Housing Finance Commission.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Financial Institutions, Housing & Insurance.

August 5, 2011

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following reappointment, subject to your confirmation.

THIRD DAY, NOVEMBER 30, 2011

Roger Olstad, reappointed October 1, 2011, for the term ending September 30, 2016, as Member, Board of Trustees, Community College District No. 7 (Shoreline Community College).

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Higher Education & Workforce Development.

August 8, 2011

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

Jim Page, appointed June 15, 2011, for the term ending September 30, 2015, as Member, Board of Trustees, Community College District No. 3 (Olympic Community College).

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Higher Education & Workforce Development.

October 1, 2011

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following reappointment, subject to your confirmation.

Lisa Parker, reappointed October 1, 2011, for the term ending September 30, 2016, as Member, Board of Trustees, Community College District No. 16 (Yakima Valley Community College).

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Higher Education & Workforce Development.

October 25, 2011

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following reappointment, subject to your confirmation.

Charlotte Parsley, reappointed October 11, 2011, for the term ending July 1, 2016, as Member, Board of Trustees for the Center of Childhood Deafness and Hearing Loss.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

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

August 8, 2011

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following reappointment, subject to your confirmation.

Calvin Pearson, reappointed October 1, 2011, for the term ending September 30, 2016, as Member, Board of Trustees, Technical College District #28, (Bates).

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Higher Education & Workforce Development.

July 5, 2011

2011 2ND SPECIAL SESSION

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following reappointment, subject to your confirmation.

Darlene Peters, reappointed October 1, 2011, for the term ending September 30, 2016, as Member, Board of Trustees, Community College District No. 3 (Olympic Community College).

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Higher Education & Workforce Development.

August 12, 2011

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following reappointment, subject to your confirmation.

Gordon (Don) Piercy, reappointed October 1, 2011, for the term ending September 30, 2016, as Member, Board of Trustees, Community College District No. 4 (Skagit Valley College).

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Higher Education & Workforce Development.

July 19, 2011

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

Wilbert R. Pina, appointed July 5, 2011, for the term ending June 30, 2012, as Member, Board of Trustees, The Evergreen State College.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Higher Education & Workforce Development.

June 27, 2011

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following reappointment, subject to your confirmation.

The Honorable Royce E. Pollard, reappointed October 1, 2011, for the term ending September 30, 2016, as Member, Board of Trustees, Community College District No. 14 (Clark College).

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Higher Education & Workforce Development.

September 8, 2011

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

Angela G. Roarty, appointed June 6, 2011, for the term ending September 30, 2015, as Member, Board of Trustees, Community College District No. 11 (Pierce College).



Sincerely,  
 CHRISTINE O. GREGOIRE, Governor  
 Referred to Committee on Higher Education & Workforce  
 Development.

August 4, 2011  
 TO THE HONORABLE, THE SENATE OF THE STATE OF  
 WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following reappointment,  
 subject to your confirmation.

Nancy Smith, reappointed July 26, 2011, for the term ending  
 June 30, 2015, as Member of the Professional Educator Standards  
 Board.

Sincerely,  
 CHRISTINE O. GREGOIRE, Governor  
 Referred to Committee on Early Learning & K-12 Education.

August 15, 2011  
 TO THE HONORABLE, THE SENATE OF THE STATE OF  
 WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject  
 to your confirmation.

Patrick Spanner, appointed July 5, 2011, for the term ending  
 June 30, 2012, as Member, Board of Trustees, Eastern  
 Washington University.

Sincerely,  
 CHRISTINE O. GREGOIRE, Governor  
 Referred to Committee on Higher Education & Workforce  
 Development.

November 1, 2011  
 TO THE HONORABLE, THE SENATE OF THE STATE OF  
 WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following reappointment,  
 subject to your confirmation.

Paul Tanaka, reappointed October 10, 2011, for the term  
 ending September 30, 2017, as Member, Board of Trustees,  
 Eastern Washington University.

Sincerely,  
 CHRISTINE O. GREGOIRE, Governor  
 Referred to Committee on Higher Education & Workforce  
 Development.

July 20, 2011  
 TO THE HONORABLE, THE SENATE OF THE STATE OF  
 WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following reappointment,  
 subject to your confirmation.

Barbara A. Taylor, reappointed July 11, 2011, for the term  
 ending June 30, 2015, as Chair of the Professional Educator  
 Standards Board.

Sincerely,  
 CHRISTINE O. GREGOIRE, Governor  
 Referred to Committee on Early Learning & K-12 Education.

July 19, 2011  
 TO THE HONORABLE, THE SENATE OF THE STATE OF  
 WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject  
 to your confirmation.

Jodi N. Thew, appointed July 7, 2011, for the term ending  
 June 30, 2014, as Member of the Professional Educator Standards  
 Board.

Sincerely,  
 CHRISTINE O. GREGOIRE, Governor  
 Referred to Committee on Early Learning & K-12 Education.

October 1, 2011  
 TO THE HONORABLE, THE SENATE OF THE STATE OF  
 WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following reappointment,  
 subject to your confirmation.

Amadeo Tiam, reappointed October 1, 2011, for the term  
 ending September 30, 2016, as Member, Board of Trustees,  
 Community College District No. 11 (Pierce College).

Sincerely,  
 CHRISTINE O. GREGOIRE, Governor  
 Referred to Committee on Higher Education & Workforce  
 Development.

September 14, 2011  
 TO THE HONORABLE, THE SENATE OF THE STATE OF  
 WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject  
 to your confirmation.

Joe M. Tortorelli, appointed August 29, 2011, for the term  
 ending June 30, 2014, as Member of the Transportation  
 Commission.

Sincerely,  
 CHRISTINE O. GREGOIRE, Governor  
 Referred to Committee on Transportation.

October 6, 2011  
 TO THE HONORABLE, THE SENATE OF THE STATE OF  
 WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject  
 to your confirmation.

Stephen W. Vincent, appointed September 16, 2011, for the  
 term ending September 30, 2014, as Member, Board of Trustees,  
 Community College District No. 13 (Lower Columbia College).

Sincerely,  
 CHRISTINE O. GREGOIRE, Governor  
 Referred to Committee on Higher Education & Workforce  
 Development.

October 25, 2011  
 TO THE HONORABLE, THE SENATE OF THE STATE OF  
 WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following reappointment,  
 subject to your confirmation.

Thuy Vo, reappointed October 1, 2011, for the term ending  
 September 30, 2016, as Member, Board of Trustees, Community  
 College District No. 13 (Lower Columbia College).

Sincerely,  
 CHRISTINE O. GREGOIRE, Governor  
 Referred to Committee on Higher Education & Workforce  
 Development.

August 25, 2011  
 TO THE HONORABLE, THE SENATE OF THE STATE OF  
 WASHINGTON

THIRD DAY, NOVEMBER 30, 2011

2011 2ND SPECIAL SESSION

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

Jacob Whitish, appointed July 5, 2011, for the term ending June 30, 2012, as Member, Board of Trustees, Western Washington University.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Higher Education & Workforce Development.

October 1, 2011

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

Lisa K. Woo, appointed May 11, 2011, for the term ending September 30, 2015, as Member, Board of Trustees, Technical College District #25 (Bellingham).

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Higher Education & Workforce Development.

July 13, 2011

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

Roger D. Woodworth, appointed July 1, 2011, for the term ending at the governor's pleasure, as Chair of the Economic Development Commission.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Economic Development, Trade & Innovation.

July 27, 2011

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

Noah Zeichner, appointed July 7, 2011, for the term ending June 30, 2015, as Member of the Professional Educator Standards Board.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

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

MOTION

On motion of Senator Eide, all appointees listed on the Gubernatorial Appointments report were referred to the committees as designated.

MOTION

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

MESSAGE FROM THE HOUSE

November 29, 2011

MR. PRESIDENT:

The Speaker has signed:

HOUSE CONCURRENT RESOLUTION NO. 4406.

and the same is herewith transmitted.

BARBARA BAKER, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:

HOUSE CONCURRENT RESOLUTION NO. 4406.

STANDING COMMITTEE ASSIGNMENTS

The President Pro Tempore announced the following 2011-2012 Standing Committee Assignments.

Agriculture, Water & Rural Economic Development – Senators Hatfield, Shin, Haugen, Hobbs, Honeyford, Becker, Delvin, Schoesler,

Early Learning & K-12 Education – Senators McAuliffe, Rolfes, Eide, Harper, Hobbs, Nelson, Tom, Litzow, Fain, Hill, King

Economic Development, Trade & Innovation – Senators Kastama, Chase, Hatfield, Kilmer, Shin, Baumgartner, Ericksen, Holmquist Newbry, Zarelli

Environment – Senators Nelson, Rolfes, Chase, Fraser, Pridemore, Honeyford, Ericksen, Holmquist Newbry, Morton

Financial Institutions, Housing & Insurance – Senators Hobbs, Prentice, Haugen, Keiser, Benton, Fain, Litzow

Government Operations & Elections – Senators Pridemore, Prentice, Chase, Swecker, Benton, Nelson

Health & Long-Term Care – Senators Keiser, Conway, Kline, Frockt, Pridemore, Becker, Carrell, Parlette, Pflug

Higher Education & Workforce Development – Senators Tom, Shin, Kastama, Kilmer, Frockt, Hill, Baumgartner, Becker, Stevens

Human Services & Corrections – Senators Hargrove, Regala, Harper, McAuliffe, Stevens, Carrell, Padden

Judiciary – Senators Kline, Harper, Hargrove, Kohl-Welles, Regala, Pflug, Padden, Roach

Labor, Commerce & Consumer Protection – Senators Kohl-Welles, Conway, Keiser, Kline, Holmquist Newbry, King, Hewitt

Energy, Natural Resources & Marine Waters – Senators Ranker, Regala, Fraser, Hargrove, Murray, Delvin, Morton, Stevens, Swecker

Rules – Senators Prentice, Brown, Conway, Eide, Fraser, Harper, Haugen, Keiser, Kline, Kohl-Welles, McAuliffe, Regala, Hewitt, Carrell, King, Parlette, Pflug, Schoesler, Stevens, Zarelli

Transportation – Senators Haugen, Eide, Frockt, Hobbs, Nelson, Prentice, Ranker, Sheldon, Shin, King, Fain, Delvin, Ericksen, Hill, Litzow, Swecker

Ways & Means – Senators Murray, Kilmer, Brown, Conway, Fraser, Hatfield, Harper, Kastama, Keiser, Kohl-Welles, Pridemore, Regala, Tom, Zarelli, Parlette, Baumgartner, Hewitt, Holmquist Newbry, Honeyford, Padden, Pflug, Schoesler

MOTION

On motion of Senator Eide, the appointments were confirmed.

MOTION

At 10:11 a.m., on motion of Senator Eide, the Senate adjourned until 12:00 noon, Thursday, December 1, 2011.

BRAD OWEN, President of the Senate

THOMAS HOEMANN, Secretary of the Senate

**FOURTH DAY**

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NOON SESSION

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Senate Chamber, Olympia, Thursday, December 1, 2011

The Senate was called to order at 12:00 noon by President Owen. No roll call was taken.

MOTION

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

MOTION

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

REPORTS OF STANDING COMMITTEES

November 30, 2011  
SB 5536 Prime Sponsor, Senator Rockefeller: Regarding the management of water resources. Reported by Committee on Ways & Means

MAJORITY recommendation: That it be referred without recommendation. Signed by Senators Murray, Chair; Kilmer, Vice Chair, Capital Budget Chair; Zarelli; Parlette; Brown; Conway; Fraser; Harper; Hatfield; Hewitt; Honeyford; Kastama; Keiser; Kohl-Welles; Regala; Schoesler and Tom.

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

November 30, 2011  
SB 5757 Prime Sponsor, Senator Nelson: Protecting groundwater. Reported by Committee on Ways & Means

MAJORITY recommendation: That it be referred without recommendation. Signed by Senators Murray, Chair; Kilmer, Vice Chair, Capital Budget Chair; Zarelli; Parlette; Brown; Conway; Fraser; Harper; Hatfield; Hewitt; Honeyford; Kastama; Keiser; Kohl-Welles; Regala; Schoesler and Tom.

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

MOTION

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

MOTION

On motion of Senator Eide, the Senate advanced to the third order of business.

MESSAGE FROM THE GOVERNOR  
 GUBERNATORIAL APPOINTMENTS

November 8, 2011

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following reappointment, subject to your confirmation.

The Honorable Brian Blake, reappointed November 1, 2011, for the term ending June 30, 2015, as Member of the Pacific Marine Fishery Commission.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Energy, Natural Resources & Marine Waters.

July 20, 2011

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

Marc Daudon, appointed May 18, 2011, for the term ending June 30, 2014, as Member of the Energy Northwest.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Energy, Natural Resources & Marine Waters.

August 15, 2011

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following reappointment, subject to your confirmation.

Billy Frank, Jr., reappointed July 29, 2011, for the term ending June 25, 2015, as Member of the Puget Sound Partnership.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Energy, Natural Resources & Marine Waters.

August 4, 2011

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following reappointment, subject to your confirmation.

Donald (Bud) Hover, reappointed July 29, 2011, for the term ending July 15, 2015, as Chair of the Salmon Recovery Funding Board.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Energy, Natural Resources & Marine Waters.

June 8, 2011

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following reappointment, subject to your confirmation.

Lawrence Kenney, reappointed May 18, 2011, for the term ending June 30, 2014, as Member of the Energy Northwest.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Energy, Natural Resources & Marine Waters.

June 27, 2011

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following reappointment, subject to your confirmation.

Conrad Mahnken, reappointed June 7, 2011, for the term ending December 31, 2016, as Member of the Fish and Wildlife Commission.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Energy, Natural Resources & Marine Waters.

July 12, 2011

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

Steve S. Milner, appointed May 25, 2011, for the term ending December 31, 2016, as Member of the Parks and Recreation Commission.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Energy, Natural Resources & Marine Waters.

June 21, 2011

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

The Honorable Phil Rockefeller, appointed July 1, 2011, for the term ending January 15, 2014, as Member of the Northwest Power and Conservation Council.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Energy, Natural Resources & Marine Waters.

July 8, 2011

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

The Honorable Phil Rockefeller, appointed July 8, 2011, for the term ending July 15, 2015, as Member of the Salmon Recovery Funding Board.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Energy, Natural Resources & Marine Waters.

October 25, 2011

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following reappointment, subject to your confirmation.

The Honorable Harriet A. Spanel, reappointed January 1, 2012, for the term ending December 31, 2014, as Member of the Recreation and Conservation Funding Board.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Energy, Natural Resources & Marine Waters.

November 2, 2011

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following reappointment, subject to your confirmation.

The Honorable Harriet A. Spanel, reappointed November 1, 2011, for the term ending June 30, 2015, as Member of the Pacific Marine Fishery Commission.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Energy, Natural Resources & Marine Waters.

November 30, 2011

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

The Honorable Robert H. Whaley, appointed October 10, 2011, for the term ending September 30, 2017, as Member, Board of Trustees, Eastern Washington University.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Higher Education & Workforce Development.

November 30, 2011

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

David L. Nicandri, appointed November 21, 2011, for the term ending September 30, 2014, as Member, Board of Trustees, The Evergreen State College.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Higher Education & Workforce Development.

#### MOTION

On motion of Senator Eide, all appointees listed on the Gubernatorial Appointments report were referred to the committees as designated.

#### MOTION

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

#### INTRODUCTION AND FIRST READING

SB 5966

by Senators Fraser and Swecker

FOURTH DAY, DECEMBER 1, 2011

2011 2ND SPECIAL SESSION

AN ACT Relating to establishing the office of the health care authority ombudsman; and adding a new section to chapter 48.02 RCW.

Early Learning & K-12 Education – Senators McAuliffe, Rolfes, Eide, Harper, Hobbs, Nelson, Tom, Litzow, Fain, Hill, King

Referred to Committee on Health & Long-Term Care.

Economic Development, Trade & Innovation – Senators Kastama, Chase, Hatfield, Kilmer, Shin, Baumgartner, Ericksen, Holmquist Newbry, Zarelli

SB 5967 by Senators Murray and Zarelli

AN ACT Relating to fiscal matters; amending RCW 15.76.115, 28B.50.837, 28B.76.565, 28B.76.565, 28B.76.605, 28B.76.605, 39.12.080, 43.09.475, 43.21A.660, 43.79.460, 43.320.110, 43.330.250, 43.338.030, 47.66.070, 49.70.170, 77.12.203, 79.64.100, 79.105.150, 80.01.080, and 90.56.335; amending 2011 1st sp.s. c 50 ss 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 401, 402, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 701, 703, 704, 713, 801, 802, 803, 805, 910, 920, 921, and 922; reenacting and amending RCW 43.19.791, 70.105D.070, and 79.64.040; adding new sections to 2011 1st sp.s. c 50 (uncodified); repealing 2011 1st sp.s. c 50 ss 139, 722, and 725; making appropriations; providing effective dates; providing expiration dates; and declaring an emergency.

Environment – Senators Nelson, Rolfes, Chase, Fraser, Pridemore, Honeyford, Ericksen, Holmquist Newbry, Morton

Financial Institutions, Housing & Insurance – Senators Hobbs, Prentice, Haugen, Keiser, Benton, Fain, Litzow

Government Operations & Elections – Senators Pridemore, Prentice, Chase, Nelson, Swecker, Roach, Benton

Health & Long-Term Care – Senators Keiser, Conway, Kline, Frockt, Pridemore, Becker, Carrell, Parlette, Pflug

Higher Education & Workforce Development – Senators Tom, Shin, Kastama, Kilmer, Frockt, Hill, Baumgartner, Becker, Stevens

Human Services & Corrections – Senators Hargrove, Regala, Harper, McAuliffe, Stevens, Carrell, Padden

Judiciary – Senators Kline, Harper, Hargrove, Kohl-Welles, Regala, Pflug, Carrell, Padden, Roach

Labor, Commerce & Consumer Protection – Senators Kohl-Welles, Conway, Keiser, Kline, Holmquist Newbry, King, Hewitt

Referred to Committee on Ways & Means.

SB 5968 by Senators Stevens, Swecker and Schoesler

AN ACT Relating to establishing a fixed minimum hourly wage; and amending RCW 49.46.020.

Energy, Natural Resources & Marine Waters – Senators Ranker, Regala, Fraser, Hargrove, Murray, Delvin, Morton, Stevens, Swecker

Referred to Committee on Labor, Commerce & Consumer Protection.

Rules – Senators Prentice, Brown, Conway, Eide, Fraser, Harper, Haugen, Keiser, Kline, Kohl-Welles, McAuliffe, Regala, Hewitt, Carrell, King, Parlette, Pflug, Schoesler, Stevens, Zarelli

SJR 8217 by Senators Stevens, Carrell, Becker, Swecker, Schoesler, Holmquist Newbry, Padden and Benton

Providing that all new tax increases expire no later than five years after becoming effective.

Transportation – Senators – Haugen, Eide, Frockt, Hobbs, Prentice, Ranker, Rolfes, Sheldon, Shin, King, Fain, Delvin, Ericksen, Hill, Litzow, Swecker

Referred to Committee on Ways & Means.

Ways & Means – Senators Murray, Kilmer, Brown, Conway, Fraser, Hatfield, Harper, Kastama, Keiser, Kohl-Welles, Pridemore, Regala, Tom, Zarelli, Parlette, Baumgartner, Hewitt, Holmquist Newbry, Honeyford, Padden, Pflug, Schoesler

MOTION

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

MOTION

On motion of Senator Eide, the revised appointments were again confirmed.

STANDING COMMITTEE ASSIGNMENTS

The President announced the following 2011-2012 Standing Committee Assignments.

MOTION

Agriculture, Water & Rural Economic Development – Senators Hatfield, Shin, Haugen, Hobbs, Honeyford, Becker, Delvin, Schoesler

At 12:04 p.m., on motion of Senator Eide, the Senate adjourned until 10:00 a.m. Friday, December 2, 2011.

BRAD OWEN, President of the Senate

THOMAS HOEMANN, Secretary of the Senate

## FIFTH DAY

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MORNING SESSION

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Senate Chamber, Olympia, Friday, December 2, 2011

The Senate was called to order at 10:00 a.m. by President Owen. No roll call was taken.

## MOTION

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

## MOTION

On motion of Senator Eide, the Senate advanced to the third order of business.

December 1, 2011

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following reappointment, subject to your confirmation.

Marilyn Glenn Sayan, reappointed November 21, 2011, for the term ending September 8, 2016, as Chair of the Public Employment Relations Commission.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Labor, Commerce & Consumer Protection.

## MOTION

On motion of Senator Eide, the appointee listed on the gubernatorial appointment report was referred to the committee as designated.

## MOTION

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

## INTRODUCTION AND FIRST READING

SB 5969 by Senators Kilmer, Becker, Carrell, Hobbs, Shin, Swecker, Conway, Eide, Rolfes, Harper, Kastama, Fain, Hatfield, King, Haugen, McAuliffe, Hargrove, Nelson, Tom, Pridemore, Keiser, Sheldon, Prentice, Hewitt, Zarelli, Baumgartner, Padden, Chase, Kline, Frockt, Brown, Kohl-Welles, Ranker, Murray, Regala and Parlette

AN ACT Relating to procedures allowing certain military spouses to seek employment in state-licensed professional

occupations after relocating to Washington; and adding a new chapter to Title 18 RCW.

Referred to Committee on Government Operations, Tribal Relations & Elections.

SB 5970 by Senators Carrell, Conway, Becker, Swecker, Morton, Shin, Kilmer, Hobbs and Chase

AN ACT Relating to a veteran's preference for the purpose of public employment; amending RCW 41.04.010; and reenacting and amending RCW 41.06.133.

Referred to Committee on Government Operations, Tribal Relations & Elections.

SB 5971 by Senators Carrell, Stevens and Swecker

AN ACT Relating to mandatory reporting of child abuse or neglect by supervised persons; amending RCW 26.44.030; adding a new section to chapter 26.44 RCW; prescribing penalties; and providing an effective date.

Referred to Committee on Human Services & Corrections.

SB 5972 by Senators Shin, Chase and Regala

AN ACT Relating to referring a temporary sales and use tax rate increase to the voters in order to provide funding for essential government services; amending RCW 82.08.020 and 29A.60.260; reenacting and amending RCW 82.08.064, 29A.60.190, and 29A.60.190; providing effective dates; providing an expiration date; and providing for submission of certain sections of this act to a vote of the people.

Referred to Committee on Ways & Means.

## MOTION

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

## MOTION

At 10:02 a.m., on motion of Senator Eide, the Senate adjourned until 12:00 noon, Monday, December 5, 2011.

BRAD OWEN, President of the Senate

THOMAS HOEMANN, Secretary of the Senate

**EIGHTH DAY**

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NOON SESSION

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Senate Chamber, Olympia, Monday, December 5, 2011

The Senate was called to order at 12:00 noon by the Vice President Pro Tempore. No roll call was taken.

**MOTION**

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

**MOTION**

On motion of Senator Eide, the Senate advanced to the third order of business.

**MESSAGE FROM THE GOVERNOR  
GUBERNATORIAL APPOINTMENTS**

December 2, 2011

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

Anne Fennessy, appointed September 6, 2011, for the term ending April 3, 2015, as Member of the State Board for Community and Technical Colleges.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Higher Education & Workforce Development.

December 2, 2011

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

Catherine Roth, appointed November 21, 2011, for the term ending June 15, 2013, as Chair of the Marine Employees' Commission.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Transportation.

**MOTION**

On motion of Senator Eide, all appointees listed on the Gubernatorial Appointments report were referred to the committees as designated.

**MOTION**

At 12:03 p.m., on motion of Senator Eide, the Senate adjourned until 12:00 noon, Tuesday, December 6, 2011.

BRAD OWEN, President of the Senate

THOMAS HOEMANN, Secretary of the Senate



NINTH DAY

NOON SESSION

Senate Chamber, Olympia, Tuesday, December 6, 2011

The Senate was called to order at 12:00 noon by President Owen. No roll call was taken.

MOTION

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

MOTION

On motion of Senator Eide, the Senate advanced to the third order of business.

MESSAGE FROM THE SECRETARY OF STATE

CANVASS OF THE RETURNS OF THE GENERAL ELECTION HELD ON NOVEMBER 8, 2011

I, Sam Reed, Secretary of State of the State of Washington, do hereby certify that according to the provisions of RCW 29A.60.260, I have canvassed the returns of the 1,936,950 votes cast by the 3,658,413 registered voters of the state for and against the initiatives and constitutional amendments which were submitted to the vote of the people at the state general election held on the 8th day of November, 2011, as received from the County Auditors.

Initiative Measure No. 1125

Initiative Measure No. 1125 concerns state expenditures on transportation.

This measure would prohibit the use of motor vehicle fund revenue and vehicle toll revenue for non-transportation purposes, and require that road and bridge tolls be set by the legislature and be project-specific.

Yes 878,923
No 999,484

Initiative Measure No. 1163

Initiative Measure No. 1163 concerns long-term care workers and services for elderly and disabled people.

This measure would reinstate background checks, training, and other requirements for long-term care workers and providers, if amended in 2011; and address financial accountability and administrative expenses of the long-term in-home care program.

Yes 1,222,019
No 657,470

Initiative Measure No. 1183

Initiative Measure No. 1183 concerns liquor: beer, wine, and spirits (hard liquor).

This measure would close state liquor stores and sell their assets; license private parties to sell and distribute spirits; set license fees based on sales; regulate licensees; and change regulation of wine distribution.

Yes 1,128,904
No 793,026

Senate Joint Resolution No. 8205

The legislature has proposed a constitutional amendment on repealing article VI, section 1A, of the Washington Constitution.

This amendment would remove an inoperative provision from the state constitution regarding the length of time a voter must reside in Washington to vote for president and vice-president.

Approved 1,335,039
Rejected 490,445

Senate Joint Resolution No. 8206

The legislature has proposed a constitutional amendment on the budget stabilization account maintained in the state treasury.

This amendment would require the legislature to transfer additional moneys to the budget stabilization account in each fiscal biennium in which the state has received "extraordinary revenue growth," as defined, with certain limitations.

Approved 1,186,069
Rejected 594,687

IN WITNESS WHEREOF, I have set my hand and affixed the official seal of the state of Washington, this 5th day of December 2011.

SAM REED
Secretary of State

MESSAGE FROM THE GOVERNOR
GUBERNATORIAL APPOINTMENTS

December 5, 2011
TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON
Ladies and Gentlemen:
I have the honor to submit the following appointment, subject to your confirmation.

NINTH DAY, DECEMBER 6, 2011

Mark Brown, appointed October 10, 2011, for the term ending December 31, 2016, as Member of the Parks and Recreation Commission.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Energy, Natural Resources & Marine Waters.

MOTION

On motion of Senator Eide, the appointee listed on the Gubernatorial Appointment report was referred to the committee as designated.

MOTION

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

2011 2ND SPECIAL SESSION  
MESSAGE FROM THE HOUSE

December 5, 2011

MR. PRESIDENT:

The House has passed ENGROSSED HOUSE BILL NO. 2145. and the same is herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

At 12:03 p.m., on motion of Senator Eide, the Senate adjourned until 10:00 a.m. Wednesday, December 7, 2011.

BRAD OWEN, President of the Senate

THOMAS HOEMANN, Secretary of the Senate

## TENTH DAY

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MORNING SESSION

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Senate Chamber, Olympia, Wednesday, December 7, 2011

The Senate was called to order at 10:00 a.m. by the President Pro Tempore.

## MOTION

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

## MOTION

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

## INTRODUCTION AND FIRST READING

SB 5973 by Senators Eide, Fain, McAuliffe, Litzow, Kastama, Hewitt, Chase and Tom

AN ACT Relating to revised standards and assessments for teacher certification integrating STEM knowledge and skills; adding new sections to chapter 28A.410 RCW; and creating a new section.

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

SB 5974 by Senators Tom, Litzow, Kilmer, Fain, Hewitt, Chase and Kohl-Welles

AN ACT Relating to demonstrating college level skills; and amending RCW 28B.10.053.

Referred to Committee on Ways & Means.

SB 5975 by Senators McAuliffe, Litzow, Eide, Fain, Kastama, Hewitt, Tom, Chase, Kohl-Welles, Frockt and Conway

AN ACT Relating to grant opportunities for high school aerospace assembler, skill center manufacturing, and high school project lead the way STEM career courses; adding new sections to chapter 28A.700 RCW; and creating a new section.

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

SB 5976 by Senators Tom, Litzow, Kilmer, Fain, Conway, Hewitt, Chase, Kohl-Welles and Frockt

AN ACT Relating to the coordination and evaluation of workforce training for aerospace and materials manufacturing; adding a new section to chapter 28B.50 RCW; adding a new section to chapter 28C.18 RCW; and creating a new section.

Referred to Committee on Ways & Means.

SB 5977 by Senators Ranker, Litzow, Eide, Shin, Haugen, Rolfes, Swecker, Fain, Frockt, Hobbs, Schoesler, Fraser, Kilmer, Kohl-Welles, Chase, Hatfield, Nelson, Harper, Regala,

Hargrove, Tom, Pridemore, Keiser, Conway, Kline, McAuliffe, Sheldon, Parlette, Hewitt, Honeyford, Roach, Carrell and Pflug

AN ACT Relating to making the discover pass transferable between two vehicles; amending RCW 79A.80.020 and 79A.80.040; creating a new section; and declaring an emergency.

Referred to Committee on Energy, Natural Resources & Marine Waters.

SB 5978 by Senators Pflug, Keiser, Frockt, Conway and Kohl-Welles

AN ACT Relating to medicaid fraud; amending RCW 74.09.210 and 74.09.230; reenacting and amending RCW 9A.04.080 and 43.43.830; adding new sections to chapter 74.09 RCW; adding a new chapter to Title 74 RCW; creating a new section; prescribing penalties; and declaring an emergency.

Referred to Committee on Health & Long-Term Care.

SB 5979 by Senators Honeyford, Morton, Delvin, Becker and Schoesler

AN ACT Relating to ensuring that the trust beneficiaries receive their proportionate distribution of moneys received from the sale of discover passes; and amending RCW 79A.80.090.

Referred to Committee on Energy, Natural Resources & Marine Waters.

SB 5980 by Senators Honeyford, Morton and Delvin

AN ACT Relating to recognizing environmental redispach as an eligible renewable resource; and amending RCW 19.285.030.

Referred to Committee on Energy, Natural Resources & Marine Waters.

SB 5981 by Senators Schoesler, Hatfield and Honeyford

AN ACT Relating to seed dealer license fees; and amending RCW 15.49.380.

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

SB 5982 by Senators Kastama, Shin, Hobbs, Harper, Eide, Kilmer, Conway, Sheldon, Haugen, Kohl-Welles, Frockt, Keiser, Fain, Tom, Chase and McAuliffe

AN ACT Relating to the joint center for aerospace technology innovation; and adding a new chapter to Title 28B RCW.

Referred to Committee on Economic Development, Trade & Innovation.

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SB 5983 by Senators Hobbs, Shin, Sheldon, Haugen, McAuliffe and Hatfield

adding new sections to chapter 35.57 RCW; adding new sections to chapter 82.14 RCW; creating new sections; and declaring an emergency.

AN ACT Relating to extending the expiration date for the business and occupation tax credit for qualified aerospace product development; amending RCW 82.04.4461; and providing an expiration date.

Referred to Committee on Ways & Means.

Referred to Committee on Ways & Means.

MOTION

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

INTRODUCTION AND FIRST READING OF HOUSE BILLS

EHB 2145 by Representatives Armstrong, Condotta and Hunter

MOTION

AN ACT Relating to a limited plan of finance upon a default of indebtedness issued by distressed public facilities districts; amending RCW 82.14.390, 82.14.050, and 43.79A.040;

On motion of Senator Eide, the rules were suspended, and the following measures listed on the sheet entitled '2011 Bill Disposition List' were re-referred as designated:

2011 BILL DISPOSITION LIST

Measures moved from their Current Bill Status to the Standing Committee as follows:

Bill	Bill Title	Sponsor	Current Bill Status	Move To Status
SSB 5343	Anaerobic digester emissions	Haugen	S Rules 3	S Ag/Water/RurEcD
ESB 5575	Biomass energy facilities	Hatfield	S Rules 3	S Ag/Water/RurEcD
SB 5631	Department of agriculture	Swecker	S Rules 3	S Ag/Water/RurEcD
SB 5319	Manufacturing ext. program	Kastama	S Rules X	S EDev/Trd/Innov
SB 5320	Infrastructure projects	Chase	S Rules X	S EDev/Trd/Innov
SB 5321	Department of commerce	Chase	S Rules X	S EDev/Trd/Innov
SB 5401	Facilities/sales and use tax	Chase	S Rules X	S EDev/Trd/Innov
SSB 5142	Alternative learning progs	Stevens	S Rules 3	S EL/K-12
SB 5191	Education system flexibility	Hobbs	S Rules X	S EL/K-12
E2SSB 5669	Natural resources agencies	Ranker	S Rules 3	S Energy/NatRes/M
SSB 5264	Mazama pocket gophers	Swecker	S Rules 3	S Energy/NatRes/M
SSB 5356	Hunting cougars using dogs	Morton	S Rules 3	S Energy/NatRes/M
SB 5438	Dept of fish & wildlife land	Morton	S Rules X	S Energy/NatRes/M
SB 5478	Renewable fuel content	Holmquist Newbry	S Rules X	S Environment
SB 5779	Food service products	Chase	S Rules X	S Environment
SB 5815	Local boards of health	Fraser	S Rules X	S Environment
SB 5824	Electronic waste	Pridemore	S Rules X	S Environment
SB 5261	Manuf housing community mgrs	Hobbs	S Rules X	S FI/Hous/Ins
SB 5363	B&O tax deduction	Hobbs	S Rules X	S FI/Hous/Ins
ESB 5377	Homeowners' associations	Morton	S Rules 3	S FI/Hous/Ins
SB 5387	Self-insurance/st. risk mgr	Hobbs	S Rules X	S FI/Hous/Ins
ESSB 5433	Manu/mobile home communities	Fraser	S Rules 3	S FI/Hous/Ins
SB 5446	Manuf. housing communities	Shin	S Rules X	S FI/Hous/Ins
SB 5448	Manu/mobile home definitions	Schoesler	S Rules X	S FI/Hous/Ins
SB 5497	Manu/mobile home removal	Sheldon	S Rules 3	S FI/Hous/Ins
SB 5607	Payment of impact fees	Hobbs	S Rules X	S FI/Hous/Ins
ESB 5730	Usage-based auto insurance	Rockefeller	S Rules 3	S FI/Hous/Ins
ESSB 5798	Homeowners' associations	Fraser	S Rules 3	S FI/Hous/Ins
SB 5015	Ballot tabulation	White	S Rules X	S GovtOp & Elect

SB 5049	Sunshine committee	Kline	S Rules X	S GovtOp & Elect
SB 5064	Elected officials' salaries	Nelson	S Rules X	S GovtOp & Elect
ESSB 5077	Eminent domain/economic dev.	Pflug	S Rules 3	S GovtOp & Elect
SB 5165	Commissioner districts	Schoesler	S Rules X	S GovtOp & Elect
SB 5183	Native American heritage day	White	S Rules X	S GovtOp & Elect
SB 5190	Disposition of remains	Hobbs	S Rules X	S GovtOp & Elect
SSB 5244	Security alarms, crime watch	Fraser	S Rules 3	S GovtOp & Elect
SB 5265	Flood control zone districts	Swecker	S Rules 3	S GovtOp & Elect
SB 5292	Irrigation districts	Honeyford	S Rules X	S GovtOp & Elect
SB 5332	Indians/civil jurisdiction	Rockefeller	S Rules X	S GovtOp & Elect
SB 5355	Special agency meetings	Morton	S Rules X	S GovtOp & Elect
SB 5413	Frontage of a county road	Kilmer	S Rules X	S GovtOp & Elect
SSB 5417	Legislator printed materials	Becker	S Rules 3	S GovtOp & Elect
SSB 5553	Public agency web site info	Roach	S Rules 3	S GovtOp & Elect
SB 5586	Hobby vehicle restoration	Carrell	S Rules X	S GovtOp & Elect
SB 5197	Home care aides/nursing task	Keiser	S Rules X	S Hea/L-T Care
SB 5620	Dental anesthesia assistants	Becker	S Rules X	S Hea/L-T Care
SB 5324	Employment training	Shin	S Rules X	S HighEd&WorkDev
SB 5516	Higher ed equipment/payments	Tom	S Rules 3	S HighEd&WorkDev
SB 5517	Higher ed institutions	Tom	S Rules X	S HighEd&WorkDev
SSB 5519	Public contracting authority	Tom	S Rules 3	S HighEd&WorkDev
SB 5521	State university technology	Tom	S Rules 3	S HighEd&WorkDev
SB 5113	State hospitals/discharges	Hargrove	S Rules X	S HumServ/Corr
SSB 5114	Competency procedures	Hargrove	S Rules 3	S HumServ/Corr
ESSB 5605	Governmental liability	Hargrove	S Rules 3	S HumServ/Corr
SB 5634	Firearm possession	Hargrove	S Rules X	S HumServ/Corr
SB 5706	Juvenile restorative justice	Harper	S Rules X	S HumServ/Corr
ESSB 5740	Predatory guardianships	Kastama	S Rules 3	S HumServ/Corr
SB 5082	Electronic notices	Pflug	S Rules X	S Judiciary
SSB 5069	Farm labor contractor acct	Prentice	S Rules 3	S Lab/Comm/CP
SB 5259	Small wineries/tax & reports	Kline	S Rules 2	S Lab/Comm/CP
SB 5341	Notice to injured workers	Keiser	S Rules X	S Lab/Comm/CP
SB 5412	Whistleblowers/conveyance	Keiser	S Rules X	S Lab/Comm/CP
SB 5599	Contractor misclassification	Kohl-Welles	S Rules X	S Lab/Comm/CP
SB 5650	Craft distilleries' spirits	Harper	S Rules X	S Lab/Comm/CP
SB 5663	Concurrent jurisdiction	Harper	S Rules X	S Lab/Comm/CP
SB 5746	Prevailing wage affidavits	Kline	S Rules X	S Lab/Comm/CP
SSB 5128	Statewide trans. planning	Haugen	S Rules 3	S Transportation
SB 5188	Traffic control signals	Becker	S Rules X	S Transportation
SSB 5250	Design-build procedure	Haugen	S Rules 3	S Transportation
2ESSB 5251	Electric vehicle license fee	Haugen	S Rules 3	S Transportation
ESSB 5366	Off-road vehicles	Delvin	S Rules 3	S Transportation
SB 5406	State ferry system managemnt	Haugen	S Rules 2	S Transportation
SB 5771	Nontoll trans. projects	White	S Rules X	S Transportation
ESSB 5542	Cigar lounges/tobacconists	Delvin	S Rules 3	S Ways & Means
SSB 5534	Newspapers B&O taxation	Murray	S Rules 3	S Ways & Means
SSB 5576	UW & WSU construction	Kilmer	S Rules 3	S Ways & Means

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SSB 5587	Property tax deferral prog.	Schoesler	S Rules 3	S Ways & Means
ESSB 5844	Local govt infrastructure	Kilmer	S Rules 3	S Ways & Means
SJM 8009	Main street fairness act	Regala	S Rules 3	S Ways & Means

**Measures moved from their current status to S Rules 2:**

<b>Bill</b>	<b>Bill Title</b>	<b>Sponsor</b>	<b>Current Bill Status</b>	<b>Move To Status</b>
SB 5079	Consumer protection act	Conway	S Rules X	S Rules 2
SB 5627	Service member civil relief	Hobbs	S Rules X	S Rules 2
SB 5649	Humane treatment of dogs	Harper	S Rules X	S Rules 2
SB 5752	Correction of defamation	Kline	S Rules X	S Rules 2
SGA 9057	Edmund I. Kiley		S Rules 2G	S Rules 2

**Measures moved from their current status to S Rules X:**

<b>Bill</b>	<b>Bill Title</b>	<b>Sponsor</b>	<b>Current Bill Status</b>	<b>Move To Status</b>
SSB 5022	Court actions/RCW 42.56.550	Kilmer	SRules 3	S Rules X
SSB 5029	Beer and wine tasting	Kohl-Welles	SRules 3	S Rules X
SB 5030	Civil judgments for assault	Hewitt	SRules 3	S Rules X
SB 5032	Water pollution committees	Pridemore	SRules 3	S Rules X
ESSB5039	Tobacco cessation treatment	Murray	SRules 3	S Rules X
SB 5046	Assault/court-related empl.	Kohl-Welles	SRules 3	S Rules X
SB 5075	Mortgage lending fraud/acct.	Fain	SRules 3	S Rules X
SB 5080	Water pollution/sewage	Sheldon	SRules 3	S Rules X
SB 5092	Long-term care oversight	Keiser	SRules 2	S Rules X
SB 5126	Govt officials' compensation	Kilmer	SRules 2	S Rules X
SB 5140	Criminal alien offenders	Hargrove	SRules 2G	S Rules X
SB 5143	Annexation/fire prot. dists	McAuliffe	SRules 3	S Rules X
SB 5148	Public health care/waiver	Keiser	SRules 2	S Rules X
SSB 5154	Vehicle prowling	Harper	SRules 3	S Rules X
SB 5161	Public corrections entities	Fain	SRules 3	S Rules X
ESB 5169	Forest land compensating tax	Rockefeller	SRules 3	S Rules X
SB 5176	Trans budget 2009-11/2011-13	Haugen	SRules 2	S Rules X
SSB 5185	Motorcycle rules/parades	Delvin	SRules 3	S Rules X
SSB 5201	Fish and wildlife department	Hargrove	SRules 3	S Rules X
SSB 5202	Sexually violent predators	Regala	SRules 3	S Rules X
ESB 5205	High capacity transp. plans	Kilmer	SRules 3	S Rules X
SSB 5222	Public port districts/levies	Kastama	SRules 3	S Rules X
ESSB 5230	Puget Sound corps	Ranker	SRules 3	S Rules X
SB 5236	Persistent offenders	Kline	SRules 2	S Rules X
SB 5260	Combination of vehicles	King	SRules 3	S Rules X
SSB 5298	Emergency messaging/state	White	SRules 3	S Rules X
SB 5327	Electronic benefit cards	Carrell	SRules 2	S Rules X
SB 5362	PUD's low-income customers	Chase	SRules 3	S Rules X
SB 5403	Innovation partnership zones	Chase	SRules 3	S Rules X
SB 5405	Ferry system efficiency	Haugen	SRules 2	S Rules X
SSB 5432	Solid fuel burning devices	Regala	SRules 3	S Rules X

SSB 5439	Oil spills	Ranker	SRules 3	S Rules X
ESSB 5449	Stolen info technology	Brown	SRules 3	S Rules X
2SSB 5458	Medicaid fraud	Keiser	SRules 2	S Rules X
SB 5465	Safety net assessment	Keiser	SRules 2G	S Rules X
SB 5484	Health sciences authorities	Shin	SRules 3	S Rules X
SSB 5493	Cities w/ambulance utilities	Delvin	SRules 3	S Rules X
SB 5494	Plan 3 retirement systems	Brown	SRules 3	S Rules X
SB 5523	State printing	Tom	SRules 2	S Rules X
SSB 5545	Sexual exploitation/children	Delvin	SRules 3	S Rules X
SSB 5556	Social card games	Prentice	SRules 3	S Rules X
ESB 5566	Workers' compensation	Kohl-Welles	SRules 3	S Rules X
SB 5571	Anaerobic digestion	Rockefeller	SRules 2	S Rules X
ESB 5647	Columbia R. basin mgmt prog	Fraser	SRules 3	S Rules X
SSB 5671	Hospital & emer personnel	Ericksen	SRules 3	S Rules X
SB 5674	Aerospace student loans	Eide	SRules 3	S Rules X
SSB 5676	Projects of statewide signif	Kastama	SRules 3	S Rules X
SSB 5695	Local government bonds	Fraser	SRules 3	S Rules X
SSB 5785	Alaskan way/Seattle seawall	Murray	SRules 3	S Rules X
SB 5790	Crime-related boards	Hargrove	SRules 2	S Rules X
SSB 5796	Public transportation systms	Haugen	SRules 3	S Rules X
SB 5819	Guardian duties	Litzow	SRules 3	S Rules X
SB 5852	TRS and PERS plan 1	Hewitt	SRules 3	S Rules X
ESB 5873	Server equipment businesses	Prentice	SRules 3	S Rules X
SB 5875	Offender supervision	Hargrove	SRules 2	S Rules X
SB 5882	Local govt employee pensions	Schoesler	SRules 2G	S Rules X
SB 5911	Master license service prog.	Murray	SRules 2	S Rules X
SB 5920	PERS and TRS plan 1	Murray	SRules 2	S Rules X
ESSB 5924	Running start program	Zarelli	SRules 3	S Rules X
SB 5929	State medical progs/children	Keiser	SRules 2	S Rules X
SSB 5935	Adoption support payments	Hargrove	SRules 3	S Rules X
ESSB 5960	Medicaid fraud	Keiser	SRules 3	S Rules X
SJM 8011	Dam runoff, Snake & Columbia	Swecker	SRules 3	S Rules X
SJR 8202	Public officials' salaries	Zarelli	SRules 2	S Rules X
SSJR 8215	Debt reduction act of 2011	Kilmer	SRules 3	S Rules X

Unless otherwise noted above: All measures in the possession of the Committee on Agriculture and Rural Economic Development at the conclusion of the 2011 First Special Legislative Session were referred to the Committee on Agriculture, Water and Rural Economic Development.

All measures in the possession of the Committee on Energy, Water and Environment at the conclusion of the 2011 First Special Legislative Session were referred to the Committee on Environment.

All measures in the possession of the Committee on Natural Resources and Marine Waters at the conclusion of the 2011 First

Special Legislative Session were referred to the Committee on Energy, Natural Resources and Marine Waters.

#### MOTION

At 10:05 a.m., on motion of Senator Eide, the Senate adjourned until 12:00 noon, Thursday, December 8, 2011.

BRAD OWEN, President of the Senate

THOMAS HOEMANN, Secretary of the Senate

**ELEVENTH DAY**

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NOON SESSION

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Senate Chamber, Olympia, Thursday, December 8, 2011

The Senate was called to order at 12:00 noon by Senator Fraser. No roll call was taken.

MOTION

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

MOTION

On motion of Senator Eide, the Senate advanced to the third order of business.

MESSAGE FROM THE GOVERNOR  
GUBERNATORIAL APPOINTMENTS

December 8, 2011

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

Don C. Brunell, appointed November 21, 2011, for the term ending June 30, 2013, as Member of the Work Force Training and Education Coordinating Board.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Higher Education & Workforce Development.

December 8, 2011

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

Amit Ranade, appointed December 1, 2011, for the term ending December 31, 2015, as Member of the Public Disclosure Commission.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Government Operations, Tribal Relations & Elections.

MOTION

On motion of Senator Eide, all appointees listed on the Gubernatorial Appointments report were referred to the committees as designated.

MOTION

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

INTRODUCTION AND FIRST READING

SB 5984 by Senators Murray, Zarelli, Parlette, Kilmer, Fraser, Harper, Kohl-Welles and Chase

AN ACT Relating to local government financial soundness; adding a new section to chapter 35.57 RCW; adding a new section to chapter 36.100 RCW; creating a new section; and declaring an emergency.

Referred to Committee on Ways & Means.

SB 5985 by Senators Becker, Carrell, Swecker, Stevens, Morton, Schoesler, Hatfield, Honeyford, Delvin and Kohl-Welles

AN ACT Relating to permitting the discover pass to be transferred between two vehicles; and amending RCW 79A.80.020.

Referred to Committee on Energy, Natural Resources & Marine Waters.

SB 5986 by Senators Becker, Carrell, Shin, Swecker, Stevens, Morton, Schoesler, Hobbs, Hatfield, Honeyford and Delvin

AN ACT Relating to providing that the vehicle access pass provide access to the department of natural resources' recreation sites; and amending RCW 79A.80.040.

Referred to Committee on Energy, Natural Resources & Marine Waters.

MOTION

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

MOTION

At 12:03 p.m., on motion of Senator Eide, the Senate adjourned until 10:00 a.m. Friday, December 9, 2011.

BRAD OWEN, President of the Senate

THOMAS HOEMANN, Secretary of the Senate



## TWELFTH DAY

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MORNING SESSION

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Senate Chamber, Olympia, Friday, December 9, 2011

The Senate was called to order at 10:00 a.m. by President Owen. No roll call was taken

## MOTION

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

## MOTION

On motion of Senator Frockt, the Senate advanced to the third order of business.

MESSAGE FROM THE GOVERNOR  
GUBERNATORIAL APPOINTMENTS

December 8, 2011

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

Phyllis L. Gleasman, appointed November 21, 2011, for the term ending September 30, 2016, as Member, Board of Trustees, Community College District No. 15 (Wenatchee Valley College).

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Higher Education & Workforce Development.

## MOTION

On motion of Senator Frockt, the appointee listed on the Gubernatorial Appointment report was referred to the committee as designated.

## MOTION

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

## INTRODUCTION AND FIRST READING

SB 5987 by Senator Hargrove

AN ACT Relating to delaying implementation of provisions regarding evaluations of persons under the involuntary

treatment act; amending 2010 c 280 s 5 (uncodified); and declaring an emergency.

Referred to Committee on Ways & Means.

SB 5988 by Senators Hobbs, Litzow, Fain, Keiser, Frockt, Chase and Kline

AN ACT Relating to making imperative changes to the foreclosure fairness act to ensure mediators' participation; amending RCW 61.24.163 and 61.24.169; and declaring an emergency.

Referred to Committee on Financial Institutions, Housing & Insurance.

SB 5989 by Senators Carrell, Kline, Roach, Holmquist Newbry, Regala, Swecker, Morton, Becker, Baumgartner, Schoesler, Delvin and Chase

AN ACT Relating to restricting access to evidence in prosecutions of sexual exploitation of children; amending RCW 9.68A.001; adding a new section to chapter 9.68A RCW; and declaring an emergency.

Referred to Committee on Judiciary.

SB 5990 by Senators Haugen, King and Eide

AN ACT Relating to state flower special license plates; reenacting and amending RCW 46.18.200, 46.17.220, 46.68.420, and 46.18.060; and adding a new section to chapter 46.04 RCW.

Referred to Committee on Transportation.

## MOTION

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

## MOTION

At 10:02 a.m., on motion of Senator Frockt, the Senate adjourned until 12:00 noon, Monday, December 12, 2011.

BRAD OWEN, President of the Senate

THOMAS HOEMANN, Secretary of the Senate

**FIFTEENTH DAY**

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NOON SESSION

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Senate Chamber, Olympia, Monday, December 12, 2011

The Senate was called to order at 12:00 noon by President Owen. No roll call was taken.

MOTION

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

MOTION

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

INTRODUCTION AND FIRST READING

SB 5991 by Senators Kohl-Welles, Carrell, Tom, Hill, Hargrove, Conway, Haugen, Fraser, Litzow, Kline, Fain, Roach and Frockt

AN ACT Relating to reporting child abuse or neglect; amending RCW 26.44.030; and adding a new section to chapter 28B.10 RCW.

Referred to Committee on Human Services & Corrections.

SB 5992 by Senators Haugen and King

AN ACT Relating to transportation funding and appropriations; amending 2011 c 367 ss 101, 103, 105, 106, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 401, 402, 403, 404, 405, 406, 407, 502, 503, 505, 603, and 608 (uncodified); adding new sections to 2011 c 367 (uncodified); repealing 2011 1st sp.s. c 50 ss 718, 719, 720, and 721 (uncodified);

making appropriations and authorizing expenditures for capital improvements; and declaring an emergency.

Referred to Committee on Transportation.

SB 5993 by Senators Eide and King

AN ACT Relating to the issuance of drivers' licenses and identicards; amending RCW 46.20.049, 46.20.117, 46.20.120, 46.20.161, 46.20.181, and 46.20.505; and providing an effective date.

Referred to Committee on Transportation.

SB 5994 by Senators Murray, Zarelli, Kilmer and Schoesler

AN ACT Relating to the selling of unclaimed securities; amending RCW 63.29.220 and 63.29.240; creating a new section; and declaring an emergency.

Referred to Committee on Ways & Means.

MOTION

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

MOTION

At 12:01 p.m., on motion of Senator Eide, the Senate adjourned until 12:00 noon, Tuesday, December 13, 2011.

BRAD OWEN, President of the Senate

THOMAS HOEMANN, Secretary of the Senate

SIXTEENTH DAY

NOON SESSION

Senate Chamber, Olympia, Tuesday, December 13, 2011

The Senate was called to order at 12:00 noon by President Owen. No roll call was taken.

MOTION

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

MOTION

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

MESSAGE FROM THE HOUSE

December 12, 2011

MR. PRESIDENT:

The House has passed:

SECOND ENGROSSED SUBSTITUTE HOUSE BILL NO. 1365.

and the same is herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

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

INTRODUCTION AND FIRST READING OF HOUSE BILLS

2ESHB 1365 by House Committee on Environment (originally sponsored by Representatives Eddy, Warnick, Morris and Hinkle)

AN ACT Relating to distributed generation; amending RCW 19.285.030; adding a new section to chapter 19.285 RCW; and creating a new section.

Referred to Committee on Environment, Water & Energy.

MOTION

On motion of Senator Eide, and without objection, Second Engrossed Substitute House Bill No. 1365 was held at the desk under suspension of the rules.

Pursuant to Senate Rule 1(6) the President appointed Senator Sheldon to the Committee on Environment to replace Senator Holmquist Newbry.

MOTION

On motion of Senator Eide, the appointment was confirmed by voice vote

MOTION

At 12:03 p.m., on motion of Senator Eide, the Senate adjourned until 10:00 a.m. Wednesday, December 14, 2011.

BRAD OWEN, President of the Senate

THOMAS HOEMANN, Secretary of the Senate

SEVENTEENTH DAY

MORNING SESSION

Senate Chamber, Olympia, Wednesday, December 14, 2011

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

The Sergeant at Arms Color Guard consisting of Senate staff Judy Rogers-Lavigne and Colleen Rust, presented the Colors. Reverend Jim Erlanson of the Community of Christ Church of Olympia offered the prayer.

MOTION

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

MOTION

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

REPORTS OF STANDING COMMITTEES

December 13, 2011

SB 5883 Prime Sponsor, Senator Murray: Relating to fiscal matters. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 5883 be substituted therefor, and the substitute bill do pass. Signed by Senators Murray, Chair; Kilmer, Vice Chair, Capital Budget Chair; Zarelli; Brown; Conway; Fraser; Harper; Hatfield; Hewitt; Honeyford; Kastama; Keiser; Kohl-Welles; Pflug; Pridemore; Regala; Schoesler and Tom.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Baumgartner; Holmquist Newbry and Padden.

Passed to Committee on Rules for second reading.

December 13, 2011

SB 5969 Prime Sponsor, Senator Kilmer: Concerning the establishment of procedures for the professional licensing of military spouses after relocation to Washington. Reported by Committee on Government Operations, Tribal Relations & Elections

MAJORITY recommendation: That Substitute Senate Bill No. 5969 be substituted therefor, and the substitute bill do pass. Signed by Senators Pridemore, Chair; Swecker; Chase and Nelson.

Passed to Committee on Rules for second reading.

December 13, 2011

SB 5974 Prime Sponsor, Senator Tom: Including project lead-the-way examinations on the master list of postsecondary courses fulfilled by proficiency examinations. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Murray, Chair; Kilmer, Vice Chair, Capital Budget Chair; Zarelli; Baumgartner; Brown; Conway; Fraser; Harper; Hatfield; Hewitt; Holmquist Newbry; Honeyford; Kastama; Keiser; Kohl-Welles; Padden; Pflug; Pridemore; Regala; Schoesler and Tom.

Passed to Committee on Rules for second reading.

December 13, 2011

SB 5987 Prime Sponsor, Senator Hargrove: Delaying implementation of certain provisions related to evaluations of persons under the involuntary treatment act. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 5987 be substituted therefor, and the substitute bill do pass. Signed by Senators Murray, Chair; Kilmer, Vice Chair, Capital Budget Chair; Zarelli; Brown; Conway; Fraser; Harper; Hatfield; Hewitt; Honeyford; Kastama; Keiser; Kohl-Welles; Padden; Pridemore; Regala; Schoesler and Tom.

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

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

Passed to Committee on Rules for second reading.

December 13, 2011

SB 5988 Prime Sponsor, Senator Hobbs: Making imperative changes to the foreclosure fairness act to ensure mediators' participation. Reported by Committee on Financial Institutions, Housing & Insurance

MAJORITY recommendation: That Substitute Senate Bill No. 5988 be substituted therefor, and the substitute bill do pass. Signed by Senators Hobbs, Chair; Fain; Haugen; Keiser and Litzow.

Passed to Committee on Rules for second reading.

December 13, 2011

SB 5994 Prime Sponsor, Senator Murray: Concerning the selling of unclaimed securities. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Murray, Chair; Kilmer, Vice Chair, Capital Budget Chair; Zarelli; Brown; Conway; Fraser; Harper; Hatfield; Hewitt; Honeyford; Kastama; Keiser; Kohl-Welles; Pflug; Pridemore; Regala; Schoesler and Tom.

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

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

Passed to Committee on Rules for second reading.

December 13, 2011

SJM 8009 Prime Sponsor, Senator Regala: Requesting respectfully for adoption of the federal main street fairness act. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Joint Memorial No. 8009 be substituted therefor, and the substitute joint memorial do pass. Signed by Senators Murray, Chair; Kilmer, Vice Chair, Capital Budget Chair; Zarelli; Baumgartner; Brown; Conway; Fraser; Harper; Hatfield; Hewitt; Keiser; Kohl-Welles; Padden; Pflug; Pridemore; Regala; Schoesler and Tom.

MINORITY recommendation: Do not pass. Signed by Senator Holmquist Newbry.

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

Passed to Committee on Rules for second reading.

MOTION

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

MOTION

On motion of Senator Eide, the Senate advanced to the third order of business.

MESSAGE FROM THE GOVERNOR  
GUBERNATORIAL APPOINTMENTS

December 13, 2011

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

Frederick Mendoza, appointed November 21, 2011, for the term ending September 30, 2016, as Member, Board of Trustees, Community College District No. 9 (Highline Community College).

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Higher Education & Workforce Development.

MOTION

On motion of Senator Eide, the appointee listed on the Gubernatorial Appointment report was referred to the committee as designated.

MOTION

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

MESSAGE FROM THE HOUSE

December 13, 2011

MR. PRESIDENT:

The House has passed:

SUBSTITUTE HOUSE BILL NO. 2058,  
SUBSTITUTE HOUSE BILL NO. 2131,  
SUBSTITUTE HOUSE BILL NO. 2148,  
SUBSTITUTE HOUSE BILL NO. 2169.

and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

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

AFTERNOON SESSION

The Senate was called to order at 1:14 p.m. by President Owen.

MOTION

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

SECOND READING

SENATE BILL NO. 5974, by Senators Tom, Litzow, Kilmer, Fain, Hewitt, Chase and Kohl-Welles

Including project lead-the-way examinations on the master list of postsecondary courses fulfilled by proficiency examinations.

The measure was read the second time.

MOTION

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

On page 1, line 11, after "limited to" strike "project lead the way"

On page 1, line 11, after "examinations" insert "by a national multidisciplinary science, technology, engineering, and mathematics program"

Senator Tom spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senators Tom and Hill on page 1, line 11 to Senate Bill No. 5974.

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

MOTION

On motion of Senator Tom, the rules were suspended, Engrossed Senate Bill No. 5974 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Tom spoke in favor of passage of the bill.

MOTION

On motion of Senator Pridemore, Senator Hobbs was excused.

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## MOTION

On motion of Senator Ericksen, Senators Benton, Parlette and Roach were excused.

## MOTION

On motion of Senator Ranker, Senator Rolfes was excused.

The President declared the question before the Senate to be the final passage of Engrossed Senate Bill No. 5974.

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5974 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Baumgartner, Becker, Benton, Brown, Carrell, Chase, Conway, Delvin, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hatfield, Haugen, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles, Litzow, McAuliffe, Morton, Murray, Nelson, Padden, Pflug, Prentice, Pridemore, Ranker, Regala, Rolfes, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Excused: Senators Parlette and Roach

ENGROSSED SENATE BILL NO. 5974, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SENATE BILL NO. 5988, by Senate Committee on Financial Institutions, Housing & Insurance (originally sponsored by Senators Hobbs, Litzow, Fain, Keiser, Frockt, Chase and Kline)

Making imperative changes to the foreclosure fairness act to ensure mediators' participation.

## MOTIONS

On motion of Senator Hobbs, Substitute Senate Bill No. 5988 was substituted for Senate Bill No. 5988 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Hobbs, the rules were suspended, Substitute Senate Bill No. 5988 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5988.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5988 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Baumgartner, Becker, Benton, Brown, Carrell, Chase, Conway, Delvin, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hatfield, Haugen, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Kastama, Keiser, Kilmer, King,

2011 2ND SPECIAL SESSION

Kline, Kohl-Welles, Litzow, McAuliffe, Morton, Murray, Nelson, Padden, Pflug, Prentice, Pridemore, Ranker, Regala, Rolfes, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Excused: Senators Parlette and Roach

SUBSTITUTE SENATE BILL NO. 5988, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SENATE BILL NO. 5969, by Senators Kilmer, Becker, Carrell, Hobbs, Shin, Swecker, Conway, Eide, Rolfes, Harper, Kastama, Fain, Hatfield, King, Haugen, McAuliffe, Hargrove, Nelson, Tom, Pridemore, Keiser, Sheldon, Prentice, Hewitt, Zarelli, Baumgartner, Padden, Chase, Kline, Frockt, Brown, Kohl-Welles, Ranker, Murray, Regala and Parlette

Concerning the establishment of procedures for the professional licensing of military spouses after relocation to Washington.

## MOTION

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

## MOTION

Senator Kilmer moved that the following striking amendment by Senators Kilmer, Pridemore and Swecker be adopted:

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** The lives of military families are dominated by frequent deployments, relocations, and extended periods of single parenthood. Military spouses are some of the most mobile populations in our country, making the maintenance of professional licenses a significant obstacle. According to the 2010 defense management data center, there are thirty-three thousand three hundred eighty active duty and ten thousand eight hundred thirty-seven reserve military spouses residing in Washington. Military families depend on two incomes and want to achieve their goals and aspirations. It is the intent of the legislature to recognize the sacrifices made by military families in service to our country and our state and to help alleviate the hardships military families face due to their highly transient life.

**NEW SECTION. Sec. 2.** (1) For the purposes of this section, "authority" means any board, commission, or other authority for issuance of a license, certificate, registration, or permit under this title.

(2) To the extent resources are available:

(a) Each authority shall establish procedures to expedite the issuance of a license, certificate, registration, or permit to perform professional services regulated by each such authority to a person:

(i) Who is certified or licensed, certified, or registered, or has a permit in another state to perform professional services in that state;

(ii) Whose spouse is the subject of a military transfer to Washington; and

(iii) Who left employment in the other state to accompany the person's spouse to Washington.

(b) The procedure must include a process for issuing the person a license, certificate, registration, or permit, if, in the opinion of the authority, the requirements for licensure, certification, registration,

or obtaining a permit of such other state are substantially equivalent to that required in Washington.

(c) Each authority in this title shall develop a method and adopt rules to authorize a person who meets the criteria in (a)(i) through (iii) of this subsection to perform services regulated by the authority in Washington by issuing the person a temporary license, certificate, registration, or permit for a limited period of time to allow the person to perform services regulated by the authority while completing any specific additional requirements in Washington that are not related to training or practice standards of the profession that were not required in the other state in which the person is licensed, certified, or registered, or has a permit. Nothing in this section requires the authority to issue a temporary license, certificate, registration, or permit if the standards of the other state are substantially unequal to Washington standards.

(d) An applicant must state in the application that he or she:

(i) Has requested verification from the other state or states that the person is currently licensed, certified, registered, or has a permit; and

(ii) Is not subject to any pending investigation, charges, or disciplinary action by the regulatory body of the other state or states.

(e) If the authority finds reasonable cause to believe that an applicant falsely affirmed or stated either of the requirements under (d)(i) or (ii) of this subsection, the authority may summarily suspend the license, certificate, registration, or permit pending an investigation or further action to discipline or revoke the license, certificate, registration, or permit.

**NEW SECTION. Sec. 3.** The regulating authorities for the department of licensing, the department of health, the department of labor and industries, and the superintendent of public instruction shall appear before the joint committee on veteran and military affairs in December 2012 to inform the committee as to their efforts to implement the requirements of this chapter.

**Sec. 4.** RCW 28A.410.010 and 2005 c 497 s 203 are each amended to read as follows:

**(1)(a)** The Washington professional educator standards board shall establish, publish, and enforce rules determining eligibility for and certification of personnel employed in the common schools of this state, including certification for emergency or temporary, substitute or provisional duty and under such certificates or permits as the board shall deem proper or as otherwise prescribed by law. The rules shall require that the initial application for certification shall require a record check of the applicant through the Washington state patrol criminal identification system and through the federal bureau of investigation at the applicant's expense. The record check shall include a fingerprint check using a complete Washington state criminal identification fingerprint card. The superintendent of public instruction may waive the record check for any applicant who has had a record check within the two years before application. The rules shall permit a holder of a lapsed certificate but not a revoked or suspended certificate to be employed on a conditional basis by a school district with the requirement that the holder must complete any certificate renewal requirements established by the state board of education within two years of initial reemployment.

**(b)** In establishing rules pertaining to the qualifications of instructors of American sign language the board shall consult with the national association of the deaf, "sign instructors guidance network" (s.i.g.n.), and the Washington state association of the deaf for evaluation and certification of sign language instructors.

**(c)** The board shall develop rules consistent with section 2 of this act for the certification of spouses of military personnel.

**(2)** The superintendent of public instruction shall act as the administrator of any such rules and have the power to issue any certificates or permits and revoke the same in accordance with board rules.

**NEW SECTION. Sec. 5.** A new section is added to chapter 19.105 RCW to read as follows:

The director shall develop rules consistent with section 2 of this act for the registration of spouses of military personnel.

**NEW SECTION. Sec. 6.** A new section is added to chapter 46.82 RCW to read as follows:

The director shall develop rules consistent with section 2 of this act for the licensure of spouses of military personnel.

**NEW SECTION. Sec. 7.** A new section is added to chapter 42.44 RCW to read as follows:

The director shall develop rules consistent with section 2 of this act for the appointment of spouses of military personnel to perform notarial acts in this state.

**NEW SECTION. Sec. 8.** A new section is added to chapter 67.08 RCW to read as follows:

The director shall develop rules consistent with section 2 of this act for the licensure of spouses of military personnel.

**NEW SECTION. Sec. 9.** A new section is added to chapter 64.36 RCW to read as follows:

The director shall develop rules consistent with section 2 of this act for the registration of spouses of military personnel.

**NEW SECTION. Sec. 10.** Sections 1 and 2 of this act constitute a new chapter in Title 18 RCW."

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

The President declared the question before the Senate to be the adoption of the striking amendment by Senators Kilmer, Pridemore and Swecker to Substitute Senate Bill No. 5969.

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

#### MOTION

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

On page 1, line 3 of the title, after "Washington;" strike the remainder of the title and insert "amending RCW 28A.410.010; adding a new section to chapter 19.105 RCW; adding a new section to chapter 46.82 RCW; adding a new section to chapter 42.44 RCW; adding a new section to chapter 67.08 RCW; adding a new section to chapter 64.36 RCW; adding a new chapter to Title 18 RCW; and creating a new section."

#### MOTION

On motion of Senator Kilmer, the rules were suspended, Engrossed Substitute Senate Bill No. 5969 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Kilmer, Swecker and Conway spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5969.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5969 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Baumgartner, Becker, Benton, Brown, Carrell, Chase, Conway, Delvin, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hatfield, Haugen, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Kastama, Keiser, Kilmer, King,

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Kline, Kohl-Welles, Litzow, McAuliffe, Morton, Murray, Nelson, Padden, Pflug, Prentice, Pridemore, Ranker, Regala, Rolfes, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

and the same is herewith transmitted.

BARBARA BAKER, Chief Clerk

Excused: Senators Parlette and Roach

MESSAGE FROM THE HOUSE

ENGROSSED SUBSTITUTE SENATE BILL NO. 5969, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

December 14, 2011

SECOND READING

MR. PRESIDENT:

The House has passed:

ENGROSSED HOUSE BILL NO. 2159. and the same is herewith transmitted.

SENATE JOINT MEMORIAL NO. 8009, by Senators Regala and Nelson

BARBARA BAKER, Chief Clerk

Requesting respectfully for adoption of the federal main street fairness act. Revised for 1st Substitute: Requesting respectfully the adoption of federal legislation granting states remote collection authority for remote sales.

MOTION

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

MOTIONS

INTRODUCTION AND FIRST READING

On motion of Senator Regala, Substitute Senate Joint Memorial No. 8009 was substituted for Senate Joint Memorial No. 8009 and the substitute memorial was placed on the second reading and read the second time.

SB 5995 by Senators Delvin and Hewitt

AN ACT Relating to urban growth area boundary modifications for industrial land; reenacting and amending RCW 36.70A.130; and adding a new section to chapter 36.70A RCW.

On motion of Senator Regala, the rules were suspended, Substitute Senate Joint Memorial No. 8009 was advanced to third reading, the second reading considered the third and the memorial was placed on final passage.

Referred to Committee on Government Operations, Tribal Relations & Elections.

Senator Regala spoke in favor of passage of the memorial.

SB 5996 by Senators Schoesler, Hatfield, Haugen, Becker and Fraser

The President declared the question before the Senate to be the final passage of Substitute Senate Joint Memorial No. 8009.

AN ACT Relating to contiguous land under the current use open space property tax programs; and amending RCW 84.34.020, 84.34.030, and 84.33.130.

ROLL CALL

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

The Secretary called the roll on the final passage of Substitute Senate Joint Memorial No. 8009 and the memorial passed the Senate by the following vote: Yeas, 41; Nays, 6; Absent, 0; Excused, 2.

SB 5997 by Senator Hargrove

Voting yea: Senators Baumgartner, Becker, Brown, Carrell, Chase, Conway, Delvin, Eide, Fain, Fraser, Frockt, Hargrove, Harper, Hatfield, Haugen, Hewitt, Hobbs, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles, Litzow, McAuliffe, Morton, Murray, Nelson, Padden, Pflug, Prentice, Pridemore, Ranker, Regala, Rolfes, Schoesler, Sheldon, Shin, Swecker, Tom and Zarelli

AN ACT Relating to the Olympic natural resources center; and amending RCW 43.30.820 and 43.30.810.

Voting nay: Senators Benton, Ericksen, Hill, Holmquist Newbry, Honeyford and Stevens

Referred to Committee on Energy, Natural Resources & Marine Waters.

Excused: Senators Parlette and Roach

SUBSTITUTE SENATE JOINT MEMORIAL NO. 8009, having received the constitutional majority, was declared passed.

SB 5998 by Senator Hargrove

AN ACT Relating to the discover pass; amending RCW 79A.80.020, 79A.80.040, 79A.80.080, and 79A.80.010; and creating a new section.

MOTION

Referred to Committee on Energy, Natural Resources & Marine Waters.

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

MESSAGE FROM THE HOUSE

MOTION

December 14, 2011

MR. PRESIDENT:

The House has passed:

HOUSE BILL NO. 2160.

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



SUPPLEMENTAL INTRODUCTION AND FIRST READING  
OF HOUSE BILLS

SHB 2058 by House Committee on Ways & Means  
(originally sponsored by Representative Hunter)

AN ACT Relating to fiscal matters; amending RCW 28B.50.837, 28B.76.565, 28B.76.565, 28B.76.605, 28B.76.605, 43.21A.660, 43.79.460, 43.320.110, 70.96A.350, and 79.105.150; amending 2011 1st sp.s. c 50 ss 101, 102, 107, 109, 110, 111, 113, 114, 116, 118, 119, 121, 122, 123, 125, 126, 127, 129, 130, 131, 134, 135, 138, 140, 141, 143, 144, 145, 146, 148, 150, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 215, 216, 217, 218, 219, 220, 221, 222, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 401, 402, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 617, 618, 619, 620, 621, 622, 701, 703, 704, 713, and 805 (uncodified); reenacting and amending RCW 43.19.791; adding new sections to 2011 1st sp.s. c 50 (uncodified); repealing 2011 1st sp.s. c 50 ss 139, 722, and 725 (uncodified); making appropriations; providing effective dates; providing expiration dates; and declaring an emergency.

SHB 2131 by House Committee on Ways & Means  
(originally sponsored by Representatives Dickerson and Hunter)

AN ACT Relating to delaying implementation of provisions regarding evaluations of persons under the involuntary treatment act; amending RCW 71.05.212; amending 2010 c 280 s 5 (uncodified); providing an effective date; providing an expiration date; and declaring an emergency.

SHB 2148 by House Committee on Ways & Means  
(originally sponsored by Representatives Darneille and Hunter)

AN ACT Relating to suspending annual examinations and show cause hearings for sexually violent predators convicted of a criminal offense or awaiting trial on criminal charges; amending RCW 71.09.070 and 71.09.090; and declaring an emergency.

EHB 2159 by Representatives Maxwell, Pettigrew, Sells, Seauquist, Orwall, Hansen, Probst, Carlyle, Jinkins, Billig, Lytton and Dahlquist

AN ACT Relating to grant opportunities for high school aerospace assembler, skill center manufacturing, and high school project lead the way STEM career courses; adding new sections to chapter 28A.700 RCW; and creating a new section.

HB 2160 by Representatives Maxwell, Dammeier, Springer, Pettigrew, Sullivan, Sells, Orwall, Hansen, Probst, Carlyle, Jinkins, Billig, Lytton and Dahlquist

AN ACT Relating to revised standards and assessments for teacher certification integrating STEM knowledge and skills; adding new sections to chapter 28A.410 RCW; and creating a new section.

SHB 2169 by House Committee on Ways & Means  
(originally sponsored by Representatives Hasegawa, Kenney and Ormsby)

AN ACT Relating to modifying the uniform unclaimed property act; amending RCW 63.29.220 and 63.29.240; creating a new section; and declaring an emergency.

MOTION

On motion of Senator Eide, and without objection, Substitute House Bill No. 2058, Substitute House Bill No. 2131 Substitute House Bill No. 2148, Engrossed House Bill No. 2159, House Bill No. 2160 and Substitute House Bill No. 2169 were placed on the second reading calendar under suspension of the rules.

MOTION

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

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2058, by House Committee on Ways & Means (originally sponsored by Representative Hunter)

Relating to fiscal matters. Revised for 1st Substitute: Making 2011-2013 supplemental operating appropriations.

The measure was read the second time.

MOTION

On motion of Senator Murray, the rules were suspended, Substitute House Bill No. 2058 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Murray, Zarelli and Hargrove spoke in favor of passage of the bill.

POINT OF INQUIRY

Senator Harper: "Will Senator Murray yield to a question? Thank you, Annual state payments to school districts for bus replacement costs are currently deposited in districts' Transportation Vehicle Funds each October. This early action budget bill moves the schedule of state payments to August of each year, beginning with the 2012-13 school year. The planned October 2012 allocation will be made in August 2013. More than two dozen school districts have pledged funds from this revenue to pay debt service on bus purchases. Since those payments are made in December and June of each year, it is possible that some districts will need to pay debt service from their General Funds until the August 2013 allocation from the state reimburses the district. How might the Legislature respond if the delayed state allocation causes financial hardship to a school district?"

Senator Murray: "Yes, we recognize that it is possible some school districts may experience financial difficulties in making their debt payments for transportation purposes. It is the Legislature's intent to examine the permissible use of any emergency contingency funds provided in the 2012 supplemental budget for consideration of temporary assistance in the event of fiscal hardship relating to the delayed state allocation."

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 2058.

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ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2058 and the bill passed the Senate by the following vote: Yeas, 42; Nays, 6; Absent, 0; Excused, 1.

Voting yea: Senators Becker, Benton, Brown, Carrell, Chase, Conway, Delvin, Eide, Fain, Fraser, Frockt, Hargrove, Harper, Hatfield, Haugen, Hewitt, Hill, Hobbs, Honeyford, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles, Litzow, McAuliffe, Murray, Nelson, Pflug, Prentice, Pridemore, Ranker, Regala, Rolfes, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Voting nay: Senators Baumgartner, Ericksen, Holmquist Newbry, Morton, Padden and Roach

Excused: Senator Parlette

SUBSTITUTE HOUSE BILL NO. 2058, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2131, by House Committee on Ways & Means (originally sponsored by Representatives Dickerson and Hunter)

Delaying implementation of certain provisions related to evaluations of persons under the involuntary treatment act.

The measure was read the second time.

MOTION

On motion of Senator Hargrove, the rules were suspended, Substitute House Bill No. 2131 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Hargrove spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 2131.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2131 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 1; Absent, 0; Excused, 1.

Voting yea: Senators Baumgartner, Becker, Benton, Brown, Carrell, Chase, Conway, Delvin, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hatfield, Haugen, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles, Litzow, McAuliffe, Morton, Murray, Nelson, Padden, Prentice, Pridemore, Ranker, Regala, Roach, Rolfes, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Voting nay: Senator Pflug

Excused: Senator Parlette

SUBSTITUTE HOUSE BILL NO. 2131, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2148, by House Committee on Ways & Means (originally sponsored by Representatives Darneille and Hunter)

Suspending annual examinations and show cause hearings for sexually violent predators convicted of a criminal offense or awaiting trial on criminal charges.

The measure was read the second time.

MOTION

On motion of Senator Regala, the rules were suspended, Substitute House Bill No. 2148 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 2148.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2148 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Baumgartner, Becker, Benton, Brown, Carrell, Chase, Conway, Delvin, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hatfield, Haugen, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles, Litzow, McAuliffe, Morton, Murray, Nelson, Padden, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rolfes, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Excused: Senator Parlette

SUBSTITUTE HOUSE BILL NO. 2148, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED HOUSE BILL NO. 2159, by Representatives Maxwell, Pettigrew, Sells, Seaquist, Orwall, Hansen, Probst, Carlyle, Jinkins, Billig, Lytton and Dahlquist

Regarding grant opportunities for STEM career courses.

The measure was read the second time.

MOTION

On motion of Senator McAuliffe, the rules were suspended, Engrossed House Bill No. 2159 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

The President declared the question before the Senate to be the final passage of Engrossed House Bill No. 2159.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 2159 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Baumgartner, Becker, Benton, Brown, Carrell, Chase, Conway, Delvin, Eide, Erickson, Fain, Fraser, Frockt, Hargrove, Harper, Hatfield, Haugen, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles, Litzow, McAuliffe, Morton, Murray, Nelson, Padden, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rolfes, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Excused: Senator Parlette

ENGROSSED HOUSE BILL NO. 2159, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

HOUSE BILL NO. 2160, by Representatives Maxwell, Dammeier, Springer, Pettigrew, Sullivan, Sells, Orwall, Hansen, Probst, Carlyle, Jinkins, Billig, Lytton and Dahlquist

Regarding revised standards and assessments for teacher certification integrating STEM knowledge and skills.

The measure was read the second time.

#### MOTION

On motion of Senator McAuliffe, the rules were suspended, House Bill No. 2160 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators McAuliffe, Brown and Litzow spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 2160.

#### ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2160 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Baumgartner, Becker, Benton, Brown, Carrell, Chase, Conway, Delvin, Eide, Erickson, Fain, Fraser, Frockt, Hargrove, Harper, Hatfield, Haugen, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles, Litzow, McAuliffe, Morton, Murray, Nelson, Padden, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rolfes, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Excused: Senator Parlette

HOUSE BILL NO. 2160, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SUBSTITUTE HOUSE BILL NO. 2169, by House Committee on Ways & Means (originally sponsored by Representatives Hasegawa, Kenney and Ormsby)

Modifying the uniform unclaimed property act.

The measure was read the second time.

#### MOTION

On motion of Senator Tom, the rules were suspended, Substitute House Bill No. 2169 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Tom spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 2169.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2169 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 4; Absent, 0; Excused, 1.

Voting yea: Senators Becker, Brown, Carrell, Chase, Conway, Delvin, Eide, Erickson, Fain, Fraser, Frockt, Hargrove, Harper, Hatfield, Haugen, Hewitt, Hill, Hobbs, Honeyford, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles, Litzow, McAuliffe, Morton, Murray, Nelson, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rolfes, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Voting nay: Senators Baumgartner, Benton, Holmquist Newbry and Padden

Excused: Senator Parlette

SUBSTITUTE HOUSE BILL NO. 2169, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MOTION

Pursuant to Rule 46, on motion of Senator Eide, and without objection, the Committees on Economic Development, Trade & Innovation, Energy, Natural Resources & Marine Waters; and Health & Long-Term Care were granted special leave and allowed to meet during the day's floor session.

#### PERSONAL PRIVILEGE

Senator Padden: "Well, I just wanted to thank the body so much for their efforts last January 21<sup>st</sup> in passing Senate Resolution No. 8600 honoring my predecessor, elected predecessor, Bob McCaslin who came into the Legislature when I did in 1981. We were close for many, many years and as you all know he was a delight to be around 'most of the time' and had certainly the greatest sense of humor of anybody I have ever met in my life. You know we could really be using his wisdom today. He came up with the way to solve our budget crisis. He said it would be very easy. All you'd have to do, and this is one of the few taxes the Bob or I could probably support, and that would be put a tax on floor speeches in the Senate and that would probably solve the problems. But, anyway, we remember Bob for many things and also he was the last World War II Veteran, as I understand, to serve in the Senate. It's great to be back here to see so many friends, so many people I served with in the House and I look forward for a productive session with everybody come January. Thank you very much Mr. President. I guess there is a senate tradition I heard about. I was told about by the Senator from the Ninth District. Hopefully those things will be distributed to you very shortly."

SEVENTEENTH DAY, DECEMBER 14, 2011

2011 2ND SPECIAL SESSION

PERSONAL PRIVILEGE

Senator Hargrove: “Well, thank you Mr. President. I want to welcome Senator Padden here and let him know he has moved to the more deliberative body. I actually served with Mike in the House. I think it was a couple of Millenia ago and he was the Minority lead on the Judiciary Committee where Marlin Applewick would run sometimes twenty-five or thirty bills within a half hour. He would have his railroad engineer’s hat on and a whistle and we’d go through exec session and nobody knew what was in those bills, including Mike, and so we can expect that same attention to detail here. But also, we do things a little bit slower in the Senate except in our committee where you’ll see executive sessions much like the Judiciary Committee of old so it will remind you of old home week. I wanted to close with one thing, Senator Padden, you are no Bob McCaslin.”

PERSONAL PRIVILEGE

Senator Schoesler: “Having served in the other body and looked back in history I have a few memories of the new Senator from the Ninth District. It appeared in the last election he was called liberal by some and he was an early liberal, let me assure you. He was the renegade who backed the notorious Ronald Regan in the 1976 Electoral College which now makes you a winner of a trivia contest. He also was one of the troglodytes and he warned of the ills of a sales tax on food. But then, like Austin Powers, Mike was frozen away for a while, twenty years or so Mike was frozen in time just like Austin Powers in the movies and when he came back he had a cell phone when he came here. It is about the size of a shoe box. He asked if his Legislative Assistant could have a typewriter like the old days, he asked where all the big cars went to that were made in Detroit and if they had an eight track tape player or record albums in his office and asked what had become of Regan and President Bush and they said ‘Well, W is back in Texas’ he said No, ‘His father, want to check that out.’ So, I would urge all of you to help Mike, aka, Austin Powers, adjust to this century we’re in.”

PERSONAL PRIVILEGE

Senator Brown: “Thank you Mr. President. I would also like to welcome my new colleague from the Spokane Valley to the Senate. And to say yes, things have changed Mike since you and I first served together in the House in 1993. As I recall I had one little baby and you had five. You and Laura were raising your children with Denny and Jeanne Dellwo who now serves as my Legislative Assistant. I believe you brought your entire family over for every legislative session and that inspired me to do the same with my son. As I recall you were considered to be on the right side of your party and now I don’t know what’s changed but you’re in the middle. You’re the moderate from the Fourth District this time around and so a lot of things have changed. I will tell you one thing that has not changed from today’s apparently from what we’ve seen today and that is, you still vote ‘no’ a lot.”

REMARKS BY THE PRESIDENT

President Owen: “And you’re still the liberal from Spokane.”

PERSONAL PRIVILEGE

Senator Stevens: “Thank you, I too would like to welcome the Senator from Spokane area and I have almost forgiven him for the fact that he recruited me to run for the House many, many years ago. In 1991 he came knocking on my door and said, ‘There is going to be an empty seat and I would urge you to run for the legislature.’ At that time, speaking of history as Senator Schoesler was doing, I can remember my Legislative Assistant was trained to work the computer with a box. They brought a box to her office and she was taught how to run the computer using an empty box. I never quite figured out how that worked, certainly not for today. Many things have changed in those years having served in the House. I also had difficulty forgiving the Senator when he left the House to become a judge, he kind of brought me in and then abandoned me so I had a difficult time adjusting to that as well. But we will be happy to welcome you to the Senate, certainly Senator Padden and we will also be happy to teach you some of the things you have missed while you have been away. Thank you Mr. President.”

PERSONAL PRIVILEGE

Senator Delvin: “Thank you Mr. President. Welcome to Senator Padden. I was your when I was first elected, I was your Vice Chair on along with representative at that time named Tim Hickel. They called us Bevis and Butt-head, I don’t know why that was, but I thought we were good Vice Chairs for you. I was a police officer and he was an attorney so I think we kept a balance there for you. I think we probably made you lose a lot of your hair then but we brought a different perspective but I just want to welcome you to the Senate and thank you for the gift.”

REMARKS BY THE PRESIDENT

President Owen: “Senator Padden, the President can’t help but notice that there are things on the member’s desk and I am looking around up here...”

MOTION

At 2:53 p.m., on motion of Senator Eide, the Senate was declared to be at ease subject to the call of the President.

The Senate was called to order at 3:34 p.m. by President Owen.

MOTION

On motion of Senator Eide, the Senate reverted to the fifth order of business.

SECOND SUPPLEMENTAL INTRODUCTION AND FIRST READING

SCR 8405 by Senators Brown and Hewitt

Adjourning sine die.

SCR 8406 by Senators Brown and Hewitt

Returning bills to their house of origin.

MOTION

On motion of Senator Eide and without objection Senate Concurrent Resolution No. 8405 and Senate Concurrent

Resolution No. 8406 were placed on the second reading calendar under suspension of the rules.

MOTION

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

SECOND READING

SENATE CONCURRENT RESOLUTION NO. 8406, by Senators Brown and Hewitt

Returning bills to their house of origin.

The measure was read the second time.

MOTION

On motion of Senator Eide, the rules were suspended, Senate Concurrent Resolution No. 8406 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the final passage of Senate Concurrent Resolution No. 8406.

SENATE CONCURRENT RESOLUTION NO. 8406 was adopted on third reading by voice vote.

SECOND READING

SENATE CONCURRENT RESOLUTION NO. 8405, by Senators Brown and Hewitt

Adjourning sine die.

The measure was read the second time.

MOTION

On motion of Senator Eide, the rules were suspended, Senate Concurrent Resolution No. 8405 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the final passage of Senate Concurrent Resolution No. 8405.

SENATE CONCURRENT RESOLUTION NO. 8405 was adopted on third reading by voice vote.

MOTION

On motion of Senator Eide and without objection, all measures remaining on the second and third reading calendars all bills held at the desk were returned to the Committee on Rules.

MOTION

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

MESSAGE FROM THE HOUSE

December 14, 2011

MR. PRESIDENT:

The House has passed:

ENGROSSED SUBSTITUTE SENATE BILL NO. 5969,  
ENGROSSED SENATE BILL NO. 5974,  
SUBSTITUTE SENATE BILL NO. 5988,  
SUBSTITUTE SENATE JOINT MEMORIAL NO. 8009.

and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:

ENGROSSED SUBSTITUTE SENATE BILL NO. 5969,  
ENGROSSED SENATE BILL NO. 5974,  
SUBSTITUTE SENATE BILL NO. 5988,  
SUBSTITUTE SENATE JOINT MEMORIAL NO. 8009.

MESSAGE FROM THE HOUSE

December 14, 2011

MR. PRESIDENT:

The House has adopted:

SENATE CONCURRENT RESOLUTION NO. 8405,  
SENATE CONCURRENT RESOLUTION NO. 8406.

and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:

SENATE CONCURRENT RESOLUTION NO. 8405,  
SENATE CONCURRENT RESOLUTION NO. 8406.

December 14, 2011

MESSAGE FROM THE HOUSE

December 14, 2011

MR. PRESIDENT:

The Speaker has signed:

SUBSTITUTE HOUSE BILL NO. 2058,  
SUBSTITUTE HOUSE BILL NO. 2131,  
SUBSTITUTE HOUSE BILL NO. 2148,  
ENGROSSED HOUSE BILL NO. 2159,  
HOUSE BILL NO. 2160,  
SUBSTITUTE HOUSE BILL NO. 2169.

and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:

SUBSTITUTE HOUSE BILL NO. 2058,  
SUBSTITUTE HOUSE BILL NO. 2131,  
SUBSTITUTE HOUSE BILL NO. 2148,  
ENGROSSED HOUSE BILL NO. 2159,  
HOUSE BILL NO. 2160,  
SUBSTITUTE HOUSE BILL NO. 2169.

MESSAGE FROM THE HOUSE

SEVENTEENTH DAY, DECEMBER 14, 2011

December 14, 2011

2011 2ND SPECIAL SESSION  
MOTION

MR. PRESIDENT:

The Speaker has signed:

ENGROSSED SUBSTITUTE SENATE BILL NO. 5969,  
ENGROSSED SENATE BILL NO. 5974,  
SUBSTITUTE SENATE BILL NO. 5988,  
SUBSTITUTE SENATE JOINT MEMORIAL NO. 8009,  
SENATE CONCURRENT RESOLUTION NO. 8405,  
SENATE CONCURRENT RESOLUTION NO. 8406.

and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

On motion of Senator Eide, the reading of the Journal for the 17<sup>th</sup> day of the Second Special Session of the 62<sup>nd</sup> Legislature was dispensed with and it was approved.

Under the provisions of SENATE CONCURRENT RESOLUTION NO. 8406, the following House Bills were returned to the House of Representatives:

SECOND ENGROSSED SUBSTITUTE HOUSE BILL NO. 1365,  
ENGROSSED HOUSE BILL NO. 2145.

MOTION

At 3:49 p. m., on motion of Senator Eide, the 2011 Second Special Session of the Sixty-Second Legislature adjourned SINE DIE.

BRAD OWEN, President of the Senate

THOMAS HOEMANN, Secretary of the Senate

**SENATE CAUCUS OFFICERS**

**2012**

**DEMOCRATIC CAUCUS**

*Majority Leader*.....Lisa Brown  
*Majority Caucus Chair*.....Karen Fraser  
*Majority Floor Leader* .....Tracey J. Eide  
*Majority Whip* .....Nick Harper  
*Majority Assistant Floor Leader*.....David Frockt  
*Majority Caucus Vice Chair* .....Debbie Regala  
*Majority Assistant Whip* .....Kevin Ranker

**REPUBLICAN CAUCUS**

*Republican Leader*.....Mike Hewitt  
*Republican Caucus Chair* .....Linda Evans Parlette  
*Republican Floor Leader*.....Mark Schoesler  
*Republican Whip*.....Doug Ericksen  
*Republican Deputy Leader*.....Mike Carrell  
*Republican Caucus Vice Chair*.....Dan Swecker  
*Republican Deputy Floor Leader*.....Jim Honeyford  
*Republican Deputy Whip*.....Jerome Delvin

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*Secretary of the Senate* ..... Thomas Hoemann  
*Deputy Secretary* ..... Brad Hendrickson  
*Sergeant at Arms* ..... Jim Ruble  
*Minute and Journal Clerk* ..... Linda Jansson  
*Readers* ..... Kenneth Edmonds and Dave Whitmore

**FIRST DAY**

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**NOON SESSION**

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Senate Chamber, Olympia, Monday, January 9, 2012

At 12:00 noon, pursuant to law, the Senate of the 2012 Regular Session of the Sixty-Second Legislature of the state of Washington assembled in the Senate Chamber at the State Capitol. President Brad Owen called the Senate to order. The Secretary called the roll and announced to the President that all Senators were present with the exception of Senators Benton, Delvin, Holmquist Newbry, Kohl-Welles and Stevens.

The Sergeant at Arms Color Guard consisting of Army National Guard, Sergeant Henry PoChing, Specialist Jacob Smalser, Specialist Russell Phillips and Specialist Karl Baker presented the colors. Reverend George Anne Boyle of the St. Benedict Episcopal Church of Lacey offered the prayer.

**REMARKS BY THE PRESIDENT**

President Owen: "Every year we are privileged to have the Lake Fair Queen welcome us on the opening day of the legislative session. I am pleased to ask Michaela Kier, this year's Lake Fair Queen, to say a few words."

**INTRODUCTION OF SPECIAL GUESTS**

The President welcomed and introduced Mr. and Mrs. Michael Kier Queen Kiers parents; Andrew Kiers, brother; Stan Guyer 2012 Capital Lake Fair President; Bob Barnes Capital Lake Fair Executive Director and Serry Barnes 2012 Royalty Chair who were seated in the gallery.

**REMARKS BY MISS MICHAELA KIER**

Michaela Kier: "Mr. President, ladies and gentlemen of the Senate. Welcome to the Sixty-Second Washington Legislature. It is an honor and privilege to be here today. My name is Michaela Kier and I am the 2011 Capital Lake Fair Queen, I presently attend Northwest Christian High School. Thinking back to your elementary school years, what images come to mind? I'm sure everyone's memories are as unique as each individual here, yet most everyone's recollections are held within the common frame work of each day leaving home to attend school within a class room. During my elementary and junior high school years I was privileged to have experienced the somewhat unusual adventure of being home schooled. I entered full time formal education in my sophomore year of high school. One distinction that separated my schooling of that of the standard class room was the freedom I was given to imagine and create. My younger brother and I entered the world of history through reading books written on historical times or people. We spent countless hours exploring the woods behind our home re-enacting history lessons complete with homemade costumes and constructed castles or forts. Science always included nature walks, here we discovered and collected plant and insect samples later to be researched analyzed and recorded in our nature books. Drawing, poems and notes were often written within these pages. Any interest my brother or I had we were encouraged to comprehensively research, study and master. Curiosity was a thing to be satisfied not stifled or boxed in. It didn't occur to us to be intimidated or doubtful of our ability to do or learn anything. Added to this, our home was always open to others. I grew up with people constantly in and

out. Alongside my parents we learned to cook for the homeless and clean for the elderly. As a part of my education I learned to focus on others and as a result I experienced joy. During those years we traveled to twenty-eight states, visiting historical places of interest, exploring our great country. We learned to play musical instruments, we rode horses, played sports, traveled abroad and sailed the San Juan Islands. My home school years were unique, full of adventure and possibility. I was not given a box to fit into, but rather I was given wide open windows to see and experience life through. As adults all of us can make choices to live outside of boxes, we can open wide new or overlooked windows of thought, opportunity and creative possibility. Equipped with these and the willingness to serve we can then confidently enter the adventure called 2012. God Bless you and God Bless the state of Washington."

**MOTION**

On motion of Senator Eide, the Senate advanced to the third order of business.

**MESSAGES FROM STATE OFFICES**  
**WASHINGTON STATE REDISTRICTING COMMISSION**  
 1063 Capitol Way South, Suite 16  
 PO Box 40948  
 Olympia, WA. 98504-0948

January 1, 2012

The Honorable Lisa Brown  
 Washington State Senate  
 PO Box 40482  
 Olympia, Washington 98504

Dear Senator Brown:

It is with great satisfaction and pride that the Washington State Redistricting Commission submits the final 2011 Washington State Redistricting Plan. The Commission unanimously adopted this plan for new legislative and congressional districts on January 1, 2012.

In finalizing the plan, the 2011 Commission worked closely with the county auditors of the state to ensure that any accidental errors and omissions that could be a problem for elections administration were corrected. The resolution that we signed in adopting this report gives further instruction to the auditors for making minor adjustments to the boundaries, if necessary, when the plan is finalized.

It has been a pleasure to serve on the 2011 Commission, and an honor to take part in this truly bi-partisan process on behalf of the people of Washington State.

Respectfully submitted

Lura Powell, Chair  
 Slade Gorton, Commissioner  
 Tim Ceis, Commissioner  
 Dean Foster, Commissioner  
 Tom Huff, Commissioner

Cc: Tom Hoemann, Secretary of the Senate



FIRST DAY, JANUARY 9, 2012

2012 REGULAR SESSION

Barbara Baker, Chief Clerk, House of Representatives  
 Brad Hendrickson, Deputy Secretary of the Senate  
 Bernard Dean, Deputy Chief Clerk, House of Representatives

SB 6000 by Senators Harper, King and Shin

AN ACT Relating to deposit and investment provisions for the prearrangement trust funds of cemetery authorities; and amending RCW 68.46.040 and 18.39.250.

Referred to Committee on Government Operations, Tribal Relations & Elections.

MESSAGES FROM STATE OFFICES  
 WASHINGTON STATE REDISTRICTING COMMISSION  
 1063 Capitol Way South, Suite 16  
 PO Box 40948  
 Olympia, WA. 98504-0948

January 1, 2012

SB 6001 by Senators Hobbs, Delvin, Honeyford, Sheldon, Tom and Roach

AN ACT Relating to extending the time to enforce civil judgments for damages caused by impaired drivers; amending RCW 6.17.020, 4.16.020, 4.56.190, 4.56.210, 6.32.010, 6.32.015, 6.36.025, and 36.18.016; and adding a new section to chapter 6.17 RCW.

Referred to Committee on Judiciary.

The Honorable Mike Hewitt  
 Washington State Senate  
 PO Box 40482  
 Olympia, Washington 98504

Dear Senator Hewitt:

It is with great satisfaction and pride that the Washington State Redistricting Commission submits the final 2011 Washington State Redistricting Plan. The Commission unanimously adopted this plan for new legislative and congressional districts on January 1, 2012.

In finalizing the plan, the 2011 Commission worked closely with the county auditors of the state to ensure that any accidental errors and omissions that could be a problem for elections administration were corrected. The resolution that we signed in adopting this report gives further instruction to the auditors for making minor adjustments to the boundaries, if necessary, when the plan is finalized.

It has been a pleasure to serve on the 2011 Commission, and an honor to take part in this truly bi-partisan process on behalf of the people of Washington State.

Respectfully submitted

Lura Powell, Chair  
 Slade Gorton, Commissioner  
 Tim Ceis, Commissioner  
 Dean Foster, Commissioner  
 Tom Huff, Commissioner

Cc: Tom Hoemann, Secretary of the Senate  
 Barbara Baker, Chief Clerk, House of Representatives  
 Brad Hendrickson, Deputy Secretary of the Senate  
 Bernard Dean, Deputy Chief Clerk, House of Representatives

MOTION

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

INTRODUCTION AND FIRST READING

SB 5999 by Senators Delvin, Schoesler, Becker, Carrell, Honeyford, Shin, Hewitt, Sheldon and Holmquist Newbry

AN ACT Relating to harmonizing state greenhouse gas reporting requirements with federal requirements; and amending RCW 70.94.151.

Referred to Committee on Environment.

SB 6002 by Senators Kilmer, Parlette, Morton and Shin

AN ACT Relating to adjustments to the school construction assistance formula; amending RCW 28A.525.162; reenacting and amending RCW 28A.525.166; creating a new section; and declaring an emergency.

Referred to Committee on Ways & Means.

SB 6003 by Senators Carrell, Stevens, Padden, Harper, Becker, Rolfes, Swecker, Sheldon, Schoesler, Holmquist Newbry, Litzow, Hill, Fain, Parlette, Benton and Conway

AN ACT Relating to organized retail theft; amending RCW 9A.56.350; and prescribing penalties.

Referred to Committee on Judiciary.

SB 6004 by Senators Carrell, Benton, Morton, Hill, Delvin, Sheldon and Schoesler

AN ACT Relating to expenditures for works of art; amending RCW 43.17.200; creating a new section; and providing an expiration date.

Referred to Committee on Ways & Means.

SB 6005 by Senators Carrell, Delvin, Fain, Sheldon, Hill and Benton

AN ACT Relating to the exemption of certain vehicles from the written estimate requirement for auto repair facilities; amending RCW 46.71.025; and providing an effective date.

Referred to Committee on Labor, Commerce & Consumer Protection.

SB 6006 by Senators Carrell, Benton, Schoesler, Delvin, Sheldon, Swecker, Ericksen, Honeyford, Roach and Holmquist Newbry

AN ACT Relating to streamlining hydraulic project approval for sediment removal by citizen volunteers; adding a new section to chapter 77.55 RCW; and creating a new section.

Referred to Committee on Energy, Natural Resources & Marine Waters.

SB 6007 by Senators Carrell, Schoesler, Benton, Regala, Delvin and Parlette

AN ACT Relating to placing certain synthetic cannabimimetics and certain substituted cathinones into schedule I of the uniform controlled substances act; amending RCW 69.50.204; creating a new section; and declaring an emergency.

Referred to Committee on Judiciary.

SB 6008 by Senators Carrell, Holmquist Newbry, Becker, Delvin, Honeyford and Benton

AN ACT Relating to criminal street gangs; adding a new chapter to Title 7 RCW; and prescribing penalties.

Referred to Committee on Judiciary.

SB 6009 by Senators Carrell, Schoesler, Becker, Morton, Fain, Holmquist Newbry, Swecker, Delvin, Hill and Roach

AN ACT Relating to ethics in public service; amending RCW 42.52.420 and 42.52.520; reenacting and amending RCW 42.52.010; adding a new section to chapter 42.52 RCW; and creating a new section.

Referred to Committee on Government Operations, Tribal Relations & Elections.

SB 6010 by Senators Carrell, Roach, Becker, Conway, Schoesler, Regala, Delvin, Stevens and Shin

AN ACT Relating to worker safety at state hospitals; amending RCW 9A.36.100; adding a new section to chapter 10.77 RCW; and adding a new section to chapter 70.48 RCW.

Referred to Committee on Human Services & Corrections.

SB 6011 by Senators Ranker, Hargrove and Shin

AN ACT Relating to charging an application fee for hydraulic project permits; amending RCW 77.55.021; adding new sections to chapter 77.55 RCW; providing an effective date; and declaring an emergency.

Referred to Committee on Energy, Natural Resources & Marine Waters.

SB 6012 by Senator Ranker

AN ACT Relating to promoting thermal energy recovery from fossil- fueled electrical generation facilities; and amending RCW 80.70.010, 80.70.020, and 80.70.040.

Referred to Committee on Energy, Natural Resources & Marine Waters.

SB 6013 by Senators Ranker and Frockt

AN ACT Relating to the state integrated climate change response strategy; and amending RCW 43.21M.010, 43.21M.020, and 43.21M.030.

Referred to Committee on Energy, Natural Resources & Marine Waters.

SB 6014 by Senators Ranker and Shin

AN ACT Relating to the management of storm water discharging to marine waters; creating a new section; and providing an expiration date.

Referred to Committee on Environment.

SB 6015 by Senators Ranker, Shin and Rolfes

AN ACT Relating to oil spills; creating a new section; and providing an expiration date.

Referred to Committee on Energy, Natural Resources & Marine Waters.

SB 6016 by Senators Ranker, Shin and Kline

AN ACT Relating to shoreline management; creating a new section; and providing an expiration date.

Referred to Committee on Energy, Natural Resources & Marine Waters.

SB 6017 by Senators Ranker and Nelson

AN ACT Relating to financial audits of local governments; and amending RCW 43.09.260.

Referred to Committee on Government Operations, Tribal Relations & Elections.

SB 6018 by Senators Ranker, Kline and Frockt

AN ACT Relating to small facility siting; amending RCW 80.50.040, 80.50.060, 80.50.071, and 80.50.100; reenacting and amending RCW 80.50.090; adding new sections to chapter 80.50 RCW; and creating a new section.

Referred to Committee on Energy, Natural Resources & Marine Waters.

SB 6019 by Senator Ranker

AN ACT Relating to defining null power for fuel mix disclosures prepared by electric utilities; and amending RCW 19.29A.010 and 19.29A.060.

Referred to Committee on Energy, Natural Resources & Marine Waters.

SB 6020 by Senators Rolfes, Hewitt, McAuliffe and Conway

AN ACT Relating to waivers from the one hundred eighty-day school year requirement; and amending RCW 28A.305.141.

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

SB 6021 by Senators Haugen, Fain, Shin and Roach

AN ACT Relating to air rescue or evacuation services; and amending RCW 48.01.280.

Referred to Committee on Financial Institutions, Housing & Insurance.

SB 6022 by Senators Regala, Swecker, Hatfield, Shin, Schoesler, Tom, Pflug, Hobbs, Holmquist Newbry and Honeyford

AN ACT Relating to long-term care services; amending 2012 c 1 s 307 (uncodified); providing an effective date; and declaring an emergency.

Referred to Committee on Ways & Means.

SB 6023 by Senators Swecker, Prentice, Benton, Pridemore, Schoesler, Haugen, Kilmer, Chase, Hill, Holmquist Newbry, Becker, Ranker, Ericksen, Shin and Frockt

AN ACT Relating to creating the permit efficiency and accountability committee to select priority economic recovery projects for review by multiagency permitting teams; amending RCW 43.42.030, 43.42.070, 43.42.092, 43.42.095, and 43.79A.040; reenacting and amending RCW 43.84.092; adding new sections to chapter 43.42 RCW; creating new sections; and declaring an emergency.

Referred to Committee on Economic Development, Trade & Innovation.

SB 6024 by Senators Pridemore, Swecker, Chase, Fain, Tom, King, Shin and Roach

AN ACT Relating to political subdivisions in the intrastate mutual aid system; and amending RCW 38.56.010.

Referred to Committee on Government Operations, Tribal Relations & Elections.

SB 6025 by Senators Kline, Padden, Eide, Becker, Shin and Tom

AN ACT Relating to eliminating the mandatory retirement provision for district judges; and amending RCW 3.74.030.

Referred to Committee on Judiciary.

SB 6026 by Senators Honeyford, Haugen, Stevens, Morton, Hatfield, Ericksen, Hobbs, Schoesler, Delvin, Shin, Hewitt, Roach and Holmquist Newbry

AN ACT Relating to maintaining and enhancing the viability of agriculture; amending RCW 36.70A.175 and 90.48.020; reenacting and amending RCW 36.70A.030 and 90.58.030; and creating a new section.

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

SB 6027 by Senator Honeyford

AN ACT Relating to publicly owned industrial wastewater treatment facilities; and amending RCW 70.146.070, 90.48.290, and 90.50A.030.

Referred to Committee on Environment.

SB 6028 by Senators Haugen, Honeyford, Hatfield, Schoesler, Holmquist Newbry, Delvin, Morton, King, Hobbs, Becker, Shin, Sheldon, Hewitt, Swecker and Roach

AN ACT Relating to water resource management on the main stem of the Columbia and Snake rivers to promote the production of biofuel crops and organic crops; and adding a new section to chapter 90.90 RCW.

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

SB 6029 by Senators Shin, Tom, Hargrove, Hatfield, Harper, Pridemore, Delvin, Haugen, Honeyford, McAuliffe and Roach

AN ACT Relating to the opportunity to complete a baccalaureate degree in three years; and amending RCW 28A.230.130 and 28B.10.118.

Referred to Committee on Higher Education & Workforce Development.

SB 6030 by Senators Shin, Kline, Delvin and Regala

AN ACT Relating to license suspension clerical errors; and reenacting and amending RCW 46.61.5055.

Referred to Committee on Judiciary.

SB 6031 by Senators Pflug, Kastama, Hewitt and Hill

AN ACT Relating to expenditure limits on mailings by members of the legislature; and amending RCW 42.52.185.

Referred to Committee on Government Operations, Tribal Relations & Elections.

SB 6032 by Senators Kohl-Welles, Haugen, Kline, Tom and Chase

AN ACT Relating to the recovery of costs of studded tire damage to highways; amending RCW 46.37.420; and creating a new section.

Referred to Committee on Transportation.

SB 6033 by Senators Kohl-Welles, Pflug, Harper, Regala, Kline and Shin

AN ACT Relating to parental decision making regarding the disposition of remains upon the death of an adult child; and amending RCW 68.50.160.

Referred to Committee on Judiciary.

SB 6034 by Senators King, Haugen, Schoesler, Hatfield, Holmquist Newbry, Honeyford, Shin, Hewitt, Rolfes, Sheldon, Becker and Roach

AN ACT Relating to "4-H" special license plates; reenacting and amending RCW 46.18.200, 46.17.220, 46.68.420, and 46.18.060; and adding a new section to chapter 46.04 RCW.

Referred to Committee on Transportation.

SB 6035 by Senators Delvin, Honeyford and Schoesler

AN ACT Relating to transferring the duties of the energy policy division of the department of commerce to the office of the governor and Washington State University; amending RCW 42.56.270; adding a new section to chapter 43.330 RCW; adding a new section to chapter 28B.30 RCW; adding new sections to chapter 43.06 RCW; repealing RCW 43.330.904, 43.21F.010, 43.21F.025, 43.21F.045, 43.21F.055, 43.21F.060, 43.21F.062, 43.21F.088, and 43.21F.090; and prescribing penalties.

Referred to Committee on Energy, Natural Resources & Marine Waters.

SB 6036 by Senators Delvin, Morton, Honeyford and Hewitt

AN ACT Relating to the allocation of moneys from the state and local toxics control account; and reenacting and amending RCW 70.105D.070.

Referred to Committee on Environment.

SB 6037 by Senators Delvin, Carrell, Honeyford and Kline

AN ACT Relating to access to reports and records of autopsies and postmortems; and amending RCW 68.50.105.

Referred to Committee on Judiciary.

SB 6038 by Senators Delvin and McAuliffe

AN ACT Relating to excluding permanent school building space used for STEM schools from eligibility determinations for state school plant funding assistance; and amending RCW 28A.525.162.

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

SB 6039 by Senators Rolfes, Nelson, Chase, Fraser, Keiser, Conway, Pridemore and Kohl-Welles

AN ACT Relating to home appliance warranties; and adding a new chapter to Title 19 RCW.

Referred to Committee on Labor, Commerce & Consumer Protection.

SB 6040 by Senators McAuliffe, King, Delvin, Rolfes, Hobbs, Shin and Chase

AN ACT Relating to school construction assistance rules; and adding a new section to chapter 28A.300 RCW.

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

SB 6041 by Senators McAuliffe, Litzow, Rolfes and Hobbs

AN ACT Relating to lighthouse schools; amending RCW 28A.630.065; and adding a new section to chapter 28A.630 RCW.

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

SB 6042 by Senators Schoesler, Carrell, Becker, Sheldon, Pflug, Honeyford and Padden

AN ACT Relating to suspending the requirement to purchase public art with appropriations made for construction of public buildings; and amending RCW 43.17.200, 28A.335.210, and 28B.10.027.

Referred to Committee on Ways & Means.

SB 6043 by Senators Schoesler, Kastama, Honeyford, Harper, Swecker, Carrell, Padden, Pflug, Hargrove, Eide, Shin and Roach

AN ACT Relating to prohibiting cemetery districts from selling certain memorial markers if private retailers or wholesalers of these markers are located within fifty miles of the district; and amending RCW 68.52.190.

Referred to Committee on Government Operations, Tribal Relations & Elections.

SB 6044 by Senator Honeyford

AN ACT Relating to the supply of water by public utility districts bordered by the Columbia river to be used in, or power from, pumped storage projects; adding a new section to chapter 54.16 RCW; and declaring an emergency.

Referred to Committee on Energy, Natural Resources & Marine Waters.

SB 6045 by Senators Benton, Carrell, Padden, Stevens, Delvin, Holmquist Newbry and Swecker

AN ACT Relating to greater governmental fiscal responsibility through limitations on expenditures; and amending RCW 43.135.010 and 43.135.025.

Referred to Committee on Ways & Means.

SB 6046 by Senators Prentice, Delvin, Conway, Kohl-Welles, King, Shin and Chase

AN ACT Relating to the powers and duties of the gambling commission; and amending RCW 9.46.070.

Referred to Committee on Labor, Commerce & Consumer Protection.

SB 6047 by Senators Chase, Swecker, Honeyford, Fraser, Shin, Parlette and Tom

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AN ACT Relating to state library research requests; and amending RCW 27.04.045.

AN ACT Relating to eliminating the certificate of need review for all health care facilities except hospitals; amending RCW 70.38.018, 70.38.025, 70.38.115, 70.38.118, 70.38.125, and 70.38.135; reenacting and amending RCW 70.38.105; and repealing RCW 70.38.111.

Referred to Committee on Government Operations, Tribal Relations & Elections.

Referred to Committee on Health & Long-Term Care.

SB 6048 by Senators Keiser, Pflug, Becker, Conway, Shin, Honeyford and Kline

SJR 8218 by Senators Swecker, Regala, Hewitt, Harper, Schoesler, Benton, Hill and Becker

AN ACT Relating to permitting nursing homes to recycle unused prescription medicines; amending RCW 18.51.010; and adding new sections to chapter 18.51 RCW.

Amending the state Constitution to limit certain initiatives placed on the ballot.

Referred to Committee on Health & Long-Term Care.

Referred to Committee on Government Operations, Tribal Relations & Elections.

SB 6049 by Senators Kastama and Shin

AN ACT Relating to requiring the department of health to establish a cancer drug repository program; and adding a new chapter to Title 70 RCW.

SJR 8219 by Senators Benton, Carrell, Holmquist Newbry, Padden, Stevens and Swecker

Referred to Committee on Health & Long-Term Care.

Amending the state Constitution to include an expenditure limit.

SB 6050 by Senators Becker, Swecker, Schoesler, Morton, Honeyford, Carrell, Hewitt and Conway

Referred to Committee on Ways & Means.

AN ACT Relating to waivers from the one hundred eighty-day school year requirement; amending RCW 28A.305.141; and providing an expiration date.

SJR 8220 by Senators Benton, Holmquist Newbry, Stevens, Morton and Carrell

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

Amending the Constitution to designate English as the official language of the state.

SB 6051 by Senators Keiser, Conway, Kline and Frockt

Referred to Committee on Government Operations, Tribal Relations & Elections.

AN ACT Relating to the donation and redistribution of unused prescription drugs; and adding a new chapter to Title 70 RCW.

MOTION

Referred to Committee on Health & Long-Term Care.

On motion of Senator Eide, all measures listed on the Introduction and First Reading report were referred to the committees as designated with the exception of Senate Bill No. 6006 and Senate Bill No. 6016 which were referred to the Committee on Energy, Natural Resources & Marine Waters.

SB 6052 by Senators Frockt, Hill, Shin, Kohl-Welles, Harper, Rolfes, Litzow, Hobbs, Eide, Fain, Tom, Ranker, Murray, Honeyford, McAuliffe, Conway, Sheldon, Roach and Haugen

MOTION

AN ACT Relating to vehicular homicide and vehicular assault sentences; reenacting and amending RCW 9.94A.515; and prescribing penalties.

On motion of Senator Edie in keeping with long time senate tradition, the measures listed on the Introduction and First Reading Report were made available in the Work Room until 2 pm, Tuesday, January 10 in order to give the members time to sign on as sponsors.

Referred to Committee on Judiciary.

SUPPLEMENTAL INTRODUCTION AND FIRST READING

SB 6053 by Senators Benton, Carrell, Holmquist Newbry, Stevens and Roach

SCR 8407 by Senators Brown and Hewitt

AN ACT Relating to designating English as the official language of the state; adding new sections to chapter 1.20 RCW; and creating a new section.

Notifying the Governor that the Legislature is ready to conduct business.

Referred to Committee on Government Operations, Tribal Relations & Elections.

SCR 8408 by Senators Brown and Hewitt

Specifying the status of bills, memorials, and resolutions for the 2012 regular session of the Sixty-second Legislature.

SB 6054 by Senators Benton, Carrell, Holmquist Newbry, Stevens and Roach

MOTION

On motion of Senator Eide and without objection, Senate Concurrent Resolution No. 8407 and Senate Concurrent

Resolution No. 8408 were placed on the second reading calendar under suspension of the rules.

MOTION

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

SECOND READING

SENATE CONCURRENT RESOLUTION NO. 8407, by Senators Brown and Hewitt

Notifying the Governor that the Legislature is ready to conduct business.

The measure was read the second time.

MOTION

On motion of Senator Eide, the rules were suspended, Senate Concurrent Resolution No. 8407 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the final passage of Senate Concurrent Resolution No. 8407.

SENATE CONCURRENT RESOLUTION NO. 8407 was adopted on third reading by voice vote.

APPOINTMENT OF SPECIAL COMMITTEE

The President of the Senate appointed a committee of honor consisting of Senators Frockt and Hill to notify the Governor that the Senate was organized and ready to conduct business.

MOTION

On motion of Senator Eide, the appointments were confirmed.

SECOND READING

SENATE CONCURRENT RESOLUTION NO. 8408, by Senators Brown and Hewitt

Specifying the status of bills, memorials, and resolutions for the 2012 regular session of the Sixty-second Legislature.

The measure was read the second time.

MOTION

On motion of Senator Eide, the rules were suspended, Senate Concurrent Resolution No. 8408 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the final passage of Senate Concurrent Resolution No. 8408.

SENATE CONCURRENT RESOLUTION NO. 8408 was adopted on third reading by voice vote.

MOTION

On motion of Senator Eide, Senate Concurrent Resolution No. 8407 and Senate Concurrent Resolution No. 8408 were immediately transmitted to the House of Representatives.

MOTION

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

REPORT OF COMMITTEE

The Senate Committee composed of Senators Frockt and Hill appeared before the bar of the Senate and reported that the Governor had been notified under the provisions of Senate Concurrent Resolution No. 8407 and that the Senate was organized and ready to conduct business.

The President received the report of the committee and the committee was discharged.

MESSAGE FROM THE HOUSE

January 9, 2012

MR. PRESIDENT:

The House has adopted:

HOUSE CONCURRENT RESOLUTION NO. 4407,

HOUSE CONCURRENT RESOLUTION NO. 4408.

and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MESSAGE FROM THE HOUSE

January 9, 2012

MR. PRESIDENT:

The House has adopted:

SENATE CONCURRENT RESOLUTION NO. 8407,

SENATE CONCURRENT RESOLUTION NO. 8408.

and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

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

SECOND SUPPLEMENTAL INTRODUCTION AND FIRST READING OF HOUSE BILLS

HCR 4407 by Representatives Sullivan and Kretz

Calling for a joint session.

HCR 4408 by Representatives Sullivan and Kretz

Establishing cutoff dates for the 2012 regular session.

MOTION

On motion of Senator Eide and without objection, House Concurrent Resolution No. 4407 and House Concurrent Resolution No. 4408 were placed on the second reading calendar under suspension of the rules.

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## MOTION

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

## SECOND READING

HOUSE CONCURRENT RESOLUTION NO. 4407, by Representatives Sullivan and Kretz

Calling for a joint session.

The measure was read the second time.

## MOTION

On motion of Senator Eide, the rules were suspended, House Concurrent Resolution No. 4407 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the final passage of House Concurrent Resolution No. 4407.

HOUSE CONCURRENT RESOLUTION NO. 4407 was adopted on third reading by voice vote.

## MOTION

On motion of Senator Eide, the Senate reverted to the third order of business.

MESSAGE FROM THE GOVERNOR  
GUBERNATORIAL APPOINTMENTS

December 22, 2011

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following reappointment, subject to your confirmation.

Creigh Agnew, reappointed November 21, 2011, for the term ending June 30, 2015, as Member of the Work Force Training and Education Coordinating Board.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Higher Education & Workforce Development.

December 28, 2011

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

Larry Carpenter, appointed December 6, 2011, for the term ending December 31, 2016, as Member of the Fish and Wildlife Commission.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Energy, Natural Resources & Marine Waters.

December 28, 2011

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

Darcey Fugman-Small, appointed November 21, 2011, for the term ending September 30, 2014, as Member, Board of Trustees, Community College District No. 20 (Walla Walla Community College).

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Higher Education & Workforce Development.

December 19, 2011

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

Jay T. Kehne, appointed December 6, 2011, for the term ending December 31, 2016, as Member of the Fish and Wildlife Commission.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Energy, Natural Resources & Marine Waters.

December 21, 2011

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

Charles S. Mcfadden, appointed December 1, 2011, for the term ending September 30, 2013, as Member, Board of Trustees, Community College District No. 18 (Big Bend Community College).

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Higher Education & Workforce Development.

January 5, 2012

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following reappointment, subject to your confirmation.

Shawn M. Murinko, reappointed August 1, 2011, for the term ending June 17, 2016, as Member of the Human Rights Commission.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Judiciary.

January 6, 2012

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

The Honorable Ron Sims, appointed December 14, 2011, for the term ending September 30, 2017, as Member, Board of Regents, Washington State University.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Higher Education & Workforce Development.

January 6, 2012

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

The Honorable Ron Sims, appointed October 10, 2011, for the term ending June 25, 2014, as Member of the Puget Sound Partnership.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Energy, Natural Resources & Marine Waters.

January 5, 2012

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

Ted R. Willhite, appointed January 1, 2012, for the term ending December 31, 2014, as Member of the Recreation and Conservation Funding Board.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Energy, Natural Resources & Marine Waters.

MOTION

On motion of Senator Eide, all appointees listed on the gubernatorial appointments report were referred to the committees as designated.

MOTION

At 1:04 p.m., on motion of Senator Eide, the Senate adjourned until 10:00 a.m. Tuesday, January 10, 2012.

BRAD OWEN, President of the Senate

THOMAS HOEMANN, Secretary of the Senate



SECOND DAY

MORNING SESSION

Senate Chamber, Olympia, Tuesday, January 10, 2012

The Senate was called to order at 10:00 a.m. by President Owen. The Secretary called the roll and announced to the President that all Senators were present with the exception of Senators Benton, Holmquist Newbry, Morton, Pflug, Roach, Sheldon, Stevens and Swecker.

MOTION

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

MOTION

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

REPORTS OF STANDING COMMITTEES

January 9, 2012

SB 5620 Prime Sponsor, Senator Becker: Requiring the certification of dental anesthesia assistants. Reported by Committee on Health & Long-Term Care

MAJORITY recommendation: That Second Substitute Senate Bill No. 5620 be substituted therefor, and the second substitute bill do pass. Signed by Senators Keiser, Chair; Conway, Vice Chair; Becker; Carrell; Frockt; Kline; Parlette; Pflug and Pridemore.

Passed to Committee on Rules for second reading.

January 9, 2012

SB 5978 Prime Sponsor, Senator Pflug: Concerning medicaid fraud. Reported by Committee on Health & Long-Term Care

MAJORITY recommendation: That Substitute Senate Bill No. 5978 be substituted therefor, and the substitute bill do pass. Signed by Senators Keiser, Chair; Conway, Vice Chair; Frockt; Kline and Pflug.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Becker; Carrell and Parlette.

Passed to Committee on Ways & Means.

MOTION

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

MOTION

On motion of Senator Eide, the Senate advanced to the third order of business.

MESSAGE FROM THE GOVERNOR

GUBERNATORIAL APPOINTMENTS

January 9, 2012

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following reappointment, subject to your confirmation.

Janis Machala, reappointed October 1, 2011, for the term ending September 30, 2016, as Member, Board of Trustees, Technical College District #26 (Lake Washington).

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Higher Education & Workforce Development.

October 1, 2011

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

Edwin W. Morgan, appointed October 1, 2011, for the term ending September 30, 2016, as Member, Board of Trustees, Community College District No. 17 (Spokane and Spokane Falls Community Colleges).

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Higher Education & Workforce Development.

MOTION

On motion of Senator Eide, all appointees listed on the Gubernatorial Appointments report were referred to the committees as designated.

MOTION

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

INTRODUCTION AND FIRST READING

SB 6055 by Senators Eide, King, Hobbs, Haugen, Rolfes, Delvin, Fain, Shin and Conway

AN ACT Relating to changing the expiration date of the current allowable vehicle documentary service charge; and amending RCW 46.70.180.

Referred to Committee on Transportation.

SB 6056 by Senators Swecker, Pridemore and Shin

AN ACT Relating to legal defense funds of candidates and public officials; amending RCW 42.17A.125, 42.17A.430, 42.17A.700, 42.17A.710, and 42.52.140; reenacting and amending RCW 42.17A.005 and 42.52.010; adding new sections to chapter 42.17A RCW; and adding a new section to chapter 42.52 RCW.

Referred to Committee on Government Operations, Tribal Relations & Elections.

SB 6057 by Senators Honeyford, Hatfield, Becker, Schoesler, Shin and Delvin

AN ACT Relating to permitting recreation rock collecting subject to certain restrictions; amending RCW 43.30.020 and 79A.05.010; reenacting and amending RCW 77.08.010; adding a new section to chapter 77.12 RCW; adding a new section to chapter 43.30 RCW; adding a new section to chapter 79A.05 RCW; and creating a new section.

Referred to Committee on Energy, Natural Resources & Marine Waters.

SB 6058 by Senators Regala and Prentice

AN ACT Relating to single-sex classes; and amending RCW 28A.640.020.

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

SB 6059 by Senators Conway, Kastama, Shin, Kohl-Welles and Roach

AN ACT Relating to veterans' raffle; and amending RCW 67.70.500.

Referred to Committee on Labor, Commerce & Consumer Protection.

SB 6060 by Senators Keiser, King, Kline, Honeyford, Kohl-Welles, Schoesler and Holmquist Newbry

AN ACT Relating to allowing day spas to offer or supply without charge wine or beer by the individual glass to a customer for consumption on the premises; and amending RCW 66.12.240.

Referred to Committee on Labor, Commerce & Consumer Protection.

#### MOTION

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

#### MOTION

At 10:07 a.m., on motion of Senator Eide, the Senate was declared to be at ease subject to the call of the President.

#### JOINT SESSION

The Speaker (Representative Moeller presiding) called upon the President of the Senate to preside.

The Sergeant at Arms of the House and the Sergeant at Arms of the Senate escorted the President of the Senate Brad Owen; the President Pro Tempore Margarita Prentice; Vice President of the Senate Paull Shin; and Senator Curtis King to seats at the rostrum.

The Senators were invited to take seats within the chambers

The President called the Joint Session to order. The Clerk called the roll of House members. The Clerk called the roll of Senate members. A quorum of the Legislature was present.

President Owen: "The Joint Session has been convened to receive the state of the state message from Her Excellency, Governor Christine Gregoire."

The President appointed a special committee to escort the Supreme Court Justices to the House Chamber: Representatives Ladenburg and Dammeier and Senators Fain and Harper.

The President appointed a special committee to escort the statewide elected officials to the House Chamber: Representatives Anderson and Moscoso and Senators Litzow and Regala.

The President appointed a special committee to advise her Excellency, Governor Christine Gregoire, that the joint session had assembled and to escort her to the House Chamber: Representatives Clibborn and Hinkle; Senators Baumgartner and Fraser.

The Supreme Court Justices arrived, were escorted to the floor of the House Chamber and were introduced: Chief Justice Barbara Madsen, Justice Charles Johnson, Justice Tom Chambers, Justice Susan Owens, Justice Mary Fairhurst, Justice James Johnson, Justice Debra Stephens, Justice Charles Wiggins and Justice Steven Gonzalez.

The statewide elected officials arrived, were escorted to the floor of the House and were introduced: Secretary of State Sam Reed, Attorney General Rob McKenna, State Auditor Brian Sonntag, State Treasurer Jim McIntire, Superintendent of Public Instruction Randy Dorn, Insurance Commissioner Mike Kreidler and Commissioner of Public Lands Peter Goldmark.

The President introduced the special guests of the Governor present in the Chambers sister-in-law Barb Tennis and family, former Governor Mike Lowry, Vancouver Mayor Tim Leavitt and Pierce County Executive Pat McCarthy.

Governor Christine Gregoire, her husband Mike Gregoire and her daughter Michelle Gregoire arrived, were escorted to the seats at the Rostrum and were introduced.

The President introduced the members of the Consular Corps: Yury Gerasin, Consul General of the Russian Federation and Dean of the Consular Corps; Kiyokazu Ota, Consul of Japan; Denis Stevens, Consul General of Canada; Young Wan Song, Consul General of the Republic of Korea; Alejandro Garcia Moreno, Consul of the United Mexican State and Vice President of the Consular Association of Washington; Jessica Maria Reyes, Consul of the Republic of El Salvador; John Gokeen, Honorary Consul General of the Republic of Turkey and President of the Consular Association of Washington; Gary Furlang, Honorary General of the Republic of Uzbekistan and Secretary of the Consular Association of Washington; Helen Szablya, Honorary Consul General of the Republic of Hungary; Miquel Velasquez, Honorary Consul General of the Republic of Peru; Ronald Masnik, Honorary Consul of the Kingdom Belgium; Vytautas Victor Lapatinskas, Honorary Consul of Lithuania; Matti Suokko, Honorary Consul of the Republic of Finland; Kim

SECOND DAY, JANUARY 10, 2012

2012 REGULAR SESSION

Nesselquist Honorary Consul of the Kingdom of Norway; Stephen Zirschky, Honorary Consul of the Republic of Latvia; Pedro Augusto Costa, Honorary Consul of the Federative Republic of Brazil; Luis Fernando Esteban, Honorary Consul of the Kingdom of Spain; Petra Walker, Honorary Consul of the Federal Republic of Germany; Jack Cowan, Honorary Consul of the French Republic; John F. Keane, Honorary Consul of Ireland; Franco Tesorieri, Honorary Vice Consul of the Italian Republic; Daniel Liao, Director General Taipei Economic and Cultural Office; Murad Askarov, Ambassador of the Republic of Uzbekistan to the United Nations, and Durbek Amonov, Consul General of the Republic of Uzbekistan.

The flags were escorted to the rostrum by the Washington State Patrol Honor Guard. The National Anthem was performed by Sofia Smith. The President led the Chamber in the Pledge of Allegiance. The prayer was offered by Bishop Chris Boerger, Northwest Washington Synod Evangelical Lutheran Church in America of Seattle.

Bishop Boerger: “Gracious God, you have created all that exist. You institute Government to protect that creation and to preserve to common good. We thank you for these women and men who have been called to serve by your people. Give them wisdom, compassion and courage so that the decisions they make will secure the inheritance we have received and steward that inheritance for those who will follow us. Bless those whose vocation is to lead us into these unique times and may the decisions they make bring honor to you and to the state of Washington. This we pray in your name, Amen.”

The President introduced Governor Christine Gregoire.

#### MOMENT OF SILENCE

Governor Gregoire: “Thank you everyone. Let’s start this morning by observing a moment of silence in memory of those who have served Washington so well and who have passed away recently. Let us remember your colleague Senator Scott White who sadly left us in the prime of his public service. Let us remember two men who gave us so much during their time in office Senator Alex Deccio and Senator Bob McCaslin and let us remember always Governor Al Rossellini. Al was a mentor to me and one of the best friends this state every had. And also please remember the nine Washingtonians who lost their lives in Afghanistan and Iraqi serving our country. Just last week the normally idyllic Mt. Rainier National Park was witness to the loss of Park Ranger Margaret Anderson who died in the line of duty. Will you please join me in a moment of silence in their honor.

The Washington State Legislature in Joint Session observed a moment of silence in honor and memory of those who have served and passed away.”

#### STATE OF THE STATE

Governor Gregoire: “Thank you. Good afternoon. Thank you, Bishop Boerger, for starting us off with such an inspiring prayer. And thank you, Sofia, for your beautiful performance of our national anthem.

Mr. President, Mr. Speaker, Madame Chief Justice, distinguished justices of the court, honored officials, members of the Washington State Legislature, former governors, tribal leaders, local government officials, members of the Consular Association of Washington, my fellow citizens: I have some of my family with me today. My daughter Courtney and son-in-law Scott aren’t here but I’m pleased to say they are moving back to *this*

Washington. Here with me is our daughter Michelle, now a second-year law student. And my husband Mike, always a champion for our veterans. Mike is not only a great husband, my best friend and a great dad, but I’m noticing something else. As he gets older, he’s becoming even more athletic: golf on channel 60, football on channel 13, soccer on channel 32. As for me, I have a complicated relationship with growing older. First, I get carded at Hannah’s Tavern and now I’m getting hearing aid offers in the mail. But as Mike and my staff will tell you, I’m not slowing down. Not this year! And that’s because today I begin my last year as governor of my beloved great State of Washington. We are in a time of great challenge and even greater opportunity.

Yes: challenge and opportunity. Like so much else in this age of the 24-hour news cycle, these words have lost a bit of their meaning, but not today, not for me, not in the year 2012. For me, if ever those two words meant anything, it’s right here, right now. While our challenges are unprecedented, so, too, are the opportunities. Here in our Washington, we turn crisis into opportunity. Why? Because we have a culture and history of both personal and shared responsibility. When things get tough, we step up. We step up individually and together to build our future. Today, we govern in a nation where some won’t even talk to each other, much less compromise, believing that compromise is just another word for surrender. But here in our Washington, we don’t say, ‘My way or the highway.’ We say, ‘Let’s work together to solve our problems.’ What’s best for our Washington is more important than politics. Many believe that government is the whole problem and many believe it’s the whole solution. But that’s not our Washington. Here we know that government can’t do it all, but we also know we need great schools and universities, good highways and safe communities. Many believe we should just ride out the Great Recession or use this time of economic stress to dismantle our government. But that’s not our Washington. Here we build the roads and bridges our people and businesses must have to succeed. We keep our streets safe. We help the poor and the vulnerable. We educate our children and young people. We keep our land, air and water clean for them and their children. While our challenges are unprecedented, so, too, are the opportunities. Many believe the whole system is broken, and there are no answers. But that’s not our Washington. Here if things don’t work, we reinvent them. We fix things, be it computer software, a better strain of wheat, a new airplane, or a better, faster, cheaper government. We’re built on innovation and we’ve always moved fast. That’s why we’re home to Boeing, Microsoft, Amazon, Starbucks, Nordstrom, the Bill & Melinda Gates Foundation, Paccar, clean-energy companies, global health, and the most inventive, dynamic people in the world. That’s why Eastern Washington, because of its agriculture, is called the Refrigerator of the World. Today, it’s our time. It’s our time to practice the courage and compassion handed down to us by our parents and grandparents. It’s our time to rebuild our highways and bridges. It’s our time to create jobs now and for the future. It’s our time to keep our streets safe. It’s our time to give our young people the education and knowledge they will need to succeed in a world economy.

We must succeed! You know, I just read a great new book called ‘That Used to Be Us,’ by Thomas Friedman and Michael Mandelbaum. The two take a critical look at where America has

been, and for me, one metaphor really stood out. For generation after generation, they write, America knew how to ‘win in the turns.’ Win ... in ... the ... turns. What does that mean exactly? In short, it means the winner hits the gas pedal just when everybody else is hitting the brakes. Visualize yourself on a racetrack, racing along on a sunny day. Suddenly, without warning, you’re into a sharp, high-speed turn. When and if you make it through, you find the world around you has utterly changed. The winner of that race — is the one who sees that sudden turn as an opportunity. The winner takes the risk to pass everybody in the turn and is now leading the pack. That’s ‘winning in the turn!’ In the great economic turn we’re in now, some question if our country or state will win this time. When the recession ends, will we be out ahead of the competition in education, We’re built on innovation and we’ve always moved fast. infrastructure, economic development? Will we come out of this turn in front of the pack and ready to go? Or will we be stuck back there fighting for position with the also-rans? Also ran? Not in our Washington! We must — we can — and we will be out ahead! We know how to “win in the turn.” We know how to come out ahead. We’ve done it time and time again. There was a recession in the early ’70s, so bad that somebody put up a billboard asking the last person in Seattle to turn out the lights. But Governor Dan Evans worked with a Legislature controlled by Democrats to carry out his ‘Washington Futures,’ and sent five ballot measures to the voters. The result was new community colleges; water systems for homes, industry and irrigation; new and refurbished recreational properties; and expanded public health facilities. A Democratic Legislature, a Republican governor — and the people of Washington won in the turn. There was a scary turn in 1983, the worst recession before this one. Governor John Spellman, a Democratic Senate and House had the courage to protect the future of our children. They approved a penny increase in the sales tax focused on education. Again, we won in the turn. And by the way, each time Washington survived an economic crisis and rebuilt its future, it has not been about political party. It has been about the future of Washington State. And now it’s up to us. This is our time — our time to win in the turn. Our time to build a better future for our children and grandchildren.

So in the next 60 days, I ask you to do four things:

1. Use the early start you got in December and quickly pass a budget;
2. Ask the voters this spring to approve a temporary, half-penny sales tax increase for students and their future;
3. Pass my school reforms; and
4. Pass a major transportation and jobs package.

First, let’s solve the budget problem. You made a down payment in December. I know these will be some of the most difficult decisions of your career. But I ask you to finish quickly because every day the problem gets bigger and the choices harder. This is our time — our time to win in the turn. Since Wall Street handed us this mess nearly four years ago, we have cut and cut and cut a projected \$10.5 billion, and we are still not done. We have cut K-12 education by 26 percent, four-year colleges by 46 percent and community colleges by 26 percent. Our social safety net is frayed. We have closed five major institutions, including three prisons and one juvenile facility. The last time we shut down even one was nearly 40 years ago. Some states are talking

about reforms. We’re not just talking, we’re reforming. We’ve made our pension system one of the five most sustainable in the nation. Our state workforce is down nearly 10 percent and falling. Those employees left are working harder with lower salaries and paying more for benefits. I thank them for serving, particularly in these uncertain times. We’ve made the biggest reset of state government in decades. Today we’re more cost-efficient, smaller, faster and effective. We’re working toward a more sustainable budget in the long term. Historic reform brought flat workers’ compensation rates this year and historic lows in unemployment insurance rates. And that’s good news for our small businesses, which have been hurt the most during this recession and which are key to our recovery. One of the fastest growing, biggest and most complicated drivers of our budget is health care. We are reining it in with significant results. We have cut Medicaid inflation to 2.3 percent, one of the lowest in the country. And, unlike other states, we haven’t used the recession to undermine the environmental protections that provide what we value: clean air, clean water and healthy natural resources. But all that doesn’t mean our work is done. No one comes to public service thinking the status quo is good enough. No one comes to public service saying that we shouldn’t find a better, more efficient way to do something. It’s the whole reason we serve. And while these times amplify the need, this year is no different. While we must cut, we must also find real reforms that preserve our ability to serve our citizens while modernizing our practices. And while we must cut and reform again, we must also realize that this problem demands a courageous solution. Some states are talking about reforms. We’re not just talking, we’re reforming. We must look for new revenue as well. Close tax loopholes to save vital services like the Basic Health Program for the working poor. It’s a matter of fairness. And that brings me to my second request. We must protect our vulnerable seniors and the developmentally disabled, educate our students and provide public safety for our families. I ask you to send to voters a temporary, three-year, half-cent sales tax increase to save those services. Ladies and gentlemen, we are about to shred very core services, and it is time to stand up for Washingtonians. While I know the sales tax is regressive, you know what I find even more regressive? It’s cuts in education that will hit our low-income students the hardest. It’s more cuts in our social safety net to poor seniors and people with developmental disabilities. And it’s cuts to public safety that will impact our poor neighborhoods the most. Now that’s regressive! Remember, the last time we raised the state sales tax was in 1983, under a Republican governor during the worst recession until this one. I ask you to listen to your hearts as well as your heads. Will that 85-year-old woman with failing health who needs help to live in dignity at home find it regressive? Will that student who faces the difference between a mediocre education or a great one find it regressive? Will that family living in fear of a criminal getting out of prison five months early with little supervision find it regressive? No. They will say it’s the right thing to do, because it is. And they will remember we didn’t wait for things to get better. We made them better. Without the half penny, we lose far more than we gain. We lose our future, our values and our way. Like governors and Legislatures in the past, it’s our time to do something very hard. It’s our time to ask for sacrifice from everyone, to ask everyone to contribute to our future so everybody wins in the turn. I ask you to listen to your hearts as well as your heads. And how do we win? How do we lead the rest of the world and the rest of the country? We out-pace, we

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out-educate and we out-perform. Our businesses, our state, our children and our grandchildren can't afford any more deep cuts to education. About \$411 million of the \$494 million sales tax revenue would go to K-12 and higher education. We need the school year to be 180 days and longer, not 176. We need to help our property-poor districts. And we need to stop raising college tuition. It comes down to four simple words. No education, no job. This is our time to value a high-quality education, just as our parents and grandparents did. I urge you today to act on my third request and approve school reform. I've been to many schools as governor, and I've never seen a great classroom without a great teacher, or a great school without a great principal. We have a new evaluation system built from the bottom up. Now we must ensure every classroom has a good teacher and every school has a good principal. Our state deserves nothing less. And we must turn around our failing schools once and for all. We will do that by asking our public universities to use bold, innovative programs and partner with low-performing schools. The universities will innovate, research and teach. They will give our students the educational advantage they need. We will take their successful work to scale all across Washington. Like so many of our reforms, I predict this, too, could become a model for the nation. We can't address the education gap we have with the rest of the world until we address the one we have within our own state. And speaking of education gaps: Thank you for acting quickly to make certain we have trained workers and engineers for our growing aerospace sector. And I'm counting on you to fund those educational opportunities. All our students, not just those who can afford it, must have more skills and more knowledge to compete in this century. It comes down to four simple words. No education, no job. In business, they find cracks in the system and fix them. In government, we find cracks in the system and then study them. With an Office of Student Achievement, we can move to action and fix the gaps from high school through college to ensure our students enter the workplace not behind, but ahead. That's winning in the turn. When we ask voters to invest in education, let's show them they'll be getting their money's worth: good teachers, good principals, good schools and the most knowledgeable graduates in the world. Speaking of innovation and competition, let's celebrate our work on early childhood education, resulting in a Race to the Top award of \$60 million! The federal government found out what we know. If we invest in early learning and make certain a child is really ready to learn by kindergarten, that child will succeed in school and life. We started the Department of Early Learning in 2006 and created a public-private partnership, Thrive by Five. That small investment will bring returns throughout the life of a child and our state will be better for it. If we invest \$411 million in our schools and colleges, if we implement these innovative reforms and if we use our can-do spirit, we can give our children the best education in the United States. The fourth thing I ask you to do is create jobs now and for the future by investing in our transportation infrastructure. We have to step up to proper maintenance of our very valuable transportation system, from highways and bridges to ferries and city streets. When we build roads, they don't take care of themselves. When you buy a car, you pay for it and you then maintain it by changing the oil, rotating the tires and making repairs. It's the same with our roads, bridges and ferries. We bought them new, but unfortunately, we didn't put money aside for maintenance. The consequences are a wake-up call. We are facing a \$1.6 billion shortfall over the next 10 years just to

maintain our state highways. Without maintenance, that means bad roads, more potholes, more congestion. Further, we are facing a \$1.3 billion deficit in ferry system maintenance. As I sounded the alarm bell last year: Without new funding, our ferry system will not survive as we are facing a \$1.6 billion shortfall over the next 10 years just to maintain our state highways. We know it. We would need to completely eliminate five routes, and reduce service and runs throughout the system. Just to maintain where we are today, we have to act. Today, I propose a \$3.6 billion, 10-year package to create about 5,500 jobs a year to maintain our transportation infrastructure across the state. In addition to small fee increases, I will ask the Legislature to pass a modest \$1.50 fee on every barrel of oil produced in Washington. Our oil companies are getting all the profit and leaving us with the bill. We can do better. This package will also get money to our cities and counties to fill potholes, repair roads, update bridges and keep buses running. It will give them the option to raise additional money for maintenance and transit. We can't wait until roads, bridges and ferries are falling apart to fix them. We can't kick the can down the road and saddle our future generations with the repairs we failed to make. This is our year to act and approve a jobs package and invest in our future. Our own Bill Gates says the way you get ahead and stay ahead is by educating more people, attracting more talent, and maintaining and building better infrastructure than the other guys. We're better than the other guys. If we aren't, businesses and workers will go elsewhere. Our transportation system is the lifeblood of our economy. It moves people to work and goods to market, and supports our tourism industry. If we don't maintain and grow, we come to a standstill. This summer, I convened the Connecting Washington Task Force to look at how we build our economic corridors. This 30-member group realized that our challenge is big and our time short. It is time for all of us to have a serious conversation with Washingtonians about the importance of building new infrastructure that our businesses and employees need. Even in these hard times, Connecting Washington recommended a minimum \$21 billion in investments for our vital economic corridors. These projects — and more — demand serious attention: the Columbia River Crossing, Spokane's North-South Corridor, Snoqualmie Pass, Route 167 between Tacoma and Puyallup, the 40-mile I-405 corridor, a new 144-car ferry and Interstate 5 at Joint Base Lewis-McChord. Consider this: The old and failing Columbia River Crossing supports \$40 billion in commerce a year, and 130,000 jobs in warehouses and distribution centers near the ports of Vancouver and Portland alone. Yet the northbound bridge was built in 1917 to accommodate the horse and buggy and still has the last stoplight on I-5. And this: Snoqualmie Pass is the only direct route for products flowing from Eastern Washington farms to our Puget Sound ports, and for products flowing from those ports to Eastern Washington and beyond. That's \$80 billion in cargo through that critical corridor every year. Our record of success with transportation projects is strong. From the 2005 voter-approved gas tax, we are close to completing all 421 statewide projects. So far, 88 percent have been completed early or on time, and 91 percent were on or under budget. We can do it again: Educate ourselves and educate the public, and then build a better transportation infrastructure than the other guys. People often ask me if we can come back from the Great Recession. I tell them: We can. We will. We are. Our ports and their good-paying jobs

are booming. International trade is surging, with year-over-year exports up nearly 30 percent. And our second biggest export, after transportation, is agriculture. New free trade agreements with South Korea, Panama and Colombia will open new markets for Washington. Our exciting global health and life sciences sectors are spreading not only beyond Puget Sound to Tri-Cities, Spokane and Vancouver. They are spreading around the globe. Our software and IT industries are thriving, including a double-digit jump in Microsoft earnings just last quarter, and an 8-percent jump in software jobs. And how about the backbone of our manufacturing sector — aerospace — with its 650 companies in Washington?

2011 was a historic year for one of Washington's signature industries, and it took a village to make it happen. It started last February when Boeing won the \$35 billion contract to build a new generation of 200 Air Force refueling People often ask me if we can come back from the Great Recession. I tell them: We can. We will. We are. tankers. All of us — labor, management, Democrats, Republicans — worked together to bring that contract home with its 11,000 jobs. In September, the first Boeing 787, the game-changing composites airplane — 20 percent more fuel efficient and as high tech as they come — was delivered to All Nippon Airways. The 787 is the future, and it's built right here in Washington State. In December, The Boeing Company and the Machinists Union agreed to a historic five-year contract, assuring the 737 MAX will be built here with a projected 20,000 jobs and \$500 million in tax revenue. That was followed by the largest order ever for Boeing — 208 airplanes — all of them current 737s or the 737 MAX. We're winning in the turn in the aerospace industry. But for us, for state government, what we saw in 2011 reminds us that when the economy comes out of this turn, we must already be down the track while our competition hangs back. It's our turn to win in the turn. And it's our responsibility. I've asked you to pass the budget, send a revenue proposal to voters, reform education, and invest in our transportation infrastructure to create jobs now and into the future. That's a bold agenda, and it involves risk and courage. But I have one more very important request. It's about our values. Our Washington has always fought discrimination. It is time to do it again. It is time for marriage equality. Let's all stand together to make it happen. Let's tell the children of same-sex couples that their parents' relationship is equal to all others in the state. Let's pass a marriage equality bill. Ladies and gentlemen, as you labor in the next 60 days, I respectfully ask you to take a minute each day to stop and reflect. Take time to look back and see how we came to be the great state we are. Take time to understand and appreciate what our courageous and visionary parents and grandparents did for us, what governors, legislators and voters did for us, when it

was their time to act. It is time for marriage equality. And remember, this is our time. Our time to give our children what we were given: a good education. Our time to modernize transportation to put people to work and make sure they have jobs in the future. Our time to leave no one behind, and our time to protect our communities. The future of our state is in our hands now. We have to do what is very hard, but do it we must, and together. Let's show the people that in *our Washington* we work together: Democrats, Republicans and Independents. And let history reflect that we took the risks, that we were courageous. We were determined. And we were bold. Let's win in the turn and leave an even greater state to our children and grandchildren. Thank you. God bless you. And God bless the great State of Washington."

The President asked the special committee to escort Governor Gregoire and her family from the House Chamber.

The President asked the special committee to escort the Statewide elected officials from the House Chamber.

The President asked the special committee to escort the Supreme Court Justices from the House Chamber.

#### MOTION

On motion of Representative Sullivan the Joint Session was dissolved.

The Speaker (Representative Moeller presiding) assumed the chair.

The Sergeant at Arms of the House and the Sergeant at Arms of the Senate escorted President of the Senate Brad Owen; the President Pro Tempore Margarita Prentice; Vice President of the Senate Paull Shin; Senator Curtis King and members of the Washington State Senate from the House Chamber.

The Senate was called to order at 11:32 a.m. by President Owen.

#### MOTION

At 11:32 a.m., on motion of Senator Eide, the Senate adjourned until 10:00 a.m. Wednesday, January 11, 2012.

BRAD OWEN, President of the Senate

THOMAS HOEMANN, Secretary of the Senate

THIRD DAY, JANUARY 11, 2012

2012 REGULAR SESSION

## THIRD DAY

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MORNING SESSION

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Senate Chamber, Olympia, Wednesday, January 11, 2012

The Senate was called to order at 10:00 a.m. by President Owen. The Secretary called the roll and announced to the President that all Senators were present with the exception of Senators Becker, Benton, Hewitt, Holmquist Newbry, Kline, Prentice, Pridemore and Sheldon.

The Sergeant at Arms Color Guard consisting of Pages Deelyn Cheng and Greyson Kelly Zatzick, presented the Colors. Pastor Jeff Adams of Paramount Christian Church of Lacey and Yelm offered the prayer.

## MOTION

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

## MOTION

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

## REPORTS OF STANDING COMMITTEES

January 10, 2012  
SSB 5069 Prime Sponsor, Committee on Labor, Commerce & Consumer Protection: Creating the farm labor contractor account. Reported by Committee on Labor, Commerce & Consumer Protection

MAJORITY recommendation: Do pass. Signed by Senators Kohl-Welles, Chair; Conway, Vice Chair; Keiser and Kline.

Passed to Committee on Rules for second reading.

January 9, 2012  
SB 5977 Prime Sponsor, Senator Ranker: Making the discover pass transferable between two vehicles. Reported by Committee on Energy, Natural Resources & Marine Waters

MAJORITY recommendation: That Substitute Senate Bill No. 5977 be substituted therefor, and the substitute bill do pass. Signed by Senators Ranker, Chair; Regala, Vice Chair; Delvin; Morton; Fraser; Murray and Swecker.

Passed to Committee on Ways & Means.

REPORTS OF STANDING COMMITTEES  
GUBERNATORIAL APPOINTMENTS

January 10, 2012  
SGA 9198 JUDY GUENTHER, appointed on September 29, 2011, for the term ending August 2, 2017, as Member of the Lottery Commission. Reported by Committee on Labor, Commerce & Consumer Protection

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Kohl-Welles, Chair; Conway, Vice Chair; King; Keiser and Kline.

Passed to Committee on Rules for second reading.

January 9, 2012  
SGA 9199 ALAN HAIGHT, appointed on August 1, 2011, for the term ending at the governors pleasure, as Director of the Department of Licensing. Reported by Committee on Transportation

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Haugen, Chair; Eide, Vice Chair; Fain; Frockt; Hill; Hobbs; Ranker; Rolfes; Sheldon and Swecker.

Passed to Committee on Rules for second reading.

## MOTION

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

## MOTION

On motion of Senator Eide, the Senate advanced to the third order of business.

MESSAGE FROM THE GOVERNOR  
GUBERNATORIAL APPOINTMENTS

January 9, 2012  
TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON  
Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

Tom McDonald, appointed January 16, 2012, for the term ending June 30, 2014, as Member of the Pollution Control/Shorelines Hearings Board.

Sincerely,  
CHRISTINE O. GREGOIRE, Governor  
Referred to Committee on Environment.

January 10, 2012  
TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following reappointment, subject to your confirmation.

M.A. Leonard, reappointed July 11, 2011, for the term ending June 30, 2015, as Member of the Housing Finance Commission.

Sincerely,  
CHRISTINE O. GREGOIRE, Governor  
Referred to Committee on Financial Institutions, Housing & Insurance.

January 10, 2012  
TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

Gretchen Sorensen, appointed November 21, 2011, for the term ending September 30, 2016, as Member, Board of Trustees, The Evergreen State College.

Sincerely,  
CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Higher Education & Workforce Development.

MOTION

On motion of Senator Eide, all appointees listed on the gubernatorial appointments report were referred to the committees as designated.

MOTION

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

INTRODUCTION AND FIRST READING

SB 6061 by Senators Pflug and Murray

AN ACT Relating to changing the nonresident sales tax exemption into a refund program; amending RCW 82.08.0273; and providing an effective date.

Referred to Committee on Ways & Means.

SB 6062 by Senators Fain, Hargrove, Harper, Kilmer, Haugen, Litzow, Hobbs, Tom, Hill, Conway, King and Roach

AN ACT Relating to motorcycles; amending RCW 46.04.330, 46.20.500, 46.20.505, 46.20.515, and 46.81A.020; reenacting and amending RCW 46.81A.010; adding new sections to chapter 46.04 RCW; and providing an effective date.

Referred to Committee on Transportation.

SB 6063 by Senator Nelson

AN ACT Relating to public improvement contracts involving federally funded transit facility projects; and amending RCW 60.28.011.

Referred to Committee on Transportation.

SB 6064 by Senator Kline

AN ACT Relating to authorizing regional transit authorities to use the job order contracting procedure; and amending RCW 39.10.420.

Referred to Committee on Transportation.

SB 6065 by Senators Kline, Swecker and Padden

AN ACT Relating to county coroners; amending RCW 36.24.010, 36.24.020, 36.24.030, 36.24.040, 36.24.050, 36.24.070, 36.24.080, 36.24.100, and 36.24.150; and repealing RCW 36.24.110, 36.24.120, and 36.24.090.

Referred to Committee on Judiciary.

SB 6066 by Senators Kline, Nelson, Murray, Shin and Kohl-Welles

AN ACT Relating to video and audio recording by law enforcement officers; and amending RCW 9.73.090.

Referred to Committee on Judiciary.

SB 6067 by Senators Kline and Harper

AN ACT Relating to suspension and waiver of court assessments, fines, and penalties; and amending RCW 3.62.010 and 35.20.250.

Referred to Committee on Judiciary.

SB 6068 by Senators Kline, Zarelli and Frockt

AN ACT Relating to religious objection to autopsy; and adding a new section to chapter 36.24 RCW.

Referred to Committee on Judiciary.

SB 6069 by Senators Litzow, Kline, Harper and Frockt

AN ACT Relating to electronic transactions; amending RCW 9.38.060, 26.52.030, 41.05.014, 43.07.120, 58.09.050, 58.09.110, and 74.08.055; adding a new chapter to Title 19 RCW; repealing RCW 19.34.010, 19.34.020, 19.34.030, 19.34.040, 19.34.100, 19.34.101, 19.34.110, 19.34.111, 19.34.120, 19.34.130, 19.34.200, 19.34.210, 19.34.220, 19.34.230, 19.34.231, 19.34.240, 19.34.250, 19.34.260, 19.34.270, 19.34.280, 19.34.290, 19.34.291, 19.34.300, 19.34.305, 19.34.310, 19.34.311, 19.34.320, 19.34.321, 19.34.330, 19.34.340, 19.34.350, 19.34.351, 19.34.360, 19.34.400, 19.34.410, 19.34.420, 19.34.500, 19.34.501, 19.34.502, 19.34.503, 19.34.900, 19.34.901, 19.34.902, 19.34.903, and 43.19.794; and providing an effective date.

Referred to Committee on Judiciary.

SB 6070 by Senators Kline, Frockt, Harper, Keiser and Shin

AN ACT Relating to recording residential real property; and amending RCW 61.24.030 and 65.08.070.

Referred to Committee on Financial Institutions, Housing & Insurance.

SB 6071 by Senators Kline and Pridemore

AN ACT Relating to vacating records; and amending RCW 9.96.060 and 9.94A.640.

Referred to Committee on Judiciary.

SB 6072 by Senators Kline, Kohl-Welles, Conway, Harper, Hobbs and Keiser

AN ACT Relating to the protection of public policy; and adding new sections to chapter 49.60 RCW.

Referred to Committee on Judiciary.



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SB 6073 by Senators Kilmer, Regala, Rolfes and Carrell

Referred to Committee on Government Operations, Tribal Relations & Elections.

AN ACT Relating to sales and use taxes related to the state route number 16 corridor improvements project; and amending RCW 47.46.060.

Referred to Committee on Transportation.

SB 6074 by Senators Kilmer, Parlette and Shin

SB 6080 by Senators Haugen, Swecker, Hargrove, King, Fain, Ranker, Ericksen, Becker, Hill, Honeyford, Rolfes, Roach, Sheldon, Delvin and Holmquist Newbry

AN ACT Relating to landowner immunity from liability for nonintentional injuries to recreational users in connection with forestry and other principal uses of the lands; reenacting and amending RCW 4.24.210; and creating a new section.

Referred to Committee on Energy, Natural Resources & Marine Waters.

AN ACT Relating to funding capital projects; amending 2011 1st sp.s. c 49 ss 1011, 1024, 1025, 1036, 2008, 2027, 3008, 3028, 5002, 5008, 5009, 5022, 5030, 5037, and 5082 (uncodified); amending 2011 1st sp.s. c 48 ss 1022, 2002, 2003, 3024, 3036, 3041, 5006, 5012, and 7011 (uncodified); adding new sections to 2011 1st sp.s. c 49 (uncodified); adding new sections to 2011 1st sp.s. c 48 (uncodified); creating a new section; and declaring an emergency.

Referred to Committee on Ways & Means.

SB 6081 by Senators Haugen, Swecker, Ranker, King, Hatfield, Becker, Ericksen, Nelson, Regala and Shin

AN ACT Relating to the imposition of a vessel replacement surcharge on certain ferry fares; and adding a new section to chapter 36.54 RCW.

Referred to Committee on Transportation.

SB 6075 by Senators Carrell and Harper

AN ACT Relating to the disclosure of vehicle owner information; and reenacting and amending RCW 46.12.635.

Referred to Committee on Transportation.

SB 6082 by Senators Haugen, Swecker, Hatfield, King, Ericksen, Honeyford, Shin and Parlette

AN ACT Relating to the preservation and conservation of agricultural resource lands; and adding a new section to chapter 43.21C RCW.

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

SB 6076 by Senators Nelson, Fain and Pridemore

AN ACT Relating to senior center licenses; amending RCW 66.20.300, 66.20.310, and 66.24.440; and adding a new section to chapter 66.24 RCW.

Referred to Committee on Labor, Commerce & Consumer Protection.

SB 6083 by Senators Swecker, Becker and Sheldon

AN ACT Relating to providing assistance to landowners complying with regulations associated with protection of the Mazama pocket gopher; adding a new section to chapter 77.12 RCW; and creating a new section.

Referred to Committee on Energy, Natural Resources & Marine Waters.

SB 6077 by Senators Nelson, Conway, Frockt, Rolfes, Regala and Kline

AN ACT Relating to generating additional revenue from the sale of solid fuel burning devices; amending RCW 70.94.483; and providing an effective date.

Referred to Committee on Environment.

SB 6084 by Senators Swecker, Schoesler, Haugen, King, Sheldon, Hatfield, Honeyford and Shin

AN ACT Relating to eliminating nonhigh school district reimbursement fees; reenacting and amending RCW 84.52.0531 and 84.52.0531; repealing RCW 28A.545.020, 28A.545.030, 28A.545.040, 28A.545.050, 28A.545.060, 28A.545.070, 28A.545.080, 28A.545.090, 28A.545.100, 28A.545.110, and 28A.545.120; providing effective dates; and providing an expiration date.

Referred to Committee on Ways & Means.

SB 6078 by Senators Ranker, Swecker, Regala, Kline, Schoesler, Fain, Kilmer, Harper, Shin, Litzow, Fraser, Keiser, Conway, Hargrove and Rolfes

AN ACT Relating to implementing efficiencies in the management of the state's natural resources; adding a new chapter to Title 43 RCW; and creating new sections.

Referred to Committee on Energy, Natural Resources & Marine Waters.

SB 6079 by Senators Schoesler, Fraser, Kohl-Welles, Carrell, Murray and Shin

SB 6085 by Senators Swecker, Pridemore, Hargrove and Haugen

AN ACT Relating to the permitted use of state facilities; adding a new section to chapter 43.19 RCW; and creating a new section.

AN ACT Relating to exempting officers and employees of the Washington state institute for public policy from state civil service law; reenacting and amending RCW 41.06.070; and declaring an emergency.

Referred to Committee on Government Operations, Tribal Relations & Elections.

SB 6086 by Senators Swecker, Ericksen and Hill

AN ACT Relating to single-sex classes; and amending RCW 28A.640.020.

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

SB 6087 by Senators Hatfield, Schoesler, Hobbs, Shin and Roach

AN ACT Relating to information regarding agriculture and livestock; and amending RCW 42.56.380.

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

SB 6088 by Senators Pridemore, Swecker, Conway, Ranker, Shin, Keiser, Kilmer, Kline, Zarelli, Prentice, Rolfes, Eide, Fraser, Kastama, Hobbs, Kohl-Welles, Tom, Benton and Frockt

AN ACT Relating to strengthening the review of the legislature's goals for tax preferences by requiring that every new tax preference provide an expiration date and statement of legislative intent; adding a new section to chapter 43.135 RCW; adding a new section to chapter 82.02 RCW; adding a new section to chapter 84.09 RCW; adding a new section to chapter 83.100 RCW; adding a new section to chapter 83.110A RCW; creating a new section; and providing an effective date.

Referred to Committee on Ways & Means.

SB 6089 by Senators Pridemore, Swecker, Keiser, Ranker, Conway, Kline, Prentice, Shin, Rolfes, Parlette, Zarelli, Eide, Schoesler, Kastama, Roach, Kohl-Welles, Benton and Sheldon

AN ACT Relating to the disclosure of telephone campaign advertising in state and local election campaigns; amending RCW 42.17A.320; and creating a new section.

Referred to Committee on Government Operations, Tribal Relations & Elections.

SB 6090 by Senators Fain, Honeyford and Haugen

AN ACT Relating to aircraft and ultra-light operations on public or private airstrips; and reenacting and amending RCW 4.24.210.

Referred to Committee on Energy, Natural Resources & Marine Waters.

SB 6091 by Senator Honeyford

AN ACT Relating to the maintenance of privacy standards by eliminating the department of revenues' authorization to examine medical records; and amending RCW 82.32.110.

Referred to Committee on Ways & Means.

SB 6092 by Senators Haugen, Schoesler, Hatfield, Becker, Hobbs and Shin

AN ACT Relating to the dairy products commission; and amending RCW 15.44.010, 15.44.020, 15.44.021, 15.44.022, 15.44.027, 15.44.030, 15.44.032, 15.44.033, and 15.44.035.

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

SB 6093 by Senators Haugen, King, Sheldon, Eide, Swecker, Hatfield and Morton

AN ACT Relating to pairing required investments in compensatory environmental mitigation, including the mitigation of transportation projects, with existing programs currently referenced in Title 76 RCW that enhance natural environmental functions; amending RCW 47.01.300, 90.74.005, 90.74.010, 90.74.020, and 90.74.030; adding new sections to chapter 90.74 RCW; and adding a new section to chapter 76.09 RCW.

Referred to Committee on Transportation.

SB 6094 by Senators Morton, Holmquist Newbry, Stevens, Becker, Hatfield, Schoesler, Ericksen, Hill, Hewitt, Padden, Carrell and Swecker

AN ACT Relating to operating a motor vehicle on state lands under the discover pass program; and amending RCW 79A.80.080.

Referred to Committee on Energy, Natural Resources & Marine Waters.

SB 6095 by Senator Kohl-Welles

AN ACT Relating to making technical corrections to gender-based terms; amending RCW 2.12.037, 6.15.010, 9.95.270, 9.96.020, 41.04.120, 41.04.233, 41.04.510, 41.06.073, 41.06.075, 41.06.120, 41.14.030, 41.14.060, 41.14.090, 41.14.110, 41.14.120, 41.14.180, 41.14.250, 41.14.260, 41.14.270, 41.20.010, 41.20.020, 41.20.050, 41.20.060, 41.20.065, 41.20.070, 41.20.080, 41.20.085, 41.20.090, 41.20.100, 41.20.110, 41.20.120, 41.20.150, 41.20.155, 41.20.160, 41.20.170, 41.20.175, 41.24.100, 41.24.260, 41.26.040, 41.26.045, 41.26.046, 41.26.047, 41.28.010, 41.28.030, 41.28.040, 41.28.050, 41.28.080, 41.28.110, 41.28.120, 41.28.130, 41.28.140, 41.28.150, 41.28.160, 41.28.170, 41.28.180, 41.32.044, 41.32.497, 41.33.020, 41.40.210, 41.41.020, 41.44.030, 41.44.070, 41.44.080, 41.44.110, 41.44.120, 41.44.130, 41.44.140, 41.44.150, 41.44.160, 41.44.170, 41.44.180, 41.44.190, 41.44.200, 41.44.210, 41.44.220, 41.44.250, 41.48.020, 41.48.040, 41.48.050, 41.48.090, 41.48.100, 41.50.020, 41.56.080, 41.56.120, 41.56.220, 41.56.450, 41.56.470, 41.58.010, 41.58.801, 41.59.090, 41.59.120, 41.59.140, 42.04.020, 42.08.020, 42.08.030, 42.08.050, 42.08.090, 42.08.100, 42.08.110, 42.08.120, 42.08.130, 42.08.140, 42.08.160, 42.12.030, 42.14.010, 42.14.030, 42.14.060, 42.16.013, 42.16.014, 42.16.020, 42.16.040, 42.20.020, 42.20.030, 42.20.050, 42.20.080, 42.20.110, 42.24.110, 42.24.140, 42.24.150, 42.24.160, 42.26.050, 42.26.070, 42.30.040, 42.30.090, 42.30.120, 42.56.040, 46.21.030, 46.23.020, 49.32.072, 60.08.020, 60.08.060, 60.10.070,

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 73.36.130, 73.36.150, 73.36.155, 73.36.160, and 73.36.165;  
 and reenacting and amending RCW 41.56.070, 63.14.154,  
 66.04.010, and 70.37.050.

Referred to Committee on Labor, Commerce & Consumer Protection.

SB 6096 by Senators Conway, Parlette and Keiser

AN ACT Relating to protection against unfair prescription drug practices by pharmacy benefits managers; and adding a new chapter to Title 19 RCW.

Referred to Committee on Health & Long-Term Care.

SB 6097 by Senators Rolfes, Fraser, Kilmer, Nelson, Swecker and Sheldon

AN ACT Relating to encouraging economic development by exempting certain counties from the forest land compensating tax; amending RCW 84.33.145; and reenacting and amending RCW 84.33.140.

Referred to Committee on Economic Development, Trade & Innovation.

SB 6098 by Senators Rolfes, Hargrove, Fain and Kohl-Welles

AN ACT Relating to fingerprinting requirements for licensing of private investigators and private security guards; and amending RCW 18.165.030 and 18.170.030.

Referred to Committee on Labor, Commerce & Consumer Protection.

SB 6099 by Senators Rolfes, Nelson, Chase and Conway

AN ACT Relating to school district levy elections; amending RCW 84.52.053; and declaring an emergency.

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

SB 6100 by Senators Hargrove and Roach

AN ACT Relating to clarifying and updating the administration of sexual assault grant programs by the department of commerce; amending RCW 43.280.010, 43.280.011, 43.280.020, 43.280.050, 43.280.060, 43.280.070, 43.280.080, 43.280.090, 70.125.020, 70.125.065, 5.60.060, and 42.56.370; reenacting and amending RCW 70.125.030; and repealing RCW 43.280.030,

43.280.081, 74.14B.060, 70.125.040, 70.125.050, 70.125.055, and 70.125.080.

Referred to Committee on Human Services & Corrections.

SB 6101 by Senators Morton, Delvin, Schoesler, Sheldon and Honeyford

AN ACT Relating to clarifying the definition of qualifying utility in the energy independence act; and amending RCW 19.285.030.

Referred to Committee on Energy, Natural Resources & Marine Waters.

SB 6102 by Senators Regala, Rolfes, Nelson, Fraser, Chase and Kline

AN ACT Relating to protecting air quality that is impacted by high emitting solid fuel burning devices; and amending RCW 70.94.473 and 70.94.477.

Referred to Committee on Environment.

SB 6103 by Senators Keiser and Fraser

AN ACT Relating to registration of reflexologists; amending RCW 18.130.040, 18.120.020, 18.108.030, and 18.108.050; and adding a new chapter to Title 18 RCW.

Referred to Committee on Health & Long-Term Care.

SB 6104 by Senators Keiser, Fraser and Kline

AN ACT Relating to administrative inspections of massage business establishments; and adding a new section to chapter 18.108 RCW.

Referred to Committee on Health & Long-Term Care.

SB 6105 by Senators Parlette, Hatfield, Conway, Becker, Keiser and Shin

AN ACT Relating to the exemption of veterinarians from the data submission requirements of the prescription monitoring program; and amending RCW 70.225.020.

Referred to Committee on Health & Long-Term Care.

SB 6106 by Senator Hewitt

AN ACT Relating to increasing the allowable electrical generating capacity of a net metering system owned by a municipality located east of the crest of the Cascade mountains to two megawatts; and amending RCW 80.60.010.

Referred to Committee on Energy, Natural Resources & Marine Waters.

SB 6107 by Senators Becker, Keiser, Conway, Swecker, Pridemore, Harper, King, Kilmer, Schoesler, Fain, Frockt, Haugen, Honeyford, Hatfield, Hill and Parlette

AN ACT Relating to prescription review for medicaid managed care enrollees; and reenacting and amending RCW 74.09.522.

Referred to Committee on Health & Long-Term Care.

SB 6108 by Senators Harper and Fain

AN ACT Relating to clarifying the location at which the crime of theft of rental, leased, lease-purchased, or loaned property occurs; and amending RCW 9A.56.096.

Referred to Committee on Judiciary.

SB 6109 by Senators Pridemore, Swecker and Prentice

AN ACT Relating to exempting video and audio recordings of closed executive session meetings from public inspection and copying; and adding a new section to chapter 42.56 RCW.

Referred to Committee on Government Operations, Tribal Relations & Elections.

SB 6110 by Senator Carrell

AN ACT Relating to fees and charges related to the operation of sewerage systems operated by the county; amending RCW 35.23.251, 35.27.330, 35A.47.040, 36.94.170, and 36.94.180; adding a new section to chapter 35.21 RCW; adding a new section to chapter 35A.47 RCW; adding a new section to chapter 35.22 RCW; creating new sections; and declaring an emergency.

Referred to Committee on Government Operations, Tribal Relations & Elections.

SB 6111 by Senator Swecker

AN ACT Relating to fees for certain vehicle title, registration, and permitting services; amending RCW 46.17.040, 46.17.050, and 46.17.060; and adding new sections to chapter 46.68 RCW.

Referred to Committee on Transportation.

SB 6112 by Senators Eide, King, Haugen, Fain and Shin

AN ACT Relating to the use of alternative traction devices on tires under certain conditions; and amending RCW 46.37.420.

Referred to Committee on Transportation.

SB 6113 by Senator Prentice

AN ACT Relating to the disclosure of personally identifying information on certain transit passes and fare payment media; and amending RCW 42.56.330.

Referred to Committee on Transportation.

SB 6114 by Senators Shin, Prentice and Nelson

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AN ACT Relating to proof of payment for certain transportation fares; amending RCW 35.58.580 and 81.112.220; and prescribing penalties.

SB 6120 by Senators Nelson, Swecker, Harper, Hargrove, Kohl-Welles, Fraser, Kastama, Pridemore, Rolfes, Frockt, Ranker, Regala, Shin, Tom, Kline, Chase, Keiser and Conway

Referred to Committee on Transportation.

AN ACT Relating to children's safe products; amending RCW 70.240.010; adding new sections to chapter 70.240 RCW; and creating a new section.

SB 6115 by Senators Keiser, Becker, Kastama, Conway and Pflug

Referred to Committee on Environment.

AN ACT Relating to the health care workforce; amending RCW 28C.18.120; reenacting and amending RCW 28C.18.010; adding new sections to chapter 28C.18 RCW; and adding a new section to chapter 35.21 RCW.

SB 6121 by Senators Frockt, Tom, Kastama, Shin and Kline

Referred to Committee on Health & Long-Term Care.

AN ACT Relating to financial aid counseling; and adding a new section to chapter 28B.76 RCW.

SB 6116 by Senators Fraser, Swecker, Pridemore, Ranker and Murray

Referred to Committee on Higher Education & Workforce Development.

AN ACT Relating to on-site sewage program management plans; and adding a new section to chapter 70.05 RCW.

SB 6122 by Senator Carrell

Referred to Committee on Government Operations, Tribal Relations & Elections.

AN ACT Relating to unattended pet animals with a choke chain; amending RCW 9.08.070; adding a new section to chapter 18.92 RCW; adding a new section to chapter 18.240 RCW; prescribing penalties; and providing an effective date.

SB 6117 by Senators McAuliffe, Litzow, Eide, Shin, Pridemore and Harper

Referred to Committee on Judiciary.

AN ACT Relating to academic performance audits of lowest-achieving schools in required action districts; and amending RCW 28A.657.040.

MOTION

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

On motion of Senator Eide, all measures listed on the Introduction and First Reading report were referred to the committees as designated with the exception of Senate Bill No. 6082 which was referred to the Committee on Agriculture, Water & Rural Economic Development.

SB 6118 by Senators McAuliffe, Litzow, Chase, Eide, Shin, Rolfes, Harper and Frockt

MOTION

AN ACT Relating to implementing recommendations of the 2010 working group regarding programs for highly capable students; amending RCW 28A.185.020 and 28A.185.030; adding a new section to chapter 28A.185 RCW; and creating a new section.

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

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

MOTION

SB 6119 by Senators McAuliffe, Eide, Shin, Keiser, Conway, Harper, Frockt and Litzow

Senator Eide moved adoption of the following resolution:

SENATE RESOLUTION  
8663

AN ACT Relating to encouraging multiple career pathways through information, exploration, planning, and program coordination; amending RCW 28A.150.200, 28A.150.220, 28A.230.097, 28C.18.060, 28B.76.526, 28C.18.162, 28C.18.164, 28C.18.166, 28B.92.030, 28B.92.084, 28A.700.060, 28A.600.045, 28A.230.090, 28A.230.010, and 28B.50.140; amending 2009 c 238 s 11 (uncodified); reenacting and amending RCW 28A.600.160; adding a new section to chapter 28A.320 RCW; adding a new section to chapter 28A.230 RCW; adding a new section to chapter 28A.410 RCW; adding a new section to chapter 28B.10 RCW; adding a new chapter to Title 28C RCW; creating new sections; recodifying RCW 28A.700.060; and providing an effective date.

By Senators Eide, Kohl-Welles, Delvin, Conway, Harper, Fraser, Fain, Pridemore, and Litzow

WHEREAS, President Obama declared the month of January as National Slavery and Human Trafficking Prevention Month; and

WHEREAS, January 11th has been designated as the National Day of Human Trafficking Awareness by the United States Congress; and

WHEREAS, Washington state has been in the forefront nationally in the fight against modern day slavery and exploitation; and

WHEREAS, Human trafficking is one of the fastest growing criminal industries in the world, affecting women, men, children, and communities; and

WHEREAS, In 2002, the Washington State Task Force Against the Trafficking of Persons was created, the first of its kind in the

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

nation, and Washington became the first state in the nation to enact the international matchmaking organization regulation act, also known as the mail-order bride act, which requires international matchmaking agencies to provide, upon request, criminal and marital background information on Washington state residents using the agency to meet prospective spouses in other countries; and

WHEREAS, In 2003, Washington became the first state to criminalize human trafficking and to extend protections to mail-order brides; and

WHEREAS, In 2005, Washington again led all other states in establishing protocols for providing services to victims of trafficking, and in providing funds for legal aid to noncitizens who are victims of sexual assault, domestic violence, or human trafficking; and

WHEREAS, In 2006, Washington became only the second state to place restrictions on sex tourism and provided funding for the Washington State Task Force Against the Trafficking of Persons to resume its work leading to the creation of a Comprehensive Response to Human Trafficking; and

WHEREAS, In 2007, Washington passed groundbreaking legislation that created the new crime of commercial sex abuse of minors; and

WHEREAS, In 2008, Washington enacted legislation that added victims of trafficking to the list of victims eligible for the address confidentiality program; and

WHEREAS, In 2009, Washington passed legislation, the first of its kind in the nation, that requires international labor recruiters and domestic employers of foreign workers to disclose labor laws to employees and works to provide health care providers information to help identify human trafficking victims; and

WHEREAS, In 2009, Washington began to allow prosecutors to divert cases where juveniles were alleged to have committed the offenses of prostitution, if the juvenile agrees to participate in a program to provide wraparound services, including mental health counseling; and

WHEREAS, In 2010, Washington strengthened requirements for labor recruiters and domestic employers of foreign workers to disclose federal and state labor laws to nonimmigrant workers and added civil penalties, strengthened penalties on the commercial sexual abuse of a minor, required development of training for law enforcement officers, and allowed informational posters on domestic trafficking, including of juveniles, to be posted at rest stops throughout the state; and

WHEREAS, In 2011, Washington authorized local governments to use affordable housing funds to provide housing assistance to victims of human trafficking and their families, allowed law enforcement to conduct surveillance on suspected human-trafficking and child-prostitution activities with the consent of the victim, amended the criminal definition of human trafficking to include the illegal harvesting or sale of human organs, and broadened the scope of the crime to hold criminals accountable caught transporting a person knowing the person would be forced into prostitution or manual labor; and

WHEREAS, Victims of human trafficking need support in order to escape and recover from the physical, mental, emotional, economic, and spiritual trauma associated with their victimization; and

WHEREAS, Human traffickers use many physical and psychological techniques to coerce and control their victims, including the use of violence or threats of violence against the victim or the victim's family, isolation from the public, isolation from the victim's family and religious or ethnic communities, language and cultural barriers, shame, control of the victim's possessions, confiscation of passports and other identification documents, and threats of arrest, deportation, or imprisonment if the victim attempts to reach out for assistance or leave;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate recognize those people and organizations that fight daily against the scourge of human trafficking, and encourage others to observe the National Slavery and Human Trafficking Awareness Prevention Month and the National Day of Trafficking Awareness with appropriate ceremonies and activities to combat human trafficking; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to the API Safety Center & Chaya, the Center for Children and Youth Justice, Community Advocacy Partnership, Coordinated Response to Commercially Sexually Exploited Children, Esteem Outreach of Life Center in Tacoma, Genesis Project, the Intercommunity Peace and Justice Center, the International Rescue Committee, King County Council, New Horizons Ministries, Not for Sale Washington, NW Coalition against Trafficking, the Polaris Project, the Port of Seattle, Refugee Women's Alliance, Seattle Against Slavery, the Seattle City Council, the Seattle Police Department, Shared Hope International, Soroptimist Coalition to Stop Human Trafficking, The Tronie Foundation, United States Attorney General's Office Western Division, University of Washington's Anti-Trafficking Task Force, the Washington Advisory Committee on Trafficking, Washington Anti-Trafficking Response Network, Washington Attorney General's Office, Washington Engage, and Youth Care.

Senators Eide, Delvin, Shin, Conway, Kohl-Welles, Roach and Fraser spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8663.

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

SIGNED BY THE PRESIDENT

The President signed:

SENATE CONCURRENT RESOLUTION NO. 8407,  
SENATE CONCURRENT RESOLUTION NO. 8408.

MOTION

At 10:27 a.m., on motion of Senator Eide, the Senate adjourned until 12:00 noon, Thursday, January 12, 2012.

BRAD OWEN, President of the Senate

THOMAS HOEMANN, Secretary of the Senate

**FOURTH DAY**

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NOON SESSION

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Senate Chamber, Olympia, Thursday, January 12, 2012

The Senate was called to order at 12:00 noon by President Owen. No roll call was taken.

MOTION

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

MOTION

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

REPORTS OF STANDING COMMITTEES

January 10, 2012

SGA 9175 ELAINE R AKAGI, appointed on August 17, 2011, for the term ending July 1, 2016, as Member of the State School for the Blind Board of Trustees. Reported by Committee on Higher Education & Workforce Development

MAJORITY recommendation: That said appointment be referred without recommendations. Signed by Senators Tom, Chair; Shin, Vice Chair; Hill; Becker; Frockt; Kastama and Kilmer.

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

MOTION

On motion of Senator Eide, the measure listed on the Standing Committee report was referred to the committee as designated.

MOTION

On motion of Senator Eide, the Senate advanced to the third order of business.

MESSAGE FROM THE GOVERNOR  
GUBERNATORIAL APPOINTMENTS

January 11, 2012

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following reappointment, subject to your confirmation.

Bruce Reid, reappointed October 1, 2008, for the term ending September 30, 2013, as Member, Board of Trustees, Technical College District #26 (Lake Washington).

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Higher Education & Workforce Development.

MOTION

On motion of Senator Eide, the appointee listed on the Gubernatorial Appointment report was referred to the committee as designated.

MOTION

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

INTRODUCTION AND FIRST READING

SB 6123 by Senators Hatfield, Sheldon, Swecker, Hargrove, Carrell, Conway, Becker, King, Benton, Delvin, Fain, Ericksen, Ranker, Honeyford, Schoesler, Pridemore, Roach, Stevens and Chase

AN ACT Relating to "National Rifle Association" special license plates; amending RCW 46.68.425 and 77.15.425; reenacting and amending RCW 46.18.200, 46.17.220, and 46.18.060; and adding a new section to chapter 46.04 RCW.

Referred to Committee on Transportation.

SB 6124 by Senators Honeyford, Hatfield, Schoesler and Shin

AN ACT Relating to modifying the definition of certain agricultural terms to be consistent with other state laws; and amending RCW 90.48.450.

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

SB 6125 by Senators Regala, Swecker, Pridemore, Carrell and Shin

AN ACT Relating to contracts with community service organizations for public improvements; and amending RCW 35.21.278.

Referred to Committee on Government Operations, Tribal Relations & Elections.

SB 6126 by Senators Frockt, Keiser, Chase, Nelson, Kline and Murray

AN ACT Relating to dental practitioners; amending RCW 18.32.030, 18.32.0351, 18.120.020, 18.130.040, 18.260.010, 18.260.040, 18.260.070, 18.260.080, and 69.41.010; reenacting and amending RCW 69.41.030; adding a new chapter to Title 18 RCW; creating a new section; and providing an effective date.

Referred to Committee on Health & Long-Term Care.

SB 6127 by Senators Prentice, Chase, Kline, Brown, Shin, Keiser and Murray

AN ACT Relating to extending the time period for voter registration; amending RCW 29A.08.140; and creating a new section.

Referred to Committee on Government Operations, Tribal Relations & Elections.

**SB 6128** by Senators Prentice and Brown

AN ACT Relating to voter registration for sixteen and seventeen year olds; amending RCW 29A.08.210, 29A.08.330, and 46.20.155; adding a new section to chapter 29A.08 RCW; and creating a new section.

Referred to Committee on Government Operations, Tribal Relations & Elections.

**SB 6129** by Senators Prentice, Chase and Brown

AN ACT Relating to simplifying motor voter registration; amending RCW 29A.08.340 and 46.20.155; and creating a new section.

Referred to Committee on Government Operations, Tribal Relations & Elections.

**SB 6130** by Senators Rolfes, Swecker, Nelson, Ericksen and Kline

AN ACT Relating to modernizing the functionality of the state environmental policy act without compromising the underlying intent of the original legislation; amending RCW 43.21C.031, 43.21C.229, 43.21C.420, 36.70A.490, 36.70A.500, 82.02.020, 43.21C.110, and 43.21C.095; adding new sections to chapter 43.21C RCW; adding a new section to chapter 82.02 RCW; adding new sections to chapter 36.70B RCW; adding a new section to chapter 36.70 RCW; creating new sections; providing expiration dates; and repealing RCW 36.70B.110.

Referred to Committee on Environment.

**SB 6131** by Senators Chase, Delvin and Kline

AN ACT Relating to clarifying certain issues with regard to the regulation of bulk mercury; and amending RCW 70.95M.010, 70.95M.050, and 70.95M.100.

Referred to Committee on Environment.

**SB 6132** by Senators Morton, Carrell, Ericksen, Stevens, Chase, Sheldon, Holmquist Newbry, Delvin, Becker, Schoesler, Swecker, Honeyford, Conway and Roach

AN ACT Relating to small-scale ocean beach prospecting and mining; adding a new section to chapter 77.55 RCW; and creating a new section.

Referred to Committee on Energy, Natural Resources & Marine Waters.

**SB 6133** by Senators Conway, Roach, Kohl-Welles, Nelson, Kline and Keiser

AN ACT Relating to requiring training for eligibility for certain electrician certifications; amending RCW 19.28.181 and 19.28.211; adding a new section to chapter 19.28 RCW; and providing an effective date.

Referred to Committee on Labor, Commerce & Consumer Protection.

**SB 6134** by Senators Delvin, Conway, Sheldon and Hewitt

AN ACT Relating to allowing department of fish and wildlife enforcement officers to transfer service credit; and amending RCW 41.26.435.

Referred to Committee on Ways & Means.

**SB 6135** by Senators Hargrove, Swecker, Rolfes, Delvin, Regala, Ranker, Shin and Fraser

AN ACT Relating to fish and wildlife enforcement; amending RCW 7.84.030, 77.15.030, 77.15.050, 77.15.075, 77.15.080, 77.15.100, 77.15.110, 77.15.130, 77.15.160, 77.15.170, 77.15.190, 77.15.240, 77.15.260, 77.15.280, 77.15.290, 77.15.370, 77.15.380, 77.15.390, 77.15.400, 77.15.410, 77.15.430, 77.15.460, 77.15.610, 77.15.620, 77.15.630, 77.15.640, 77.15.650, 77.15.660, 77.15.700, 77.15.720, and 77.15.740; reenacting and amending RCW 9.94A.515 and 77.08.010; adding a new section to chapter 77.08 RCW; adding new sections to chapter 77.15 RCW; repealing RCW 77.12.315, 77.15.140, 77.15.220, and 77.15.330; and prescribing penalties.

Referred to Committee on Energy, Natural Resources & Marine Waters.

**SB 6136** by Senators Morton, Schoesler, Delvin and Hobbs

AN ACT Relating to the regional management of mammalian apex predators; amending RCW 77.12.020; adding a new section to chapter 77.12 RCW; and creating a new section.

Referred to Committee on Energy, Natural Resources & Marine Waters.

**SB 6137** by Senators Schoesler, Morton, Hatfield, Delvin, Honeyford and Hobbs

AN ACT Relating to an affirmative defense to unlawful taking of endangered fish or wildlife; and amending RCW 77.15.120.

Referred to Committee on Energy, Natural Resources & Marine Waters.

**SB 6138** by Senator Ericksen

AN ACT Relating to maximum vehicle lengths; and amending RCW 46.44.030.

Referred to Committee on Transportation.

**SB 6139** by Senators Rolfes, Ranker, Morton and Shin

AN ACT Relating to large wild carnivore conflict management; amending RCW 77.08.030, 77.36.100, 77.36.130, and 77.15.160; reenacting and amending RCW 77.08.010; adding a new section to chapter 77.36 RCW;



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adding new sections to chapter 77.15 RCW; and prescribing penalties.

Referred to Committee on Energy, Natural Resources & Marine Waters.

SB 6140 by Senators Kilmer, Becker, King, Regala, Conway, Shin and Chase

AN ACT Relating to local economic development financing; amending RCW 43.163.060; adding a new chapter to Title 39 RCW; and prescribing penalties.

Referred to Committee on Economic Development, Trade & Innovation.

SB 6141 by Senators Kilmer, Tom, Shin, Kastama, Ericksen, Chase and Frockt

AN ACT Relating to a lifelong learning program; adding a new section to chapter 28C.18 RCW; and creating a new section.

Referred to Committee on Economic Development, Trade & Innovation.

SB 6142 by Senators Kilmer, Becker, Rolfes, Hatfield, Kastama, Baumgartner, Eide, Fain, Hobbs, Shin, Parlette, Chase and Frockt

AN ACT Relating to changing agency regulatory practices; amending RCW 34.05.110 and 43.05.030; adding new sections to chapter 43.42 RCW; and creating a new section.

Referred to Committee on Economic Development, Trade & Innovation.

SB 6143 by Senators Eide, Litzow, Haugen and Hobbs

AN ACT Relating to adding trafficking in stolen property in the first and second degrees to the six-year statute of limitations provisions; and reenacting and amending RCW 9A.04.080.

Referred to Committee on Judiciary.

SB 6144 by Senators Ranker, Morton, Hargrove, Parlette, Fraser, Regala, Honeyford, Swecker and Shin

AN ACT Relating to authorizing the department of natural resources to provide wildfire protection services for public lands managed by state agencies; and amending RCW 76.04.015 and 76.04.135.

Referred to Committee on Energy, Natural Resources & Marine Waters.

SB 6145 by Senators Chase, Swecker, Nelson, Rolfes, Fraser, Keiser and Kline

AN ACT Relating to paint stewardship; amending RCW 42.56.270; reenacting and amending RCW 43.21B.110 and 43.21B.110; adding a new chapter to Title 70 RCW; prescribing penalties; providing an effective date; and providing an expiration date.

Referred to Committee on Environment.

SB 6146 by Senators Prentice, Swecker, Tom and Hobbs

AN ACT Relating to clarifying restrictions on the use of the public records act for the purpose of obtaining records for commercial or profit-making purposes; amending RCW 42.56.030 and 42.56.070; and creating a new section.

Referred to Committee on Government Operations, Tribal Relations & Elections.

SB 6147 by Senators Prentice, Pridemore, Swecker, Hargrove, Chase, Nelson and Kline

AN ACT Relating to creating a procedure for the state's retrocession of civil and criminal jurisdiction over Indian tribes and Indian country; and adding a new section to chapter 37.12 RCW.

Referred to Committee on Government Operations, Tribal Relations & Elections.

SB 6148 by Senators Nelson, Swecker, Pridemore, Chase, Rolfes, Keiser, Kline, Conway and Frockt

AN ACT Relating to adopting the Washington small rechargeable battery stewardship act; reenacting and amending RCW 43.21B.110 and 43.21B.110; adding a new chapter to Title 70 RCW; prescribing penalties; providing an effective date; and providing an expiration date.

Referred to Committee on Environment.

SB 6149 by Senators Eide, King, Haugen and Shin

AN ACT Relating to the period of validity and renewal of drivers' licenses and identicards; amending RCW 46.20.049, 46.20.117, 46.20.120, 46.20.161, 46.20.181, and 46.20.505; and providing an effective date.

Referred to Committee on Transportation.

SB 6150 by Senators Haugen, King, Eide, Hobbs, Shin and Chase

AN ACT Relating to a facial recognition matching system for drivers' licenses, permits, and identicards; amending RCW 46.20.037; adding a new section to chapter 46.04 RCW; and repealing RCW 46.20.038.

Referred to Committee on Transportation.

SB 6151 by Senators Harper, Pflug, Kline and Chase

AN ACT Relating to the nonprofit miscellaneous and mutual corporations act; and amending RCW 24.06.032.

Referred to Committee on Judiciary.

SB 6152 by Senators Hatfield and Honeyford

AN ACT Relating to streamlining water right permitting and appeals; amending RCW 90.03.320, 90.80.070, 90.80.080, 90.80.090, and 43.21B.305; creating a new section; and providing an expiration date.

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

SB 6153 by Senators McAuliffe and Chase

AN ACT Relating to school attendance of children whose parents or guardians receive state assistance; adding a new section to chapter 43.20A RCW; and declaring an emergency.

Referred to Committee on Human Services & Corrections.

SB 6154 by Senators Hobbs, Pridemore, Swecker, Hargrove, Benton, Hatfield and Schoesler

AN ACT Relating to the filing of appeals with the growth management hearings board; amending RCW 36.70A.280 and 36.70A.290; adding a new section to chapter 36.70A RCW; and creating a new section.

Referred to Committee on Government Operations, Tribal Relations & Elections.

SB 6155 by Senators Kilmer, Carrell, Hobbs, Kastama, Regala, Fain, Conway and Keiser

AN ACT Relating to the definition of debt adjuster; and amending RCW 18.28.010.

Referred to Committee on Financial Institutions, Housing & Insurance.

SB 6156 by Senators Delvin, Hatfield, Schoesler, Honeyford, Hewitt, Shin and Parlette

AN ACT Relating to wine producer liens; amending RCW 60.13.010, 60.13.040, 60.13.060, and 60.13.070; and adding new sections to chapter 60.13 RCW.

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

SB 6157 by Senators Delvin, Hargrove, Stevens, Benton, Ericksen and Parlette

AN ACT Relating to juvenile detention intake standards for juveniles who are developmentally disabled; and amending RCW 13.40.038.

Referred to Committee on Human Services & Corrections.

SB 6158 by Senator Chase

AN ACT Relating to subjecting federally recognized Indian tribes to the same conditions as state and local governments for property owned exclusively by the tribe; amending RCW 82.29A.010, 82.29A.020, 84.36.010, 84.36.451, and 84.40.230; and adding a new section to chapter 52.30 RCW.

Referred to Committee on Government Operations, Tribal Relations & Elections.

SB 6159 by Senators Hargrove, Regala, Harper and Padden

AN ACT Relating to a business and occupation tax deduction for amounts received with respect to dispute resolution services; adding a new section to chapter 82.04 RCW; and creating a new section.

Referred to Committee on Ways & Means.

SB 6160 by Senators Haugen, Swecker and Roach

AN ACT Relating to allowing registered tow truck operators to pass the costs of tolls and ferry fares to the impounded vehicle's registered owner; and amending RCW 46.55.035.

Referred to Committee on Transportation.

SB 6161 by Senators Conway and Schoesler

AN ACT Relating to allowing lunch breaks for registered tow truck operators while requiring reasonable availability; and amending RCW 46.55.060.

Referred to Committee on Transportation.

SB 6162 by Senators Regala, Kastama, Shin and Frockt

AN ACT Relating to missing endangered persons; and amending RCW 13.60.010 and 13.60.020.

Referred to Committee on Judiciary.

SB 6163 by Senators Ericksen, Swecker, Hatfield and Chase

AN ACT Relating to directing the department of ecology to coordinate discussions with the province of British Columbia to study the feasibility of providing new water supplies and storage to benefit residents of western Washington; creating a new section; and providing an expiration date.

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

SB 6164 by Senators Hobbs, Hill, Tom, Baumgartner, Pridemore, Benton, McAuliffe, Zarelli, Harper, Kilmer, Ranker, Haugen, Schoesler, Kastama, Conway, Chase and Roach

AN ACT Relating to rights of higher education students involved in military service; and amending RCW 28B.10.270.

Referred to Committee on Higher Education & Workforce Development.

#### MOTION

On motion of Senator Eide, all measures listed on the Introduction and First Reading report were referred to the committees as designated with the exception of Senate Bill No.

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6153 which was referred to the Committee on Human Services & Corrections.

BRAD OWEN, President of the Senate

MOTION

THOMAS HOEMANN, Secretary of the Senate

At 12:04 p.m., on motion of Senator Eide, the Senate adjourned until 10:00 a.m. Friday, January 13, 2012.

## FIFTH DAY

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MORNING SESSION

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Senate Chamber, Olympia, Friday, January 13, 2012

The Senate was called to order at 10:00 a.m. by President Owen. The Secretary called the roll and announced to the President that all Senators were present with the exception of Senators Baumgartner, Ericksen, Fain, Hill, Honeyford, Litzow, Morton, Prentice and Zarelli.

The Sergeant at Arms Color Guard consisting of Pages Nicholes Magill and Jacob Moushey, presented the Colors. Pastor Tim Heffer of Hidden Creek Community Church of Olympia offered the prayer.

## MOTION

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

## MOTION

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

## REPORTS OF STANDING COMMITTEES

January 12, 2012

SSB 5244 Prime Sponsor, Committee on Government Operations, Tribal Relations & Elections: Addressing law enforcement crime prevention efforts regarding security alarm systems and crime watch programs for residential and commercial locations. Reported by Committee on Government Operations, Tribal Relations & Elections

MAJORITY recommendation: That Second Substitute Senate Bill No. 5244 be substituted therefor, and the second substitute bill do pass. Signed by Senators Pridemore, Chair; Swecker; Benton; Chase; Nelson and Roach.

Passed to Committee on Rules for second reading.

January 12, 2012

SB 5355 Prime Sponsor, Senator Morton: Regarding notice requirements for special meetings of public agencies. Reported by Committee on Government Operations, Tribal Relations & Elections

MAJORITY recommendation: That Second Substitute Senate Bill No. 5355 be substituted therefor, and the second substitute bill do pass. Signed by Senators Pridemore, Chair; Swecker; Benton; Chase and Nelson.

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

Passed to Committee on Rules for second reading.

January 12, 2012

SB 5413 Prime Sponsor, Senator Kilmer: Allowing a majority of landowners to petition the county legislative authority to vacate and abandon the frontage of a county road. Reported

by Committee on Government Operations, Tribal Relations & Elections

MAJORITY recommendation: Do pass. Signed by Senators Pridemore, Chair; Swecker; Benton; Chase; Nelson and Roach.

Passed to Committee on Rules for second reading.

## MOTION

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

## MOTION

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

## INTRODUCTION AND FIRST READING

SB 6165 by Senators Hargrove, Swecker, Ranker, Pridemore, Nelson, Rolfes and Shin

AN ACT Relating to creating flexible conservation futures taxing districts; and adding a new chapter to Title 36 RCW.

Referred to Committee on Government Operations, Tribal Relations & Elections.

SB 6166 by Senators Tom, Keiser, Kohl-Welles, Kline, Hobbs and Nelson

AN ACT Relating to cigarette tax revenue for tobacco usage prevention and treatment programs; amending RCW 82.24.020 and 43.79.480; and providing an effective date.

Referred to Committee on Ways & Means.

SB 6167 by Senators Kohl-Welles, Padden, Roach and Chase

AN ACT Relating to criminal identification system information for entities providing emergency shelter, interim housing, or transitional housing; amending RCW 43.43.832; and reenacting and amending RCW 43.43.830.

Referred to Committee on Human Services & Corrections.

SB 6168 by Senators Ranker, Litzow, Hargrove, Hatfield and Shin

AN ACT Relating to setting a deadline for developing guidance for the siting of renewable energy facilities in the state's marine waters; and amending RCW 43.21F.062.

Referred to Committee on Energy, Natural Resources & Marine Waters.

SB 6169 by Senators Ranker, Litzow, Hargrove and Chase

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AN ACT Relating to the ocean policy advisory council; amending RCW 43.143.020; adding new sections to chapter 43.143 RCW; and creating a new section.

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

Referred to Committee on Energy, Natural Resources & Marine Waters.

SB 6170 by Senators Ranker, Hargrove, King, Hatfield, Harper, Shin and Conway

SB 6175 by Senators Pridemore, Swecker, Prentice, Shin, Sheldon, Kline and Chase

AN ACT Relating to establishing a government-to-government relationship between state government and federally recognized Indian tribes; and adding a new chapter to Title 43 RCW.

AN ACT Relating to the working waterfront redevelopment jobs act; amending RCW 77.55.021, 90.58.147, and 90.58.355; reenacting and amending RCW 43.21B.110 and 43.21B.110; adding a new section to chapter 77.55 RCW; adding a new section to chapter 79.105 RCW; creating new sections; providing an effective date; and providing an expiration date.

Referred to Committee on Government Operations, Tribal Relations & Elections.

Referred to Committee on Energy, Natural Resources & Marine Waters.

SB 6176 by Senators Kilmer, Hobbs, Rolfes, Shin and Zarelli

AN ACT Relating to improving the business climate in this state by simplifying state and local tax and licensing systems; amending RCW 35.102.020, 35.102.030, 35.102.040, 35.102.050, 35.102.120, 35.102.140, 35.102.160, 35.102.130, 82.14A.020, 82.04.462, 15.13.250, 15.13.250, 15.13.280, 15.13.290, 15.49.011, 15.49.380, 15.49.390, 15.54.275, 15.58.180, 15.58.235, 18.44.031, 18.64.044, 19.02.010, 19.02.030, 19.02.035, 19.02.070, 19.02.075, 19.02.080, 19.02.085, 19.02.090, 19.02.100, 19.02.110, 19.02.115, 19.02.210, 19.02.310, 19.02.800, 19.02.890, 19.80.010, 19.80.075, 19.94.2582, 35.21.392, 35.21.392, 35A.21.340, 36.110.130, 43.22.035, 46.72A.020, 50.12.290, 59.30.050, 59.30.090, 69.25.050, 69.25.060, 70.290.030, 76.48.121, 82.24.510, 82.24.520, 82.26.150, 90.76.010, 90.76.020, 82.04.060, 82.04.230, 82.04.240, 82.04.255, 82.04.260, 82.04.280, 82.04.285, 82.04.290, 35.102.150, 48.14.080, 82.04.051, 82.04.257, 82.04.261, 82.04.270, 82.04.29001, 82.04.29002, 82.04.293, 82.04.297, 82.04.298, 82.04.334, 82.04.360, 82.04.440, 82.04.4451, 82.04.44525, 82.04.4463, 82.04.4483, 82.04.460, 82.04.540, 82.04.620, 82.08.806, 82.16.100, 82.32.045, 82.32.533, 82.45.195, 35.102.070, 35.102.080, 35.102.090, and 35.102.145; reenacting and amending RCW 15.58.030, 18.64.011, 19.02.020, 19.94.015, 69.25.020, 82.04.250, 82.32.790, 82.32.080, 34.05.328, and 43.84.092; adding new sections to chapter 35.102 RCW; adding a new section to chapter 19.02 RCW; adding a new section to chapter 19.80 RCW; adding a new section to chapter 70.290 RCW; adding new sections to chapter 82.04 RCW; adding a new section to chapter 82.16 RCW; adding a new chapter to Title 35 RCW; creating new sections; repealing RCW 19.02.220, 19.02.810, 19.80.065, 43.24.160, 82.04.2404, 82.04.272, 82.04.2905, 82.04.2906, 82.04.2907, 82.04.2908, 82.04.2909, and 82.04.294; repealing 2010 c 114 s 104; repealing 2003 c 149 s 3; repealing 2010 c 106 s 206; repealing 2009 c 461 s 3; repealing 2006 c 300 s 7; repealing 2003 c 149 s 4; prescribing penalties; providing effective dates; providing a contingent effective date; and providing an expiration date.

SB 6171 by Senators Haugen, King and Shin

AN ACT Relating to the weight limitation for certain vessels exempt from the pilotage act; and amending RCW 88.16.070.

Referred to Committee on Transportation.

SB 6172 by Senators Benton, Hobbs, Prentice, Keiser, Fain and Chase

AN ACT Relating to franchise investment protection; and amending RCW 19.100.010, 19.100.020, 19.100.030, 19.100.040, 19.100.070, 19.100.080, 19.100.090, 19.100.184, 19.100.130, and 19.100.248.

Referred to Committee on Financial Institutions, Housing & Insurance.

SB 6173 by Senators Hobbs, Benton, Prentice, Keiser and Fain

AN ACT Relating to making technical corrections, modernizing statutes, and streamlining enforcement authorities of nondepository institutions regulated by the department of financial institutions; amending RCW 31.04.027, 31.04.065, 31.04.093, 31.04.145, 31.04.224, 31.45.010, 31.45.070, 31.45.105, 31.45.110, 19.146.200, and 19.144.020; reenacting and amending RCW 31.04.025; adding a new section to chapter 31.45 RCW; adding a new section to chapter 19.146 RCW; adding new sections to chapter 18.44 RCW; and adding new sections to chapter 19.230 RCW.

Referred to Committee on Financial Institutions, Housing & Insurance.

SB 6174 by Senators Conway, Pflug, Keiser, Pridemore, Roach and Chase

AN ACT Relating to expanding the types of medications that a public or private school employee may administer to include topical medication, eye drops, and ear drops; and amending RCW 28A.210.260 and 28A.210.270.

SB 6177 by Senators McAuliffe, Ranker, Shin and Eide

AN ACT Relating to evaluating certificated employees; amending RCW 28A.405.100, 28A.405.120, and 28A.405.130; adding a new section to chapter 28A.405 RCW; and adding a new section to chapter 28A.410 RCW.

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

Referred to Committee on Ways & Means.

SB 6178 by Senators Keiser, Conway, Shin, Frockt, Kline, Pflug and Chase

AN ACT Relating to furthering state implementation of the health benefit exchange and related provisions of the affordable care act; amending RCW 48.42.010, 48.42.020, 43.71.030, 43.71.060, 48.41.060, 48.41.110, and 48.41.170; reenacting and amending RCW 48.43.005; adding new sections to chapter 48.43 RCW; adding a new section to chapter 43.71 RCW; adding new sections to chapter 48.41 RCW; repealing RCW 48.43.018, 48.41.020, 48.41.100, and 48.41.200; prescribing penalties; providing an effective date; and declaring an emergency.

Referred to Committee on Health & Long-Term Care.

SB 6179 by Senators Kastama, Carrell, Regala and Kilmer

AN ACT Relating to the possession and manufacture of equipment for public safety and military personnel; amending RCW 9.41.250; adding a new section to chapter 9.41 RCW; and prescribing penalties.

Referred to Committee on Judiciary.

SB 6180 by Senators Swecker, Nelson and Sheldon

AN ACT Relating to reducing costs and inefficiencies in elections; amending RCW 29A.04.235, 29A.04.240, 29A.08.030, 29A.08.110, 29A.08.125, 29A.08.610, 29A.08.620, 29A.12.130, 29A.32.070, 29A.32.210, 29A.32.241, 29A.32.280, 29A.52.220, 29A.60.165, 29A.64.061, 29A.72.010, 29A.72.025, 29A.72.070, and 29A.76.030; adding a new section to chapter 29A.08 RCW; recodifying RCW 29A.04.240; repealing RCW 29A.32.031, 29A.32.032, 29A.32.036, 29A.32.080, and 29A.52.011; and declaring an emergency.

Referred to Committee on Government Operations, Tribal Relations & Elections.

SB 6181 by Senators Keiser, Benton and Hobbs

AN ACT Relating to insurers and insurance products; amending RCW 4.28.080, 48.05.440, 48.06.040, 48.17.010, 48.38.010, 48.38.020, 48.38.050, 48.43.310, 48.85.010, 48.85.020, 48.125.050, 48.17.380, 43.70.235, 48.20.435, 48.43.018, 48.44.215, 48.46.325, 48.43.530, 48.43.535, 48.46.030, 48.46.040, 48.41.110, and 48.43.510; reenacting and amending RCW 48.43.005 and 48.46.020; and repealing RCW 48.19.450.

Referred to Committee on Financial Institutions, Housing & Insurance.

SB 6182 by Senators Morton, Hargrove, Padden, Pflug, Delvin, Ericksen and Roach

AN ACT Relating to clarifying the circumstances when a confession, admission, or other statement of a criminal defendant may support a conviction; and amending RCW 10.58.035.

Referred to Committee on Judiciary.

SB 6183 by Senators Morton, Schoesler, Ericksen and Roach

AN ACT Relating to bid requirements for schools purchasing Washington grown foods and other goods; and amending RCW 28A.335.190.

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

SB 6184 by Senators Morton, Baumgartner, Hill, Fain, Litzow, Swecker and Padden

AN ACT Relating to voluntary donations to support state parks; and amending RCW 46.16A.090.

Referred to Committee on Energy, Natural Resources & Marine Waters.

SB 6185 by Senators Hobbs, Keiser, Pridemore, Nelson, Chase, Kline, Frockt, Ranker, Harper, Tom, Conway, Kohl-Welles and Murray

AN ACT Relating to preserving health insurance coverage for the voluntary termination of a pregnancy by requiring health plans issued on or after June 7, 2012, that provide coverage for maternity care or services to provide a covered person with substantially equivalent coverage to permit the voluntary termination of a pregnancy, by prohibiting a health plan from limiting in any way a woman's access to services related to the voluntary termination of a pregnancy other than terms and conditions generally applicable to the health plan's coverage of maternity care or services including applicable cost sharing, by not limiting in any way a woman's constitutionally or statutorily protected right to voluntarily terminate a pregnancy, by clarifying that health plans are not required to cover abortions that would be unlawful under RCW 9.02.120, and by providing an exemption for a multistate plan that does not cover the voluntary termination of pregnancies under federal law; and adding a new section to chapter 48.43 RCW.

Referred to Committee on Health & Long-Term Care.

SB 6186 by Senator Swecker

AN ACT Relating to limitations on the taxing authority of counties for emergency medical services; and amending RCW 84.52.069.

Referred to Committee on Government Operations, Tribal Relations & Elections.

SB 6187 by Senators Pflug, Harper and Frockt

AN ACT Relating to claims against the state and governmental entities arising out of tortious conduct; and amending RCW 4.92.100 and 4.96.020.

Referred to Committee on Judiciary.

SB 6188 by Senators Ranker, Morton, Chase, Swecker, Shin and Kline

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AN ACT Relating to clarifying procedures for appealing the adoption of a local shoreline master program by ensuring consistency with existing procedural provisions of the growth management act, chapter 36.70A RCW, the administrative procedure act, chapter 34.05 RCW, and the state environmental policy act, chapter 43.21C RCW; and amending RCW 90.58.190.

Referred to Committee on Energy, Natural Resources & Marine Waters.

SB 6189 by Senator Ericksen

AN ACT Relating to the taxation of amusement and recreation services involving amateur sports; amending RCW 82.04.050; adding a new section to chapter 82.04 RCW; adding a new section to chapter 82.08 RCW; adding a new section to chapter 82.12 RCW; and providing an effective date.

Referred to Committee on Ways & Means.

SB 6190 by Senator Ericksen

AN ACT Relating to urban growth areas; and amending RCW 36.70A.110.

Referred to Committee on Government Operations, Tribal Relations & Elections.

SB 6191 by Senator Ericksen

AN ACT Relating to sales and use taxes related to state transportation projects; amending RCW 47.46.060; adding a new section to chapter 82.08 RCW; adding a new section to chapter 82.12 RCW; and declaring an emergency.

Referred to Committee on Transportation.

SB 6192 by Senator Ericksen

AN ACT Relating to defining terms under the growth management act; and reenacting and amending RCW 36.70A.030.

Referred to Committee on Government Operations, Tribal Relations & Elections.

SB 6193 by Senator Ericksen

AN ACT Relating to using population projections for growth management purposes; and amending RCW 36.70A.110.

Referred to Committee on Government Operations, Tribal Relations & Elections.

SB 6194 by Senators Prentice, Swecker and Shin

AN ACT Relating to the administration of medical expense plans for state government retirees; and reenacting and amending RCW 41.04.340.

Referred to Committee on Health & long-Term Care.

SB 6195 by Senators Hatfield, Swecker, King, Regala, Ranker, Fraser, Honeyford and Shin

AN ACT Relating to replacing encumbered state forest lands for the benefit of multiple participating counties; amending RCW 79.02.010, 79.64.100, 79.64.110, and 79.22.060; reenacting and amending RCW 43.30.385; adding new sections to chapter 79.22 RCW; and creating a new section.

Referred to Committee on Energy, Natural Resources & Marine Waters.

SB 6196 by Senators Harper and Ericksen

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

Referred to Committee on Labor, Commerce & Consumer Protection.

SB 6197 by Senators Conway, Parlette, Keiser and Becker

AN ACT Relating to including pharmacists in the legend drug act; and reenacting and amending RCW 69.41.030.

Referred to Committee on Health & Long-Term Care.

SB 6198 by Senators Pridemore, Swecker and Conway

AN ACT Relating to centralizing the authority and responsibility for the development, process, and oversight of state procurement of goods and services; amending RCW 43.19.005, 43.19.725, and 43.19.727; adding a new chapter to Title 39 RCW; recodifying RCW 43.19.1932, 43.19.530, 43.19.534, 43.19.535, 43.19.536, 43.19.538, 43.19.539, 43.19.700, 43.19.702, 43.19.704, 43.19.797, and 39.29.052; repealing RCW 43.19.180, 43.19.185, 43.19.190, 43.19.1901, 43.19.1905, 43.19.19052, 43.19.1906, 43.19.1908, 43.19.1911, 43.19.1913, 43.19.1914, 43.19.1915, 43.19.1937, 43.19.1939, and 43.19.200; and providing an effective date.

Referred to Committee on Government Operations, Tribal Relations & Elections.

SB 6199 by Senators Roach and Kline

AN ACT Relating to modifying the penalty for false swearing by a beneficiary; amending RCW 61.24.030, 9.38.020, and 9A.72.040; and prescribing penalties.

Referred to Committee on Judiciary.

SB 6200 by Senator Nelson

AN ACT Relating to reconvening a stock water working group; creating a new section; and providing an expiration date.

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

SB 6201 by Senator Nelson

AN ACT Relating to the business and occupation taxation of newspapers and local interest web sites; amending RCW 82.04.214 and 82.04.260; and providing an effective date.

Referred to Committee on Ways & Means.

SB 6202 by Senators Tom, Litzow, Baumgartner, Kastama, Hobbs, Fain, Ericksen, Hill, Becker, Delvin, King, Hatfield, Hewitt, Sheldon, Swecker and Pflug

AN ACT Relating to establishing alternative forms of governance for certain public schools; amending RCW 28A.150.010 and 28A.310.140; reenacting and amending RCW 41.05.011; adding a new section to chapter 41.32 RCW; adding a new section to chapter 41.35 RCW; adding a new section to chapter 41.40 RCW; adding a new section to chapter 41.56 RCW; adding a new section to chapter 41.59 RCW; adding a new section to chapter 28A.315 RCW; adding a new section to chapter 28A.323 RCW; adding a new section to chapter 28A.343 RCW; adding new chapters to Title 28A RCW; and creating a new section.

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

SB 6203 by Senators Tom, Litzow, Hobbs, Kastama, Shin, Baumgartner, Fain, Hill, King, Parlette, Delvin, Hatfield, Hewitt, Sheldon, Murray, Swecker, Frockt and Pflug

AN ACT Relating to implementing and using the results of educator evaluation systems; amending RCW 28A.405.100, 28A.405.140, and 28A.405.220; adding a new section to chapter 28A.405 RCW; creating a new section; and providing an effective date.

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

#### MOTION

On motion of Senator Eide, all measures listed on the Introduction and First Reading report were referred to the committees as designated with the exception of Senate Bill No. 6191 which was referred to the Committee on Ways & Means.

#### MOTION

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

#### MOTION

Senator Eide moved adoption of the following resolution:

#### SENATE RESOLUTION 8666

By Senators Eide and Schoesler

WHEREAS, The Senate adopted permanent rules for the 2011-2013 biennium under Engrossed Senate Resolution 8604 as amended by Senate Resolution 8611 and Senate Resolution 8662; and

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

WHEREAS, The Senate desires to make changes to committee rules concerning minority reports and to rules pertaining to introduction of bills;

NOW, THEREFORE, BE IT RESOLVED, That Rules 45 and 56 are amended as follows:

"**Rule 45.** 1. At least five days notice shall be given of all public hearings held by any committee other than the rules committee. Such notice shall contain the date, time and place of such hearing together with the title and number of each bill, or identification of the subject matter, to be considered at such hearing. By a majority vote of the committee members present at any committee meeting such notice may be dispensed with. The reason for such action shall be set forth in a written statement preserved in the records of the meeting.

2. No committee may hold a public hearing during a regular or extraordinary session on a proposal identified as a draft unless the draft has been made available to the public at least twenty-four hours prior to the hearing. This rule does not apply during the five days prior to any cutoff established by concurrent resolution nor does it apply to any measure exempted from the resolution.

3. During its consideration of or vote on any bill, resolution or memorial, the deliberations of any committee or subcommittee of the senate shall be open to the public. In case of any disturbance or disorderly conduct at any such deliberations, the chair shall order the sergeant at arms to suppress the same and may order the meeting closed to any person or persons creating such disturbance.

4. No committee shall amend a measure, adopt a substitute bill, or vote upon any measure or appointment absent a quorum. A committee may conduct a hearing absent a quorum. A majority of any committee shall constitute a quorum and committees shall be considered to have a quorum present unless the question is raised. Any question as to quorum not raised at the time of the committee action is deemed waived.

5. Bills reported to the senate from a standing committee must have a majority report, which shall be prepared upon a printed standing committee report form; shall be adopted at a regularly or specially called meeting during a legislative session and shall be signed by a majority of the committee; and shall carry only one of the following recommendations:

- a. Do pass;
- b. Do pass as amended;
- c. That a substitute bill be substituted therefor, and the substitute bill do pass; or
- d. Without recommendation.

In addition to one of the above-listed recommendations, a report may also recommend that a bill be referred to another committee.

6. A majority report of a committee must carry the signatures of a majority of the members of the committee. In the event a committee has a quorum pursuant to subsection 4 of this rule, a majority of the members present may act on a measure, subject to obtaining the signatures of a majority of the members of the committee on the majority report.

7. Any measure, appointment, substitute bill, or amendment still within a committee's possession before it has been reported out to the full senate may be reconsidered to correct an error, change language, or otherwise accurately reflect the will of the committee in its majority and minority reports to the full senate. Any such reconsideration may be made at any time, by any member of the committee, provided that the committee has not yet reported the measure, appointment, substitute bill, or amendment out to the full senate. Any such reconsideration made after a vote has been taken or signatures obtained will require a new vote and signature sheet. Any measure which does not receive a majority vote of the members present may be reconsidered at that meeting and may again be considered upon motion of any committee member if one day's



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notice of said motion is provided to all committee members. For purposes of this rule, a committee is deemed to have reported a measure, appointment, substitute bill, or amendment out when it has delivered its majority and minority reports to the senate workroom. After such delivery, the committee no longer has possession of the measure, appointment, substitute bill, or amendment and no further committee action, including reconsideration, may be taken.

8. Any member of the committee not concurring in the majority report may sign a minority report containing a recommendation of "do not pass" or "without recommendation," which shall be signed by those members of the committee subscribing thereto, and submitted with the majority report. Unless the signatory of a minority report expressly indicates a "do not pass" recommendation, the member's vote shall be deemed to be "without recommendation." In every case where a majority report form is circulated for signature, a minority report form shall also be circulated.

9. When a committee reports a substitute for an original bill with the recommendation that the substitute bill do pass, it shall be in order to read the substitute bill the first time and have the same ordered printed.

A motion for the substitution of the substitute bill for the original bill shall not be in order until the committee on rules places the original bill on the second reading calendar.

10. No vote in any committee shall be taken by secret ballot nor shall any committee have a policy of secrecy as to any vote on action taken in such committee.

11. All reports of standing committees must be on the secretary's desk one hour prior to convening of the session in order to be read at said session. During any special session of the legislature, this rule may be suspended by a majority vote."

**"Rule 56.** All bills, joint resolutions and joint memorials introduced shall be endorsed with a statement of the title and the name of the member introducing the same. Any member desiring to introduce a bill, joint resolution or joint memorial shall file the same with the secretary of the senate by noon of the day before the convening of the session at which said bill, joint resolution or joint memorial is to be introduced.

~~((After the expiration of deadlines for bill introductions provided for by resolution, no bill shall be introduced, except as the legislature shall direct))~~ To be considered during a regular session, a bill must be introduced at least ten days before final adjournment of the legislature, unless the legislature directs otherwise by a vote of two-thirds of all the members elected to each house, said vote to be taken by yeas and nays and entered upon the journal ~~(or unless the same be at a special session)~~. The time limitation for introduction of bills shall not apply to substitute bills reported by standing committees for bills pending before such committees and general appropriation and revenue bills. (See also Art. 2, Sec. 36, State Constitution.)"

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8666.

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

#### MOTION

Senator Frockt moved adoption of the following resolution:

#### SENATE RESOLUTION 8665

By Senators Frockt, Kohl-Welles, Schoesler, Holmquist Newbry, Fraser, Harper, Benton, Pridemore, Kline, Kastama, McAuliffe, Parlette, Sheldon, Brown, Tom, Rolfes, Conway, Delvin, Nelson,

Hobbs, Hatfield, Padden, Hewitt, Hargrove, Eide, Shin, Regala, Haugen, Kilmer, Pflug, and Ranker

WHEREAS, Scott White was a devoted husband, father, legislator, public servant, and a proud son of the State of Washington until his untimely death on October 21, 2011, at the age of 41; and

WHEREAS, Scott White's tragic death shocked and saddened all who had the privilege to know and work with him; and

WHEREAS, Scott White's career was marked by a love of family and community and a passion for public service; and

WHEREAS, Scott White was educated in the Olympia, Washington public school system, beginning a relationship with the school system that paved the way for his becoming one of Washington's leading advocates in the field of public education; and

WHEREAS, Scott White's career of public service began shortly after graduation from Western Washington University and the completion of postgraduate work at the University of Washington; and

WHEREAS, Scott White's love of public service led him to serve as an analyst and senior manager with King County, Washington and the State of Washington; and

WHEREAS, The call to service led Scott White to run for and win election to the Washington State House of Representatives in the 46th Legislative District in 2008; and

WHEREAS, Scott White served with distinction in the Washington State House until being appointed to the Washington State Senate in the 46th Legislative District in 2010; and

WHEREAS, Scott White served with distinction in the Washington State Senate as the Majority Whip, Vice Chair of the Senate Committee on Transportation, member of the Senate Committee on Higher Education & Workforce Development, and member of the Senate Rules Committee until his death; and

WHEREAS, Scott White repeatedly and dutifully argued for the best interests of his constituents in the 46th Legislative District, the City of Seattle, King County, and the people of Washington State; and

WHEREAS, Scott White's advocacy for Washington's public schools in general and Seattle Public Schools in particular are deserving of recognition and memorialization within the Seattle School District to ensure that his legacy lives on; and

WHEREAS, Scott White's passion for public service was in evidence outside of the Senate chambers as he served on the Board of Trustees for Humanities Washington and on the Public Policy Committee for the United Way of King County; and

WHEREAS, Scott White's love of family, love of state, and love of service should serve as a model for all and a monument to a lifetime of selfless work to better the lives of the people of the 46th Legislative District, the City of Seattle, King County, and the people of Washington State;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate honor the lifetime and accomplishments of our former colleague, Senator Scott White, and pledge to dedicate ourselves and our work in the 2012 Legislative session to his memory.

Senators Frockt, Hewitt, Brown, King, Eide, Shin, Kohl-Welles, Hobbs and Haugen spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8665.

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

#### INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced Mrs. Allison White and Clair and Barrett White who was seated at the rostrum.

#### PERSONAL PRIVILEGE

Senator Brown: “Thank you Mr. President and members of the Senate. I wanted to explain, we will be in session on Monday on Martin Luther King Day, as we always are but I wanted to let you know that for the first time in two decades of being in elected office I will not be with you. I’m going to take the opportunity to observe this day with my community in Spokane. On that day I’ll join with them, you and others to reflect on the life and legacy of Reverend Martin Luther King, Jr. Spokane, one year ago, went through a very difficult time and we remain united in condemning the attempted attack on our community during our display of unity and peace in the march last year. With thousands of people attending the parade last year’s thwarted bomb attack sent a strong message that violence has no place in our community or in any community. While it’s hard for many of us to understand the motivation of someone who attempts to carry out this kind of attack, we can all celebrate the vigilance and swift response in which members of our community took actions to keep us safe. My sincere thanks and appreciation goes out to our local state and Federal law Enforcement the Eastern Washington Office of the U. S. Attorney and of course the three individuals whose vigilance, who were temporarily working for the public facilities district, and whose vigilance on the route noticed the suspicious back pack and took action. We can all recall Dr. King’s words some forty-nine years ago when he stood at our Nations’ Capitol and said, ‘we cannot walk alone and as we walk we must make the pledge that we shall always march ahead. We cannot turn back.’ This year more than most we consider those words and his unwavering commitment in the face of tyranny oppression as synonymous with peace and equality. If you would care to visit my office I have art work by Spokane artist Ben Joyce and it is entitled ‘Sixteen thousand five hundred and eighty two days to a Symphony of brotherhood; which commemorates the number of days from that amazing speech of Dr. King to the swearing in of our first African-American President. So on Monday, I will be contemplating far we’ve come and on the one year anniversary of this attempted bombing in Spokane how far we still have to go. Thank you Mr. President. I encourage my fellow Senators and every citizen to envision the kind of world which Dr. King yearned for, one of equality and justice where our differences are settled through dialogue and debate and not with violence. Thank you.”

#### MOTION

At 10:46 p.m., on motion of Senator Eide, the Senate adjourned until 12:00 noon, Monday, January 16, 2012.

BRAD OWEN, President of the Senate

THOMAS HOEMANN, Secretary of the Senate

**EIGHTH DAY**

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NOON SESSION

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Senate Chamber, Olympia, Monday, January 16, 2012

The Senate was called to order at 12:00 noon by President Owen. No roll call was taken.

**MOTION**

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

**MOTION**

On motion of Senator Eide, the Senate advanced to the third order of business.

**MESSAGE FROM THE GOVERNOR  
GUBERNATORIAL APPOINTMENTS**

January 12, 2012

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

Bernard Warner, appointed July 1, 2011, for the term ending at the governor's pleasure, as Secretary of the Department of Corrections.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Human Services & Corrections.

**MOTION**

On motion of Senator Eide, the appointee listed on the Gubernatorial Appointment report was referred to the committee as designated.

**MOTION**

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

**INTRODUCTION AND FIRST READING**

SB 6204 by Senator Hargrove

AN ACT Relating to community supervision; amending RCW 9.94A.631, 9.94A.704, 9.94A.706, 9.94A.714, 9.94A.716, 9.94A.737, 9.94A.740, and 9.95.210; reenacting and amending RCW 9.94A.633 and 9.94A.701; providing effective dates; creating new sections; and declaring an emergency.

Referred to Committee on Human Services & Corrections.

SB 6205 by Senators Hargrove, Stevens and Regala

AN ACT Relating to the use of evidence-based practices for the delivery of services to children and juveniles; amending RCW 13.40.020 and 71.24.025; reenacting and amending RCW 74.13.020; adding a new section to chapter 13.40

RCW; adding a new section to chapter 71.24 RCW; adding a new section to chapter 74.13 RCW; adding new sections to chapter 43.20A RCW; and creating new sections.

Referred to Committee on Human Services & Corrections.

SB 6206 by Senators Eide, King and Fain

AN ACT Relating to the confiscation of commercial motor vehicle license plates when operated with a revoked registration; and amending RCW 46.32.100.

Referred to Committee on Transportation.

SB 6207 by Senators Schoesler, Swecker, Hatfield, Hobbs, Becker, Stevens, Honeyford, Ericksen, Parlette, Hewitt and Holmquist Newbry

AN ACT Relating to fiscal relief to cities and counties during periods of economic downturn by delaying new storm water requirements; and amending RCW 90.48.260.

Referred to Committee on Environment.

SB 6208 by Senators Schoesler and Hatfield

AN ACT Relating to license fees under the warehouse act; and amending RCW 22.09.050 and 22.09.055.

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

SB 6209 by Senators Schoesler, Benton, Swecker, Hatfield, Hobbs, Carrell, Honeyford, Padden and Roach

AN ACT Relating to the authority of the department of fish and wildlife to prohibit the use or possession of ammunition containing lead; amending RCW 77.12.047 and 77.12.210; and creating a new section.

Referred to Committee on Energy, Natural Resources & Marine Waters.

SB 6210 by Senators Hobbs and Kline

AN ACT Relating to extending the time to enforce civil judgments; and amending RCW 6.17.020, 4.56.190, 6.32.010, and 6.32.015.

Referred to Committee on Judiciary.

SB 6211 by Senators Ranker, Litzow, Fain, Hargrove, Kilmer, Hill, Nelson, Keiser and Conway

AN ACT Relating to accelerating cleanup of hazardous waste sites; amending RCW 70.105D.010, 70.105D.020, and 70.105D.040; reenacting and amending RCW 70.105D.070; adding new sections to chapter 70.105D RCW; and creating new sections.

Referred to Committee on Environment.

SB 6212 by Senators Keiser, Becker and Conway

AN ACT Relating to authorization of electronic communication of prescription information for controlled substances; and amending RCW 69.50.101, 69.50.308, and 69.50.312.

Referred to Committee on Health & Long-Term Care.

SB 6213 by Senators Kline, Litzow, Kohl-Welles, Fain, Murray, Harper, Regala, Nelson, Keiser, Pflug and Conway

AN ACT Relating to the disclosure of information of an address confidentiality program participant contained in state registered domestic partnership applications and records; and adding a new section to chapter 26.60 RCW.

Referred to Committee on Judiciary.

SB 6214 by Senators Kilmer, Kastama and Holmquist Newbry

AN ACT Relating to correcting technical statutory cross-references in previous private infrastructure development legislation for certain provisions relating to regulatory fees for wastewater companies; amending RCW 80.04.580; and providing an effective date.

Referred to Committee on Environment.

SB 6215 by Senators Frockt, Kline, Nelson, Kohl-Welles and Conway

AN ACT Relating to establishing an optional transportation benefit district rebate program for low-income individuals; amending RCW 36.73.065; reenacting and amending RCW 36.73.015; adding a new section to chapter 36.73 RCW; and creating a new section.

Referred to Committee on Transportation.

SB 6216 by Senators Padden, Regala, Hargrove, Baumgartner, Kohl-Welles and Roach

AN ACT Relating to liability of nonprofit and charitable corporations; amending RCW 43.20A.800; and adding a new section to chapter 43.20A RCW.

Referred to Committee on Health & Long-Term Care.

SB 6217 by Senators Holmquist Newbry, Pridemore, Schoesler and Delvin

AN ACT Relating to the administration of irrigation districts; and amending RCW 87.03.135, 87.03.620, 87.03.630, and 87.06.030.

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

SB 6218 by Senators Frockt, Chase, Kline, Harper, Pflug and Hobbs

AN ACT Relating to escrow licensing requirement exceptions; and amending RCW 18.44.021.

Referred to Committee on Judiciary.

SB 6219 by Senators Haugen and King

AN ACT Relating to the member contribution rate for the Washington state patrol retirement system; and amending RCW 41.45.0631.

Referred to Committee on Transportation.

SB 6220 by Senators Nelson, Ranker, Rolfes and Honeyford

AN ACT Relating to modifying the effective date of RCW 19.122.130 from 2011's underground utility damage prevention act; amending RCW 19.122.130; and amending 2011 c 263 s 27 (uncodified).

Referred to Committee on Energy, Natural Resources & Marine Waters.

SB 6221 by Senators Haugen, Schoesler and Hewitt

AN ACT Relating to state capital funding of health and safety improvements at agricultural fairs; and amending RCW 15.76.100, 15.76.110, and 15.76.165.

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

SB 6222 by Senators Harper, Hargrove, Holmquist Newbry and Stevens

AN ACT Relating to federal new hire reporting requirements; and amending RCW 26.23.040.

Referred to Committee on Human Services & Corrections.

SB 6223 by Senators Regala, Hargrove and Stevens

AN ACT Relating to repealing the early supplemental security income transition project; and repealing RCW 74.04.652.

Referred to Committee on Human Services & Corrections.

SB 6224 by Senators Delvin, Holmquist Newbry, Schoesler, Honeyford, Hewitt and Roach

AN ACT Relating to the designation of hydroelectric energy generation on irrigation district facilities as renewable; and adding a new section to chapter 87.03 RCW.

Referred to Committee on Energy, Natural Resources & Marine Waters.

SB 6225 by Senators Kline, Delvin, Carrell and Ranker

AN ACT Relating to giving general law enforcement authority to natural resource investigators; and amending RCW 10.93.020, 10.93.140, and 43.12.065.

Referred to Committee on Energy, Natural Resources & Marine Waters.

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SB 6226 by Senators Frockt, Harper, Regala, Zarelli, Fain, Hargrove, Kohl-Welles and Keiser

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

AN ACT Relating to authorization periods for subsidized child care; amending RCW 43.215.135; and providing an effective date.

Referred to Committee on Higher Education & Workforce Development.

Referred to Committee on Human Services & Corrections.

SB 6233 by Senators Pridemore, Keiser and Carrell

SB 6227 by Senators Conway, Keiser, Carrell, Frockt, Pflug, Hargrove, Kline and Roach

AN ACT Relating to adoptees' access to information, including original birth certificates; and amending RCW 26.33.330, 26.33.340, 26.33.345, and 26.33.020.

AN ACT Relating to establishing a medicaid fraud hotline; and adding a new section to chapter 74.09 RCW.

Referred to Committee on Human Services & Corrections.

Referred to Committee on Health & Long-Term Care.

SB 6234 by Senators Honeyford and Stevens

SB 6228 by Senators Keiser, Conway, Kline and Kohl-Welles

AN ACT Relating to the involuntary medication of persons committed as criminally insane; and adding a new section to chapter 10.77 RCW.

AN ACT Relating to employment status discrimination; and amending RCW 49.60.180 and 49.60.200.

Referred to Committee on Human Services & Corrections.

Referred to Committee on Labor, Commerce & Consumer Protection.

SB 6235 by Senators Hobbs, Benton, Prentice, Keiser and Litzow

SB 6229 by Senators Kohl-Welles, Conway, Keiser, Nelson, Kline, Chase and Frockt

AN ACT Relating to the licensing of escrow agents; and amending RCW 18.44.011 and 31.04.025.

AN ACT Relating to establishing minimum standards for sick and safe leave from employment; adding a new chapter to Title 49 RCW; and prescribing penalties.

Referred to Committee on Financial Institutions, Housing & Insurance.

Referred to Committee on Labor, Commerce & Consumer Protection.

SB 6236 by Senators Becker, Carrell and Keiser

SB 6230 by Senators Frockt, Chase, Kilmer, Harper, Pflug and Keiser

AN ACT Relating to authorizing the presentation of claims for payment for pathology services to direct patient-provider primary care practices; amending RCW 48.43.081; and creating a new section.

AN ACT Relating to social purpose corporations; amending RCW 23B.01.400 and 23B.04.010; and adding a new chapter to Title 23B RCW.

Referred to Committee on Health & Long-Term Care.

Referred to Committee on Judiciary.

SB 6237 by Senators Keiser, Conway, Kline, Frockt and Becker

SB 6231 by Senators McAuliffe, Conway and Keiser

AN ACT Relating to open educational resources in K-12 education; amending RCW 28A.150.260; reenacting and amending RCW 28A.150.260; adding a new section to chapter 28A.300 RCW; creating a new section; providing an effective date; and providing expiration dates.

AN ACT Relating to creating a career pathway for medical assistants; amending RCW 18.135.010, 18.135.030, 18.135.040, 18.135.060, 18.135.070, 18.135.090, 18.135.110, 18.135.120, 18.120.020, 18.130.040, and 46.61.506; reenacting and amending RCW 18.135.020; adding new sections to chapter 18.135 RCW; creating a new section; and repealing RCW 18.135.025, 18.135.050, and 18.135.055.

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

Referred to Committee on Health & Long-Term Care.

SB 6232 by Senators Kilmer, Shin, McAuliffe and Eide

SB 6238 by Senators Brown, Delvin, Shin, McAuliffe and Ranker

AN ACT Relating to increasing educational attainment; amending RCW 28B.76.020, 28B.76.090, and 28B.76.110; amending 2011 1st sp.s. c 11 s 403 (uncodified); adding new sections to chapter 28B.76 RCW; adding a new section to chapter 44.28 RCW; adding a new section to chapter 44.04 RCW; creating new sections; repealing RCW 28B.76.080, 28B.76.210, 28B.76.290, 28B.76.310, and 28B.77.005;

AN ACT Relating to aviation biofuels production; reenacting and amending RCW 43.157.010; adding a new section to chapter 43.180 RCW; adding a new section to chapter 43.333 RCW; creating a new section; and providing an expiration date.

Referred to Committee on Energy, Natural Resources & Marine Waters.

SB 6239 by Senators Murray, Pflug, Hobbs, Litzow, Kohl-Welles, Ranker, Tom, Harper, Pridemore, Keiser, Kline, Regala, Eide, Rolfes, McAuliffe, Brown, Nelson, Chase, Fraser, Frockt, Conway, Kilmer and Prentice

AN ACT Relating to providing equal protection for all families in Washington by creating equality in civil marriage and changing the domestic partnership laws, while protecting religious freedom; amending RCW 26.04.010, 26.04.020, 26.04.050, 26.04.060, 26.04.070, 26.60.010, 26.60.030, 26.60.090, and 1.12.080; adding new sections to chapter 26.04 RCW; adding a new section to chapter 26.60 RCW; creating new sections; and providing a contingent effective date.

Referred to Committee on Government Operations, Tribal Relations & Elections.

SB 6240 by Senators Regala, Hargrove, Kline, Carrell and Harper

AN ACT Relating to orders of disposition for juveniles; and amending RCW 13.40.127, 46.20.270, 46.20.270, 9.41.040, 13.04.155, and 13.40.180.

Referred to Committee on Human Services & Corrections.

SB 6241 by Senators Pridemore, Keiser, Harper and Nelson

AN ACT Relating to prescription drug benefits; and adding a new section to chapter 48.43 RCW.

Referred to Committee on Health & Long-Term Care.

SB 6242 by Senators Hobbs and Litzow

AN ACT Relating to specialty producer licenses; amending RCW 48.120.005, 48.120.010, 48.120.015, and 48.120.020; and adding a new section to chapter 48.120 RCW.

Referred to Committee on Financial Institutions, Housing & Insurance.

SB 6243 by Senators Ranker, King, Haugen, Eide and Roach

AN ACT Relating to being under the influence with a child in the vehicle; amending RCW 46.61.507 and 9.94A.533; reenacting and amending RCW 46.61.5055; and prescribing penalties.

Referred to Committee on Judiciary.

SB 6244 by Senators Haugen, King and Eide

AN ACT Relating to modifying the use of funds in the fire service training account; and amending RCW 43.43.944.

Referred to Committee on Ways & Means.

SB 6245 by Senators Ranker, King, Haugen, Eide and Nelson

AN ACT Relating to unlawful ferry conduct; adding a new section to chapter 9.91 RCW; and prescribing penalties.

Referred to Committee on Transportation.

SB 6246 by Senators McAuliffe, Eide, Nelson and Rolfes

AN ACT Relating to strengthening categorical school programs based on the recommendations of the quality education council; amending RCW 28A.165.015, 28A.165.025, 28A.320.190, 28A.185.020, 28A.185.030, 28A.180.090, 28A.180.060, and 28A.150.260; reenacting and amending RCW 28A.150.260; adding a new section to chapter 28A.185 RCW; providing an effective date; and providing an expiration date.

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

SB 6247 by Senators McAuliffe and King

AN ACT Relating to the quality education council and the state board of education; amending RCW 28A.175.075, 28A.290.010, 28A.290.020, and 28A.400.201; adding a new section to chapter 28A.305 RCW; adding a new section to chapter 28A.300 RCW; creating a new section; and recodifying RCW 28A.290.020.

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

SB 6248 by Senators Harper, Carrell, Pridemore, Litzow, Hill, Kilmer and Ericksen

AN ACT Relating to nonresident vessel permits and taxation; amending RCW 88.02.620, 82.08.700, and 82.12.700; providing an effective date; and providing an expiration date.

Referred to Committee on Ways & Means.

SB 6249 by Senators Kohl-Welles, Regala, McAuliffe, Keiser, Murray and Conway

AN ACT Relating to tanning facilities; adding a new chapter to Title 18 RCW; and prescribing penalties.

Referred to Committee on Labor, Commerce & Consumer Protection.

SB 6250 by Senators Regala, Carrell, Conway, Kilmer, Becker, Roach and Kastama

AN ACT Relating to clarifying the definition of leasehold interest; and amending RCW 82.29A.020.

Referred to Committee on Government Operations, Tribal Relations & Elections.

SB 6251 by Senators Kohl-Welles, Delvin, Eide, Chase, Pflug, Conway, Kline, Ranker, Stevens, Fraser, Regala, Nelson, Roach and Frockt

AN ACT Relating to advertising commercial sexual abuse of a minor; adding a new section to chapter 9.68A RCW; creating a new section; and prescribing penalties.

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Referred to Committee on Judiciary.

SB 6252 by Senators Kline, Zarelli, Kohl-Welles, Shin, Conway, Eide, Chase, Delvin, Litzow, Stevens, Fraser, Pflug, Regala, Nelson, Keiser and Roach

AN ACT Relating to commercial sexual abuse of a minor and promoting prostitution in the first degree; and amending RCW 9A.82.010 and 9A.82.100.

Referred to Committee on Judiciary.

SB 6253 by Senators Eide, Kline, Regala, Shin, Kohl-Welles, Litzow, Chase, Stevens, Nelson, Keiser, Roach and Conway

AN ACT Relating to seizure and forfeiture; and adding a new section to chapter 9A.88 RCW.

Referred to Committee on Judiciary.

SB 6254 by Senators Delvin, Hargrove, Kohl-Welles, Roach, Conway, Pflug, Erickson, Carrell, Schoesler, Fain, Baumgartner, Fraser, Padden, Regala, Kline, Shin, Litzow, Eide, Chase, Stevens, Nelson and Keiser

AN ACT Relating to promoting prostitution; amending RCW 9A.88.070; and prescribing penalties.

Referred to Committee on Judiciary.

SB 6255 by Senators Fraser, Kline, Eide, Kohl-Welles, Shin, Litzow, Chase, Stevens, Pflug, Regala, Nelson, Keiser, Roach, Conway, Holmquist Newbry and Frockt

AN ACT Relating to victims of human trafficking and promoting prostitution; amending RCW 9.96.060; and adding a new section to chapter 9A.88 RCW.

Referred to Committee on Judiciary.

SB 6256 by Senators Conway, Delvin, Roach, Chase, Kohl-Welles, Eide, Litzow, Fraser, Stevens, Pflug, Regala, Nelson, Keiser and Holmquist Newbry

AN ACT Relating to adding commercial sexual abuse of a minor to the list of criminal street gang-related offenses; and reenacting and amending RCW 9.94A.030.

Referred to Committee on Judiciary.

SB 6257 by Senators Roach, Conway, Swecker, Fraser, Pflug, Kohl-Welles, Eide, Delvin, Stevens, Padden, Regala, Chase, Tom, Kastama, Haugen, Litzow, Brown, Kline, Shin, Nelson and Keiser

AN ACT Relating to sexually explicit performance; amending RCW 9.68A.101 and 9A.40.100; and prescribing penalties.

Referred to Committee on Judiciary.

SB 6258 by Senators Stevens, Carrell, Kohl-Welles, Fraser, Delvin, Regala and Roach

AN ACT Relating to unaccompanied persons; amending RCW 9A.40.090; reenacting and amending RCW 26.44.020; and providing an effective date.

Referred to Committee on Judiciary.

SB 6259 by Senators Shin, Kline, Pflug, Regala, Eide, Kohl-Welles, Litzow, Chase, Stevens, Fraser, Nelson, Roach and Conway

AN ACT Relating to restitution for human trafficking and prostitution; and amending RCW 9.94A.753.

Referred to Committee on Judiciary.

SB 6260 by Senators Delvin, Kohl-Welles, Regala, Roach, Conway, Carrell, Shin, Eide, Erickson, Litzow, Chase and Stevens

AN ACT Relating to criminal offenses; amending RCW 9A.40.100, 9A.44.128, 9A.88.120, and 9.68A.105; and prescribing penalties.

Referred to Committee on Judiciary.

SB 6261 by Senators Kohl-Welles, Hargrove, Stevens and Regala

AN ACT Relating to notification of release of a person following dismissal of charges based on incompetence to stand trial; and amending RCW 10.77.065.

Referred to Committee on Human Services & Corrections.

SB 6262 by Senators Parlette, Kilmer, Benton, Murray, Brown, King, Hewitt, Becker and Morton

AN ACT Relating to limitations on state debt; amending RCW 43.88.030 and 43.88.031; reenacting and amending RCW 39.42.070; adding new sections to chapter 39.42 RCW; creating a new section; repealing RCW 39.42.140; repealing 2011 1st sp.s. c 46 ss 1, 2, and 4 (uncodified); and providing a contingent effective date.

Referred to Committee on Ways & Means.

SB 6263 by Senators Ranker, Hargrove, Delvin, Litzow, Swecker, Rolfes, Schoesler, Kilmer, Fraser, Kohl-Welles, Hobbs and Hatfield

AN ACT Relating to facilitating marine management planning; amending RCW 43.372.020, 43.372.030, 43.372.040, 79.105.150, and 43.372.070; reenacting and amending RCW 79.64.040; and adding a new section to chapter 79.105 RCW.

Referred to Committee on Energy, Natural Resources & Marine Waters.

SB 6264 by Senators Ranker, Hargrove, Tom, Swecker, Frockt, Litzow, Rolfes, Schoesler, Fraser and Kohl-Welles

AN ACT Relating to establishing the center for marine innovation; reenacting and amending RCW 88.02.640; and adding a new chapter to Title 28B RCW.

Referred to Committee on Energy, Natural Resources & Marine Waters.

**SB 6265** by Senators Kohl-Welles, Delvin, Keiser, Pflug and Regala

AN ACT Relating to regulating the medical use of cannabis through nonprofit patient cooperatives, collective gardens, local government regulation of nonprofit patient cooperatives and collective gardens, security requirements for the transportation of cannabis, affirmative defense and arrest and prosecution protections, establishing a voluntary registry within the department of health, modifying the Washington state institute for public policy study, and providing technical corrections; amending RCW 69.51A.010, 69.51A.140, 69.51A.085, 69.51A.030, 69.51A.043, 69.51A.045, 69.51A.050, 69.51A.055, 69.51A.060, 69.51A.025, and 69.51A.200; adding new sections to chapter 69.51A RCW; adding a new section to chapter 42.56 RCW; creating a new section; and repealing RCW 69.51A.047 and 69.51A.040.

Referred to Committee on Health & Long-Term Care.

**SB 6266** by Senators Shin, Delvin, Kastama, Kline, McAuliffe, Hatfield, Haugen, Swecker, Regala, Roach, Fraser, Chase, Rolfes, Stevens, Kohl-Welles, Pridemore and Conway

AN ACT Relating to creation of a statewide database of disability accommodation resources; adding new sections to chapter 28B.10 RCW; and creating a new section.

Referred to Committee on Higher Education & Workforce Development.

**SB 6267** by Senators Shin, Delvin, Kastama, Kline, McAuliffe, Hatfield, Haugen, Swecker, Roach, Regala, Kilmer, Fraser, Rolfes, Chase, Kohl-Welles, Stevens, Pridemore and Conway

AN ACT Relating to improving access to higher education for students with disabilities; adding a new section to chapter 28A.630 RCW; creating a new section; and providing an expiration date.

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

**SB 6268** by Senators Swecker, Sheldon, Schoesler, Roach, Tom and Hobbs

AN ACT Relating to achieving efficiencies in the stocking of trout in freshwater areas to enhance recreational fishing opportunities; amending RCW 41.06.142; adding a new section to chapter 77.18 RCW; creating a new section; and providing an expiration date.

Referred to Committee on Energy, Natural Resources & Marine Waters.

**SB 6269** by Senators Becker, Tom, Swecker, Shin, Schoesler, Sheldon, Delvin, Holmquist Newbry, Keiser, Hargrove, Padden, Regala, Stevens, Parlette, Hewitt, Hill and Conway

AN ACT Relating to higher education coordination; amending RCW 28B.77.005, 28B.76.110, 28B.76.210, 28B.76.230, 28B.76.235, 28B.76.240, 28B.76.270, 28B.76.325, 28B.76.510, 28B.76.695, 44.04.260, 43.88.230, 28B.76.280, 28B.76.310, 28B.76.090, 9A.60.070, 18.260.110, 28A.600.390, 28B.07.040, 28B.10.020, 28B.10.053, 28B.10.118, 28B.10.400, 28B.10.405, 28B.10.410, 28B.10.415, 28B.10.423, 28B.10.682, 28B.10.784, 28B.10.790, 28B.12.030, 28B.15.068, 28B.15.068, 28B.15.069, 28B.15.102, 28B.15.460, 28B.20.130, 28B.20.280, 28B.30.150, 28B.30.500, 28B.30.515, 28B.35.120, 28B.35.202, 28B.35.205, 28B.35.215, 28B.40.120, 28B.40.206, 28B.45.014, 28B.45.020, 28B.45.030, 28B.45.040, 28B.45.060, 28B.45.080, 28B.50.140, 28B.50.810, 28B.50.820, 28B.65.040, 28B.65.050, 28B.85.010, 28B.85.020, 28B.85.030, 28B.85.040, 28B.85.050, 28B.85.060, 28B.85.070, 28B.85.080, 28B.85.090, 28B.85.100, 28B.85.130, 28B.85.170, 28B.90.010, 28B.90.020, 28B.90.030, 28B.92.030, 28B.97.020, 28B.110.030, 28B.110.040, 28B.117.020, 28B.120.010, 28B.120.020, 28B.120.025, 28B.120.030, 28B.120.040, 28C.10.030, 28C.10.040, 28C.18.030, 28C.18.060, 35.104.020, 35.104.040, 42.17A.705, 43.06.115, 43.09.440, 43.19.797, 43.41.400, 43.41A.100, 43.88.090, 43.88D.005, 43.88D.010, 43.105.825, 43.215.090, 43.330.310, 43.330.375, 47.80.090, 70.180.110, 74.13.570, 28A.175.135, 28A.660.050, 28B.12.040, 28B.12.070, 28B.15.012, 28B.15.762, 28B.15.764, 28B.76.505, 28B.92.070, 28B.92.080, 28B.92.082, 28B.95.020, 28B.102.030, 28B.103.030, 28B.108.020, 28B.108.040, 28B.109.010, 28B.116.030, 28B.117.030, 28A.600.310, 28B.15.380, 28B.15.730, 28B.15.732, 28B.15.734, 28B.15.750, 28B.15.752, 28B.15.756, 28A.175.130, 28A.600.280, 28A.600.290, 28A.700.020, 28A.700.060, 28B.15.796, 28B.20.308, 28B.20.478, 28B.30.530, 43.43.934, 43.43.938, and 43.60A.151; amending 2011 1st sp.s. c 11 s 244 (uncodified); reenacting and amending RCW 28B.76.2401, 28B.15.760, 28B.50.030, 28B.92.060, 28B.116.010, 28B.102.020, 43.330.280, and 28A.230.100; adding new sections to chapter 28B.77 RCW; adding a new section to chapter 28B.76 RCW; adding new sections to chapter 44.04 RCW; adding new sections to chapter 43.41 RCW; creating new sections; recodifying RCW 28B.76.110, 28B.76.210, 28B.76.230, 28B.76.235, 28B.76.240, 28B.76.2401, 28B.76.270, 28B.76.280, 28B.76.325, 28B.76.510, 28B.76.695, and 28B.76.310; decodifying RCW 28B.10.125; repealing RCW 28B.76.290; providing an effective date; providing expiration dates; and declaring an emergency.

Referred to Committee on Higher Education & Workforce Development.

**SB 6270** by Senators Becker, Keiser, Sheldon, Haugen, Shin, Parlette, Fain, Delvin, Schoesler, Carrell, Holmquist Newbry, Honeyford, Morton and Kline

AN ACT Relating to health care professionals not being required to participate in any public or private third-party reimbursement program as a condition of licensure; and adding a new section to chapter 18.130 RCW.

Referred to Committee on Health & Long-Term Care.



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SB 6271 by Senators Becker, Haugen, Swecker, Hatfield, Shin, Fain, Sheldon, Delvin, Schoesler, Honeyford and Morton

Referred to Committee on Financial Institutions, Housing & Insurance.

AN ACT Relating to removing state and local protections for the Mazama pocket gopher; amending RCW 77.12.020; adding a new section to chapter 36.70A RCW; and creating a new section.

SB 6278 by Senators Hobbs and Schoesler

AN ACT Relating to provisional school employees; amending RCW 28A.405.220 and 28A.405.100; creating new sections; and providing an effective date.

Referred to Committee on Energy, Natural Resources & Marine Waters.

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

SB 6272 by Senators Stevens, Benton, Morton, Roach, Delvin, Schoesler, Honeyford, Ericksen and Carrell

SB 6279 by Senator Nelson

AN ACT Relating to the right to protection; adding a new section to chapter 9.41 RCW; and creating new sections.

AN ACT Relating to improving water quality to support shellfish resources; amending RCW 43.21A.130; and creating new sections.

Referred to Committee on Judiciary.

Referred to Committee on Environment.

SB 6273 by Senators Stevens and Schoesler

SB 6280 by Senators Carrell, Swecker, Conway, Holmquist Newbry and Parlette

AN ACT Relating to eliminating mandatory allocations under Initiative Measure No. 728; amending RCW 28A.505.220; and providing an effective date.

AN ACT Relating to crimes against pharmacies; and amending RCW 9A.56.200.

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

Referred to Committee on Judiciary.

SB 6274 by Senators Stevens, Benton, Morton, Delvin, Schoesler, Honeyford, Roach and Holmquist Newbry

SB 6281 by Senators Fraser, Benton and McAuliffe

AN ACT Relating to exempting a firearm, a firearm accessory, or ammunition manufactured and retained in Washington from federal regulation under the commerce clause of the Constitution of the United States; and adding a new chapter to Title 19 RCW.

AN ACT Relating to the regulation of event personnel; amending RCW 18.170.020; reenacting and amending RCW 18.170.010; and adding new sections to chapter 18.170 RCW.

Referred to Committee on Judiciary.

Referred to Committee on Labor, Commerce & Consumer Protection.

SB 6275 by Senators Rolfes and Kastama

SB 6282 by Senators Fraser, Benton and McAuliffe

AN ACT Relating to removing the expiration date from the self-employment assistance program; and repealing 2007 c 248 s 6 (uncodified).

AN ACT Relating to the registration of international student visitor exchange programs; and amending RCW 19.166.010, 19.166.040, 19.166.050, 19.166.070, and 19.166.080.

Referred to Committee on Economic Development, Trade & Innovation.

Referred to Committee on Government Operations, Tribal Relations & Elections.

SB 6276 by Senators Conway, Keiser and Pridemore

SB 6283 by Senators Regala, Kline, Murray, Chase, Kohl-Welles, Fraser, Keiser, Harper and Nelson

AN ACT Relating to certification of music therapists; amending RCW 18.130.040 and 18.120.020; and adding a new chapter to Title 18 RCW.

AN ACT Relating to reducing criminal justice expenses by eliminating the death penalty in favor of life incarceration; amending RCW 10.95.030; and repealing RCW 10.95.040, 10.95.050, 10.95.060, 10.95.070, 10.95.080, 10.95.090, 10.95.100, 10.95.110, 10.95.120, 10.95.130, 10.95.140, 10.95.150, 10.95.160, 10.95.170, 10.95.180, 10.95.185, 10.95.190, 10.95.200, and 10.95.900.

Referred to Committee on Health & Long-Term Care.

Referred to Committee on Judiciary.

SB 6277 by Senators Conway, Becker, Kastama, Schoesler, Kilmer, Kohl-Welles and Regala

SB 6284 by Senators Kline, Harper, Litzow, Kohl-Welles, Keiser and Hargrove

AN ACT Relating to creating authority for counties to exempt from property taxation new and rehabilitated multiple-unit dwellings in certain unincorporated urban centers; and adding a new chapter to Title 84 RCW.

AN ACT Relating to reforming Washington's approach to certain nonsafety civil traffic infractions by authorizing a civil collection process for unpaid traffic fines and removing

the requirement for law enforcement intervention for the failure to appear and pay a traffic ticket; amending RCW 46.20.342, 46.20.291, 46.63.070, 46.63.110, 46.20.311, and 46.20.391; repealing RCW 46.20.289 and 46.64.025; and providing an effective date.

Referred to Committee on Judiciary.

SB 6285 by Senators Kline, Nelson, Ranker, Stevens and Fraser

AN ACT Relating to the use of geothermal resources; amending RCW 78.60.030, 78.60.040, and 78.60.060; adding a new chapter to Title 43 RCW; and creating a new section.

Referred to Committee on Energy, Natural Resources & Marine Waters.

SB 6286 by Senators Kline, Keiser, Kohl-Welles and Fraser

AN ACT Relating to attorney general powers; and amending RCW 43.10.030 and 43.10.040.

Referred to Committee on Judiciary.

SB 6287 by Senators Kohl-Welles, Roach, Pridemore, Kline and Conway

AN ACT Relating to establishing completion rate requirements for apprenticeship training programs in certain construction trades as part of apprenticeship utilization requirements; amending RCW 39.04.310; and providing an effective date.

Referred to Committee on Labor, Commerce & Consumer Protection.

SJM 8012 by Senator Stevens

Claiming state sovereignty under the Tenth Amendment.

Referred to Committee on Government Operations, Tribal Relations & Elections.

SJM 8013 by Senator Stevens

Requesting that Congress amend the 17th amendment of the United States Constitution.

Referred to Committee on Government Operations, Tribal Relations & Elections.

SJR 8221 by Senators Parlette, Kilmer, Benton, Murray, Brown, King, Hewitt, Becker and Morton

Amending the Constitution to include the recommendations of the commission on state debt.

Referred to Committee on Ways & Means.

#### MOTION

On motion of Senator Eide, all measures listed on the Introduction and First Reading report were referred to the

committees as designated with the exception of Senate Bill No. 6244 which was referred to the Committee on Ways & Means and Senate Bill No. 6267 which was referred to the Committee on Early Learning & K-12 Education.

#### MOTION

At 12:03 p.m., on motion of Senator Eide, the Senate adjourned until 12:00 noon, Tuesday, January 17, 2012.

BRAD OWEN, President of the Senate

THOMAS HOEMANN, Secretary of the Senate

**NINTH DAY**

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NOON SESSION

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Senate Chamber, Olympia, Tuesday, January 17, 2012

The Senate was called to order at 12:00 noon by President Owen. No roll call was taken.

MOTION

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

MOTION

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

REPORTS OF STANDING COMMITTEES

January 16, 2012

SSB 5128 Prime Sponsor, Committee on Transportation: Concerning statewide transportation planning. Reported by Committee on Transportation

MAJORITY recommendation: That Second Substitute Senate Bill No. 5128 be substituted therefor, and the second substitute bill do pass. Signed by Senators Haugen, Chair; Eide, Vice Chair; King; Fain; Delvin; Frockt; Hill; Litzow; Rolfes and Sheldon.

Passed to Committee on Rules for second reading.

January 12, 2012

SSB 5250 Prime Sponsor, Committee on Transportation: Concerning the design-build procedure for certain projects. Reported by Committee on Transportation

MAJORITY recommendation: That Second Substitute Senate Bill No. 5250 be substituted therefor, and the second substitute bill do pass. Signed by Senators Haugen, Chair; Eide, Vice Chair; King; Fain; Delvin; Frockt; Hill; Hobbs; Litzow; Rolfes; Sheldon and Swecker.

Passed to Committee on Rules for second reading.

January 16, 2012

SB 5259 Prime Sponsor, Senator Kline: Concerning the tax payment and reporting requirements of small wineries. Reported by Committee on Labor, Commerce & Consumer Protection

MAJORITY recommendation: Do pass. Signed by Senators Kohl-Welles, Chair; Conway, Vice Chair; Holmquist Newbry; King; Hewitt; Keiser and Kline.

Passed to Committee on Rules for second reading.

January 16, 2012

SB 6046 Prime Sponsor, Senator Prentice: Addressing the powers and duties of the gambling commission. Reported by Committee on Labor, Commerce & Consumer Protection

MAJORITY recommendation: Do pass. Signed by Senators Kohl-Welles, Chair; Conway, Vice Chair; Holmquist Newbry; King; Hewitt; Keiser and Kline.

Passed to Committee on Rules for second reading.

January 16, 2012

SB 6059 Prime Sponsor, Senator Conway: Establishing the veterans' raffle. Reported by Committee on Labor, Commerce & Consumer Protection

MAJORITY recommendation: Do pass. Signed by Senators Kohl-Welles, Chair; Conway, Vice Chair; Holmquist Newbry; King; Hewitt; Keiser and Kline.

Passed to Committee on Rules for second reading.

January 12, 2012

SB 6073 Prime Sponsor, Senator Kilmer: Concerning sales and use taxes related to the state route number 16 corridor improvements project. Reported by Committee on Transportation

MAJORITY recommendation: That it be referred without recommendation. Signed by Senators Haugen, Chair; Eide, Vice Chair; King; Fain; Delvin; Frockt; Hill; Hobbs; Litzow; Rolfes; Sheldon and Swecker.

Passed to Committee on Ways & Means.

January 16, 2012

SB 6194 Prime Sponsor, Senator Prentice: Concerning the administration of medical expense plans for state government retirees. Reported by Committee on Health & Long-Term Care

MAJORITY recommendation: That it be referred without recommendation. Signed by Senators Keiser, Chair; Conway, Vice Chair; Becker; Carrell; Frockt; Kline; Parlette; Pflug and Pridemore.

Passed to Committee on Government Operations, Tribal Relations & Elections.

MOTION

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

MOTION

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

MESSAGE FROM THE HOUSE

January 16, 2012

MR. PRESIDENT:

The House has passed:  
 ENGROSSED HOUSE BILL NO. 1050,  
 SUBSTITUTE HOUSE BILL NO. 1081,  
 HOUSE BILL NO. 1221,

ENGROSSED HOUSE BILL NO. 1234,  
HOUSE BILL NO. 1381,  
SUBSTITUTE HOUSE BILL NO. 1470,  
HOUSE BILL NO. 1486,  
SUBSTITUTE HOUSE BILL NO. 1615,  
SUBSTITUTE HOUSE BILL NO. 1699.  
and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

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

INTRODUCTION AND FIRST READING

SB 6288 by Senators Rolfes, Swecker, Hobbs, Kilmer, Sheldon, Shin, Chase and Conway

AN ACT Relating to higher education registration priority for eligible veterans and national guard members; adding a new section to chapter 28B.15 RCW; and providing an expiration date.

Referred to Committee on Higher Education & Workforce Development.

SB 6289 by Senators Rolfes and Kastama

AN ACT Relating to facilitating self-employment training; amending RCW 50.20.250 and 50.62.030; amending 2007 c 248 s 3 (uncodified); and repealing 2007 c 248 s 6 (uncodified).

Referred to Committee on Economic Development, Trade & Innovation.

SB 6290 by Senators Kilmer, Swecker, Conway, Shin, Rolfes and Chase

AN ACT Relating to military spouses or registered domestic partners occupational licensing status during deployment or placement outside Washington state; and amending RCW 43.24.130 and 43.70.270.

Referred to Committee on Government Operations, Tribal Relations & Elections.

SB 6291 by Senators Harper and Carrell

AN ACT Relating to sealing juvenile records; amending RCW 13.40.127; and reenacting and amending RCW 13.50.050.

Referred to Committee on Human Services & Corrections.

SB 6292 by Senators Harper and Carrell

AN ACT Relating to access to juvenile records; amending RCW 10.97.050 and 19.182.040; reenacting and amending RCW 13.50.050; creating a new section; and providing an effective date.

Referred to Committee on Human Services & Corrections.

SB 6293 by Senators Harper, McAuliffe, Shin, Rolfes and Chase

AN ACT Relating to adopting early learning guidelines; and reenacting and amending RCW 43.215.020.

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

SB 6294 by Senators Pridemore, Benton and Carrell

AN ACT Relating to quorum requirements for homeowners' association meetings; and amending RCW 64.38.040.

Referred to Committee on Financial Institutions, Housing & Insurance.

SB 6295 by Senator Morton

AN ACT Relating to exchange facilitator requirements; amending RCW 19.310.040; creating a new section; prescribing penalties; and providing an effective date.

Referred to Committee on Financial Institutions, Housing & Insurance.

SB 6296 by Senators Harper, Carrell and Shin

AN ACT Relating to background checks; amending RCW 10.97.030, 10.97.050, 10.97.080, 43.43.730, and 43.43.8321; and repealing RCW 43.43.565.

Referred to Committee on Human Services & Corrections.

SB 6297 by Senators Chase and Nelson

AN ACT Relating to salmon and steelhead spawning beds; adding a new section to chapter 77.95 RCW; and prescribing penalties.

Referred to Committee on Energy, Natural Resources & Marine Waters.

SB 6298 by Senators Chase, Nelson, Shin, Keiser, Rolfes and Conway

AN ACT Relating to labeling foods containing genetically engineered material; adding a new chapter to Title 15 RCW; and prescribing penalties.

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

SB 6299 by Senators Chase and Conway

AN ACT Relating to removal of the insurance premium tax credit under the Washington insurance guaranty association act; and repealing RCW 48.32.145.

Referred to Committee on Financial Institutions, Housing & Insurance.

SB 6300 by Senators Chase, Conway, Shin and Kohl-Welles

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AN ACT Relating to instruction on the Universal Declaration of Human Rights in Washington state schools; adding a new section to chapter 28A.230 RCW; and creating a new section.

Referred to Committee on Labor, Commerce & Consumer Protection.

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

SB 6307 by Senators Prentice, Conway, Pridemore, Harper, Kohl-Welles, Keiser, Kline and Shin

SB 6301 by Senators Kline and Carrell

AN ACT Relating to awarding of costs, including attorneys' fees, in actions challenging actions taken by professional peer review bodies; amending RCW 7.71.030; and adding a new section to chapter 7.71 RCW.

AN ACT Relating to nursing staffing practices at hospitals; amending RCW 70.41.420; adding new sections to chapter 70.41 RCW; creating new sections; and prescribing penalties.

Referred to Committee on Health & Long-Term Care.

Referred to Committee on Judiciary.

SB 6308 by Senators Hatfield, Delvin, Hargrove, Morton, Roach, Stevens, Benton, Sheldon, Holmquist Newbry, Pridemore, Schoesler, Carrell, Shin, Kastama and Zarelli

SB 6302 by Senators Kohl-Welles, Conway, Keiser, Kline, Pridemore and Chase

AN ACT Relating to claim files and compensation under the industrial insurance laws; amending RCW 51.08.173, 51.14.110, 51.32.055, 51.32.195, 51.32.240, and 51.52.120; adding new sections to chapter 51.08 RCW; adding new sections to chapter 51.32 RCW; adding a new section to chapter 51.14 RCW; creating a new section; and prescribing penalties.

AN ACT Relating to removing certain requirements for motorcycle helmet use; and amending RCW 46.37.530 and 46.37.535.

Referred to Committee on Transportation.

Referred to Committee on Labor, Commerce & Consumer Protection.

SB 6309 by Senators Prentice, Conway, Kohl-Welles, Keiser, Kline, Pridemore, Chase, Harper, Frockt, McAuliffe, Shin and Nelson

AN ACT Relating to meals and rest breaks for certain health care workers; adding new sections to chapter 49.12 RCW; creating a new section; and prescribing penalties.

Referred to Committee on Labor, Commerce & Consumer Protection.

SB 6303 by Senators Nelson, Haugen and Harper

AN ACT Relating to authorizing an optional system of rates and charges for conservation districts; and amending RCW 89.08.400.

SB 6310 by Senators Keiser, Conway, Hargrove, Prentice, Frockt, Shin, Kohl-Welles, Nelson, Rolfes, Chase and Kline

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

AN ACT Relating to establishing the Washington investment trust; amending RCW 30.04.020, 42.56.270, 42.56.400, 43.08.135, and 43.84.080; reenacting and amending RCW 42.56.400; adding a new section to chapter 39.58 RCW; adding a new section to chapter 41.06 RCW; adding a new chapter to Title 43 RCW; creating a new section; providing an effective date; providing expiration dates; and declaring an emergency.

Referred to Committee on Financial Institutions, Housing & Insurance.

SB 6304 by Senators Rolfes, Delvin, Benton, Hargrove and Hatfield

AN ACT Relating to incorporating motorcycles into certain transportation planning; and amending RCW 70.94.531, 46.61.165, 47.52.025, 47.56.880, and 47.56.403.

Referred to Committee on Transportation.

SB 6305 by Senators Rolfes, Becker, Kohl-Welles, Parlette, Keiser and Hobbs

AN ACT Relating to persons who operate a roll your own cigarette machine at retail establishments; and adding a new section to chapter 70.158 RCW.

Referred to Committee on Labor, Commerce & Consumer Protection.

SB 6311 by Senators Haugen, Hobbs, Honeyford, Hatfield and Hargrove

AN ACT Relating to requiring proof of concept for water resource mitigation alternatives for human domestic needs in rural areas; adding a new section to chapter 90.54 RCW; and creating a new section.

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

SB 6306 by Senators Conway, Keiser, Kline and Kohl-Welles

AN ACT Relating to maintenance of a surety bond for appraisal management companies; and amending RCW 18.310.040.

SB 6312 by Senators Haugen, Hobbs, Honeyford, Hatfield, Hargrove and Shin

AN ACT Relating to promoting job creation by ensuring access to human domestic water for home construction;

amending RCW 90.54.120, 90.54.020, and 19.27.097; reenacting and amending RCW 90.54.050; and creating a new section.

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

SB 6313 by Senators Haugen, Hobbs, Honeyford, Hatfield and Hargrove

AN ACT Relating to providing consistency in water resource terminology and policy; amending RCW 90.22.010, 90.22.020, 90.54.020, and 90.82.020; and creating a new section.

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

SB 6314 by Senators McAuliffe, Rolfes, Chase, Pridemore and Shin

AN ACT Relating to the statewide high school assessment in science; amending RCW 28A.655.068; and creating a new section.

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

SB 6315 by Senators Frockt, Kohl-Welles, Kline, Chase, Keiser, Regala and Nelson

AN ACT Relating to the fair tenant screening act; amending RCW 59.18.030, 59.18.257, and 19.182.110; and creating a new section.

Referred to Committee on Financial Institutions, Housing & Insurance.

SB 6316 by Senators Delvin, Morton and Regala

AN ACT Relating to exempting vehicles owned and managed by the law enforcement bureau of the department of fish and wildlife from the state's motor vehicle transportation service; and amending RCW 43.19.565.

Referred to Committee on Government Operations, Tribal Relations & Elections.

SB 6317 by Senators Frockt, McAuliffe, Keiser, Rolfes and Harper

AN ACT Relating to establishing a statewide plan for implementing revised teacher and principal evaluation systems to support continuous professional growth based on the development work of pilot school districts; amending RCW 28A.405.100, 28A.405.120, and 28A.405.130; adding a new section to chapter 28A.405 RCW; adding a new section to chapter 28A.410 RCW; adding a new section to chapter 28A.300 RCW; and creating a new section.

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

SB 6318 by Senators Frockt and Murray

AN ACT Relating to facilitating statewide implementation of revised teacher and principal evaluation systems through

professional development and training; amending RCW 28A.415.023 and 28A.405.100; adding new sections to chapter 28A.415 RCW; and creating a new section.

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

SB 6319 by Senators McAuliffe, Harper, Chase, Pridemore, Delvin, Schoesler, Rolfes, Holmquist Newbry, Honeyford, Conway and Shin

AN ACT Relating to making the membership of the state board of education more representative of public education; amending RCW 28A.305.011 and 28A.305.130; creating new sections; repealing RCW 28A.305.021; and declaring an emergency.

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

SB 6320 by Senators McAuliffe, Pridemore, Harper, Chase, Schoesler, Delvin, Holmquist Newbry, Honeyford and Keiser

AN ACT Relating to unfunded mandates from the state board of education; amending RCW 28A.230.090; and creating a new section.

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

SB 6321 by Senators Kohl-Welles, Regala, Chase, Harper, Nelson, Keiser, Frockt and Kline

AN ACT Relating to facilitating the sealing of certain unlawful detainer and protection order records to protect housing opportunities; adding a new section to chapter 59.18 RCW; creating a new section; and prescribing penalties.

Referred to Committee on Judiciary.

## INTRODUCTION AND FIRST READING OF HOUSE BILLS

EHB 1050 by Representatives McCoy and Appleton

AN ACT Relating to residential provisions for children of parents with military duties; amending RCW 26.09.260; reenacting and amending RCW 26.09.004; and adding a new section to chapter 26.09 RCW.

Referred to Committee on Human Services & Corrections.

SHB 1081 by House Committee on Technology, Energy & Communications (originally sponsored by Representatives Morris, Frockt and Moeller)

AN ACT Relating to small facility siting; amending RCW 80.50.040, 80.50.060, 80.50.071, and 80.50.100; reenacting and amending RCW 80.50.090; adding new sections to chapter 80.50 RCW; creating a new section; providing an effective date; and declaring an emergency.

Referred to Committee on Energy, Natural Resources & Marine Waters.

HB 1221 by Representatives Finn, Rodne, Eddy, Shea, Klippert and Kelley

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AN ACT Relating to rights of higher education students involved in military service; and amending RCW 28B.10.270.

43.185A.050; and reenacting and amending RCW 43.185.070 and 43.185A.030.

Referred to Committee on Higher Education & Workforce Development.

Referred to Committee on Ways & Means.

MOTION

EHB 1234 by Representatives Moscoso, Hope, Klippert, Lytton, Johnson, Rivers, Jinkins, Ladenburg, Ryu, Reykdal, Fitzgibbon and Maxwell

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

MOTION

AN ACT Relating to law enforcement crime prevention efforts regarding security alarm systems and crime watch programs for residential and commercial locations; and reenacting and amending RCW 42.56.240.

At 12:05 p.m., on motion of Senator Eide, the Senate adjourned until 11:00 a.m. Wednesday, January 18, 2012.

Referred to Committee on Government Operations, Tribal Relations & Elections.

BRAD OWEN, President of the Senate

THOMAS HOEMANN, Secretary of the Senate

HB 1381 by Representatives Warnick, Blake, Hinkle, Taylor, Haler, McCune, Armstrong, Condotta, Johnson, Parker and Shea

AN ACT Relating to sufficient cause for the nonuse of water; amending RCW 90.14.140; reenacting and amending RCW 90.14.140; providing an effective date; and providing an expiration date.

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

SHB 1470 by House Committee on Education (originally sponsored by Representative Bailey)

AN ACT Relating to access to K-12 campuses for occupational or educational information; and amending RCW 28A.230.180.

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

HB 1486 by Representatives Green, Jinkins, Cody, Hinkle, Moeller, Bailey, Schmick, Clibborn, Kelley and Condotta

AN ACT Relating to authorizing Washington pharmacies to fill prescriptions written by advanced registered nurse practitioners in other states; and amending RCW 69.50.101.

Referred to Committee on Health & Long-Term Care.

SHB 1615 by House Committee on Judiciary (originally sponsored by Representatives Ladenburg, Kelley, Rodne, Moscoso, Kirby, Appleton and Stanford)

AN ACT Relating to service members' civil relief; and amending RCW 38.42.010 and 38.42.050.

Referred to Committee on Judiciary.

SHB 1699 by House Committee on Capital Budget (originally sponsored by Representatives Kenney, Smith and Maxwell)

AN ACT Relating to housing trust fund administrative costs; amending RCW 43.185.020, 43.185.050, 43.185A.010, and

## TENTH DAY

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MORNING SESSION

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Senate Chamber, Olympia, Wednesday, January 18, 2012

The Senate was called to order at 11:00 a.m. by President Owen. No roll call was taken.

The Sergeant at Arms Color Guard consisting of Pages Erin Wallman and Blade Gunnerman, presented the Colors. Pastor Simon J. Lee of Evergreen Church of Yelm offered the prayer.

## MOTION

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

## MOTION

On motion of Senator Eide, the Senate advanced to the third order of business.

## MESSAGE FROM THE SECRETARY OF STATE

## PROVISIONAL CERTIFICATION OF INITIATIVE TO THE LEGISLATURE NO. 502

Pursuant to Article II, Section 1 of the Washington State Constitution and RCW 29A.72.230 the Office of the Secretary of State received 354,608 signatures submitted prior to the deadline of December 30 in support of Initiative to the Legislature 502 and is currently examining the signatures. 241,153 valid signatures are required by Art 2, Sec. 1 of the Washington State Constitution.

I hereby attach is a true and correct copy of Initiative to the Legislature No. 502.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Seal of the State of Washington this 17<sup>th</sup> Day of January 2012.

SAM REED, Secretary of State

(Seal)

## MOTION

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

## INTRODUCTION AND FIRST READING

SB 6322 by Senators Hill, Tom, Becker, Kastama and Litzow

AN ACT Relating to allowing nonprofit institutions recognized by the state of Washington to be eligible to participate in the state need grant program; amending RCW 28B.92.030; and providing an effective date.

Referred to Committee on Higher Education & Workforce Development.

SB 6323 by Senators Hobbs, Litzow, McAuliffe, Rolfes, Tom and Frockt

AN ACT Relating to reducing certain requirements affecting school districts; and amending RCW 28A.230.090, 28A.165.025, and 43.09.260.

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

SB 6324 by Senators Fain and Hobbs

AN ACT Relating to the obligations of landlords and tenants with respect to carbon monoxide alarms and the disclosure of certain health-related information; and amending RCW 59.18.060 and 59.18.130.

Referred to Committee on Financial Institutions, Housing & Insurance.

SB 6325 by Senators Holmquist Newbry, Kohl-Welles and Tom

AN ACT Relating to exempting common interest community managers from real estate broker and managing broker licensing requirements; and amending RCW 18.85.151.

Referred to Committee on Labor, Commerce & Consumer Protection.

SB 6326 by Senators McAuliffe and Litzow

AN ACT Relating to phasing-in statewide implementation of the Washington kindergarten inventory of developing skills; amending RCW 28A.150.315; and adding a new section to chapter 28A.655 RCW.

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

SB 6327 by Senators Padden, Sheldon, Schoesler and Rolfes

AN ACT Relating to creating a business and occupation tax exemption for new businesses; adding a new section to chapter 82.04 RCW; and providing an effective date.

Referred to Committee on Economic Development, Trade & Innovation.

SB 6328 by Senators Conway, Hargrove, Regala, Harper, Stevens and McAuliffe

AN ACT Relating to the creation of a retired active license for mental health professionals; and adding a new section to chapter 18.225 RCW.

Referred to Committee on Human Services & Corrections.

SB 6329 by Senators Stevens, Haugen, Swecker, Hargrove, Schoesler, Holmquist Newbry, Hatfield, Delvin, Sheldon, Hobbs, Honeyford and Morton

AN ACT Relating to streamlining the shoreline management act to avoid duplicative review; amending RCW 90.58.050, 90.58.080, 90.58.100, 90.58.120, 90.58.140, 90.58.190, 90.58.195, 90.58.580, 90.58.590, and 90.58.620; and reenacting and amending RCW 90.58.030 and 90.58.090.



Referred to Committee on Energy, Natural Resources & Marine Waters.

SB 6330 by Senators Hobbs, Haugen, Hatfield, King, Tom and Delvin

AN ACT Relating to Washington state works of art; amending RCW 28A.335.210, 28B.10.027, and 43.17.200; and providing an expiration date.

Referred to Committee on Government Operations, Tribal Relations & Elections.

SB 6331 by Senators Conway, Chase, Benton, Rolfes, Nelson, Kohl-Welles, Hobbs, Harper and Kline

AN ACT Relating to authorizing public transit agencies to provide a bidding preference to bidders who exceed "Buy America" requirements applicable to federally funded transit projects; adding a new section to chapter 47.04 RCW; and creating a new section.

Referred to Committee on Transportation.

SB 6332 by Senators Kohl-Welles, Murray, Kilmer, Harper, Frockt, Pridemore, Litzow, Conway and McAuliffe

AN ACT Relating to a competitive grant program for arts and cultural facilities; and amending RCW 43.63A.750.

Referred to Committee on Government Operations, Tribal Relations & Elections.

SB 6333 by Senators Harper, Kline, Regala, McAuliffe, Rolfes, Ranker and Kohl-Welles

AN ACT Relating to the use of restraints on juveniles; amending RCW 13.32A.030; reenacting and amending RCW 13.32A.065; adding new sections to chapter 13.40 RCW; adding new sections to chapter 72.05 RCW; and creating a new section.

Referred to Committee on Human Services & Corrections.

SB 6334 by Senators Frockt, Carrell, Kilmer, Delvin, Chase, Hill, Pridemore, Shin, Kline, Zarelli, Rolfes, Regala, Kohl-Welles, Harper, Kastama, Conway and McAuliffe

AN ACT Relating to student involvement in higher education governance; and adding a new section to chapter 28B.10 RCW.

Referred to Committee on Higher Education & Workforce Development.

SB 6335 by Senators Prentice, Hobbs and Fain

AN ACT Relating to extending the expiration of the pollution liability insurance agency's authority and its funding source; amending RCW 70.148.020, 70.148.900, 70.149.900, 82.23A.010, 82.23A.020, and 82.23A.902; and providing expiration dates.

Referred to Committee on Ways & Means.

SB 6336 by Senator Pridemore

AN ACT Relating to electronic product recycling; and amending RCW 70.95N.050.

Referred to Committee on Environment.

SB 6337 by Senators Frockt, Fain, Haugen and Litzow

AN ACT Relating to protecting short sale sellers from payment of forgiven home loan debt if such debt forgiveness is reported to the internal revenue service; and adding a new section to chapter 61.24 RCW.

Referred to Committee on Financial Institutions, Housing & Insurance.

SB 6338 by Senators Morton and Carrell

AN ACT Relating to studying densified biomass as a renewable energy source; creating new sections; and providing an expiration date.

Referred to Committee on Energy, Natural Resources & Marine Waters.

SB 6339 by Senators Tom, Hill, Litzow, Hobbs, McAuliffe and Frockt

AN ACT Relating to designating courses that use open course library materials in course catalogues and bulletins; and amending RCW 28B.50.140.

Referred to Committee on Higher Education & Workforce Development.

SB 6340 by Senators Sheldon, King, Haugen, McAuliffe and Schoesler

AN ACT Relating to the carrying of passengers in a vehicle attached to a flatbed tow truck; and amending RCW 46.61.625.

Referred to Committee on Transportation.

SB 6341 by Senators Kohl-Welles, Nelson, Chase, Frockt, Ranker, McAuliffe, Kline and Keiser

AN ACT Relating to creating jobs by increasing the recycling of discarded carpet; reenacting and amending RCW 43.21B.110 and 43.21B.110; adding a new section to chapter 42.56 RCW; adding a new chapter to Title 70 RCW; prescribing penalties; providing an effective date; and providing an expiration date.

Referred to Committee on Environment.

SB 6342 by Senators Prentice, Honeyford, Hatfield, Schoesler, Haugen, Hobbs, Delvin and Parlette

AN ACT Relating to extending business and occupation tax preferences for fruit, vegetable, dairy, and seafood businesses; amending RCW 82.04.4266, 82.04.4268, 82.04.4269, and 82.04.260; and providing expiration dates.

Referred to Committee on Ways & Means.

SB 6343 by Senators Nelson and Kline

AN ACT Relating to establishing a water pollution control revolving administration fee; amending RCW 90.50A.010; reenacting and amending RCW 43.84.092; adding a new section to chapter 90.50A RCW; and creating a new section.

Referred to Committee on Environment.

SB 6344 by Senators Kastama, Shin, Tom, Haugen and Parlette

AN ACT Relating to shared parental responsibility; amending RCW 26.09.002 and 26.09.187; reenacting and amending RCW 26.09.004; adding a new section to chapter 26.09 RCW; and creating a new section.

Referred to Committee on Human Services & Corrections.

SB 6345 by Senators Kastama, Tom, Hatfield, Rolfes, Kilmer and Hill

AN ACT Relating to restructuring state government; amending RCW 42.30.110; adding a new section to chapter 44.04 RCW; adding a new section to chapter 42.56 RCW; making an appropriation; and providing an expiration date.

Referred to Committee on Economic Development, Trade & Innovation.

SB 6346 by Senators Prentice, Conway and McAuliffe

AN ACT Relating to harmonizing state requirements regarding discrimination against health care providers with federal requirements; and adding a new section to chapter 48.43 RCW.

Referred to Committee on Health & Long-Term Care.

SB 6347 by Senator Pridemore

AN ACT Relating to cost savings and efficiencies in mailing notices of possible license suspension for noncompliance with child support orders; and amending RCW 74.20A.320.

Referred to Committee on Human Services & Corrections.

SB 6348 by Senators McAuliffe, Eide, Hargrove, Conway, Rolfes, Kohl-Welles, Frockt and Harper

AN ACT Relating to laboratory school partnerships; amending RCW 28A.305.140, 28A.305.140, 28A.655.180, and 28A.655.180; adding a new chapter to Title 28A RCW; providing an effective date; and providing an expiration date.

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

SB 6349 by Senators Fain, Eide, Litzow, Haugen and Hill

AN ACT Relating to notifications mailed to habitual traffic offenders; and amending RCW 46.65.065.

Referred to Committee on Transportation.

SB 6350 by Senators Haugen, King, Eide, Fain and Tom

AN ACT Relating to repealing the transportation innovative partnerships act; amending RCW 47.56.030, 47.56.031, and 70.94.528; creating a new section; and repealing RCW 47.29.010, 47.29.020, 47.29.030, 47.29.040, 47.29.050, 47.29.060, 47.29.070, 47.29.080, 47.29.090, 47.29.100, 47.29.110, 47.29.120, 47.29.130, 47.29.140, 47.29.150, 47.29.160, 47.29.170, 47.29.180, 47.29.190, 47.29.200, 47.29.210, 47.29.220, 47.29.230, 47.29.240, 47.29.250, 47.29.260, 47.29.270, 47.29.280, 47.29.290, and 47.29.900.

Referred to Committee on Transportation.

SB 6351 by Senators Prentice, Swecker and Haugen

AN ACT Relating to the inspection and copying of any public record; amending RCW 42.56.565; and adding a new section to chapter 42.56 RCW.

Referred to Committee on Government Operations, Tribal Relations & Elections.

SJR 8222 by Senators Kastama, Tom, Rolfes, Hobbs, Hatfield, Regala, Hill, Haugen and Litzow

Requiring six-year balanced budgets.

Referred to Committee on Ways & Means.

#### MOTION

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

#### MOTION

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

#### MOTION

Senator Pridemore moved adoption of the following resolution:

#### SENATE RESOLUTION 8670

By Senators Pridemore, Benton, and Zarelli

WHEREAS, History was made on the morning of June 20, 1937, with the landing of Russian aviator, Valery Chkalov, and his crew, Georgy Baidukov and Alexander Belyakov, in their single engine aircraft, ANT-25, at Pearson Army Airfield in Vancouver, Washington; and

WHEREAS, Chkalov completed the first nonstop flight across the North Pole setting a world aviation record by flying for 63 hours and 16 minutes over the North Pole from Schelkovo Air Field near Moscow, Russia to Pearson Army Airfield in Vancouver, Washington; and

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WHEREAS, The Russian Federation and many individual Russians have responded with friendship to this expression of international goodwill by visiting the City of Vancouver to lay flowers at the monument, and by hosting groups from Vancouver in Russia; and

WHEREAS, June 20, 2012, is the 75th anniversary of the Transpolar Flight, and official Russian government sponsored events honoring this historic flight are being held in Russia; and

WHEREAS, The Chkalov Cultural Exchange Committee, a nonprofit organization in the State of Washington, along with the State of Washington, City of Vancouver, Clark County, and other governmental entities and officials are planning events and activities during 2012 in Washington State and the Vancouver-Portland area, including an invited delegation from Russia;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate acknowledge this historic flight, call upon the citizens of the State of Washington to join the citizens of Russia in celebrating the 75th anniversary, extend a warm welcome to all Russian visitors who travel to Vancouver to participate in these events, and encourage all Washington citizens to participate; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to the President of the United States, Barack Obama, United States Secretary of State, Hillary Clinton, United States Commerce Secretary, John Bryson, the Valery P. Chkalov Cultural Exchange Committee, Fort Vancouver National Trust, Russian Federation President, Dmitry Medvedev, Russian Prime Minister, Vladimir Putin, Russian Federation Minister of Foreign Affairs, Sergey Lavrov, Russian Federation Minister of Industry and Trade and Chair of the Organizing Committee of the 75th Anniversary Transpolar Flight Celebrations, Viktor Khristenko, and President of the International Chkalov Foundation, Valery I. Chkalov.

Senators Pridemore and Benton spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8670.

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

#### MOTION

At 11:17 a.m., on motion of Senator Eide, the Senate adjourned until 12:00 noon, Thursday, January 19, 2012.

BRAD OWEN, President of the Senate

THOMAS HOEMANN, Secretary of the Senate

## ELEVENTH DAY

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 NOON SESSION
 

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Senate Chamber, Olympia, Thursday, January 19, 2012

The Senate was called to order at 12:00 noon by President Owen. No roll call was taken.

## MOTION

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

## MOTION

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

## REPORTS OF STANDING COMMITTEES

January 18, 2012

SB 5694 Prime Sponsor, Senator Hobbs: Addressing the handling of claims associated with products issued under specialty producer licenses. Reported by Committee on Financial Institutions, Housing & Insurance

MAJORITY recommendation: That Substitute Senate Bill No. 5694 be substituted therefor, and the substitute bill do pass. Signed by Senators Hobbs, Chair; Benton; Fain; Haugen; Keiser and Litzow.

Passed to Committee on Rules for second reading.

January 18, 2012

ESB 5730 Prime Sponsor, Senator Rockefeller: Authorizing mileage-based automobile insurance. (REVISED FOR ENGROSSED: Concerning usage-based automobile insurance. ) Reported by Committee on Financial Institutions, Housing & Insurance

MAJORITY recommendation: That Second Substitute Senate Bill No. 5730 be substituted therefor, and the second substitute bill do pass. Signed by Senators Hobbs, Chair; Benton; Fain; Keiser and Litzow

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

Passed to Committee on Rules for second reading.

January 17, 2012

SB 5913 Prime Sponsor, Senator Prentice: Increasing the permissible deposit of public funds with credit unions. Reported by Committee on Financial Institutions, Housing & Insurance

MAJORITY recommendation: Do pass. Signed by Senators Hobbs, Chair; Prentice, Vice Chair; Benton; Haugen and Keiser.

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

Passed to Committee on Rules for second reading.

January 18, 2012

SB 5952 Prime Sponsor, Senator Kohl-Welles: Concerning low-income and homeless housing assistance surcharges. Reported by Committee on Financial Institutions, Housing & Insurance

MAJORITY recommendation: That Substitute Senate Bill No. 5952 be substituted therefor, and the substitute bill do pass. Signed by Senators Hobbs, Chair; Benton; Haugen and Keiser.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Fain and Litzow.

Passed to Committee on Ways & Means.

January 17, 2012

SB 5977 Prime Sponsor, Senator Ranker: Making the discover pass transferable between two vehicles. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 5977 as recommended by Committee on Energy, Natural Resources & Marine Waters be substituted therefor, and the substitute bill do pass. Signed by Senators Murray, Chair; Kilmer, Vice Chair, Capital Budget Chair; Parlette; Baumgartner; Conway; Fraser; Harper; Hatfield; Hewitt; Holmquist Newbry; Honeyford; Kastama; Keiser; Kohl-Welles; Padden; Pridemore; Regala; Schoesler and Tom.

Passed to Committee on Rules for second reading.

January 17, 2012

SB 5981 Prime Sponsor, Senator Schoesler: Changing seed dealer license fees. Reported by Committee on Agriculture, Water & Rural Economic Development

MAJORITY recommendation: Do pass. Signed by Senators Hatfield, Chair; Shin, Vice Chair; Honeyford; Becker; Delvin; Haugen; Hobbs and Schoesler.

Passed to Committee on Rules for second reading.

January 17, 2012

SB 6087 Prime Sponsor, Senator Hatfield: Regarding disclosure of information relating to agriculture and livestock. Reported by Committee on Agriculture, Water & Rural Economic Development

MAJORITY recommendation: Do pass. Signed by Senators Hatfield, Chair; Shin, Vice Chair; Honeyford; Becker; Delvin; Haugen; Hobbs and Schoesler.

Passed to Committee on Rules for second reading.

January 17, 2012

SB 6092 Prime Sponsor, Senator Haugen: Regarding the dairy products commission. Reported by Committee on Agriculture, Water & Rural Economic Development

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MAJORITY recommendation: That Substitute Senate Bill No. 6092 be substituted therefor, and the substitute bill do pass. Signed by Senators Hatfield, Chair; Shin, Vice Chair; Honeyford; Becker; Delvin; Haugen; Hobbs and Schoesler.

Passed to Committee on Rules for second reading.

January 17, 2012

SB 6095 Prime Sponsor, Senator Kohl-Welles: Making technical corrections to gender-based terms. Reported by Committee on Labor, Commerce & Consumer Protection

MAJORITY recommendation: Do pass. Signed by Senators Kohl-Welles, Chair; Conway, Vice Chair; Holmquist Newbry; King and Kline.

Passed to Committee on Rules for second reading.

January 17, 2012

SB 6098 Prime Sponsor, Senator Rolfes: Revising fingerprinting requirements for licensing of private investigators and private security guards. Reported by Committee on Labor, Commerce & Consumer Protection

MAJORITY recommendation: Do pass. Signed by Senators Kohl-Welles, Chair; Conway, Vice Chair; Holmquist Newbry; King; Keiser and Kline.

Passed to Committee on Rules for second reading.

January 18, 2012

SB 6277 Prime Sponsor, Senator Conway: Creating authority for counties to exempt from property taxation new and rehabilitated multiple-unit dwellings in certain unincorporated urban centers. Reported by Committee on Financial Institutions, Housing & Insurance

MAJORITY recommendation: That it be referred without recommendation. Signed by Senators Hobbs, Chair; Benton; Fain; Haugen; Keiser and Litzow.

Passed to Committee on Ways & Means.

#### REPORTS OF STANDING COMMITTEES GUBERNATORIAL APPOINTMENTS

January 17, 2012

SGA 9178 ELIZABETH L BAUM, appointed on November 1, 2011, for the term ending June 30, 2015, as Member of the Housing Finance Commission. Reported by Committee on Financial Institutions, Housing & Insurance

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Hobbs, Chair; Prentice, Vice Chair; Benton; Fain; Haugen and Keiser.

Passed to Committee on Rules for second reading.

#### MOTION

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

#### MOTION

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

#### INTRODUCTION AND FIRST READING

SB 6352 by Senators Hobbs, Keiser, Fain, Benton and McAuliffe

AN ACT Relating to extending the age for service in the Washington state guard; and amending RCW 38.16.015.

Referred to Committee on Government Operations, Tribal Relations & Elections.

SB 6353 by Senator Ranker

AN ACT Relating to the application of chapter 80.50 RCW to the construction, reconstruction, or modification of certain electrical transmission facilities; and amending RCW 80.50.060.

Referred to Committee on Energy, Natural Resources & Marine Waters.

SB 6354 by Senators Rolfes, Kastama, Chase, Tom, Frockt and McAuliffe

AN ACT Relating to filing of business forms with state agencies; and adding a new section to chapter 43.17 RCW.

Referred to Committee on Economic Development, Trade & Innovation.

SB 6355 by Senators Rolfes, Kastama and Chase

AN ACT Relating to associate development organizations; and amending RCW 43.330.080, 43.330.082, and 43.162.020.

Referred to Committee on Economic Development, Trade & Innovation.

SB 6356 by Senators Rolfes, Kastama, Chase, Shin, Tom and Frockt

AN ACT Relating to an interagency work group on establishing a single portal for Washington businesses; and adding a new section to chapter 82.01 RCW.

Referred to Committee on Economic Development, Trade & Innovation.

SB 6357 by Senators Rolfes, Conway, Keiser, Chase, Benton and McAuliffe

AN ACT Relating to increasing the purchase of made in America products by the state of Washington; amending RCW 43.19.1905; adding new sections to chapter 39.04 RCW; adding a new section to chapter 43.19 RCW; and creating a new section.

Referred to Committee on Government Operations, Tribal Relations & Elections.

SB 6358

by Senator Rolfes

AN ACT Relating to encouraging economic development by requiring the employment assistance program to include certain job placement services with private employers; amending RCW 50.62.030; and creating a new section.

Referred to Committee on Labor, Commerce & Consumer Protection.

SB 6359

by Senators Eide, Kastama, Kilmer and McAuliffe

AN ACT Relating to modifying provisions related to the office of regulatory assistance; amending RCW 43.42.010, 43.42.050, 43.42.070, and 43.42.095; and reenacting and amending RCW 43.42.060.

Referred to Committee on Economic Development, Trade & Innovation.

SB 6360

by Senators Keiser, Pflug and Shin

AN ACT Relating to health care facilities oversight and payment reform; and adding a new chapter to Title 70 RCW.

Referred to Committee on Health & Long-Term Care.

SB 6361

by Senators Pflug and Keiser

AN ACT Relating to shared decision making; and amending RCW 7.70.060.

Referred to Committee on Health & Long-Term Care.

SB 6362

by Senators Keiser, King and Conway

AN ACT Relating to billing practices for health care services; adding a new section to chapter 70.01 RCW; and providing an effective date.

Referred to Committee on Health & Long-Term Care.

SB 6363

by Senators Swecker and Pridemore

AN ACT Relating to state fire service mobilization; and amending RCW 43.43.960 and 43.43.961.

Referred to Committee on Government Operations, Tribal Relations & Elections.

SB 6364

by Senators Hobbs, Shin and McAuliffe

AN ACT Relating to modifying the foreclosure fairness act; and amending RCW 61.24.031, 61.24.160, 61.24.163, 61.24.169, and 61.24.174.

Referred to Committee on Financial Institutions, Housing & Insurance.

SB 6365

by Senators Hatfield, Swecker, Prentice, Holmquist Newbry, Pridemore, Haugen, Hobbs, Parlette and Shin

AN ACT Relating to waiving and clarifying certain requirements for port district small public works projects; and amending RCW 53.08.120 and 53.08.135.

Referred to Committee on Government Operations, Tribal Relations & Elections.

SB 6366

by Senator Pridemore

AN ACT Relating to theater licenses; and adding a new section to chapter 66.24 RCW.

Referred to Committee on Labor, Commerce & Consumer Protection.

SB 6367

by Senator Chase

AN ACT Relating to allowing a qualifying utility to count certain residential distributed generation at ten times the facility's output for the purposes of meeting the utility's annual target under chapter 19.285 RCW, the energy independence act; and amending RCW 19.285.040.

Referred to Committee on Energy, Natural Resources & Marine Waters.

SB 6368

by Senators Chase, Kastama, Shin and Conway

AN ACT Relating to the Washington manufacturing innovation and modernization extension service program; amending RCW 43.131.409 and 43.131.410; and adding a new section to chapter 82.04 RCW.

Referred to Committee on Economic Development, Trade & Innovation.

SB 6369

by Senators Chase and Shin

AN ACT Relating to protecting environmental quality and human health; amending RCW 43.21C.030; and creating a new section.

Referred to Committee on Environment.

SB 6370

by Senator Chase

AN ACT Relating to modifying the definition of "lowest reasonable cost" for the purposes of chapter 19.280 RCW, electric utility resource plans; and amending RCW 19.280.020.

Referred to Committee on Energy, Natural Resources & Marine Waters.

SB 6371

by Senators Shin, Benton, Chase, Haugen, Kilmer, Delvin, Hatfield, Schoesler, Becker, McAuliffe and Conway

AN ACT Relating to extending the customized employment training program; amending RCW 28B.67.020, 28B.67.030, and 82.04.449; and repealing RCW 28B.67.902.

Referred to Committee on Economic Development, Trade & Innovation.

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SB 6372 by Senator Swecker

AN ACT Relating to reducing nontax administration costs associated with the conduct of city and county operations; amending RCW 43.09.260, 41.56.465, 41.56.030, 90.48.260, 46.61.687, 35.22.288, 35A.12.160, 36.72.071, 36.22.020, 36.29.010, 36.32.120, 36.32.235, 36.32.245, 36.32.250, 36.34.020, 36.34.090, 36.34.160, 36.34.170, 36.35.120, 36.35.180, 36.36.020, 36.38.030, 36.40.060, 36.40.100, 36.40.140, 36.55.040, 36.58.090, 36.58.110, 36.58A.020, 36.60.020, 36.60.120, 36.61.040, 36.61.100, 36.61.190, 36.68.440, 36.68.470, 36.69.040, 36.69.230, 36.69.280, 36.70.390, 36.70.430, 36.70.440, 36.70.590, 36.70A.035, 36.70A.367, 36.73.050, 36.75.270, 36.81.070, 36.82.190, 36.83.020, 36.87.050, 36.88.030, and 36.88.050; reenacting and amending RCW 46.61.688, 36.70B.110, and 36.77.070; creating new sections; and providing an expiration date.

Referred to Committee on Government Operations, Tribal Relations & Elections.

SB 6373 by Senators Kilmer, Kastama, Parlette and Shin

AN ACT Relating to economic development by requiring performance audits of certain permit practices by the state auditor; and adding a new section to chapter 43.09 RCW.

Referred to Committee on Economic Development, Trade & Innovation.

SB 6374 by Senators Kilmer, Tom, Kastama, Frockt, Harper, Hatfield, Kohl-Welles and McAuliffe

AN ACT Relating to improving outcomes for youth in and alumni of foster care; amending RCW 28B.117.010, 28B.117.020, 28B.117.040, 28B.117.070, 28B.117.060, 28B.118.010, 28A.150.510, and 28A.300.525; adding a new section to chapter 28B.117 RCW; adding a new section to chapter 28A.300 RCW; adding a new section to chapter 28A.320 RCW; creating new sections; repealing RCW 28B.117.901; and providing an effective date.

Referred to Committee on Higher Education & Workforce Development.

SB 6375 by Senators Kilmer, Tom, Harper, Hatfield, Brown, Frockt and McAuliffe

AN ACT Relating to creation of the math performance incentive program; adding new sections to chapter 28A.300 RCW; and creating a new section.

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

SB 6376 by Senator Kline

AN ACT Relating to identification of human remains; and amending RCW 43.103.090.

Referred to Committee on Judiciary.

SB 6377 by Senator Zarelli

AN ACT Relating to improving budget sustainability by modifying education funding mandates; amending RCW 28A.505.220 and 43.135.045; amending 2010 1st sp.s. c 27 s 1 (uncodified); repealing RCW 28A.400.205, 28A.400.206, 28B.50.465, and 28B.50.468; and providing an effective date.

Referred to Committee on Ways & Means.

SB 6378 by Senators Zarelli, Baumgartner, Parlette, Hill and Tom

AN ACT Relating to the state retirement plans; and amending RCW 41.32.835, 41.32.875, 41.35.610, 41.35.680, 41.40.785, 41.40.820, and 41.45.150.

Referred to Committee on Ways & Means.

SB 6379 by Senator Zarelli

AN ACT Relating to directing unclaimed lottery prize money to the general fund; and amending RCW 67.70.190.

Referred to Committee on Ways & Means.

SB 6380 by Senators Tom, Ranker, Hill, Pridemore, Nelson, Baumgartner, Keiser, Hargrove, Harper, Hobbs, Hatfield, Kilmer, Chase, Rolfes and Frockt

AN ACT Relating to electric vehicle charging stations; adding a new section to chapter 46.08 RCW; adding new sections to chapter 46.04 RCW; adding a new section to chapter 46.61 RCW; and prescribing penalties.

Referred to Committee on Transportation.

SB 6381 by Senators Prentice, Pridemore, Nelson, Chase, Murray, Conway, Kline, Harper, Keiser and McAuliffe

AN ACT Relating to the Washington voting rights act; and adding a new chapter to Title 29A RCW.

Referred to Committee on Government Operations, Tribal Relations & Elections.

SB 6382 by Senators Keiser, Parlette and McAuliffe

AN ACT Relating to creating a medication assistant endorsement for certified nursing assistants who work in nursing homes; amending RCW 18.88A.040, 18.88A.050, 18.88A.060, 18.88A.120, 18.88A.130, 18.88A.150, and 18.130.040; reenacting and amending RCW 18.88A.020; adding a new section to chapter 18.88A RCW; creating a new section; and providing an effective date.

Referred to Committee on Health & Long-Term Care.

SB 6383 by Senators Benton, Eide, Schoesler, Kohl-Welles, Chase, Padden, Stevens, Hobbs, Pflug, Hargrove, Harper, McAuliffe, Prentice, Shin, Fraser, Fain, Hill, Baumgartner, Nelson, Swecker, Holmquist Newbry, Kline, Hatfield, Becker, Conway, Hewitt, King, Parlette, Ranker, Litzow, Zarelli, Ericksen, Morton and Honeyford

AN ACT Relating to the Washington interscholastic activities association; amending RCW 28A.600.200 and 28A.600.205; and creating a new section.

Referred to Committee on Early Learning & K-12 Education.  
SB 6384 by Senators Parlette, Murray, Keiser, Fraser, Carrell, Kline, Pridemore, Frockt, Delvin, Harper, Fain, Honeyford, Benton, Hobbs, Hewitt, Shin, Regala, McAuliffe, Conway, Kohl-Welles, Roach, Haugen and Nelson

AN ACT Relating to ensuring that persons with developmental disabilities be given the opportunity to transition to a community access program after enrollment in an employment program; and adding a new section to chapter 71A.12 RCW.

Referred to Committee on Health & Long-Term Care.

SB 6385 by Senators Parlette, Fraser, Morton, Ranker and Shin

AN ACT Relating to extending the habitat and recreation lands coordinating group until July 31, 2017; amending RCW 79A.25.260; creating a new section; and providing an expiration date.

Referred to Committee on Energy, Natural Resources & Marine Waters.

SB 6386 by Senators Carrell, Becker, Zarelli, Hargrove, Delvin, Schoesler, Honeyford and Keiser

AN ACT Relating to fraud in state assistance programs; amending RCW 74.08.580, 74.04.014, and 43.215.135; adding a new section to chapter 74.08 RCW; creating a new section; and prescribing penalties.

Referred to Committee on Human Services & Corrections.

SB 6387 by Senator Ranker

AN ACT Relating to state parks, recreation, and natural resources fiscal matters; amending RCW 3.62.020 and 7.84.100; amending 2011 2nd sp.s. c 9 s 303 (uncodified); and declaring an emergency.

Referred to Committee on Energy, Natural Resources & Marine Waters.

SJM 8014 by Senators Chase and Tom

Requesting a reduction in federal military spending by ending the war in Afghanistan.

Referred to Committee on Government Operations, Tribal Relations & Elections.

#### MOTION

On motion of Senator Eide, all measures listed on the Introduction and First Reading report were referred to the committees as designated with the exception of Senate Bill No. 6358 which was referred to the Committee on Labor, Commerce & Consumer Protection and Senate Bill No. 6383 which was

referred to the Committee on Government Operations, Elections and Tribal Affairs.

#### MOTION

At 12:03 p.m., on motion of Senator Eide, the Senate adjourned until 10:00 a.m. Friday, January 20, 2012.

BRAD OWEN, President of the Senate

THOMAS HOEMANN, Secretary of the Senate



**TWELFTH DAY**

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MORNING SESSION

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Senate Chamber, Olympia, Friday, January 20, 2012

The Senate was called to order at 10:00 a.m. by President Owen. The Secretary called the roll and announced to the President that all Senators were present with the exception of Senators Baumgartner, Becker, Benton, Carrell, Delvin, Fain, Haugen, Hill, Kastama, King, Litzow, Murray, Pflug, Prentice, Ranker, Roach, Shin, Swecker, Tom and Zarelli.

The Sergeant at Arms Color Guard consisting of Pages Amanda Allison and Stephen Kuamma, presented the Colors.

REMARKS BY THE PRESIDENT

President Owen: "I would note that we do not have a minister today so I suggest that the members do their own reflection today. Thank you...Ladies and gentlemen of the Senate, the President, of course was, I understand it is rare, but he was wrong this morning. We have Senator Morton to give the prayer this morning. Senator Morton."

Senator Morton offered the prayer.

PERSONAL PRIVILEGE

Senator Hewitt: "Thank you Mr. President. Well I recognize that you had made an error and we simply say, 'To err is human, to forgive divine.'"

REPLY BY THE PRESIDENT

President Owen: "Are you trying to tell me you're divine?"

MOTION

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

MOTION

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

REPORTS OF STANDING COMMITTEES

January 19, 2012

SB 5190 Prime Sponsor, Senator Hobbs: Authorizing persons designated by the decedent to direct disposition, if the decedent died while serving on active duty in any branch of the United States armed forces, United States reserve forces, or national guard. Reported by Committee on Government Operations, Tribal Relations & Elections

MAJORITY recommendation: That Substitute Senate Bill No. 5190 be substituted therefor, and the substitute bill do pass. Signed by Senators Pridemore, Chair; Benton; Chase and Nelson.

Passed to Committee on Rules for second reading.

January 19, 2012

SB 5292 Prime Sponsor, Senator Honeyford: Exempting irrigation and drainage ditches from the definition of critical areas. Reported by Committee on Government Operations, Tribal Relations & Elections

MAJORITY recommendation: That Second Substitute Senate Bill No. 5292 be substituted therefor, and the second substitute bill do pass. Signed by Senators Pridemore, Chair; Benton; Chase and Nelson.

Passed to Committee on Rules for second reading.

January 19, 2012

SB 5586 Prime Sponsor, Senator Carrell: Concerning the effect of zoning ordinances on motor vehicle collection and restoration. Reported by Committee on Government Operations, Tribal Relations & Elections

MAJORITY recommendation: That Second Substitute Senate Bill No. 5586 be substituted therefor, and the second substitute bill do pass. Signed by Senators Pridemore, Chair; Benton; Chase and Nelson.

Passed to Committee on Rules for second reading.

January 18, 2012

SB 5997 Prime Sponsor, Senator Hargrove: Regarding the Olympic natural resources center. Reported by Committee on Energy, Natural Resources & Marine Waters

MAJORITY recommendation: That Substitute Senate Bill No. 5997 be substituted therefor, and the substitute bill do pass. Signed by Senators Ranker, Chair; Delvin; Morton; Fraser and Hargrove.

Passed to Committee on Rules for second reading.

January 18, 2012

SB 6021 Prime Sponsor, Senator Haugen: Regulating air rescue or evacuation services. Reported by Committee on Financial Institutions, Housing & Insurance

MAJORITY recommendation: That Substitute Senate Bill No. 6021 be substituted therefor, and the substitute bill do pass. Signed by Senators Hobbs, Chair; Benton; Fain; Haugen; Keiser and Litzow.

Passed to Committee on Rules for second reading.

January 18, 2012

SB 6078 Prime Sponsor, Senator Ranker: Implementing efficiencies in the management of the state's natural resources. Reported by Committee on Energy, Natural Resources & Marine Waters

MAJORITY recommendation: That Substitute Senate Bill No. 6078 be substituted therefor, and the substitute bill do pass. Signed by Senators Ranker, Chair; Delvin; Morton; Fraser and Hargrove.

Passed to Committee on Rules for second reading.

MOTION

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

MOTION

On motion of Senator Eide, the Senate advanced to the third order of business.

MESSAGE FROM THE GOVERNOR  
GUBERNATORIAL APPOINTMENTS

January 19, 2012

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

Ryan Durkan, appointed December 14, 2011, for the term ending September 30, 2017, as Member, Board of Regents, Washington State University.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Higher Education & Workforce Development.

MOTION

On motion of Senator Eide, the appointee listed on the Gubernatorial Appointment report was referred to the committee as designated.

MOTION

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

INTRODUCTION AND FIRST READING

SB 6388 by Senators Morton, Benton, Schoesler, Honeyford, Parlette and Ericksen

AN ACT Relating to eliminating the course of instruction and employer skills and training certification requirements for commercial driver's license applicants; and amending RCW 46.25.060.

Referred to Committee on Transportation.

SB 6389 by Senators Hargrove, Harper, Regala and Shin

AN ACT Relating to crime victims' services; amending RCW 46.63.110; adding a new section to chapter 43.280 RCW; creating a new section; and providing an effective date.

Referred to Committee on Human Services & Corrections.

SB 6390 by Senators Pridemore, Hill, Harper, Litzow, Kastama, Baumgartner, Kohl-Welles, Shin, McAuliffe, Chase, Becker and Rolfes

AN ACT Relating to creating higher education student auditing committees; adding a new section to chapter 28B.15

RCW; creating a new section; and providing an expiration date.

Referred to Committee on Higher Education & Workforce Development.

SB 6391 by Senators Keiser and Shin

AN ACT Relating to a study and report concerning direct practices that the office of the insurance commissioner must provide to the legislature; and repealing RCW 48.150.120.

Referred to Committee on Health & Long-Term Care.

SB 6392 by Senators Ranker, Kohl-Welles, Conway and Shin

AN ACT Relating to a farm internship program; reenacting and amending RCW 49.46.010; adding a new section to chapter 49.12 RCW; adding a new section to chapter 51.16 RCW; adding a new section to chapter 50.04 RCW; and providing an expiration date.

Referred to Committee on Labor, Commerce & Consumer Protection.

SB 6393 by Senators Nelson, Honeyford, Ericksen and Chase

AN ACT Relating to changing the numeric limit for bacterial contamination for industrial storm water permittees with discharges to water bodies listed as impaired to a narrative limit; amending RCW 90.48.555; and providing an expiration date.

Referred to Committee on Environment.

SB 6394 by Senator Keiser

AN ACT Relating to requiring transparency for patients regarding training and qualifications of health care professionals; adding new sections to chapter 18.130 RCW; creating a new section; and providing an effective date.

Referred to Committee on Health & Long-Term Care.

SB 6395 by Senator Keiser

AN ACT Relating to authorizing physician assistants to perform ophthalmic-related services under employment or supervision by a medical doctor or an osteopathic physician; and amending RCW 18.71A.060.

Referred to Committee on Health & Long-Term Care.

SB 6396 by Senators Ranker and Delvin

AN ACT Relating to modifying the energy independence act; amending RCW 19.285.030, 19.285.040, 43.325.040, and 43.333.020; reenacting and amending RCW 43.325.040; adding new sections to chapter 19.285 RCW; providing an effective date; and providing an expiration date.

Referred to Committee on Energy, Natural Resources & Marine Waters.

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**SB 6397** by Senators Kohl-Welles, Chase, Rolfes, Conway, Keiser, Nelson, Kline and Shin

AN ACT Relating to protecting workers and other community members from pesticide drift; amending RCW 49.70.020, 49.70.110, and 70.104.030; adding new sections to chapter 49.70 RCW; and prescribing penalties.

Referred to Committee on Labor, Commerce & Consumer Protection.

**SB 6398** by Senators Ranker and Frockt

AN ACT Relating to energy efficient buildings; amending RCW 19.27A.140, 19.27A.150, and 43.330.360; adding a new section to chapter 19.27A RCW; adding a new section to chapter 80.28 RCW; and creating a new section.

Referred to Committee on Energy, Natural Resources & Marine Waters.

**SB 6399** by Senators Frockt, Tom and Shin

AN ACT Relating to program fees at institutions of higher education; amending RCW 28B.15.067; and reenacting and amending RCW 28B.15.031.

Referred to Committee on Higher Education & Workforce Development.

**SB 6400** by Senators Delvin, Morton, Schoesler, Honeyford, Carrell, Hewitt and Holmquist Newbry

AN ACT Relating to the energy independence act; amending RCW 19.285.030 and 19.285.040; and creating a new section.

Referred to Committee on Energy, Natural Resources & Marine Waters.

**SB 6401** by Senators Tom, Hill, Kilmer, Becker and Shin

AN ACT Relating to creating efficiencies for institutions of higher education; amending RCW 43.19.1906, 43.88.160, and 41.04.240; and reenacting and amending RCW 39.29.011 and 41.06.133.

Referred to Committee on Higher Education & Workforce Development.

**SB 6402** by Senators Tom, Hill and Becker

AN ACT Relating to eliminating the workforce training and education coordinating board; amending RCW 18.16.050, 18.79.202, 18.106.030, 18.106.040, 18.106.070, 18.260.110, 19.28.161, 19.28.191, 24.50.010, 28A.175.035, 28A.175.075, 28A.175.115, 28A.175.130, 28A.230.125, 28A.245.030, 28A.300.515, 28A.600.280, 28A.655.065, 28A.700.020, 28A.700.060, 28A.700.080, 28B.04.080, 28B.15.545, 28B.30.530, 28B.50.254, 28B.50.273, 28B.50.274, 28B.50.902, 28B.76.210, 28B.76.230, 28B.76.670, 28B.85.020, 28B.97.010, 28B.120.020, 28B.145.060, 28C.04.400, 28C.04.530, 28C.04.535,

28C.04.540, 28C.04.545, 28C.10.020, 28C.10.040, 28C.18.050, 28C.18.060, 28C.18.134, 28C.18.136, 28C.18.140, 28C.18.150, 28C.18.160, 28C.18.162, 28C.18.164, 28C.18.166, 28C.18.168, 28C.18.170, 43.20.275, 43.41.400, 43.60A.151, 43.162.010, 43.162.020, 43.330.090, 43.330.145, 43.330.310, 43.330.375, 49.04.190, 50.22.005, 50.38.030, 50.38.050, and 74.08A.280; reenacting and amending RCW 28A.230.100, 28A.650.015, 28B.50.030, 43.21J.030, 43.330.280, and 49.04.010; adding a new section to chapter 28C.04 RCW; adding a new section to chapter 28B.77 RCW; adding new sections to chapter 43.330 RCW; adding a new section to chapter 50.12 RCW; creating new sections; recodifying RCW 28C.18.060, 28C.18.130, 28C.18.140, 28C.18.150, 28C.18.170, and 28C.18.050; decodifying RCW 28C.18.900; repealing RCW 28A.300.220, 28B.50.096, 28C.18.005, 28C.18.010, 28C.18.020, 28C.18.030, 28C.18.040, 28C.18.070, 28C.18.080, 28C.18.090, 28C.18.100, 28C.18.110, 28C.18.120, 28C.18.132, and 50.12.245; providing an effective date; and providing expiration dates.

Referred to Committee on Higher Education & Workforce Development.

**SB 6403** by Senator Regala

AN ACT Relating to removing financial barriers to persons seeking vulnerable adult protection orders; and adding a new section to chapter 74.34 RCW.

Referred to Committee on Health & Long-Term Care.

**SB 6404** by Senators Hobbs, Hatfield, Rolfes and Frockt

AN ACT Relating to authorizing the establishment and use of veterans' courts; amending RCW 2.28.190; and adding a new section to chapter 2.28 RCW.

Referred to Committee on Judiciary.

**SB 6405** by Senators Hargrove and Frockt

AN ACT Relating to the Washington service corps; amending RCW 50.65.010, 50.65.020, 50.65.030, 50.65.040, 50.65.050, 50.65.060, and 50.65.065; adding new sections to chapter 43.17 RCW; adding a new section to chapter 50.65 RCW; and creating a new section.

Referred to Committee on Economic Development, Trade & Innovation.

**SB 6406** by Senators Hargrove, Hobbs, Delvin, Hatfield, Tom, Stevens, Regala, Morton, Ranker and Shin

AN ACT Relating to modifying programs that provide for the protection of the state's natural resources; amending RCW 77.55.021, 77.15.300, 77.55.151, 77.55.231, 76.09.040, 76.09.050, 76.09.150, 76.09.065, 76.09.460, 76.09.470, 76.09.030, 43.21C.170, 43.21C.110, 43.21C.229, 43.21C.031, 36.70A.280, 43.21C.010, 43.21C.030, 43.21C.033, 43.21C.036, 43.21C.0382, 43.21C.0383, 43.21C.0384, 43.21C.060, 43.21C.120, 43.21C.130, 43.21C.135, 43.21C.240, and 43.21C.300; reenacting and amending RCW 77.55.011, 76.09.060, and 76.09.020; adding new sections to chapter 77.55 RCW; adding a new section to

chapter 76.09 RCW; adding a new section to chapter 43.30 RCW; adding new sections to chapter 43.21C RCW; adding a new section to chapter 36.70B RCW; creating new sections; decodifying RCW 43.21C.910, 43.21C.911, 43.21C.912, 43.21C.913, and 43.21C.914; repealing RCW 77.55.291, 36.70B.110, 43.21C.175, 43.21C.160, and 43.21C.040; prescribing penalties; providing contingent effective dates; and providing expiration dates.

Referred to Committee on Energy, Natural Resources & Marine Waters.

SB 6407 by Senators Carrell, Regala and Kline

AN ACT Relating to transitional reentry housing through the department of corrections; amending RCW 9.94A.729 and 59.18.040; and adding a new section to chapter 72.09 RCW.

Referred to Committee on Human Services & Corrections.

SB 6408 by Senators Benton, Carrell and Honeyford

AN ACT Relating to aggravated first degree murder; amending RCW 10.95.020; and prescribing penalties.

Referred to Committee on Judiciary.

SB 6409 by Senators Benton, Prentice and Morton

AN ACT Relating to safety rest areas; amending RCW 47.12.125 and 47.12.244; adding new sections to chapter 47.38 RCW; and creating a new section.

Referred to Committee on Transportation.

SB 6410 by Senators Benton and Prentice

AN ACT Relating to restrictions on the collection of sales tax by transportation benefit districts; amending RCW 82.14.045; adding a new section to chapter 82.14 RCW; and prescribing penalties.

Referred to Committee on Transportation.

#### MOTION

On motion of Senator Eide, all measures listed on the Introduction and First Reading report were referred to the committees as designated with the exception of Senate Bill No. 6403 which was referred to the Committee on Health & Long-Term Care.

#### MOTION

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

#### MOTION

Senator Padden moved adoption of the following resolution:

#### SENATE RESOLUTION 8668

By Senators Padden and Brown

WHEREAS, The Spokane Valley and all of Eastern Washington are proud of the sports teams that represent the area with pride and honor; and

WHEREAS, We recognize the dedication and perseverance required to be a successful junior athlete; and

WHEREAS, The Spokane Valley Bengals football team has made Eastern Washington especially proud with their achievements; and

WHEREAS, The Bengals football team is a powerhouse group of eighteen boys aged seven to nine; and

WHEREAS, The Bengals were just one of eight elite "Mighty Mite" teams chosen by Pop Warner scouts from across the nation to play in the National Championship; and

WHEREAS, The Bengals became the National Champions by beating the New York Irondequoit Eagles by a score of 28-6; and

WHEREAS, The Bengals were led to victory while playing at the ESPN Wide World of Sports Complex in Orlando, Florida by head coach Ryan Anstrom, manager Jennifer Anstrom, and assistants Matt Schneider, Todd Carlson, Abel Delarosa, and Collin Anderson; and

WHEREAS, The Bengals held just a one-point lead over the Irondequoit Eagles with five minutes left to play; and

WHEREAS, In the remaining five minutes of play, the Bengals proved their talents yet again by scoring an additional 21 points to defeat the opposing team; and

WHEREAS, The team members were Jacob Abshire, Shay Albrecht, Jaxon Anderson, Kyler Anstrom, Chad Carlson, A.J. Delarosa, Bryden Dodson, Travis Hood, Hunter Hottman, Conner Hunnel, Taylor Jennings, Damonte McQueen, Trent Nauta, Jack Schneider, Nicholas Toole, Sawyer Tracht, Bailey Wilson, and Ariel Zilar; and

WHEREAS, The teams earned this trip by finishing their 2011 season undefeated with a season total of 280 points scored; and

WHEREAS, The Bengals exemplified the excellence in athletics and determination for success that Spokane Valley and all of Eastern Washington hold in high regard; and

WHEREAS, The Bengals have proven that the success and distinction of the Spokane area sports team knows no age;

NOW, THEREFORE, BE IT RESOLVED, That it is with great respect that the Washington State Senate honor the accomplishments and excellence exemplified by the 2011 Spokane Valley Bengals football team for winning the National Championship title; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to the coaches and players of the Spokane Valley Bengals.

Senators Padden and Brown spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8668.

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

#### MOTION

At 10:20 a.m., on motion of Senator Eide, the Senate adjourned until 12:00 noon, Monday, January 23, 2012.

BRAD OWEN, President of the Senate

THOMAS HOEMANN, Secretary of the Senate

**FIFTEENTH DAY**

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NOON SESSION

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Senate Chamber, Olympia, Monday, January 23, 2012

The Senate was called to order at 12:00 noon by President Owen. No roll call was taken.

**MOTION**

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

**MOTION**

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

**REPORTS OF STANDING COMMITTEES**

January 19, 2012

SB 5197 Prime Sponsor, Senator Keiser: Concerning the delegation of nursing care tasks to home care aides. Reported by Committee on Health & Long-Term Care

MAJORITY recommendation: That Substitute Senate Bill No. 5197 be substituted therefor, and the substitute bill do pass. Signed by Senators Keiser, Chair; Conway, Vice Chair; Becker; Frockt; Kline; Parlette and Pridemore.

Passed to Committee on Rules for second reading.

January 19, 2012

SB 5296 Prime Sponsor, Senator Keiser: Addressing public employee benefits law. Reported by Committee on Health & Long-Term Care

MAJORITY recommendation: That Substitute Senate Bill No. 5296 be substituted therefor, and the substitute bill do pass. Signed by Senators Keiser, Chair; Conway, Vice Chair; Becker; Frockt; Kline; Parlette and Pridemore.

Passed to Committee on Rules for second reading.

January 20, 2012

SB 5510 Prime Sponsor, Senator Rockefeller: Defining the attributes of null power. Reported by Committee on Environment

MAJORITY recommendation: That Substitute Senate Bill No. 5510 be substituted therefor, and the substitute bill do pass. Signed by Senators Nelson, Chair; Rolfes, Vice Chair; Chase; Fraser and Pridemore.

MINORITY recommendation: Do not pass. Signed by Senators Ericksen; Honeyford; Morton and Sheldon.

Passed to Committee on Rules for second reading.

January 18, 2012

SB 6044 Prime Sponsor, Senator Honeyford: Concerning the supply of water by public utility districts bordered by the Columbia river to be used in, or power from, pumped storage

projects. Reported by Committee on Energy, Natural Resources & Marine Waters

MAJORITY recommendation: That Substitute Senate Bill No. 6044 be substituted therefor, and the substitute bill do pass. Signed by Senators Ranker, Chair; Delvin; Morton; Fraser and Hargrove.

Passed to Committee on Rules for second reading.

January 19, 2012

SB 6105 Prime Sponsor, Senator Parlette: Exempting veterinarians from the data submission requirements of the prescription monitoring program. Reported by Committee on Health & Long-Term Care

MAJORITY recommendation: That Substitute Senate Bill No. 6105 be substituted therefor, and the substitute bill do pass. Signed by Senators Keiser, Chair; Conway, Vice Chair; Becker; Frockt; Kline; Parlette and Pridemore.

Passed to Committee on Rules for second reading.

January 20, 2012

SB 6120 Prime Sponsor, Senator Nelson: Concerning children's safe products. Reported by Committee on Environment

MAJORITY recommendation: That Substitute Senate Bill No. 6120 be substituted therefor, and the substitute bill do pass. Signed by Senators Nelson, Chair; Rolfes, Vice Chair; Chase; Fraser and Pridemore.

MINORITY recommendation: Do not pass. Signed by Senators Ericksen; Honeyford; Morton and Sheldon.

Passed to Committee on Ways & Means.

January 19, 2012

SB 6225 Prime Sponsor, Senator Kline: Giving general law enforcement authority to natural resource investigators. Reported by Committee on Energy, Natural Resources & Marine Waters

MAJORITY recommendation: That it be referred without recommendation. Signed by Senators Ranker, Chair; Regala, Vice Chair; Delvin; Morton and Fraser.

Passed to Committee on Judiciary.

**REPORTS OF STANDING COMMITTEES  
GUBERNATORIAL APPOINTMENTS**

January 20, 2012

SGA 9261 TOM MCDONALD, appointed on January 16, 2012, for the term ending June 30, 2014, as Member of the Pollution Control/Shorelines Hearings Board. Reported by Committee on Environment

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Nelson, Chair; Rolfes, Vice Chair; Ericksen; Chase; Fraser; Morton; Pridemore and Sheldon.

MINORITY recommendation: That said appointment not be confirmed. Signed by Senator Honeyford.

Passed to Committee on Rules for second reading.

MOTION

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

MOTION

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

INTRODUCTION AND FIRST READING

SB 6411 by Senators Regala, Stevens, Hargrove and Shin

AN ACT Relating to the WorkFirst program; amending RCW 74.08A.340; and providing an effective date.

Referred to Committee on Human Services & Corrections.

SB 6412 by Senators Rolfes and Harper

AN ACT Relating to applying for health insurance coverage when an insurance carrier discontinues all individual health benefit plan coverage; amending RCW 48.43.018; and declaring an emergency.

Referred to Committee on Health & Long-Term Care.

SB 6413 by Senator Chase

AN ACT Relating to strengthening the integrity, fairness, and equity in Washington's property assessment system; and amending RCW 84.40.038.

Referred to Committee on Government Operations, Tribal Relations & Elections.

SB 6414 by Senator Ranker

AN ACT Relating to the issuance of advisory opinions to qualifying utilities that are not investor-owned on whether a proposed electric generation project or conservation resource qualifies to meet a target under RCW 19.285.040; and adding a new section to chapter 19.285 RCW.

Referred to Committee on Energy, Natural Resources & Marine Waters.

SB 6415 by Senators Conway, Kohl-Welles, Keiser and Kline

AN ACT Relating to the development of an informational document for use during negotiations for self-insured claims; and amending RCW 51.14.340 and 51.04.063.

Referred to Committee on Labor, Commerce & Consumer Protection.

SB 6416 by Senators Chase, Pridemore, Conway, Benton, Kohl-Welles, Kline, Roach, Kastama, Keiser and Shin

AN ACT Relating to certified payroll records on public works projects; and amending RCW 39.04.320 and 39.12.040.

Referred to Committee on Labor, Commerce & Consumer Protection.

SB 6417 by Senator Nelson

AN ACT Relating to activities prohibited at a voting center or ballot drop location; amending RCW 29A.84.510; and prescribing penalties.

Referred to Committee on Government Operations, Tribal Relations & Elections.

SB 6418 by Senators Hatfield, Holmquist Newbry, Kastama, Delvin, Hobbs, Honeyford, Schoesler, Hewitt, Shin and Sheldon

AN ACT Relating to narrowing the requirement that utilities purchase electricity, renewable energy credits, or electric generating facilities that are not needed to serve their customers' loads, without changing the annual renewable targets; amending RCW 19.285.040; and creating a new section.

Referred to Committee on Energy, Natural Resources & Marine Waters.

SB 6419 by Senators King, Schoesler, Hewitt and Holmquist Newbry

AN ACT Relating to the prevailing wage on public works; and amending RCW 39.12.010.

Referred to Committee on Labor, Commerce & Consumer Protection.

SB 6420 by Senators King, Schoesler, Hewitt and Holmquist Newbry

AN ACT Relating to the prevailing rate of wages paid on public works; and amending RCW 39.12.020.

Referred to Committee on Labor, Commerce & Consumer Protection.

SB 6421 by Senators King, Kline and Holmquist Newbry

AN ACT Relating to the statement of intent to pay prevailing wages on public works; and amending RCW 39.12.040.

Referred to Committee on Labor, Commerce & Consumer Protection.

SB 6422 by Senators King, Schoesler, Hewitt and Holmquist Newbry

FIFTEENTH DAY, JANUARY 23, 2012

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AN ACT Relating to the prevailing rate of wage paid on public works; and amending RCW 39.12.020, 39.12.021, and 39.12.030.

AN ACT Relating to state employee wellness and productivity; amending RCW 41.05.540; and creating a new section.

Referred to Committee on Labor, Commerce & Consumer Protection.

Referred to Committee on Health & Long-Term Care.

SB 6423 by Senators King and Holmquist Newbry

SB 6430 by Senators Honeyford, Haugen, King, Benton, Delvin, Hatfield, Morton, Sheldon, Fain, Schoesler, Hill, Swecker, Becker, Stevens and Ericksen

AN ACT Relating to the definition of farm vehicle; and amending RCW 46.04.181.

AN ACT Relating to the transfer of aerial search and rescue activities to the state military department; amending RCW 47.68.380; adding a new section to chapter 38.52 RCW; creating a new section; recodifying RCW 47.68.380; and providing an effective date.

Referred to Committee on Transportation.

SB 6424 by Senator Kline

Referred to Committee on Government Operations, Tribal Relations & Elections.

AN ACT Relating to prohibiting pharmacists from substituting opioid analgesic drugs for an opioid analgesic drug incorporating a tamper resistance technology without verifying equivalence or obtaining the written, signed consent of the prescribing physician; and adding new sections to chapter 69.41 RCW.

SB 6431 by Senators Honeyford, Hatfield, Delvin, Hobbs, Haugen, Schoesler and Shin

Referred to Committee on Health & Long-Term Care.

AN ACT Relating to harmonizing federal exemptions for agricultural practices with state law; and adding a new section to chapter 90.48 RCW.

SB 6425 by Senator Nelson

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

AN ACT Relating to records of scrap metal transactions; and amending RCW 19.290.020.

SB 6432 by Senator Stevens

Referred to Committee on Judiciary.

AN ACT Relating to intrusive searches at transportation facilities; adding a new section to chapter 47.68 RCW; adding a new section to chapter 42.20 RCW; and providing an effective date.

SB 6426 by Senators Prentice, Benton, Hobbs, Haugen, Keiser, Fain and Shin

Referred to Committee on Transportation.

AN ACT Relating to personal vehicle sharing programs; adding a new chapter to Title 48 RCW; and creating a new section.

SB 6433 by Senators Stevens, Padden and King

Referred to Committee on Financial Institutions, Housing & Insurance.

AN ACT Relating to the verification that applicants for driver's licenses, permits, and identicards are lawfully within the United States; amending RCW 46.20.031, 46.20.055, 46.20.070, 46.20.117, 46.20.181, and 46.20.207; and adding new sections to chapter 46.20 RCW.

SB 6427 by Senators Kastama, Regala, Hatfield and Conway

Referred to Committee on Transportation.

AN ACT Relating to improving protections for incapacitated adults; amending RCW 11.88.020, 11.88.030, 11.88.040, 11.88.120, 11.88.090, 11.92.043, and 43.190.060; and adding a new section to chapter 2.56 RCW.

SB 6434 by Senator Stevens

Referred to Committee on Human Services & Corrections.

AN ACT Relating to citizenship; amending RCW 29A.08.210; adding a new section to chapter 74.04 RCW; creating new sections; and prescribing penalties.

SB 6428 by Senators Kastama, Keiser, Rolfes, Tom, Kline and Conway

Referred to Committee on Government Operations, Tribal Relations & Elections.

AN ACT Relating to direct patient-provider primary care practice services for public employees; amending RCW 41.05.065; and reenacting and amending RCW 48.150.010.

SB 6435 by Senators Stevens and Ericksen

Referred to Committee on Health & Long-Term Care.

AN ACT Relating to prioritizing existing funding for special safety corridor projects; amending RCW 46.17.200; adding a new section to chapter 46.68 RCW; and declaring an emergency.

SB 6429 by Senators Conway, Keiser and Kline

Referred to Committee on Transportation.

- SB 6436 by Senators Stevens and King
- AN ACT Relating to unlawful aliens; amending RCW 46.20.031; adding a new section to chapter 9A.76 RCW; adding a new section to chapter 70.48 RCW; adding a new section to chapter 41.04 RCW; and prescribing penalties.
- Referred to Committee on Judiciary.
- SB 6437 by Senators Stevens, Schoesler and Honeyford
- AN ACT Relating to collecting biological samples for DNA analysis from illegal aliens; and amending RCW 43.43.754.
- Referred to Committee on Human Services & Corrections.
- SB 6438 by Senator Stevens
- AN ACT Relating to remedial postsecondary education; reenacting and amending RCW 28A.225.220; adding new sections to chapter 28B.10 RCW; adding a new section to chapter 28A.300 RCW; adding a new section to chapter 28B.15 RCW; and creating a new section.
- Referred to Committee on Early Learning & K-12 Education.
- SB 6439 by Senators Schoesler, Tom, Padden, Carrell, Haugen, Stevens, Kilmer, Delvin, Eide, King, Honeyford, Parlette and Ericksen
- AN ACT Relating to directing real estate excise tax penalties to the general fund; and amending RCW 82.45.100.
- Referred to Committee on Ways & Means.
- SB 6440 by Senators Parlette, Keiser and Becker
- AN ACT Relating to expanding opportunities for the purchase of health care coverage outside of state-governed health care coverage programs; adding new sections to chapter 48.05 RCW; and creating a new section.
- Referred to Committee on Health & Long-Term Care.
- SB 6441 by Senator Ranker
- AN ACT Relating to authorizing grants to the successful pilot programs implementing RCW 70.260.020; and adding a new section to chapter 70.260 RCW.
- Referred to Committee on Energy, Natural Resources & Marine Waters.
- SB 6442 by Senators Hobbs, Litzow, Keiser, Holmquist Newbry, Hatfield, Hewitt, Kastama, Schoesler, Tom, Fain, Hill, Zarelli, Hargrove, Kline, Murray, Shin, Sheldon, Fraser, Haugen, Morton, Honeyford, Benton, Carrell, Roach, Delvin and King
- AN ACT Relating to establishing a consolidating purchasing system for public school employees; amending RCW 41.05.021, 41.05.022, 41.05.026, 41.05.050, 41.05.055, 41.05.075, 41.05.130, 41.05.140, 41.05.143, 41.05.670, 28A.400.270, 28A.400.275, 28A.400.280, 28A.400.350, 41.56.500, and 41.59.105; reenacting and amending RCW 41.05.011 and 41.05.120; adding a new section to chapter 41.05 RCW; and creating new sections.
- Referred to Committee on Health & Long-Term Care.
- SB 6443 by Senators Haugen and Fain
- AN ACT Relating to notice given to owners of life insurance policies about alternative transactions; and amending RCW 48.102.100.
- Referred to Committee on Financial Institutions, Housing & Insurance.
- SB 6444 by Senators Haugen and Fain
- AN ACT Relating to eligible toll facilities; amending RCW 47.56.820, 46.63.075, and 46.63.170; reenacting and amending RCW 43.84.092 and 46.16A.120; adding new sections to chapter 47.56 RCW; creating a new section; and repealing 2010 c 161 s 1126.
- Referred to Committee on Transportation.
- SB 6445 by Senator Pridemore
- AN ACT Relating to financing the Interstate 5 Columbia river crossing project; adding a new section to chapter 47.56 RCW; creating a new section; and providing a contingent effective date.
- Referred to Committee on Transportation.
- SB 6446 by Senators Fraser, Morton, Regala and Kohl-Welles
- AN ACT Relating to the lodging tax; amending RCW 67.28.1816; and reenacting and amending RCW 67.28.080.
- Referred to Committee on Ways & Means.
- SB 6447 by Senators Frockt, Nelson, Chase, Conway, Keiser, Kohl-Welles, Harper and Kline
- AN ACT Relating to state work-study funding; amending RCW 23B.01.520, 23B.01.530, 24.03.405, 25.05.500, 25.10.916, 25.15.805, 43.24.086, and 43.70.250; creating a new section; providing an effective date; and declaring an emergency.
- Referred to Committee on Higher Education & Workforce Development.
- SB 6448 by Senators Frockt, Kohl-Welles, McAuliffe and Kline
- AN ACT Relating to fiscal impact statements in the voters' pamphlet; and amending RCW 29A.32.070 and 29A.72.025.
- Referred to Committee on Government Operations, Tribal Relations & Elections.
- SB 6449 by Senators Harper, Litzow, Ranker, Frockt, Nelson, Eide, Rolfes, Regala, Kohl-Welles, Fain, Hill, Kilmer, Kline and Conway



FIFTEENTH DAY, JANUARY 23, 2012

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AN ACT Relating to improving access to high-quality early learning programs; amending RCW 43.215.141 and 43.215.142; adding new sections to chapter 43.215 RCW; creating new sections; and repealing RCW 43.215.140.

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

MOTION

On motion of Senator Eide, all measures listed on the Introduction and First Reading report were referred to the committees as designated with the exception of Senate Bill No. 6427 which was referred to the Committee on Human Services & Corrections and Senate Bill No. 6438 was referred to the Committee on Early Learning & K-12 Education.

MOTION

At 12:09 p.m., on motion of Senator Eide, the Senate adjourned until 12:00 noon, Tuesday, January 24, 2012.

BRAD OWEN, President of the Senate

THOMAS HOEMANN, Secretary of the Senate

## SIXTEENTH DAY

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 NOON SESSION
 

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Senate Chamber, Olympia, Tuesday, January 24, 2012

The Senate was called to order at 12:00 noon by the Vice President Pro Tempore. No roll call was taken.

## MOTION

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

## MOTION

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

## REPORTS OF STANDING COMMITTEES

January 23, 2012

SSB 5343 Prime Sponsor, Committee on Agriculture & Rural Economic Development: Concerning air emissions from anaerobic digesters. Reported by Committee on Agriculture, Water & Rural Economic Development

MAJORITY recommendation: That Second Substitute Senate Bill No. 5343 be substituted therefor, and the second substitute bill do pass. Signed by Senators Hatfield, Chair; Shin, Vice Chair; Honeyford; Becker; Haugen; Hobbs and Schoesler.

Passed to Committee on Rules for second reading.

January 23, 2012

ESB 5575 Prime Sponsor, Senator Hatfield: Recognizing certain biomass energy facilities as an eligible renewable resource. Reported by Committee on Agriculture, Water & Rural Economic Development

MAJORITY recommendation: That Substitute Senate Bill No. 5575 be substituted therefor, and the substitute bill do pass. Signed by Senators Hatfield, Chair; Shin, Vice Chair; Honeyford; Becker; Haugen; Hobbs and Schoesler.

Passed to Committee on Rules for second reading.

January 23, 2012

SB 6005 Prime Sponsor, Senator Carrell: Exempting certain vehicles from the written estimate requirement for auto repair facilities. Reported by Committee on Labor, Commerce & Consumer Protection

MAJORITY recommendation: That Substitute Senate Bill No. 6005 be substituted therefor, and the substitute bill do pass. Signed by Senators Kohl-Welles, Chair; Conway, Vice Chair; Holmquist Newbry; King; Keiser and Kline.

Passed to Committee on Rules for second reading.

January 23, 2012

SB 6049 Prime Sponsor, Senator Kastama: Requiring the department of health to establish a cancer drug repository program. Reported by Committee on Health & Long-Term Care

MAJORITY recommendation: That Substitute Senate Bill No. 6049 be substituted therefor, and the substitute bill do pass. Signed by Senators Keiser, Chair; Becker; Frockt; Kline and Pflug.

Passed to Committee on Ways & Means.

January 23, 2012

SB 6082 Prime Sponsor, Senator Haugen: Regarding the preservation and conservation of agricultural resource lands. Reported by Committee on Agriculture, Water & Rural Economic Development

MAJORITY recommendation: Do pass. Signed by Senators Hatfield, Chair; Shin, Vice Chair; Honeyford; Becker; Haugen; Hobbs and Schoesler.

Passed to Committee on Rules for second reading.

January 20, 2012

SB 6100 Prime Sponsor, Senator Hargrove: Updating the administration of the sexual assault grant programs. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: That Substitute Senate Bill No. 6100 be substituted therefor, and the substitute bill do pass. Signed by Senators Hargrove, Chair; Regala, Vice Chair; Stevens; Harper; McAuliffe and Padden.

Passed to Committee on Rules for second reading.

January 23, 2012

SB 6196 Prime Sponsor, Senator Harper: Concerning the identification of wineries, breweries, and microbreweries on private labels. Reported by Committee on Labor, Commerce & Consumer Protection

MAJORITY recommendation: Do pass. Signed by Senators Kohl-Welles, Chair; Conway, Vice Chair; Holmquist Newbry; King; Keiser and Kline.

Passed to Committee on Rules for second reading.

 REPORTS OF STANDING COMMITTEES  
 GUBERNATORIAL APPOINTMENTS

January 23, 2012

SGA 9155 DAVID TROUTT, reappointed on July 30, 2010, for the term ending July 15, 2014, as Member of the Salmon Recovery Funding Board. Reported by Committee on Energy, Natural Resources & Marine Waters

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Ranker, Chair; Regala, Vice Chair; Morton; Fraser; Hargrove and Stevens.

Passed to Committee on Rules for second reading.

January 23, 2012

SIXTEENTH DAY, JANUARY 24, 2012

2012 REGULAR SESSION

SGA 9169 JOSHUA BROWN, appointed on April 28, 2011, for the term ending July 15, 2013, as Member of the Salmon Recovery Funding Board. Reported by Committee on Energy, Natural Resources & Marine Waters

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Ranker, Chair; Regala, Vice Chair; Morton; Fraser; Hargrove and Stevens.

Passed to Committee on Rules for second reading.

January 23, 2012

SGA 9180 BRIAN BLAKE, appointed on November 1, 2011, for the term ending June 30, 2015, as Member of the Pacific Marine Fishery Commission. Reported by Committee on Energy, Natural Resources & Marine Waters

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Ranker, Chair; Regala, Vice Chair; Morton; Fraser; Hargrove and Stevens.

Passed to Committee on Rules for second reading.

January 23, 2012

SGA 9190 MARC DAUDON, appointed on May 18, 2011, for the term ending June 30, 2014, as Member of the Energy Northwest. Reported by Committee on Energy, Natural Resources & Marine Waters

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Ranker, Chair; Regala, Vice Chair; Morton; Fraser; Hargrove and Stevens.

Passed to Committee on Rules for second reading.

January 23, 2012

SGA 9194 BILLY FRANK, JR., reappointed on July 29, 2011, for the term ending June 25, 2015, as Member of the Puget Sound Partnership. Reported by Committee on Energy, Natural Resources & Marine Waters

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Ranker, Chair; Regala, Vice Chair; Morton; Fraser and Hargrove.

Passed to Committee on Rules for second reading.

January 23, 2012

SGA 9200 DONALD HOVER, reappointed on July 29, 2011, for the term ending July 15, 2015, as Member of the Salmon Recovery Funding Board. Reported by Committee on Energy, Natural Resources & Marine Waters

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Ranker, Chair; Regala, Vice Chair; Morton; Fraser; Hargrove and Stevens.

Passed to Committee on Rules for second reading.

January 23, 2012

SGA 9202 LAWRENCE KENNEY, reappointed on May 18, 2011, for the term ending June 30, 2014, as Member of the Energy Northwest. Reported by Committee on Energy, Natural Resources & Marine Waters

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Ranker, Chair; Regala, Vice Chair; Morton; Fraser; Hargrove and Stevens.

Passed to Committee on Rules for second reading.

January 23, 2012

SGA 9227 HARRIET A SPANEL, appointed on January 1, 2012, for the term ending December 31, 2014, as Member of the Recreation and Conservation Funding Board. Reported by Committee on Energy, Natural Resources & Marine Waters

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Ranker, Chair; Regala, Vice Chair; Morton; Fraser; Hargrove and Stevens.

Passed to Committee on Rules for second reading.

January 23, 2012

SGA 9228 HARRIET A SPANEL, reappointed on November 1, 2011, for the term ending June 30, 2015, as Member of the Pacific Marine Fishery Commission. Reported by Committee on Energy, Natural Resources & Marine Waters

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Ranker, Chair; Regala, Vice Chair; Morton; Fraser; Hargrove and Stevens.

Passed to Committee on Rules for second reading.

January 23, 2012

SGA 9246 MARK BROWN, appointed on October 10, 2011, for the term ending December 31, 2016, as Member of the Parks and Recreation Commission. Reported by Committee on Energy, Natural Resources & Marine Waters

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Ranker, Chair; Regala, Vice Chair; Morton; Fraser; Hargrove and Stevens.

Passed to Committee on Rules for second reading.

January 23, 2012

SGA 9252 LARRY CARPENTER, appointed on December 6, 2011, for the term ending December 31, 2016, as Member of the Fish and Wildlife Commission. Reported by Committee on Energy, Natural Resources & Marine Waters

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Ranker, Chair; Regala, Vice Chair; Morton; Fraser; Hargrove and Stevens.

Passed to Committee on Rules for second reading.

January 23, 2012

SGA 9258 RON SIMS, appointed on October 10, 2011, for the term ending June 25, 2014, as Member of the Puget Sound Partnership. Reported by Committee on Energy, Natural Resources & Marine Waters

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Ranker, Chair; Regala, Vice Chair; Morton; Fraser and Hargrove.

Passed to Committee on Rules for second reading.

## MOTION

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

## MOTION

On motion of Senator Frockt, the Senate advanced to the third order of business.

MESSAGE FROM THE GOVERNOR  
GUBERNATORIAL APPOINTMENTS

January 23, 2012

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

Kelsey E. Knowles, appointed July 5, 2011, for the term ending June 30, 2012, as Member, Board of Regents, University of Washington.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Higher Education & Workforce Development.

January 23, 2012

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following reappointment, subject to your confirmation.

Herb Simon, reappointed January 17, 2012, for the term ending September 30, 2017, as Member, Board of Regents, University of Washington.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Higher Education & Workforce Development.

## MOTION

On motion of Senator Frockt, all appointees listed on the Gubernatorial Appointments report were referred to the committees as designated.

## MOTION

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

## MESSAGE FROM THE HOUSE

January 23, 2012

MR. PRESIDENT:

The House has passed:

HOUSE BILL NO. 1207,

SUBSTITUTE HOUSE BILL NO. 1568,

SUBSTITUTE HOUSE BILL NO. 1650,

HOUSE BILL NO. 1669,

SUBSTITUTE HOUSE BILL NO. 1700.

and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

## MESSAGE FROM THE HOUSE

January 23, 2012

MR. PRESIDENT:

The House has passed:

SUBSTITUTE HOUSE BILL NO. 1349,

SECOND SUBSTITUTE HOUSE BILL NO. 1652,

HOUSE BILL NO. 2138,

SUBSTITUTE HOUSE BILL NO. 2181,

SUBSTITUTE HOUSE BILL NO. 2188,

SUBSTITUTE HOUSE BILL NO. 2194,

HOUSE BILL NO. 2195,

SUBSTITUTE HOUSE BILL NO. 2196.

and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

## MOTION

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

## INTRODUCTION AND FIRST READING

SB 6450 by Senator Swecker

AN ACT Relating to the voluntary option to purchase qualified energy resources; and reenacting and amending RCW 19.29A.090.

Referred to Committee on Energy, Natural Resources & Marine Waters.

SB 6451 by Senators Swecker and Haugen

AN ACT Relating to modifying certain provisions regarding transportation benefit districts; amending RCW 36.73.065 and 82.80.140; and reenacting and amending RCW 36.73.015.

Referred to Committee on Transportation.

SB 6452 by Senators Haugen, Hobbs, Rolfes and Shin

AN ACT Relating to veterans' assistance levies; amending RCW 73.08.080, 84.52.043, 84.52.043, 84.52.010, 84.52.010, and 84.55.005; creating a new section; providing an effective date; and providing an expiration date.

Referred to Committee on Government Operations, Tribal Relations & Elections.

SB 6453 by Senators Haugen and Hobbs

AN ACT Relating to golf cart zones; and amending RCW 46.08.175.

Referred to Committee on Transportation.

SB 6454 by Senators Haugen, Becker and Hobbs

SIXTEENTH DAY, JANUARY 24, 2012

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AN ACT Relating to special district general and special elections; and amending RCW 85.38.010 and 85.38.100.

adding a new section to chapter 28B.10 RCW; and creating a new section.

Referred to Committee on Government Operations, Tribal Relations & Elections.

Referred to Committee on Higher Education & Workforce Development.

SB 6455 by Senators Haugen and Shin

SB 6461 by Senators Kohl-Welles, Chase, Conway, Nelson, Keiser, Kline and Frockt

AN ACT Relating to transportation revenue; amending RCW 46.17.355, 46.68.035, 46.17.365, 46.17.350, 46.68.415, 36.73.065, 46.37.420, and 82.08.036; reenacting and amending RCW 43.84.092; adding a new section to chapter 46.08 RCW; adding new sections to chapter 46.68 RCW; adding a new section to chapter 47.66 RCW; adding a new section to chapter 82.80 RCW; adding a new section to chapter 46.37 RCW; adding a new section to chapter 46.17 RCW; creating new sections; prescribing penalties; providing an effective date; and providing a contingent expiration date.

AN ACT Relating to drayage truck operators; adding a new section to chapter 49.12 RCW; adding a new section to chapter 49.17 RCW; adding a new section to chapter 49.46 RCW; adding a new section to chapter 49.48 RCW; adding a new section to chapter 49.60 RCW; adding a new section to chapter 50.04 RCW; and creating new sections.

Referred to Committee on Transportation.

Referred to Committee on Labor, Commerce & Consumer Protection.

SB 6456 by Senators Haugen, Fraser, Kilmer and Shin

SB 6462 by Senators Fraser, Carrell, Regala, Stevens, Hargrove and Shin

AN ACT Relating to prohibiting the use of state funds and tuition fees for intercollegiate athletic expenses at the University of Washington and Washington State University; amending RCW 28B.10.703; and reenacting and amending RCW 28B.15.031.

AN ACT Relating to determination of income and resources for the purposes of eligibility for public assistance; and reenacting and amending RCW 74.04.005.

Referred to Committee on Higher Education & Workforce Development.

Referred to Committee on Human Services & Corrections.

SB 6457 by Senators Rolfes, Haugen and Sheldon

SB 6463 by Senators Holmquist Newbry, King, Roach and Padden

AN ACT Relating to the preferential hiring of veterans by the marine division of the department of transportation; and adding a new section to chapter 47.60 RCW.

AN ACT Relating to the discover pass; and amending RCW 79A.80.020.

Referred to Committee on Transportation.

Referred to Committee on Energy, Natural Resources & Marine Waters.

SB 6458 by Senators Schoesler, Haugen, Baumgartner, Hewitt, King, Becker, Zarelli, Hill, Carrell, Litzow, Swecker, Stevens, Fain, Honeyford, Morton, Hargrove, Ericksen, Shin and Sheldon

SB 6464 by Senators Holmquist Newbry, Schoesler, Hewitt, Hobbs, Fain, Padden, Honeyford, Becker, King, Roach and Parlette

AN ACT Relating to claims against public entities; amending RCW 4.22.015, 4.22.070, 4.56.115, 4.92.005, 4.96.010, 4.92.040, 4.92.090, and 4.92.130; creating new sections; and declaring an emergency.

AN ACT Relating to significant legislative rules; and amending RCW 34.05.360.

Referred to Committee on Judiciary.

Referred to Committee on Government Operations, Tribal Relations & Elections.

SB 6459 by Senators Conway, Schoesler and Hobbs

SB 6465 by Senators Holmquist Newbry and Kohl-Welles

AN ACT Relating to membership on city disability boards; and amending RCW 41.26.110.

AN ACT Relating to raffles exceeding five thousand dollars; and amending RCW 9.46.0315.

Referred to Committee on Government Operations, Tribal Relations & Elections.

Referred to Committee on Labor, Commerce & Consumer Protection.

SB 6460 by Senators Tom, Hill and Frockt

SB 6466 by Senators Holmquist Newbry, Harper, Hewitt, Hatfield, Kilmer, Fain, Schoesler, Ericksen, Shin, Sheldon, Keiser, Becker, King and Padden

AN ACT Relating to access to taxpayer-funded educational materials; adding a new section to chapter 28A.345 RCW;

AN ACT Relating to improving program integrity for medicaid and the children's health insurance program by implementing waste, fraud, and abuse prevention, detection, and recovery; and adding a new chapter to Title 74 RCW.

Referred to Committee on Health & Long-Term Care.

#### INTRODUCTION AND FIRST READING OF HOUSE BILLS

HB 1207 by Representative Overstreet

AN ACT Relating to compliance with Article II, section 12 of the state Constitution; amending RCW 44.04.010; and creating a new section.

Referred to Committee on Government Operations, Tribal Relations & Elections.

SHB 1349 by House Committee on Judiciary (originally sponsored by Representative Morris)

AN ACT Relating to private road maintenance agreements; adding a new chapter to Title 64 RCW; and providing an effective date.

Referred to Committee on Judiciary.

SHB 1568 by House Committee on Education Appropriations & Oversight (originally sponsored by Representatives Sells, Anderson, Probst, Liias, Upthegrove, Hinkle, Carlyle, Zeiger, Ormsby, Haler, Buys, Hasegawa, Stanford, Maxwell, Springer, Miloscia, Sullivan, Haigh, Hunt, Rolfes, Jacks, Dahlquist, Crouse, Kenney and Moscoso)

AN ACT Relating to appointing student members to the boards of trustees for community colleges and the state board for community and technical colleges; amending RCW 28B.50.100 and 28B.50.050; adding a new section to chapter 28B.50 RCW; and creating a new section.

Referred to Committee on Higher Education & Workforce Development.

SHB 1650 by House Committee on Education Appropriations & Oversight (originally sponsored by Representatives Hasegawa, Kenney, Santos, McCoy, Moscoso, Sells, Carlyle, Reykdal, Seaquist, Jacks, Probst, Maxwell and Ormsby)

AN ACT Relating to state need grant eligibility; and amending RCW 28B.92.080.

Referred to Committee on Higher Education & Workforce Development.

2SHB 1652 by House Committee on Judiciary (originally sponsored by Representatives Frockt, Kenney, Reykdal, Rolfes, Probst, Goodman, Maxwell, McCoy, Jacks, Jinkins, Ryu, Kagi, Ladenburg, Stanford, Hasegawa, Fitzgibbon, Blake, Billig, Roberts, Clibborn, Ormsby, Moscoso, Hudgins and Liias)

AN ACT Relating to electronic impersonation; adding a new section to chapter 4.24 RCW; and creating a new section.

Referred to Committee on Judiciary.

HB 1669 by Representatives Santos, Parker, Dammeier, McCoy, Kenney, Hasegawa, Moscoso and Maxwell

AN ACT Relating to the educational opportunity gap, including implementing recommendations made by the achievement gap oversight and accountability committee; amending RCW 28A.150.198, 28A.175.025, 28A.300.136, 28A.300.1361, 28A.300.137, 28A.345.070, 28A.405.100, 28A.410.260, 28A.415.370, 28A.642.005, 28A.655.115, 28A.657.070, 28A.657.110, and 43.215.005; and reenacting and amending RCW 28A.290.010.

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

SHB 1700 by House Committee on Transportation (originally sponsored by Representatives Fitzgibbon, Angel, Appleton, Armstrong, Rolfes, Johnson, Clibborn, Rivers, Reykdal, Ormsby, Upthegrove, Liias, Billig and Moeller)

AN ACT Relating to modifying the requirements related to designing various transportation projects; amending RCW 35.75.060, 35.78.030, 36.82.145, and 43.32.020; adding a new section to chapter 35.78 RCW; adding a new section to chapter 47.04 RCW; and creating a new section.

Referred to Committee on Transportation.

HB 2138 by Representatives Ormsby and Bailey

AN ACT Relating to national Korean war veterans armistice day; amending RCW 1.20.017; and reenacting and amending RCW 1.16.050.

Referred to Committee on Government Operations, Tribal Relations & Elections.

SHB 2181 by House Committee on State Government & Tribal Affairs (originally sponsored by Representatives Dammeier, Orwall, Bailey, Finn, McCune, Sullivan, Klippert, Hudgins, Hope, Hunt, Taylor, Jinkins, Ladenburg, Hansen, Ryu, Maxwell, Asay, Kelley, Kenney, Hurst and Shea)

AN ACT Relating to extending the age for service in the Washington state guard; and amending RCW 38.16.015 and 38.12.180.

Referred to Committee on Government Operations, Tribal Relations & Elections.

SHB 2188 by House Committee on Business & Financial Services (originally sponsored by Representatives Ryu and Parker)

AN ACT Relating to air rescue or evacuation services; and amending RCW 48.01.280.

Referred to Committee on Financial Institutions, Housing & Insurance.

SHB 2194 by House Committee on Judiciary (originally sponsored by Representatives Pedersen, Rodne, Goodman and Kenney)

AN ACT Relating to modifying the manufactured/mobile home landlord tenant act and other related provisions; amending RCW 59.20.060, 59.20.070, 59.20.073, 59.20.080, and 59.20.200; and reenacting and amending RCW 59.30.020.

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Referred to Committee on Financial Institutions, Housing & Insurance.

HB 2195 by Representatives Rivers, Pedersen, Rodne, Goodman and Kelley

AN ACT Relating to the uniform interstate depositions and discovery act; and adding a new chapter to Title 5 RCW.

Referred to Committee on Judiciary.

SHB 2196 by House Committee on Judiciary (originally sponsored by Representatives Eddy, Rodne, Pedersen, Nealey, Goodman, Jinkins, Kelley and Upthegrove)

AN ACT Relating to collaborative law; and adding a new chapter to Title 7 RCW.

Referred to Committee on Judiciary.

#### MOTION

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

#### MOTION

At 12:06 p.m., on motion of Senator Frockt, the Senate adjourned until 10:00 a.m. Wednesday, January 25, 2012.

BRAD OWEN, President of the Senate

THOMAS HOEMANN, Secretary of the Senate

## SEVENTEENTH DAY

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MORNING SESSION

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Senate Chamber, Olympia, Wednesday, January 25, 2012

The Senate was called to order at 10:00 a.m. by the President Pro Tempore. The Secretary called the roll and announced to the President Pro Tempore that all Senators were present with the exception of Senators Benton, Kastama, McAuliffe, Murray, Ranker and Sheldon.

The Sergeant at Arms Color Guard consisting of Pages Alexander Wade and Benton Coblentz, presented the Colors. Pastor Jonathan Cross of Center Point Church of Eatonville offered the prayer.

## REMARKS BY THE PRESIDENT PRO TEMPORE

President Pro Tempore: "This morning it is the President's privilege, as it is every year, to welcome our State's Dairy Ambassador to the Senate for Dairy Day."

## INTRODUCTION OF SPECIAL GUESTS

The President Pro Tempore welcomed and introduced , the Dairy Queen Ambassadors, Shannon Rodeffer, 2011-2012 Washington State Dairy Ambassador; Emily Neff 2011-2012 Washington State Alternate Dairy Ambassador and Kristen Wedam 2011-2012 Washington State Alternative Dairy Ambassador who were seated at the rostrum.

With permission of the Senate, business was suspended to allow Dairy Ambassador Shannon Rodeffer to address the Senate.

## REMARKS BY MISS SHANNON RODEFFER

Shannon Rodeffer: "Good morning, my name is Shannon Rodeffer, I'm eighteen years old. I spent my childhood on my family's dairy farm in Snohomish and I'm a proud ambassador for milk and the dairy industry. The best part of my job as the Washington State Dairy Ambassador is promoting our nutritious and delicious dairy products made from some of the highest quality milk in the nation. The dairy farmers of Washington promote healthy eating by spreading the word about how important it is to get three servings of dairy products each day for building bones, strong bones and teeth. We encourage young people to make smart choices about what they eat and to get plenty of physical activity. We support breakfast programs in our schools so that children may develop healthy habits instead of skipping breakfast as many kids do. Our farms create jobs, stimulate economic activity and even generate electricity. The dairy industry is Washington's second largest agricultural enterprise with an economic impact of over 2.3 billion dollars a year. A dairy operates every day and night even, farmers don't typically know what weekends are. We love our cows and what we do. No matter how exhausting or how bad the weather may be. We have generations of experience behind us but we also embrace new practices and technologies. Each of you are asked to vote on items that significantly impact us, yet some of you may not know much about what we do. I encourage you to talk to a farmer about how we take care of our animals, the land and ensure pure products for consumers. I invite you to review the video clips that we have put together about our farming practices on wadairy.com in the farmers spot light section. I really believe you will find these informative or better yet let us arrange for you and your family to visit one of our farms so you can learn

firsthand about what we do and why we do. Thank you so much for this opportunity to speak with you this morning. I hope to see you at a local dairy event or a fair in the future and I invite you all to join us in the Rotunda at noon for some delicious ice cream. Thank you."

## INTRODUCTION OF SPECIAL GUESTS

The President Pro Tempore welcomed and introduced members of the Washington State Dairy Women and County Dairy Ambassadors who were seated in the gallery.

## PERSONAL PRIVILEGE

Senator Becker: "Thank you Madam President. Well, I'd like to stand up and say I'm so excited to see this group here. It's near and dear to my heart. I grew up on a dairy farm near Enumclaw and I see people up here that I know and two years ago, or year before last I actually I had the privilege and the pleasure to judge the Dairy Ambassador contest and I have to tell you it probably was one of the most difficult but one of the most exciting things that I have done. Growing up on a dairy farm is probably, from my perspective anyway, one of the healthiest ways you can grow up. You learn about life, you learn about death, you lose your calf, you learn about everything to do with how a farm goes on. I wish in our schools actually that we can have every child have an opportunity to see a dairy farm in the everyday working mode. Thank you for letting me talk about how special I think this group is. Thank you."

## MOTION

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

## MOTION

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

## REPORTS OF STANDING COMMITTEES

January 23, 2012

SB 5188 Prime Sponsor, Senator Becker: Harmonizing certain traffic control signal provisions relative to yellow change intervals and certain fine amount limitations. Reported by Committee on Transportation

MAJORITY recommendation: That Second Substitute Senate Bill No. 5188 be substituted therefor, and the second substitute bill do pass. Signed by Senators Haugen, Chair; Fain; Delvin; Ericksen; Frockt; Hill; Litzow; Prentice; Ranker; Rolfes; Sheldon; Shin and Swecker.

Passed to Committee on Rules for second reading.

January 24, 2012

SB 5381 Prime Sponsor, Senator Prentice: Adjusting voting requirements for emergency medical service levies. Reported by Committee on Government Operations, Tribal Relations & Elections



SEVENTEENTH DAY, JANUARY 25, 2012

2012 REGULAR SESSION

MAJORITY recommendation: That Substitute Senate Bill No. 5381 be substituted therefor, and the substitute bill do pass. Signed by Senators Pridemore, Chair; Prentice, Vice Chair; Swecker; Chase and Nelson.

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

Passed to Committee on Rules for second reading.

January 24, 2012

SSB 5553 Prime Sponsor, Committee on Government Operations, Tribal Relations & Elections: Requiring public agencies, special purpose districts, and municipalities to post certain information on their web sites. Reported by Committee on Government Operations, Tribal Relations & Elections

MAJORITY recommendation: That Second Substitute Senate Bill No. 5553 be substituted therefor, and the second substitute bill do pass. Signed by Senators Pridemore, Chair; Prentice, Vice Chair; Swecker; Chase; Nelson and Roach.

Passed to Committee on Rules for second reading.

January 24, 2012

SB 6000 Prime Sponsor, Senator Harper: Concerning deposit and investment provisions for the prearrangement trust funds of cemetery authorities. Reported by Committee on Government Operations, Tribal Relations & Elections

MAJORITY recommendation: That Substitute Senate Bill No. 6000 be substituted therefor, and the substitute bill do pass. Signed by Senators Pridemore, Chair; Prentice, Vice Chair; Swecker; Chase; Nelson and Roach.

Passed to Committee on Rules for second reading.

January 23, 2012

SB 6038 Prime Sponsor, Senator Delvin: Excluding permanent school building space used for STEM schools from eligibility determinations for state school plant funding assistance. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: That Substitute Senate Bill No. 6038 be substituted therefor, and the substitute bill do pass. Signed by Senators McAuliffe, Chair; Rolfes, Vice Chair; Litzow; Eide; Fain; Harper; Hill; Hobbs; King; Nelson and Tom.

Passed to Committee on Rules for second reading.

January 23, 2012

SB 6041 Prime Sponsor, Senator McAuliffe: Regarding lighthouse school programs. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: That Substitute Senate Bill No. 6041 be substituted therefor, and the substitute bill do pass. Signed by Senators McAuliffe, Chair; Rolfes, Vice Chair; Litzow; Eide; Fain; Harper; Hill; Hobbs; King; Nelson and Tom.

Passed to Committee on Rules for second reading.

January 24, 2012  
SB 6079 Prime Sponsor, Senator Schoesler: Exempting officers and employees of the Washington state institute for public policy from state civil service law. Reported by Committee on Government Operations, Tribal Relations & Elections

MAJORITY recommendation: Do pass. Signed by Senators Pridemore, Chair; Prentice, Vice Chair; Swecker; Chase; Nelson and Roach.

Passed to Committee on Rules for second reading.

January 23, 2012

SB 6081 Prime Sponsor, Senator Haugen: Authorizing counties and ferry districts operating ferries to impose a vessel replacement surcharge on ferry fares sold. Reported by Committee on Transportation

MAJORITY recommendation: That Substitute Senate Bill No. 6081 be substituted therefor, and the substitute bill do pass. Signed by Senators Haugen, Chair; Eide, Vice Chair; King; Fain; Delvin; Ericksen; Frockt; Hill; Hobbs; Litzow; Prentice; Ranker; Rolfes; Sheldon; Shin and Swecker.

Passed to Committee on Rules for second reading.

January 24, 2012

SB 6089 Prime Sponsor, Senator Pridemore: Requiring sponsor identification on certain telephone campaign advertising. Reported by Committee on Government Operations, Tribal Relations & Elections

MAJORITY recommendation: Do pass. Signed by Senators Pridemore, Chair; Prentice, Vice Chair; Swecker; Chase; Nelson and Roach.

Passed to Committee on Rules for second reading.

January 23, 2012

SB 6112 Prime Sponsor, Senator Eide: Concerning the use of alternative traction devices on tires under certain conditions. Reported by Committee on Transportation

MAJORITY recommendation: That Substitute Senate Bill No. 6112 be substituted therefor, and the substitute bill do pass. Signed by Senators Haugen, Chair; Eide, Vice Chair; King; Fain; Delvin; Ericksen; Frockt; Hill; Hobbs; Litzow; Prentice; Ranker; Rolfes; Sheldon; Shin and Swecker.

Passed to Committee on Rules for second reading.

January 23, 2012

SB 6171 Prime Sponsor, Senator Haugen: Modifying the weight limitation for certain vessels exempt from the pilotage act. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Haugen, Chair; Eide, Vice Chair; King; Fain; Delvin; Ericksen; Frockt; Hill; Hobbs; Litzow; Prentice; Ranker; Sheldon; Shin and Swecker.

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

Passed to Committee on Rules for second reading.

January 24, 2012  
SB 6221 Prime Sponsor, Senator Haugen: Concerning state capital funding of health and safety improvements at agricultural fairs. Reported by Committee on Agriculture, Water & Rural Economic Development

MAJORITY recommendation: Do pass. Signed by Senators Hatfield, Chair; Shin, Vice Chair; Honeyford; Becker; Delvin; Haugen; Hobbs and Schoesler.

Passed to Committee on Rules for second reading.

January 24, 2012  
SB 6291 Prime Sponsor, Senator Harper: Concerning the sealing of juvenile records. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: Do pass. Signed by Senators Hargrove, Chair; Regala, Vice Chair; Stevens; Carrell; Harper and Padden.

Passed to Committee on Rules for second reading.

#### MOTION

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

#### MOTION

On motion of Senator Eide, the Senate advanced to the third order of business.

#### MESSAGE FROM THE GOVERNOR GUBERNATORIAL APPOINTMENTS

November 14, 2011

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

Lisa Chin, appointed October 3, 2011, for the term ending September 30, 2016, as Member, Board of Trustees, College District No. 8 (Bellevue College).

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Higher Education & Workforce Development.

#### MOTION

On motion of Senator Eide, the appointee listed on the Gubernatorial Appointment report was referred to the committee as designated.

#### MOTION

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

#### INTRODUCTION AND FIRST READING

SB 6467 by Senators Hobbs, Shin, Swecker, Haugen, Rolfes, Fraser, Prentice, Kohl-Welles and McAuliffe

AN ACT Relating to making Japanese-Americans interned during World War II eligible for former prisoner of war license plates; and amending RCW 46.18.235.

Referred to Committee on Transportation.

SB 6468 by Senators Kilmer, Schoesler, Tom, Murray, Harper, Conway and Shin

AN ACT Relating to policies governing investments by state research universities; and adding a new section to chapter 28B.10 RCW.

Referred to Committee on Higher Education & Workforce Development.

SB 6469 by Senators Hill, Chase, McAuliffe, Kastama and Tom

AN ACT Relating to fire hydrant services provided by local governments; amending RCW 35.92.010 and 57.08.005; adding a new section to chapter 57.08 RCW; and creating a new section.

Referred to Committee on Government Operations, Tribal Relations & Elections.

SB 6470 by Senators McAuliffe and Chase

AN ACT Relating to benefit charges for the enhancement of fire protection services; and adding a new section to chapter 35.13 RCW.

Referred to Committee on Government Operations, Tribal Relations & Elections.

SB 6471 by Senators Rolfes and Ericksen

AN ACT Relating to license plates on the front of vehicles; amending RCW 46.16A.200; creating a new section; and providing an effective date.

Referred to Committee on Transportation.

SB 6472 by Senators Harper, Honeyford, Kline and Shin

AN ACT Relating to disclosure of carbon monoxide alarms in real estate transactions; amending RCW 64.06.020, 64.06.013, and 19.27.530; and creating new sections.

Referred to Committee on Financial Institutions, Housing & Insurance.

SB 6473 by Senators Kastama, Chase, Conway, Shin and Kohl-Welles

AN ACT Relating to shared work; amending RCW 50.60.010; adding a new section to chapter 50.60 RCW; creating a new section; and declaring an emergency.

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Referred to Committee on Labor, Commerce & Consumer Protection.

SB 6474 by Senators Keiser and Fain

AN ACT Relating to changing sales tax sourcing from destination based to origin based if congress does not enact legislation requiring remote sellers to collect sales tax; amending RCW 82.14.020 and 82.14.390; creating a new section; repealing RCW 82.14.490, 82.14.495, 82.14.500, 82.32.730, 82.32.755, and 82.32.760; and providing a contingent effective date.

Referred to Committee on Ways & Means.

SB 6475 by Senators Hobbs, Kohl-Welles, Honeyford and Holmquist Newbry

AN ACT Relating to the beer and wine tasting endorsement for grocery stores; and amending RCW 66.24.363.

Referred to Committee on Labor, Commerce & Consumer Protection.

SB 6476 by Senators Kohl-Welles, Conway, Nelson, Keiser and Chase

AN ACT Relating to plumbing contractors; amending RCW 18.106.010, 18.106.020, 18.106.100, 18.106.150, 18.106.180, 18.106.220, 18.106.270, and 18.106.320; adding new sections to chapter 18.106 RCW; and prescribing penalties.

Referred to Committee on Labor, Commerce & Consumer Protection.

SB 6477 by Senators Conway, Holmquist Newbry and Kohl-Welles

AN ACT Relating to spirits sampling in former contract liquor stores; amending RCW 66.08.050, 66.08.050, and 66.08.030; adding a new section to chapter 66.16 RCW; providing an effective date; and providing an expiration date.

Referred to Committee on Labor, Commerce & Consumer Protection.

SB 6478 by Senators Fraser, Schoesler, Prentice, Honeyford, Chase, Keiser, Roach and Shin

AN ACT Relating to submission of DNA markers to a database accessible only to qualified laboratory personnel; amending RCW 43.43.753, 43.43.735, 43.43.740, 43.43.754, 46.63.110, and 43.43.690; adding a new section to chapter 43.43 RCW; adding a new section to chapter 70.48 RCW; creating a new section; and prescribing penalties.

Referred to Committee on Human Services & Corrections.

SB 6479 by Senators Swecker and Haugen

AN ACT Relating to technical corrections to certain vehicle and vessel title and registration provisions; amending RCW 15.80.530, 46.08.065, 46.10.420, 46.12.675, 46.16A.090,

46.17.350, 46.18.280, 46.19.050, 46.20.220, 46.20.349, 46.30.020, 46.52.020, 46.55.030, 46.61.723, 46.61.725, 46.63.060, 46.68.425, 46.71.080, 46.85.060, 46.87.070, 46.87.310, 46.87.400, 69.43.010, 70.160.070, 82.38.100, and 88.02.530; reenacting and amending RCW 46.18.060, 46.70.011, and 88.02.640; adding new sections to chapter 46.04 RCW; creating a new section; recodifying RCW 46.04.622, 46.04.62250, 46.04.630, and 46.04.650; and repealing RCW 46.04.62240, 46.04.62260, and 46.18.050.

Referred to Committee on Transportation.

SB 6480 by Senators King, Schoesler and Holmquist Newbry

AN ACT Relating to employers who pay the prevailing wage on public works; and amending RCW 39.12.015 and 39.12.040.

Referred to Committee on Labor, Commerce & Consumer Protection.

SB 6481 by Senator Becker

AN ACT Relating to the expiration of provisions concerning managed health care systems' participation in the basic health plan; and reenacting and amending RCW 70.47.100.

Referred to Committee on Health & Long-Term Care.

SB 6482 by Senators Nelson, Conway, Kohl-Welles, Chase, McAuliffe and Keiser

AN ACT Relating to assessing a two percent tax on millionaires to fund the paramount duty trust fund and reduce class sizes in grades kindergarten through fourth; adding a new chapter to Title 82 RCW; and prescribing penalties.

Referred to Committee on Ways & Means.

SB 6483 by Senators King, Holmquist Newbry, Honeyford, Parlette and Padden

AN ACT Relating to criminal activities occurring at rental properties; amending RCW 9A.52.070, 59.04.050, and 59.18.075; and creating a new section.

Referred to Committee on Judiciary.

SB 6484 by Senators Hatfield, Morton and Shin

AN ACT Relating to livestock inspection; amending RCW 16.57.160 and 16.57.220; and repealing RCW 16.57.303.

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

SB 6485 by Senators Fain, Holmquist Newbry, Hill, Litzow, Schoesler, Honeyford, Ericksen, Hargrove and Hewitt

AN ACT Relating to limiting the exceptions to the general rule of several or proportionate liability; amending RCW 4.22.015 and 4.22.070; creating new sections; and declaring an emergency.

Referred to Committee on Judiciary.

SB 6486 by Senators Kohl-Welles, Conway, Chase, Keiser, Harper, Prentice, Nelson, Pridemore, Kline, Murray and Frockt

AN ACT Relating to collective bargaining for postdoctoral researchers at certain state universities; and adding a new section to chapter 41.56 RCW.

Referred to Committee on Labor, Commerce & Consumer Protection.

SB 6487 by Senators Frockt, Nelson, Conway, Rolfes, Shin, Pridemore and Hobbs

AN ACT Relating to intermodal container chassis; adding a new section to chapter 46.32 RCW; and providing an effective date.

Referred to Committee on Transportation.

SJR 8223 by Senators Kilmer, Schoesler, Tom, Murray, Harper, Conway, Shin and McAuliffe

Amending the Constitution to provide clear authority to state research universities to invest funds as authorized by law, including investment in stocks or bonds issued by any company.

Referred to Committee on Higher Education & Workforce Development.

#### MOTION

On motion of Senator Eide, all measures listed on the Introduction and First Reading report were referred to the committees as designated with the exception of Senate Bill No. 6473 which was referred to the Committee on Labor, Commerce & Consumer Protection.

#### MOTION

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

#### MOTION

Senator Hewitt moved adoption of the following resolution:

#### SENATE RESOLUTION 8671

By Senators Hewitt, Litzow, Parlette, Fraser, Schoesler, Kohl-Welles, Shin, Hill, McAuliffe, Swecker, Brown, Morton, Ericksen, Delvin, Stevens, Becker, Murray, Fain, and Zarelli

WHEREAS, Slade Gorton, born in 1928, after graduating from Dartmouth and Columbia, and after serving in the United States Army and United States Air Force, went on to lead a life of matchless service to the citizens of Washington and to this country; and

WHEREAS, Slade Gorton married Sally Clark, from Yakima, his wife and teammate of 53 years, whose dedication has made possible his contributions to the general public welfare; and

WHEREAS, Slade Gorton, first elected to the Washington House of Representatives in 1958, subsequently rose to become the Majority Leader of the House; and

WHEREAS, Slade Gorton's tireless work on redistricting, which has shaped the political landscape of Washington for decades and will continue to shape its future, and his advocacy for equality in representation has ensured parity and vitality in our democratic process; and

WHEREAS, Slade Gorton became an early champion of Puget Sound environmental stewardship, stringent fuel economy standards, the Mountains to Sounds Greenway National Scenic Byway, salmon recovery, and Columbia River Gorge preservation; and

WHEREAS, Slade Gorton would serve three terms as Attorney General of Washington, appearing before the bench of the United States Supreme Court fourteen times, offering the best arguments before the Supreme Court of any attorney general in America; and

WHEREAS, His work on behalf of the citizens of Washington as Attorney General not only included serving as a faithful consumer advocate, but also brought professional baseball back to the Northwest, and later helped erect Safeco Field; and

WHEREAS, Slade Gorton would serve three terms in the United States Senate, where during his tenure there would be no greater intellectual adversary in opposition, or better champion as an ally, where he distinguished himself in matters of deficit reduction, and where, as chairman of the Interior Appropriations Subcommittee, and through pioneering education reform, he worked to enfranchise rural Washingtonians, and offered us many other notable accomplishments; and

WHEREAS, His work on the 9-11 Commission resulted in a clearer, distilled understanding of the tragedy, its causes, and strengthened our national security through its substantive recommendations; and

WHEREAS, His legacy of service continues through the Slade Gorton International Policy Center and the informal Gorton School of Public Affairs, which advanced the careers of countless women through employment in public service; and

WHEREAS, The civic accomplishments born of Senator Gorton's energy, drive, and talent, extend throughout this state, to every corner, where such work is clearly evidenced;

NOW, THEREFORE, BE IT RESOLVED, That it is with the greatest respect, that the Washington State Senate honor the accomplishments of a statesman of outstanding courage, who represented our state with integrity, dignity, determination, and conviction, whose leadership so enriched our great state and its citizens, who has given Washingtonians a full life in service, our former House Majority Leader, Attorney General, and United States Senator, whose wisdom serves us still, Slade Gorton.

Senators Hewitt, Hargrove, Haugen, Parlette, Fraser and Fain spoke in favor of adoption of the resolution.

The President Pro Tempore declared the question before the Senate to be the adoption of Senate Resolution No. 8671.

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

#### INTRODUCTION OF SPECIAL GUESTS

The President Pro Tempore welcomed and introduced Senator Slade Gorton, wife Sally and daughter Mrs. Betsy Jack, who were seated at the rostrum.

#### REMARKS BY SENATOR SLADE GORTON

Senator Slade Gorton: "This is an honor and unexpected as it is welcomed particularly as a former member of the other house

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to be welcome here in the State Senate is especially notable. For each of you who has spoken, for Senator Hewitt who appointed me to the most recent position, to really two Senators who represent me both and Clyde Hill and the Senator from the Tenth district, I thank for her gracious remarks. For me, of course, coming back to Olympia is a homecoming. Sally and I lived here for more than the twelve years that I was the Attorney General. Becky and her siblings were brought up and went to school in this community so this past year of many trips to Olympia has been a matter of deja vu from my perspective. I can say, now that it is over, except for one formality on your part, 'I hope that all of you are reasonably pleased with your districts.'

#### INTRODUCTION OF SPECIAL GUESTS

The President Pro Tempore welcomed and introduced members of the Consular Corps, Deputy Consul Yeonghan Choi of the Republic of Korea and Consul General Miguel Velasquez of the Republic of Peru who were seated in the gallery.

#### INTRODUCTION OF SPECIAL GUESTS

The President Pro Tempore welcomed and introduced students from South Korea who were seated in the gallery.

#### MOTION

At 10:32 a.m., on motion of Senator Eide, the Senate adjourned until 12:00 noon, Thursday, January 26, 2012.

BRAD OWEN, President of the Senate

THOMAS HOEMANN, Secretary of the Senate

**EIGHTEENTH DAY****NOON SESSION**

Senate Chamber, Olympia, Thursday, January 26, 2012

The Senate was called to order at 12:00 noon by President Owen. No roll call was taken.

**MOTION**

Pursuant to Rule 46, on motion of Senator Eide, and without objection, the Committee on Agriculture & Rural Economic Development was granted special leave and allowed to meet during the day's floor session.

**MOTION**

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

**MOTION**

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

**REPORTS OF STANDING COMMITTEES**

January 25, 2012

2ESSB 5251 Prime Sponsor, Committee on Transportation: Concerning electric vehicle license fees. Reported by Committee on Transportation

MAJORITY recommendation: That Second Substitute Senate Bill No. 5251 be substituted therefor, and the second substitute bill do pass. Signed by Senators Haugen, Chair; Eide, Vice Chair; King; Fain; Delvin; Ericksen; Hobbs; Prentice and Shin.

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

Passed to Committee on Rules for second reading.

January 25, 2012

SB 6115 Prime Sponsor, Senator Keiser: Concerning the health care workforce. Reported by Committee on Health & Long-Term Care

MAJORITY recommendation: That Substitute Senate Bill No. 6115 be substituted therefor, and the substitute bill do pass. Signed by Senators Keiser, Chair; Conway, Vice Chair; Becker; Frockt; Kline; Pflug and Pridemore.

Passed to Committee on Ways & Means.

January 25, 2012

SB 6155 Prime Sponsor, Senator Kilmer: Concerning the definition of debt adjusters. Reported by Committee on Financial Institutions, Housing & Insurance

MAJORITY recommendation: That Substitute Senate Bill No. 6155 be substituted therefor, and the substitute bill do

pass. Signed by Senators Hobbs, Chair; Prentice, Vice Chair; Benton; Fain; Haugen and Keiser.

Passed to Committee on Rules for second reading.

January 25, 2012

SB 6160 Prime Sponsor, Senator Haugen: Allowing registered tow truck operators to pass the costs of tolls and ferry fares to the impounded vehicle's registered owner. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Haugen, Chair; Eide, Vice Chair; King; Fain; Delvin; Ericksen; Hill; Hobbs; Prentice; Rolfes and Shin.

Passed to Committee on Rules for second reading.

January 25, 2012

SB 6172 Prime Sponsor, Senator Benton: Revising franchise investment protection provisions. Reported by Committee on Financial Institutions, Housing & Insurance

MAJORITY recommendation: Do pass. Signed by Senators Hobbs, Chair; Prentice, Vice Chair; Benton; Fain; Haugen and Keiser.

Passed to Committee on Rules for second reading.

January 25, 2012

SB 6173 Prime Sponsor, Senator Hobbs: Concerning nondepository institutions regulated by the department of financial institutions. Reported by Committee on Financial Institutions, Housing & Insurance

MAJORITY recommendation: That Substitute Senate Bill No. 6173 be substituted therefor, and the substitute bill do pass. Signed by Senators Hobbs, Chair; Prentice, Vice Chair; Benton; Fain; Haugen and Keiser.

Passed to Committee on Rules for second reading.

January 25, 2012

SB 6197 Prime Sponsor, Senator Conway: Including pharmacists in the legend drug act. Reported by Committee on Health & Long-Term Care

MAJORITY recommendation: That Substitute Senate Bill No. 6197 be substituted therefor, and the substitute bill do pass. Signed by Senators Keiser, Chair; Conway, Vice Chair; Becker; Frockt; Kline; Pflug and Pridemore.

Passed to Committee on Rules for second reading.

January 25, 2012

SB 6206 Prime Sponsor, Senator Eide: Authorizing the Washington state patrol to confiscate license plates from a motor carrier who operates a commercial motor vehicle with a revoked registration. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Haugen, Chair; Eide, Vice Chair; King; Fain; Delvin; Ericksen; Hill; Hobbs; Prentice; Rolfes and Shin.

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Passed to Committee on Rules for second reading.

On motion of Senator Eide, the Senate advanced to the third order of business.

January 24, 2012

SB 6208 Prime Sponsor, Senator Schoesler: Regarding license fees under the warehouse act. Reported by Committee on Agriculture, Water & Rural Economic Development

MESSAGE FROM THE GOVERNOR  
GUBERNATORIAL APPOINTMENTS

MAJORITY recommendation: That Substitute Senate Bill No. 6208 be substituted therefor, and the substitute bill do pass. Signed by Senators Hatfield, Chair; Shin, Vice Chair; Honeyford; Becker; Delvin; Haugen; Hobbs and Schoesler.

January 25, 2012  
TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

Passed to Committee on Rules for second reading.

William S. Ayer, appointed January 17, 2012, for the term ending September 30, 2016, as Member, Board of Regents, University of Washington.

January 25, 2012

SB 6216 Prime Sponsor, Senator Padden: Providing immunity for nonprofit and charitable corporations that provide used eyeglasses for charitable purposes. Reported by Committee on Health & Long-Term Care

Sincerely,  
CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Higher Education & Workforce Development.

MAJORITY recommendation: That Substitute Senate Bill No. 6216 be substituted therefor, and the substitute bill do pass. Signed by Senators Keiser, Chair; Conway, Vice Chair; Becker; Frockt; Kline; Pflug and Pridemore.

January 25, 2012

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following reappointment, subject to your confirmation.

Passed to Committee on Rules for second reading.

Natasha K. Pranger, reappointed January 1, 2012, for the term ending December 31, 2014, as Member of the Investment Board.

January 25, 2012

SB 6237 Prime Sponsor, Senator Keiser: Creating a career pathway for medical assistants. Reported by Committee on Health & Long-Term Care

Sincerely,  
CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Ways & Means.

MAJORITY recommendation: That Substitute Senate Bill No. 6237 be substituted therefor, and the substitute bill do pass. Signed by Senators Keiser, Chair; Conway, Vice Chair; Frockt; Kline; Pflug and Pridemore.

MOTION

On motion of Senator Eide, all appointees listed on the Gubernatorial Appointments report were referred to the committees as designated.

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

MOTION

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

Passed to Committee on Rules for second reading.

REPORTS OF STANDING COMMITTEES  
GUBERNATORIAL APPOINTMENTS

January 26, 2012

January 25, 2012

SGA 9197 JOHN GLENN, appointed on August 17, 2011, for the term ending July 1, 2016, as Member of the State School for the Blind Board of Trustees. Reported by Committee on Early Learning & K-12 Education

MESSAGE FROM THE HOUSE

MR. PRESIDENT:

The Speaker has signed:

SENATE CONCURRENT RESOLUTION NO. 8407,

SENATE CONCURRENT RESOLUTION NO. 8408.

and the same are herewith transmitted.

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Rolfes, Vice Chair; Litzow; Eide; Fain; Harper; Hobbs; King; Nelson and Tom.

BARBARA BAKER, Chief Clerk

Passed to Committee on Rules for second reading.

MESSAGE FROM THE HOUSE

MOTION

January 26, 2012

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

MR. PRESIDENT:

The Speaker has signed:

HOUSE CONCURRENT RESOLUTION NO. 4407.

and the same is herewith transmitted.

MOTION

BARBARA BAKER, Chief Clerk

## SIGNED BY THE PRESIDENT

The President signed:

HOUSE CONCURRENT RESOLUTION NO. 4407.

## MOTION

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

## INTRODUCTION AND FIRST READING

SB 6488 by Senator Harper

AN ACT Relating to certain reporting and training requirements for guardians; and amending RCW 11.88.127, 11.92.040, and 11.92.043.

Referred to Committee on Human Services & Corrections.

SB 6489 by Senator Harper

AN ACT Relating to the issuance of certain drivers' licenses; and amending RCW 46.20.385 and 46.20.391.

Referred to Committee on Judiciary.

SB 6490 by Senators Pridemore, Carrell, Chase, Conway, Harper, Hobbs, Swecker, Hargrove, Hatfield and Shin

AN ACT Relating to clarifying the number of employees within certain classifications within the consolidated technology services agency; and reenacting and amending RCW 41.06.070.

Referred to Committee on Government Operations, Tribal Relations & Elections.

SB 6491 by Senator Nelson

AN ACT Relating to transferring the low-level radioactive waste site use permit program from the department of ecology to the department of health; amending RCW 43.200.015, 43.200.080, 43.200.170, 43.200.180, 43.200.190, 43.200.200, 43.200.230, 70.98.030, 70.98.085, 70.98.095, 70.98.098, and 70.98.130; adding a new section to chapter 70.98 RCW; adding a new section to chapter 43.200 RCW; repealing RCW 43.200.210; and providing an effective date.

Referred to Committee on Environment.

SB 6492 by Senators Hargrove, Stevens and Regala

AN ACT Relating to improving timeliness, efficiency, and accountability of forensic resource utilization associated with competency to stand trial; amending RCW 10.77.060, 10.77.065, 10.77.084, 10.77.086, and 71.05.310; adding new sections to chapter 10.77 RCW; creating new sections; providing an effective date; and declaring an emergency.

Referred to Committee on Human Services & Corrections.

SB 6493 by Senators Regala, Hargrove, Stevens, Harper, Kline, Carrell and Shin

AN ACT Relating to sexually violent predator civil commitment cases; amending RCW 2.70.020, 71.09.040, 71.09.050, 71.09.080, 71.09.090, 71.09.120, and 71.09.140; adding a new section to chapter 2.70 RCW; creating a new section; providing an effective date; and declaring an emergency.

Referred to Committee on Human Services & Corrections.

SB 6494 by Senators Hargrove, Stevens, Regala and Carrell

AN ACT Relating to improving truancy procedures by changing the applicability of mandatory truancy petition filing provisions to children under seventeen years of age, requiring initial petitions to contain information about the child's academic status, prohibiting issuance of a bench warrant at an initial truancy status hearing, and modifying school district reporting requirements after the court assumes jurisdiction in a truancy case; and amending RCW 28A.225.030 and 28A.225.035.

Referred to Committee on Human Services & Corrections.

SB 6495 by Senators Chase, Prentice, Nelson, Kohl-Welles and Kline

AN ACT Relating to fiscal reform; amending RCW 82.03.130, 82.03.140, 2.10.180, 2.12.090, 6.13.030, 6.15.020, 41.24.240, 41.35.100, 41.40.052, 41.44.240, 43.43.310, 82.08.020, 84.52.065, 84.52.043, 84.52.043, 84.52.050, 36.58.150, 36.60.040, 36.69.145, 36.73.060, 36.83.030, 36.100.050, 67.38.130, 84.52.010, 84.52.010, 84.69.020, 39.89.020, and 43.99I.040; reenacting and amending RCW 41.32.052, 41.26.053, and 43.99H.060; adding a new title to the Revised Code of Washington to be codified as Title 82A RCW; creating new sections; repealing RCW 6.15.025; prescribing penalties; and providing contingent effective dates.

Referred to Committee on Ways & Means.

SB 6496 by Senators Pridemore, Chase, Prentice, Nelson, Shin, Kline, Harper, Conway and Kohl-Welles

AN ACT Relating to improving accountability by requiring that new tax preferences have a net benefit to the state; and adding new sections to chapter 43.135 RCW.

Referred to Committee on Ways & Means.

SB 6497 by Senators Chase, Nelson, Shin, Kline, Conway and Kohl-Welles

AN ACT Relating to requiring a net benefit to the state to claim the sales and use tax exemption for manufacturing machinery and equipment; and amending RCW 82.08.02565 and 82.12.02565.

Referred to Committee on Ways & Means.

SB 6498 by Senator Swecker



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AN ACT Relating to write-in voting; and amending RCW 29A.24.311 and 29A.60.021.

Referred to Committee on Government Operations, Tribal Relations & Elections.

SB 6499 by Senators Prentice, Sheldon, Schoesler and Chase

AN ACT Relating to regional transit authority boards; and amending RCW 81.112.040.

Referred to Committee on Transportation.

SB 6500 by Senators Prentice, Sheldon and Schoesler

AN ACT Relating to ballot propositions for regional transit authorities; and adding a new section to chapter 81.112 RCW.

Referred to Committee on Transportation.

SB 6501 by Senators Prentice, Sheldon and Schoesler

AN ACT Relating to the exclusion of cities from regional transit authority boundaries; and amending RCW 81.112.050.

Referred to Committee on Transportation.

SB 6502 by Senators Kastama, Prentice, Sheldon, Tom, Litzow, Schoesler, Harper, Regala, Chase and Shin

AN ACT Relating to information disclosed on ballots and voters' pamphlets; amending RCW 29A.36.071 and 29A.32.241; and adding a new section to chapter 81.112 RCW.

Referred to Committee on Government Operations, Tribal Relations & Elections.

SB 6503 by Senators Prentice, Sheldon, Schoesler, Shin, Tom, Litzow, Regala, Harper and Chase

AN ACT Relating to explanatory statements for measures referencing another document; and amending RCW 29A.32.241.

Referred to Committee on Government Operations, Tribal Relations & Elections.

SB 6504 by Senators Keiser and Kohl-Welles

AN ACT Relating to noncompetition agreements for broadcasting industry employees; and amending RCW 49.44.190.

Referred to Committee on Labor, Commerce & Consumer Protection.

SB 6505 by Senators Keiser and Kohl-Welles

AN ACT Relating to assisting employees of self-insured employers entering claim resolution structured settlement

agreements; amending RCW 51.32.242; and adding a new section to chapter 51.14 RCW.

Referred to Committee on Labor, Commerce & Consumer Protection.

SB 6506 by Senator Carrell

AN ACT Relating to the definition of worker for purposes of workers' compensation; and amending RCW 51.08.180.

Referred to Committee on Labor, Commerce & Consumer Protection.

SB 6507 by Senators Hewitt, Kilmer, Swecker, Shin and Roach

AN ACT Relating to creating the Walla Walla state veterans' home; adding a new section to chapter 72.36 RCW; and providing a contingent effective date.

Referred to Committee on Government Operations, Tribal Relations & Elections.

SB 6508 by Senator Pridemore

AN ACT Relating to department of social and health services waivers of overpayment recoveries; amending RCW 43.20B.030; and creating a new section.

Referred to Committee on Human Services & Corrections.

SB 6509 by Senators Fraser and Parlette

AN ACT Relating to the consolidation of legislative support functions into an office of legislative support services; amending RCW 44.04.260 and 43.88.230; adding a new chapter to Title 44 RCW; and providing an effective date.

Referred to Committee on Ways & Means.

SB 6510 by Senators Brown and Baumgartner

AN ACT Relating to exempting entry fees for certain running events and basketball tournaments from the sales and use tax; adding a new section to chapter 82.08 RCW; adding a new section to chapter 82.12 RCW; and declaring an emergency.

Referred to Committee on Ways & Means.

SB 6511 by Senators Stevens and Hargrove

AN ACT Relating to court procedures for review of petitions for protection orders; and amending RCW 26.50.050, 26.09.060, 26.10.040, 26.26.130, and 10.14.070.

Referred to Committee on Human Services & Corrections.

SB 6512 by Senators Holmquist Newbry, Kastama and Morton

AN ACT Relating to irrigation and rehabilitation district administration; amending RCW 87.84.060, 87.84.070, and 87.84.071; and adding a new section to chapter 87.84 RCW.

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

MOTION

SB 6513 by Senators McAuliffe, Hill, Rolfes, Hobbs, Ericksen, Roach, Shin and Delvin

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

AN ACT Relating to addressing issues of accountability and funding for alternative learning experience programs; amending RCW 28A.150.325; reenacting and amending RCW 28A.150.260; and providing an expiration date.

MOTION

At 12:05 p.m., on motion of Senator Eide, the Senate adjourned until 10:00 a.m. Friday, January 27, 2012.

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

BRAD OWEN, President of the Senate

SB 6514 by Senators Hobbs, Fain, Kastama, Litzow, Hatfield and Harper

THOMAS HOEMANN, Secretary of the Senate

AN ACT Relating to publishing notice of owner-occupied real property foreclosure sales on the internet; and amending RCW 61.24.040.

Referred to Committee on Financial Institutions, Housing & Insurance.

SB 6515 by Senators Kline, Hobbs, Kastama, Fain, Litzow and Harper

AN ACT Relating to the rescission of a trustee's foreclosure sale; and amending RCW 61.24.050.

Referred to Committee on Financial Institutions, Housing & Insurance.

SB 6516 by Senators Tom, Zarelli, Hobbs and Hatfield

AN ACT Relating to plan year for the purposes of the public employees' benefits board; amending RCW 41.05.065; and reenacting and amending RCW 41.05.011.

Referred to Committee on Ways & Means.

SJM 8016 by Senators Kastama, Shin, Chase, Hatfield, Kilmer and Fraser

Encouraging the beyond the border action plan on perimeter security and economic competitiveness and the action plan on regulatory cooperation between the United States and Canada.

Referred to Committee on Economic Development, Trade & Innovation.

SJM 8017 by Senators Kohl-Welles, Keiser, Murray, Delvin, Conway, Pflug, Tom, Regala, Fain, Fraser and Kline

Requesting that the Drug Enforcement Administration reclassify medical marijuana as a Schedule II drug.

Referred to Committee on Health & Long-Term Care.

SJR 8224 by Senators Chase, Prentice, Nelson, Kohl-Welles and Kline

Amending the Constitution to allow an income tax.

Referred to Committee on Ways & Means.

NINETEENTH DAY

MORNING SESSION

Senate Chamber, Olympia, Friday, January 27, 2012

The Senate was called to order at 10:00 a.m. by President Owen. The Secretary called the roll and announced to the President that all Senators were present with the exception of Senators Ericksen, Fraser, Haugen, Ranker and Zarelli.

The Sergeant at Arms Color Guard consisting of Pages Cassandra Adams and Sewon Oh, presented the Colors. Pastor Steven Mulkey, Mars Hill Church of Olympia offered the prayer.

MOTION

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

MOTION

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

REPORTS OF STANDING COMMITTEES

January 26, 2012

SSB 5417 Prime Sponsor, Committee on Government Operations, Tribal Relations & Elections: Allowing for the distribution of legislators' contact cards, newsletters, government guides, or similar printed materials produced with legislative resources in certain circumstances. Reported by Committee on Government Operations, Tribal Relations & Elections

MAJORITY recommendation: That Second Substitute Senate Bill No. 5417 be substituted therefor, and the second substitute bill do pass. Signed by Senators Pridemore, Chair; Prentice, Vice Chair; Swecker; Benton; Chase; Nelson and Roach.

Passed to Committee on Rules for second reading.

January 26, 2012

SB 5970 Prime Sponsor, Senator Carrell: Addressing a veteran's preference for the purpose of public employment. Reported by Committee on Government Operations, Tribal Relations & Elections

MAJORITY recommendation: That Substitute Senate Bill No. 5970 be substituted therefor, and the substitute bill do pass. Signed by Senators Pridemore, Chair; Prentice, Vice Chair; Swecker; Benton; Chase; Nelson and Roach.

Passed to Committee on Rules for second reading.

January 26, 2012

SB 6017 Prime Sponsor, Senator Ranker: Addressing the financial audits of local governments. Reported by Committee on Government Operations, Tribal Relations & Elections

MAJORITY recommendation: That Substitute Senate Bill No. 6017 be substituted therefor, and the substitute bill do pass. Signed by Senators Pridemore, Chair; Prentice, Vice Chair; Swecker; Chase and Nelson.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Benton and Roach.

Passed to Committee on Rules for second reading.

January 26, 2012

SB 6047 Prime Sponsor, Senator Chase: Allowing the state library to recover costs associated with research requests from persons who are not Washington residents. Reported by Committee on Government Operations, Tribal Relations & Elections

MAJORITY recommendation: That Substitute Senate Bill No. 6047 be substituted therefor, and the substitute bill do pass. Signed by Senators Pridemore, Chair; Prentice, Vice Chair; Swecker; Benton; Chase; Nelson and Roach.

Passed to Committee on Rules for second reading.

January 26, 2012

SB 6085 Prime Sponsor, Senator Swecker: Addressing the use of state facilities. Reported by Committee on Government Operations, Tribal Relations & Elections

MAJORITY recommendation: Do pass. Signed by Senators Pridemore, Chair; Prentice, Vice Chair; Swecker; Benton; Nelson and Roach.

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

Passed to Committee on Rules for second reading.

January 26, 2012

SB 6116 Prime Sponsor, Senator Fraser: Concerning on-site sewage program management plans. Reported by Committee on Government Operations, Tribal Relations & Elections

MAJORITY recommendation: That Substitute Senate Bill No. 6116 be substituted therefor, and the substitute bill do pass. Signed by Senators Pridemore, Chair; Prentice, Vice Chair; Swecker; Benton; Chase; Nelson and Roach.

Passed to Committee on Rules for second reading.

January 26, 2012

SB 6125 Prime Sponsor, Senator Regala: Changing authority for contracts with community service organizations for public improvements. Reported by Committee on Government Operations, Tribal Relations & Elections

MAJORITY recommendation: Do pass. Signed by Senators Pridemore, Chair; Prentice, Vice Chair; Swecker; Benton; Chase; Nelson and Roach.

Passed to Committee on Rules for second reading.

January 25, 2012

SB 6164 Prime Sponsor, Senator Hobbs: Regarding the rights of certain higher education students involved in military service. Reported by Committee on Higher Education & Workforce Development

MAJORITY recommendation: Do pass. Signed by Senators Tom, Chair; Shin, Vice Chair; Hill; Baumgartner; Becker; Frockt; Kastama; Kilmer and Stevens.

Passed to Committee on Rules for second reading.

January 26, 2012

SB 6239 Prime Sponsor, Senator Murray: Concerning civil marriage and domestic partnerships. Reported by Committee on Government Operations, Tribal Relations & Elections

MAJORITY recommendation: That Substitute Senate Bill No. 6239 be substituted therefor, and the substitute bill do pass. Signed by Senators Pridemore, Chair; Prentice, Vice Chair; Chase and Nelson.

MINORITY recommendation: Do not pass. Signed by Senators Swecker; Benton and Roach.

Passed to Committee on Rules for second reading.

January 25, 2012

SB 6322 Prime Sponsor, Senator Hill: Allowing nonprofit institutions recognized by the state of Washington to be eligible to participate in the state need grant program. Reported by Committee on Higher Education & Workforce Development

MAJORITY recommendation: Do pass. Signed by Senators Tom, Chair; Shin, Vice Chair; Hill; Baumgartner and Kastama.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Becker; Frockt and Stevens.

Passed to Committee on Ways & Means.

January 25, 2012

SB 6339 Prime Sponsor, Senator Tom: Designating courses that use open course library materials in course catalogues and bulletins. Reported by Committee on Higher Education & Workforce Development

MAJORITY recommendation: Do pass. Signed by Senators Tom, Chair; Shin, Vice Chair; Hill; Baumgartner; Becker; Frockt; Kastama; Kilmer and Stevens.

Passed to Committee on Rules for second reading.

January 25, 2012

SB 6468 Prime Sponsor, Senator Kilmer: Requiring state research universities to adopt policies governing investment of university funds, consistent with the uniform prudent management of institutional funds act, and requiring annual investment performance reports. Reported by Committee on Higher Education & Workforce Development

MAJORITY recommendation: That it be referred without recommendation. Signed by Senators Tom, Chair; Shin, Vice Chair; Hill; Becker; Frockt; Kastama; Kilmer and Stevens.

Passed to Committee on Ways & Means.

January 25, 2012

SJR 8223 Prime Sponsor, Senator Kilmer: Amending the Constitution to provide clear authority to state research universities to invest funds as authorized by law, including investment in stocks or bonds issued by any company. Reported by Committee on Higher Education & Workforce Development

MAJORITY recommendation: That it be referred without recommendation. Signed by Senators Tom, Chair; Shin, Vice Chair; Hill; Becker; Frockt; Kastama; Kilmer and Stevens.

Passed to Committee on Ways & Means.

#### REPORTS OF STANDING COMMITTEES GUBERNATORIAL APPOINTMENTS

January 25, 2012

SGA 9154 PAUL ISHII, appointed on August 17, 2010, for the term ending June 30, 2012, as Member of the Higher Education Coordinating Board. Reported by Committee on Higher Education & Workforce Development

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Tom, Chair; Shin, Vice Chair; Hill; Frockt; Kastama and Kilmer.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Baumgartner and Stevens.

Passed to Committee on Rules for second reading.

January 25, 2012

SGA 9156 ELLEN TAUSSIG, reappointed on March 27, 2011, for the term ending March 26, 2015, as Member of the Higher Education Facilities Authority. Reported by Committee on Higher Education & Workforce Development

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Tom, Chair; Shin, Vice Chair; Hill; Becker; Frockt; Kastama and Kilmer.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Baumgartner and Stevens.

Passed to Committee on Rules for second reading.

January 25, 2012

SGA 9160 STUART A HALSAN, appointed on March 21, 2011, for the term ending September 30, 2015, as Member of the Board of Trustees, Community College District No. 12 (Centralia College). Reported by Committee on Higher Education & Workforce Development

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Tom, Chair; Shin, Vice Chair; Hill; Becker; Frockt and Kilmer.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Baumgartner and Stevens.

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Passed to Committee on Rules for second reading.

January 25, 2012

SGA 9161 LINDSAY FIKER, appointed on March 30, 2011, for the term ending September 30, 2015, as Member of the Board of Trustees, Community College District No. 4 (Skagit Valley College). Reported by Committee on Higher Education & Workforce Development

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Tom, Chair; Shin, Vice Chair; Hill; Becker; Frockt; Kastama and Kilmer.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Baumgartner and Stevens.

Passed to Committee on Rules for second reading.

January 25, 2012

SGA 9165 DEBBIE J AHL, appointed on March 30, 2011, for the term ending September 30, 2013, as Member of the Board of Trustees, Technical College District #25 (Bellingham). Reported by Committee on Higher Education & Workforce Development

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Tom, Chair; Shin, Vice Chair; Hill; Becker; Frockt; Kastama and Kilmer.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Baumgartner and Stevens.

Passed to Committee on Rules for second reading.

January 25, 2012

SGA 9170 ELIZABETH A WILLIS, reappointed on April 19, 2011, for the term ending April 3, 2015, as Member of the State Board for Community and Technical Colleges. Reported by Committee on Higher Education & Workforce Development

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Tom, Chair; Shin, Vice Chair; Hill; Becker; Frockt; Kastama and Kilmer.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Baumgartner and Stevens.

Passed to Committee on Rules for second reading.

January 25, 2012

SGA 9172 LEE NEWGENT, appointed on April 13, 2011, for the term ending June 30, 2013, as Member of the Work Force Training and Education Coordinating Board. Reported by Committee on Higher Education & Workforce Development

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Tom, Chair; Shin, Vice Chair; Hill; Becker; Frockt; Kastama and Kilmer.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Baumgartner and Stevens.

Passed to Committee on Rules for second reading.

January 25, 2012

SGA 9173 DENISE PORTMANN, appointed on April 20, 2011, for the term ending September 30, 2015, as Member of the Board of Trustees, Community College District No. 2 (Grays Harbor College). Reported by Committee on Higher Education & Workforce Development

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Tom, Chair; Shin, Vice Chair; Hill; Becker; Frockt; Kastama and Kilmer.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Baumgartner and Stevens.

Passed to Committee on Rules for second reading.

January 25, 2012

SGA 9174 STEVEN ADELSTEIN, reappointed on October 1, 2011, for the term ending September 30, 2016, as Member of the Board of Trustees, Community College District No. 21 (Whatcom Community College). Reported by Committee on Higher Education & Workforce Development

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Tom, Chair; Shin, Vice Chair; Hill; Becker; Frockt; Kastama and Kilmer.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Baumgartner and Stevens.

Passed to Committee on Rules for second reading.

January 25, 2012

SGA 9177 PHILLIP L BARRETT, appointed on March 8, 2010, for the term ending September 30, 2014, as Member of the Board of Trustees, Community College District No. 7 (Shoreline Community College). Reported by Committee on Higher Education & Workforce Development

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Tom, Chair; Shin, Vice Chair; Hill; Becker; Frockt; Kastama and Kilmer.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Baumgartner and Stevens.

Passed to Committee on Rules for second reading.

January 25, 2012

SGA 9181 ARTHUR A BLAUVELT, appointed on October 1, 2011, for the term ending September 30, 2016, as Member of the Board of Trustees, Community College District No. 2 (Grays Harbor College). Reported by Committee on Higher Education & Workforce Development

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Tom, Chair; Shin, Vice Chair; Hill; Becker; Frockt; Kastama and Kilmer.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Baumgartner and Stevens.

Passed to Committee on Rules for second reading.

January 25, 2012

SGA 9182 JACOB K BREDSTRAND, appointed on July 5, 2011, for the term ending June 30, 2012, as Member of the Board of Regents, Washington State University. Reported by Committee on Higher Education & Workforce Development

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Tom, Chair; Shin, Vice Chair; Hill; Becker; Frockt; Kastama and Kilmer.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Baumgartner and Stevens.

Passed to Committee on Rules for second reading.

January 25, 2012

SGA 9184 LARRY BROWN, appointed on October 5, 2011, for the term ending April 3, 2014, as Member of the State Board for Community and Technical Colleges. Reported by Committee on Higher Education & Workforce Development

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Tom, Chair; Shin, Vice Chair; Hill; Becker; Frockt; Kastama and Kilmer.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Baumgartner and Stevens.

Passed to Committee on Rules for second reading.

January 25, 2012

SGA 9185 WAYNE E BROWN, appointed on October 3, 2011, for the term ending September 30, 2016, as Member of the Board of Trustees, Community College District No. 23 (Edmonds Community College). Reported by Committee on Higher Education & Workforce Development

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Tom, Chair; Shin, Vice Chair; Hill; Becker; Frockt; Kastama and Kilmer.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Baumgartner and Stevens.

Passed to Committee on Rules for second reading.

January 25, 2012

SGA 9186 GENEANNE BURKE, appointed on January 4, 2010, for the term ending September 30, 2014, as Member of the Board of Trustees, Community College District No. 5 (Everett Community College). Reported by Committee on Higher Education & Workforce Development

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Tom, Chair; Shin, Vice Chair; Hill; Becker; Frockt; Kastama and Kilmer.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Baumgartner and Stevens.

Passed to Committee on Rules for second reading.

January 25, 2012

SGA 9187 THOMAS A CAMPBELL, appointed on April 6, 2009, for the term ending September 30, 2013, as Member of the Board of Trustees, Community College District No. 10 (Green River Community College). Reported by Committee on Higher Education & Workforce Development

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Tom, Chair; Shin, Vice Chair; Hill; Becker; Frockt; Kastama and Kilmer.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Baumgartner and Stevens.

Passed to Committee on Rules for second reading.

January 25, 2012

SGA 9188 JORGE CARRASCO, appointed on October 1, 2011, for the term ending September 30, 2016, as Member of the Board of Trustees, Community College District No. 6 (Seattle, So. Seattle, and No. Seattle Community Colleges). Reported by Committee on Higher Education & Workforce Development

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Tom, Chair; Shin, Vice Chair; Hill; Becker; Frockt; Kastama and Kilmer.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Baumgartner and Stevens.

Passed to Committee on Rules for second reading.

January 25, 2012

SGA 9189 DIANA CLAY, appointed on October 3, 2011, for the term ending September 30, 2013, as Member of the Board of Trustees, Community College District No. 23 (Edmonds Community College). Reported by Committee on Higher Education & Workforce Development

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Tom, Chair; Shin, Vice Chair; Hill; Becker; Frockt; Kastama and Kilmer.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Baumgartner and Stevens.

Passed to Committee on Rules for second reading.

January 25, 2012

SGA 9191 DON DENNIS, reappointed on October 1, 2011, for the term ending September 30, 2016, as Member of the Board of Trustees, Community College District No. 22 (Tacoma Community College). Reported by Committee on Higher Education & Workforce Development

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MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Tom, Chair; Shin, Vice Chair; Hill; Becker; Frockt; Kastama and Kilmer.

Community College). Reported by Committee on Higher Education & Workforce Development

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Baumgartner and Stevens.

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Tom, Chair; Shin, Vice Chair; Hill; Becker; Frockt; Kastama and Kilmer.

Passed to Committee on Rules for second reading.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Baumgartner and Stevens.

January 25, 2012

SGA 9192 JOSEPH DOLEZAL, reappointed on October 1, 2011, for the term ending September 30, 2016, as Member of the Board of Trustees, Community College District No. 12 (Centralia College). Reported by Committee on Higher Education & Workforce Development

Passed to Committee on Rules for second reading.

January 25, 2012

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Tom, Chair; Shin, Vice Chair; Hill; Becker; Frockt; Kastama and Kilmer.

SGA 9204 JONATHAN M LANE, appointed on October 1, 2011, for the term ending September 30, 2016, as Member of the Board of Trustees, Community College District No. 18 (Big Bend Community College). Reported by Committee on Higher Education & Workforce Development

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Baumgartner and Stevens.

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Tom, Chair; Shin, Vice Chair; Hill; Becker; Frockt; Kastama and Kilmer.

Passed to Committee on Rules for second reading.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Baumgartner and Stevens.

January 25, 2012

SGA 9195 LEONOR FULLER, reappointed on October 1, 2011, for the term ending September 30, 2016, as Member of the Board of Trustees, Community College District No. 24 (South Puget Sound Community College). Reported by Committee on Higher Education & Workforce Development

Passed to Committee on Rules for second reading.

January 25, 2012

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Tom, Chair; Shin, Vice Chair; Hill; Becker; Frockt; Kastama and Kilmer.

SGA 9207 WAYNE J MARTIN, appointed on October 1, 2011, for the term ending April 3, 2015, as Member of the State Board for Community and Technical Colleges. Reported by Committee on Higher Education & Workforce Development

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Baumgartner and Stevens.

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Tom, Chair; Shin, Vice Chair; Hill; Becker; Frockt; Kastama and Kilmer.

Passed to Committee on Rules for second reading.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Baumgartner and Stevens.

January 25, 2012

SGA 9201 DWAYNE JOHNSON, reappointed on October 1, 2011, for the term ending September 30, 2016, as Member of the Board of Trustees, Community College District No. 1 (Peninsula College). Reported by Committee on Higher Education & Workforce Development

Passed to Committee on Rules for second reading.

January 25, 2012

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Tom, Chair; Shin, Vice Chair; Hill; Becker; Frockt; Kastama and Kilmer.

SGA 9208 MICHAEL S MAXWELL, appointed on July 28, 2011, for the term ending September 30, 2012, as Member of the Board of Trustees, Community College District No. 1 (Peninsula College). Reported by Committee on Higher Education & Workforce Development

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Baumgartner and Stevens.

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Tom, Chair; Shin, Vice Chair; Hill; Becker; Frockt; Kastama and Kilmer.

Passed to Committee on Rules for second reading.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Baumgartner and Stevens.

January 25, 2012

SGA 9203 JANET M KUSLER, appointed on October 1, 2011, for the term ending September 30, 2016, as Member of the Board of Trustees, Community College District No. 5 (Everett

Passed to Committee on Rules for second reading.

January 25, 2012

SGA 9210 LOUIS A MENDOZA, reappointed on October 1, 2011, for the term ending September 30, 2016, as Member of the Board of Trustees, Community College District No. 30 (Cascadia Community College). Reported by Committee on Higher Education & Workforce Development

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Tom, Chair; Shin, Vice Chair; Hill; Becker; Frockt; Kastama and Kilmer.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Baumgartner and Stevens.

Passed to Committee on Rules for second reading.

January 25, 2012

SGA 9211 SALVADOR MENDOZA, appointed on October 1, 2011, for the term ending September 30, 2016, as Member of the Board of Trustees, Community College District No. 19 (Columbia Basin College). Reported by Committee on Higher Education & Workforce Development

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Tom, Chair; Shin, Vice Chair; Hill; Becker; Frockt; Kastama and Kilmer.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Baumgartner and Stevens.

Passed to Committee on Rules for second reading.

January 25, 2012

SGA 9214 ROGER OLSTAD, reappointed on October 1, 2011, for the term ending September 30, 2016, as Member of the Board of Trustees, Community College District No. 7 (Shoreline Community College). Reported by Committee on Higher Education & Workforce Development

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Tom, Chair; Shin, Vice Chair; Hill; Becker; Frockt; Kastama and Kilmer.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Baumgartner and Stevens.

Passed to Committee on Rules for second reading.

January 25, 2012

SGA 9215 JIM PAGE, appointed on June 15, 2011, for the term ending September 30, 2015, as Member of the Board of Trustees, Community College District No. 3 (Olympic Community College). Reported by Committee on Higher Education & Workforce Development

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Tom, Chair; Shin, Vice Chair; Hill; Becker; Frockt; Kastama and Kilmer.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Baumgartner and Stevens.

Passed to Committee on Rules for second reading.

January 25, 2012

SGA 9216 LISA PARKER, reappointed on October 1, 2011, for the term ending September 30, 2016, as Member of the Board of Trustees, Community College District No. 16 (Yakima Valley Community College). Reported by Committee on Higher Education & Workforce Development

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Tom, Chair; Shin, Vice Chair; Hill; Becker; Frockt; Kastama and Kilmer.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Baumgartner and Stevens.

Passed to Committee on Rules for second reading.

January 25, 2012

SGA 9218 CALVIN PEARSON, reappointed on October 1, 2011, for the term ending September 30, 2016, as Member of the Board of Trustees, Technical College District #28, (Bates). Reported by Committee on Higher Education & Workforce Development

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Tom, Chair; Shin, Vice Chair; Hill; Becker; Frockt; Kastama and Kilmer.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Baumgartner and Stevens.

Passed to Committee on Rules for second reading.

January 25, 2012

SGA 9219 DARLENE PETERS, reappointed on October 1, 2011, for the term ending September 30, 2016, as Member of the Board of Trustees, Community College District No. 3 (Olympic Community College). Reported by Committee on Higher Education & Workforce Development

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Tom, Chair; Shin, Vice Chair; Hill; Becker; Frockt; Kastama and Kilmer.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Baumgartner and Stevens.

Passed to Committee on Rules for second reading.

January 25, 2012

SGA 9220 GORDON (DON) PIERCY, reappointed on October 1, 2011, for the term ending September 30, 2016, as Member of the Board of Trustees, Community College District No. 4 (Skagit Valley College). Reported by Committee on Higher Education & Workforce Development

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Tom, Chair; Shin, Vice Chair; Hill; Becker; Frockt; Kastama and Kilmer.



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MINORITY recommendation: That it be referred without recommendation. Signed by Senators Baumgartner and Stevens.

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

Passed to Committee on Rules for second reading.

Passed to Committee on Rules for second reading.

January 25, 2012

SGA 9221 WILBERT R PINA, appointed on July 5, 2011, for the term ending June 30, 2012, as Member of the Board of Trustees, The Evergreen State College. Reported by Committee on Higher Education & Workforce Development

SGA 9230 PAUL TANAKA, reappointed on October 10, 2011, for the term ending September 30, 2017, as Member of the Board of Trustees, Eastern Washington University. Reported by Committee on Higher Education & Workforce Development

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Tom, Chair; Shin, Vice Chair; Hill; Becker; Frockt; Kastama and Kilmer.

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Tom, Chair; Shin, Vice Chair; Hill; Becker; Frockt; Kastama and Kilmer.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Baumgartner and Stevens.

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

Passed to Committee on Rules for second reading.

Passed to Committee on Rules for second reading.

January 25, 2012

SGA 9222 ROYCE E POLLARD, appointed on October 1, 2011, for the term ending September 30, 2016, as Member of the Board of Trustees, Community College District No. 14 (Clark College). Reported by Committee on Higher Education & Workforce Development

SGA 9233 AMADEO TIAM, appointed on October 1, 2011, for the term ending September 30, 2016, as Member of the Board of Trustees, Community College District No. 11 (Pierce College). Reported by Committee on Higher Education & Workforce Development

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Tom, Chair; Shin, Vice Chair; Hill; Becker; Frockt; Kastama and Kilmer.

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Tom, Chair; Shin, Vice Chair; Hill; Becker; Frockt; Kastama and Kilmer.

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

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

Passed to Committee on Rules for second reading.

Passed to Committee on Rules for second reading.

January 25, 2012

SGA 9223 ANGELA G ROARTY, appointed on June 6, 2011, for the term ending September 30, 2015, as Member of the Board of Trustees, Community College District No. 11 (Pierce College). Reported by Committee on Higher Education & Workforce Development

SGA 9235 STEPHEN W VINCENT, appointed on September 16, 2011, for the term ending September 30, 2014, as Member of the Board of Trustees, Community College District No. 13 (Lower Columbia College). Reported by Committee on Higher Education & Workforce Development

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Tom, Chair; Shin, Vice Chair; Hill; Becker; Frockt; Kastama and Kilmer.

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Tom, Chair; Shin, Vice Chair; Hill; Becker; Frockt; Kastama and Kilmer.

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

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

Passed to Committee on Rules for second reading.

Passed to Committee on Rules for second reading.

January 25, 2012

SGA 9229 PATRICK SPANNER, appointed on July 5, 2011, for the term ending June 30, 2012, as Member of the Board of Trustees, Eastern Washington University. Reported by Committee on Higher Education & Workforce Development

SGA 9236 THUY VO, reappointed on October 1, 2011, for the term ending September 30, 2016, as Member of the Board of Trustees, Community College District No. 13 (Lower Columbia College). Reported by Committee on Higher Education & Workforce Development

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Tom, Chair; Shin, Vice Chair; Hill; Becker; Frockt; Kastama and Kilmer.

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Tom, Chair; Shin, Vice Chair; Hill; Becker; Frockt; Kastama and Kilmer.

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

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

Passed to Committee on Rules for second reading.

January 25, 2012

SGA 9237 JACOB WHITISH, appointed on July 5, 2011, for the term ending June 30, 2012, as Member of the Board of Trustees, Western Washington University. Reported by Committee on Higher Education & Workforce Development

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Tom, Chair; Hill; Becker; Frockt; Kastama and Kilmer.

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

Passed to Committee on Rules for second reading.

January 25, 2012

SGA 9238 LISA K WOO, appointed on May 11, 2011, for the term ending September 30, 2015, as Member of the Board of Trustees, Technical College District #25 (Bellingham). Reported by Committee on Higher Education & Workforce Development

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Tom, Chair; Hill; Becker; Frockt; Kastama and Kilmer.

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

Passed to Committee on Rules for second reading.

January 25, 2012

SGA 9241 ROBERT H WHALEY, appointed on October 10, 2011, for the term ending September 30, 2017, as Member of the Board of Trustees, Eastern Washington University. Reported by Committee on Higher Education & Workforce Development

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Tom, Chair; Shin, Vice Chair; Hill; Becker; Frockt; Kastama and Kilmer.

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

Passed to Committee on Rules for second reading.

January 25, 2012

SGA 9242 DAVID L NICANDRI, appointed on November 21, 2011, for the term ending September 30, 2014, as Member of the Board of Trustees, The Evergreen State College. Reported by Committee on Higher Education & Workforce Development

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Tom, Chair; Hill; Becker; Frockt; Kastama and Kilmer.

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

Passed to Committee on Rules for second reading.

January 25, 2012

SGA 9244 ANNE FENNESSY, appointed on September 6, 2011, for the term ending April 3, 2015, as Member of the State Board for Community and Technical Colleges. Reported by Committee on Higher Education & Workforce Development

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Tom, Chair; Hill; Becker; Frockt; Kastama and Kilmer.

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

Passed to Committee on Rules for second reading.

January 25, 2012

SGA 9247 DON C BRUNELL, appointed on November 21, 2011, for the term ending June 30, 2013, as Member of the Work Force Training and Education Coordinating Board. Reported by Committee on Higher Education & Workforce Development

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Tom, Chair; Shin, Vice Chair; Hill; Becker; Kastama and Kilmer.

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

Passed to Committee on Rules for second reading.

January 25, 2012

SGA 9249 PHYLLIS L GLEASMAN, appointed on November 21, 2011, for the term ending September 30, 2016, as Member of the Board of Trustees, Community College District No. 15 (Wenatchee Valley College). Reported by Committee on Higher Education & Workforce Development

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Tom, Chair; Shin, Vice Chair; Hill; Becker; Kastama and Kilmer.

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

Passed to Committee on Rules for second reading.

January 25, 2012

SGA 9250 FREDERICK MENDOZA, appointed on November 21, 2011, for the term ending September 30, 2016, as Member of the Board of Trustees, Community College District No. 9 (Highline Community College). Reported by Committee on Higher Education & Workforce Development

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Tom, Chair; Shin, Vice Chair; Hill; Becker; Kastama and Kilmer.

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

Passed to Committee on Rules for second reading.

January 25, 2012

NINETEENTH DAY, JANUARY 27, 2012

2012 REGULAR SESSION

SGA 9251 CREIGH AGNEW, reappointed on November 21, 2011, for the term ending June 30, 2015, as Member of the Work Force Training and Education Coordinating Board. Reported by Committee on Higher Education & Workforce Development

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Tom, Chair; Shin, Vice Chair; Hill; Becker; Kastama and Kilmer.

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

Passed to Committee on Rules for second reading.

January 25, 2012

SGA 9253 DARCEY FUGMAN-SMALL, appointed on November 21, 2011, for the term ending September 30, 2014, as Member of the Board of Trustees, Community College District No. 20 (Walla Walla Community College). Reported by Committee on Higher Education & Workforce Development

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Tom, Chair; Shin, Vice Chair; Hill; Becker; Kastama and Kilmer.

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

Passed to Committee on Rules for second reading.

January 25, 2012

SGA 9255 CHARLES S MCFADDEN, appointed on December 1, 2011, for the term ending September 30, 2013, as Member of the Board of Trustees, Community College District No. 18 (Big Bend Community College). Reported by Committee on Higher Education & Workforce Development

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Tom, Chair; Shin, Vice Chair; Hill; Becker; Kastama and Kilmer.

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

Passed to Committee on Rules for second reading.

January 25, 2012

SGA 9257 RON SIMS, appointed on December 14, 2011, for the term ending September 30, 2017, as Member of the Board of Regents, Washington State University. Reported by Committee on Higher Education & Workforce Development

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Tom, Chair; Shin, Vice Chair; Frockt; Kastama and Kilmer.

MINORITY recommendation: That said appointment not be confirmed. Signed by Senator Hill.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Baumgartner; Becker and Stevens.

Passed to Committee on Rules for second reading.

January 25, 2012  
SGA 9260 JANIS MACHALA, reappointed on October 1, 2011, for the term ending September 30, 2016, as Member of the Board of Trustees, Technical College District #26 (Lake Washington). Reported by Committee on Higher Education & Workforce Development

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Tom, Chair; Shin, Vice Chair; Hill; Becker; Frockt; Kastama and Kilmer.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Baumgartner and Stevens.

Passed to Committee on Rules for second reading.

January 25, 2012

SGA 9262 EDWIN W MORGAN, appointed on October 1, 2011, for the term ending September 30, 2016, as Member of the Board of Trustees, Community College District No. 17 (Spokane and Spokane Falls Community Colleges). Reported by Committee on Higher Education & Workforce Development

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Tom, Chair; Shin, Vice Chair; Hill; Becker; Frockt; Kastama and Kilmer.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Baumgartner and Stevens.

Passed to Committee on Rules for second reading.

January 25, 2012

SGA 9264 GRETCHEN SORENSEN, appointed on November 21, 2011, for the term ending September 30, 2016, as Member of the Board of Trustees, The Evergreen State College. Reported by Committee on Higher Education & Workforce Development

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Tom, Chair; Shin, Vice Chair; Hill; Becker; Frockt; Kastama and Kilmer.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Baumgartner and Stevens.

Passed to Committee on Rules for second reading.

January 25, 2012

SGA 9265 BRUCE REID, reappointed on October 1, 2008, for the term ending September 30, 2013, as Member of the Board of Trustees, Technical College District #26 (Lake Washington). Reported by Committee on Higher Education & Workforce Development

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Tom, Chair; Shin, Vice Chair; Hill; Becker; Frockt; Kastama and Kilmer.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Baumgartner and Stevens.

Passed to Committee on Rules for second reading.

January 25, 2012

SGA 9267 RYAN DURKAN, appointed on December 14, 2011, for the term ending September 30, 2017, as Member of the Board of Regents, Washington State University. Reported by Committee on Higher Education & Workforce Development

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Tom, Chair; Shin, Vice Chair; Hill; Becker; Frockt; Kastama and Kilmer.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Baumgartner and Stevens.

Passed to Committee on Rules for second reading.

January 25, 2012

SGA 9268 KELSEY E KNOWLES, appointed on July 5, 2011, for the term ending June 30, 2012, as Member of the Board of Regents, University of Washington. Reported by Committee on Higher Education & Workforce Development

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Tom, Chair; Shin, Vice Chair; Hill; Becker; Frockt; Kastama and Kilmer.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Baumgartner and Stevens.

Passed to Committee on Rules for second reading.

January 25, 2012

SGA 9269 HERB SIMON, reappointed on January 17, 2012, for the term ending September 30, 2017, as Member of the Board of Regents, University of Washington. Reported by Committee on Higher Education & Workforce Development

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Tom, Chair; Shin, Vice Chair; Hill; Becker; Frockt; Kastama and Kilmer.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Baumgartner and Stevens.

Passed to Committee on Rules for second reading.

#### MOTION

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

#### MOTION

On motion of Senator Eide, the Senate advanced to the third order of business.

#### MESSAGE FROM THE GOVERNOR GUBERNATORIAL APPOINTMENTS

January 26, 2012

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

Connie L. Fletcher, appointed January 23, 2012, for the term ending January 30, 2015, as Member of the State Board of Education.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

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

January 26, 2012

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

Pete B. Lewis, appointed December 23, 2011, for the term ending September 30, 2016, as Member, Board of Trustees, Community College District No. 10 (Green River Community College).

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Higher Education & Workforce Development.

January 26, 2012

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

Patrick Shanahan, appointed January 17, 2012, for the term ending September 30, 2016, as Member, Board of Regents, University of Washington.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Higher Education & Workforce Development.

January 26, 2012

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following reappointment, subject to your confirmation.

Mario M. Villanueva, reappointed July 11, 2011, for the term ending June 30, 2015, as Member of the Housing Finance Commission.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Financial Institutions, Housing & Insurance.

#### MOTION

On motion of Senator Eide, all appointees listed on the Gubernatorial Appointments report were referred to the committees as designated.

NINETEENTH DAY, JANUARY 27, 2012

2012 REGULAR SESSION

## MOTION

SB 6523 by Senators Honeyford and Fraser

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

AN ACT Relating to resident curators of state properties; adding a new section to chapter 43.19 RCW; and creating a new section.

## INTRODUCTION AND FIRST READING

Referred to Committee on Government Operations, Tribal Relations & Elections.

SB 6517 by Senators Pflug and Keiser

AN ACT Relating to hospital financing and tax preference eligibility; amending RCW 70.37.010, 70.37.030, 70.37.090, 84.36.840, 84.36.040, and 82.04.4311; reenacting and amending RCW 70.37.050; and adding a new section to chapter 70.37 RCW.

SB 6524 by Senators Hargrove and Shin

AN ACT Relating to the family policy council and the council for children and families; amending RCW 70.190.100; amending 2011 1st sp.s. c 32 s 12 (uncodified); amending 2011 1st sp.s. c 32 s 13 (uncodified); and providing effective dates.

Referred to Committee on Health & Long-Term Care.

Referred to Committee on Human Services & Corrections.

SB 6518 by Senators Rolfes and Nelson

AN ACT Relating to the executive committee of Washington state ferry users; amending RCW 47.60.310 and 47.60.315; and creating a new section.

SB 6525 by Senators Becker, Carrell, Kastama, Stevens, King, Swecker, Honeyford and Roach

AN ACT Relating to a business and occupation tax deduction for donated medical services; and adding a new section to chapter 82.04 RCW.

Referred to Committee on Transportation.

SB 6519 by Senators Frockt, Nelson, Harper, Conway, Pridemore, Keiser, Chase, Shin, Murray and Kohl-Welles

AN ACT Relating to including members from labor and business on community college boards of trustees; and amending RCW 28B.50.100.

Referred to Committee on Ways & Means.

Referred to Committee on Higher Education & Workforce Development.

SB 6526 by Senators Becker, Zarelli, Holmquist, Newbry, Delvin, King, Stevens, Hewitt, Parlette and Ericksen

AN ACT Relating to medicaid cost containment through consumer engagement; amending RCW 74.09.055 and 74.09.470; creating new sections; and providing a contingent effective date.

SB 6520 by Senator Hatfield

AN ACT Relating to creating a sentence for treatment program for juvenile offenders; reenacting and amending RCW 13.40.0357; adding a new section to chapter 13.40 RCW; and creating a new section.

Referred to Committee on Health & Long-Term Care.

Referred to Committee on Human Services & Corrections.

SB 6527 by Senator Benton

AN ACT Relating to cellular telephone use by state employees; amending RCW 43.88.160; and adding new sections to chapter 43.41A RCW.

SB 6521 by Senator Regala

AN ACT Relating to increasing flexibility and diversity of local government revenue; amending RCW 36.73.065, 82.80.140, 82.14.450, 84.55.005, and 82.02.020; adding a new section to chapter 35.21 RCW; adding a new section to chapter 35A.21 RCW; adding a new chapter to Title 82 RCW; creating new sections; and repealing RCW 84.55.0101.

Referred to Committee on Government Operations, Tribal Relations & Elections.

SB 6528 by Senators Kilmer, Honeyford, Harper, Ericksen, Hatfield and Shin

AN ACT Relating to taxation of heavy equipment; reenacting and amending RCW 43.84.092; adding a new section to chapter 84.36 RCW; adding a new chapter to Title 84 RCW; and creating a new section.

Referred to Committee on Government Operations, Tribal Relations & Elections.

Referred to Committee on Ways & Means.

SB 6522 by Senators Kastama, Roach and Shin

AN ACT Relating to the division of archives and records management; and amending RCW 40.14.020.

SB 6529 by Senator Pridemore

AN ACT Relating to changing requirements for electioneering communications; and amending RCW 42.17A.320.

Referred to Committee on Government Operations, Tribal Relations & Elections.

Referred to Committee on Government Operations, Tribal Relations & Elections.

SB 6530 by Senators Hobbs, Pridemore, Haugen, Hatfield, Conway, Nelson, Regala, Hill, Delvin, Kohl-Welles, Chase, Rolfes, Roach, Shin and Harper

AN ACT Relating to expanding insurance coverage of neurodevelopmental therapies; amending RCW 48.21.310, 48.44.450, 48.46.520, and 41.05.170; and providing an effective date.

Referred to Committee on Health & Long-Term Care.

SB 6531 by Senators Regala, Hargrove and Shin

AN ACT Relating to limiting the rates paid to providers for medical services for incarcerated offenders, increasing the copay on medical services, and authorizing the department of corrections to submit medicaid applications on behalf of incarcerated offenders; and amending RCW 72.10.020 and 72.10.030.

Referred to Committee on Human Services & Corrections.

SB 6532 by Senators Frockt, Litzow and Harper

AN ACT Relating to improving quality in early learning programs; amending RCW 43.215.100; and creating a new section.

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

#### MOTION

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

#### MOTION

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

#### SECOND READING

HOUSE CONCURRENT RESOLUTION NO. 4408, by Representatives Sullivan and Kretz

Establishing cutoff dates for the 2012 regular session.

The measure was read the second time.

#### MOTION

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

On page 1, line 7, after "implement budgets," insert "matters that affect state revenue,"

On page 2, line 13, after "implement budgets," insert "matters that affect state revenue,"

The President declared the question before the Senate to be the adoption of the amendment by Senator Eide on page 1, line 7 to House Concurrent Resolution No. 4408.

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

#### MOTION

On motion of Senator Eide, the rules were suspended, House Concurrent Resolution No. 4408 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the final passage of House Concurrent Resolution No. 4408 as amended by the Senate.

HOUSE CONCURRENT RESOLUTION NO. 4408 as amended by the Senate was adopted on third reading by voice vote.

#### MOTION

On motion of Senator Harper, Senators Fraser, Haugen, Murray and Ranker were excused.

#### MOTION

On motion of Senator Delvin, Senators Erickson, Hill, Morton and Zarelli were excused.

#### SECOND READING

SENATE BILL NO. 5259, by Senators Kline, Honeyford, Kohl-Welles, Carrell and Schoesler

Concerning the tax payment and reporting requirements of small wineries.

The measure was read the second time.

#### MOTION

On motion of Senator Kline, the rules were suspended, Senate Bill No. 5259 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

The President declared the question before the Senate to be the final passage of Senate Bill No. 5259.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5259 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 0; Excused, 5.

Voting yea: Senators Baumgartner, Becker, Benton, Brown, Carrell, Chase, Conway, Delvin, Eide, Fain, Frockt, Hargrove, Harper, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles, Litzow, McAuliffe, Morton, Murray, Nelson, Padden, Parlette, Pflug, Prentice, Pridemore, Regala, Roach, Rolfes, Schoesler, Sheldon, Shin, Stevens, Swecker and Tom

Excused: Senators Erickson, Fraser, Haugen, Ranker and Zarelli

SENATE BILL NO. 5259, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

NINETEENTH DAY, JANUARY 27, 2012

2012 REGULAR SESSION

SENATE BILL NO. 5977, by Senators Ranker, Litzow, Eide, Shin, Haugen, Rolfes, Swecker, Fain, Frockt, Hobbs, Schoesler, Fraser, Kilmer, Kohl-Welles, Chase, Hatfield, Nelson, Harper, Regala, Hargrove, Tom, Pridemore, Keiser, Conway, Kline, McAuliffe, Sheldon, Parlette, Hewitt, Honeyford, Roach, Carrell and Pflug

Making the discover pass transferable between two vehicles.

#### MOTIONS

On motion of Senator Regala, Substitute Senate Bill No. 5977 was substituted for Senate Bill No. 5977 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Regala, the rules were suspended, Substitute Senate Bill No. 5977 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Regala and Delvin spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5977.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5977 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 0; Excused, 5.

Voting yea: Senators Baumgartner, Becker, Benton, Brown, Carrell, Chase, Conway, Delvin, Eide, Fain, Frockt, Hargrove, Harper, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles, Litzow, McAuliffe, Morton, Murray, Nelson, Padden, Parlette, Pflug, Prentice, Pridemore, Regala, Roach, Rolfes, Schoesler, Sheldon, Shin, Stevens, Swecker and Tom

Excused: Senators Ericksen, Fraser, Haugen, Ranker and Zarelli

SUBSTITUTE SENATE BILL NO. 5977, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 6044, by Senator Honeyford

Concerning the supply of water by public utility districts bordered by the Columbia river to be used in, or power from, pumped storage projects. Revised for 1st Substitute: Concerning the supply of water by public utility districts bordered by the Columbia river to be used in pumped storage projects.

#### MOTIONS

On motion of Senator Honeyford, Substitute Senate Bill No. 6044 was substituted for Senate Bill No. 6044 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Honeyford, the rules were suspended, Substitute Senate Bill No. 6044 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6044.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6044 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 0; Excused, 5.

Voting yea: Senators Baumgartner, Becker, Benton, Brown, Carrell, Chase, Conway, Delvin, Eide, Fain, Frockt, Hargrove, Harper, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles, Litzow, McAuliffe, Morton, Murray, Nelson, Padden, Parlette, Pflug, Prentice, Pridemore, Regala, Roach, Rolfes, Schoesler, Sheldon, Shin, Stevens, Swecker and Tom

Excused: Senators Ericksen, Fraser, Haugen, Ranker and Zarelli

SUBSTITUTE SENATE BILL NO. 6044, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced representatives of Taiwan Economic Cultural of Seattle, Director General Andy Chin and Director Richard Lin who were seated in the gallery.

#### SECOND READING

SENATE BILL NO. 6059, by Senators Conway, Kastama, Shin, Kohl-Welles and Roach

Establishing the veterans' raffle.

The measure was read the second time.

#### MOTION

On motion of Senator Conway, the rules were suspended, Senate Bill No. 6059 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Conway spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 6059.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6059 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 0; Excused, 5.

Voting yea: Senators Baumgartner, Becker, Benton, Brown, Carrell, Chase, Conway, Delvin, Eide, Fain, Frockt, Hargrove, Harper, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles, Litzow, McAuliffe, Morton, Murray, Nelson, Padden, Parlette, Pflug, Prentice, Pridemore, Regala, Roach, Rolfes, Schoesler, Sheldon, Shin, Stevens, Swecker and Tom

Excused: Senators Ericksen, Fraser, Haugen, Ranker and Zarelli

SENATE BILL NO. 6059, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SENATE BILL NO. 6105, by Senators Parlette, Hatfield, Conway, Becker, Keiser and Shin

Exempting veterinarians from the data submission requirements of the prescription monitoring program. Revised for 1st Substitute: Concerning the prescription monitoring program.

## MOTIONS

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

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

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

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6105.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6105 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 0; Excused, 5.

Voting yea: Senators Baumgartner, Becker, Benton, Brown, Carrell, Chase, Conway, Delvin, Eide, Fain, Frockt, Hargrove, Harper, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles, Litzow, McAuliffe, Morton, Murray, Nelson, Padden, Parlette, Pflug, Prentice, Pridemore, Regala, Roach, Rolfes, Schoesler, Sheldon, Shin, Stevens, Swecker and Tom

Excused: Senators Ericksen, Fraser, Haugen, Ranker and Zarelli

SUBSTITUTE SENATE BILL NO. 6105, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SUBSTITUTE SENATE BILL NO. 5069, by Senate Committee on Labor, Commerce & Consumer Protection (originally sponsored by Senators Prentice, Kohl-Welles, Conway, Kline and Chase)

Creating the farm labor account. Revised for 1st Substitute: Creating the farm labor contractor account.

The measure was read the second time.

## MOTION

On motion of Senator Prentice, the rules were suspended, Substitute Senate Bill No. 5069 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Prentice spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5069.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5069 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 0; Excused, 5.

Voting yea: Senators Baumgartner, Becker, Benton, Brown, Carrell, Chase, Conway, Delvin, Eide, Fain, Frockt, Hargrove, Harper, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles, Litzow, McAuliffe, Morton, Murray, Nelson, Padden, Parlette, Pflug, Prentice, Pridemore, Regala, Roach, Rolfes, Schoesler, Sheldon, Shin, Stevens, Swecker and Tom

Excused: Senators Ericksen, Fraser, Haugen, Ranker and Zarelli

SUBSTITUTE SENATE BILL NO. 5069, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SENATE BILL NO. 5627, by Senators Hobbs, Murray, Kilmer and Shin

Concerning service members' civil relief.

## MOTIONS

On motion of Senator Kline, Substitute Senate Bill No. 5627 was substituted for Senate Bill No. 5627 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Kline, the rules were suspended, Substitute Senate Bill No. 5627 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5627.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5627 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 0; Excused, 5.

Voting yea: Senators Baumgartner, Becker, Benton, Brown, Carrell, Chase, Conway, Delvin, Eide, Fain, Frockt, Hargrove, Harper, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles, Litzow, McAuliffe, Morton, Murray, Nelson, Padden, Parlette, Pflug, Prentice, Pridemore, Regala, Roach, Rolfes, Schoesler, Sheldon, Shin, Stevens, Swecker and Tom

Excused: Senators Ericksen, Fraser, Haugen, Ranker and Zarelli

SUBSTITUTE SENATE BILL NO. 5627, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SENATE BILL NO. 6095, by Senator Kohl-Welles



NINETEENTH DAY, JANUARY 27, 2012

2012 REGULAR SESSION

Making technical corrections to gender-based terms.

The measure was read the second time.

#### MOTION

On motion of Senator Kohl-Welles, the rules were suspended, Senate Bill No. 6095 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Kohl-Welles spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 6095.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6095 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 0; Excused, 5.

Voting yea: Senators Baumgartner, Becker, Benton, Brown, Carrell, Chase, Conway, Delvin, Eide, Fain, Frockt, Hargrove, Harper, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles, Litzow, McAuliffe, Morton, Murray, Nelson, Padden, Parlette, Pflug, Prentice, Pridemore, Regala, Roach, Rolfes, Schoesler, Sheldon, Shin, Stevens, Swecker and Tom

Excused: Senators Ericksen, Fraser, Haugen, Ranker and Zarelli

SENATE BILL NO. 6095, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MOTION

At 11:03 a.m., on motion of Senator Eide, the Senate adjourned until 12:00 noon, Monday, January 30, 2012.

BRAD OWEN, President of the Senate

THOMAS HOEMANN, Secretary of the Senate

**TWENTY SECOND DAY**

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**NOON SESSION**

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Senate Chamber, Olympia, Monday, January 30, 2012

The Senate was called to order at 12:00 noon by President Owen. No roll call was taken.

**MOTION**

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

**MOTION**

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

**REPORTS OF STANDING COMMITTEES**

January 26, 2012

**SB 5320** Prime Sponsor, Senator Chase: Prioritizing infrastructure projects. Reported by Committee on Economic Development, Trade & Innovation

MAJORITY recommendation: That Second Substitute Senate Bill No. 5320 be substituted therefor, and the second substitute bill do pass. Signed by Senators Kastama, Chair; Chase, Vice Chair; Baumgartner; Hatfield; Holmquist Newbry; Kilmer; Shin and Zarelli.

Passed to Committee on Rules for second reading.

January 26, 2012

**SB 5401** Prime Sponsor, Senator Chase: Authorizing use of sales and use tax proceeds for certain public facilities in innovation partnership zones for economic development purposes. Reported by Committee on Economic Development, Trade & Innovation

MAJORITY recommendation: Do pass. Signed by Senators Kastama, Chair; Chase, Vice Chair; Hatfield; Kilmer and Shin.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Baumgartner; Holmquist Newbry and Zarelli.

Passed to Committee on Rules for second reading.

January 26, 2012

**SB 5404** Prime Sponsor, Senator Chase: Authorizing community economic revitalization board funding to benefit innovation partnership zones. Reported by Committee on Economic Development, Trade & Innovation

MAJORITY recommendation: Do pass. Signed by Senators Kastama, Chair; Chase, Vice Chair; Baumgartner; Hatfield; Holmquist Newbry; Kilmer and Shin.

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

Passed to Committee on Rules for second reading.

January 26, 2012

**SSB 5576** Prime Sponsor, Committee on Ways & Means: Regarding capital construction and building purposes at the University of Washington and Washington State University. Reported by Committee on Ways & Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 5576 be substituted therefor, and the second substitute bill do pass. Signed by Senators Murray, Chair; Kilmer, Vice Chair, Capital Budget Chair; Zarelli; Parlette; Baumgartner; Brown; Conway; Harper; Hatfield; Hewitt; Holmquist Newbry; Honeyford; Kastama; Keiser; Kohl-Welles; Padden; Pridemore; Regala; Schoesler and Tom.

Passed to Committee on Rules for second reading.

January 26, 2012

**SB 5732** Prime Sponsor, Senator Chase: Exempting certain manufacturing research and development activities from business and occupation taxation. Reported by Committee on Economic Development, Trade & Innovation

MAJORITY recommendation: That Second Substitute Senate Bill No. 5732 be substituted therefor, and the second substitute bill do pass. Signed by Senators Kastama, Chair; Chase, Vice Chair; Baumgartner; Ericksen; Hatfield; Holmquist Newbry; Kilmer; Shin and Zarelli.

Passed to Committee on Rules for second reading.

January 26, 2012

**SB 5735** Prime Sponsor, Senator Chase: Encouraging economic development by removing the expiration date from the research and development spending business and occupation tax credit. Reported by Committee on Economic Development, Trade & Innovation

MAJORITY recommendation: Do pass. Signed by Senators Kastama, Chair; Chase, Vice Chair; Baumgartner; Ericksen; Hatfield; Holmquist Newbry; Kilmer; Shin and Zarelli.

Passed to Committee on Rules for second reading.

January 26, 2012

**SB 5739** Prime Sponsor, Senator Kastama: Regarding uniform laws on the interstate provision of governmental services. Reported by Committee on Economic Development, Trade & Innovation

MAJORITY recommendation: Do pass. Signed by Senators Kastama, Chair; Chase, Vice Chair; Hatfield; Kilmer and Shin.

MINORITY recommendation: Do not pass. Signed by Senators Baumgartner and Ericksen.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Holmquist Newbry and Zarelli.

Passed to Committee on Rules for second reading.

January 26, 2012

SB 5966 Prime Sponsor, Senator Fraser: Establishing the office of the health care authority ombudsman. Reported by Committee on Health & Long-Term Care

MAJORITY recommendation: That Substitute Senate Bill No. 5966 be substituted therefor, and the substitute bill do pass. Signed by Senators Keiser, Chair; Conway, Vice Chair; Becker; Carrell; Frockt; Parlette; Pflug and Pridemore.

Passed to Committee on Rules for second reading.

January 26, 2012

SB 6002 Prime Sponsor, Senator Kilmer: Making adjustments to the school construction assistance formula. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 6002 be substituted therefor, and the substitute bill do pass. Signed by Senators Murray, Chair; Kilmer, Vice Chair, Capital Budget Chair; Zarelli; Parlette; Baumgartner; Brown; Conway; Harper; Hatfield; Hewitt; Holmquist Newbry; Honeyford; Kastama; Keiser; Kohl-Welles; Padden; Pridemore; Regala and Schoesler.

Passed to Committee on Rules for second reading.

January 26, 2012

SB 6025 Prime Sponsor, Senator Kline: Eliminating the mandatory retirement provision for district judges. Reported by Committee on Judiciary

MAJORITY recommendation: That Substitute Senate Bill No. 6025 be substituted therefor, and the substitute bill do pass. Signed by Senators Kline, Chair; Harper, Vice Chair; Pflug; Carrell; Hargrove; Kohl-Welles; Padden and Regala.

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

Passed to Committee on Rules for second reading.

January 26, 2012

SB 6030 Prime Sponsor, Senator Shin: Addressing license suspension clerical errors. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Senators Kline, Chair; Harper, Vice Chair; Pflug; Carrell; Hargrove; Kohl-Welles; Padden; Regala and Roach.

Passed to Committee on Rules for second reading.

January 26, 2012

SB 6037 Prime Sponsor, Senator Delvin: Limiting access to reports and records of autopsies and postmortems. Reported by Committee on Judiciary

MAJORITY recommendation: That Substitute Senate Bill No. 6037 be substituted therefor, and the substitute bill do pass. Signed by Senators Kline, Chair; Harper, Vice Chair; Pflug; Kohl-Welles; Padden and Regala.

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

Passed to Committee on Rules for second reading.

January 26, 2012

SB 6065 Prime Sponsor, Senator Kline: Concerning county coroners. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Senators Kline, Chair; Harper, Vice Chair; Pflug; Carrell; Kohl-Welles; Padden; Regala and Roach.

Passed to Committee on Rules for second reading.

January 26, 2012

SB 6068 Prime Sponsor, Senator Kline: Providing for religious objection to autopsy. Reported by Committee on Judiciary

MAJORITY recommendation: That Substitute Senate Bill No. 6068 be substituted therefor, and the substitute bill do pass. Signed by Senators Kline, Chair; Harper, Vice Chair; Pflug; Carrell; Kohl-Welles; Padden and Regala.

Passed to Committee on Rules for second reading.

January 26, 2012

SB 6069 Prime Sponsor, Senator Litzow: Concerning electronic transactions. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Senators Kline, Chair; Harper, Vice Chair; Carrell; Kohl-Welles; Padden and Regala.

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

Passed to Committee on Rules for second reading.

January 26, 2012

SB 6107 Prime Sponsor, Senator Becker: Concerning prescription review for medicaid managed care enrollees. Reported by Committee on Health & Long-Term Care

MAJORITY recommendation: That Substitute Senate Bill No. 6107 be substituted therefor, and the substitute bill do pass. Signed by Senators Keiser, Chair; Conway, Vice Chair; Becker; Carrell; Frockt; Kline; Parlette and Pridemore.

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

Passed to Committee on Ways & Means.

January 27, 2012

SB 6131 Prime Sponsor, Senator Chase: Regarding the regulation of mercury. Reported by Committee on Environment

MAJORITY recommendation: Do pass. Signed by Senators Nelson, Chair; Rolfes, Vice Chair; Ericksen; Chase; Honeyford; Pridemore and Sheldon.

Passed to Committee on Rules for second reading.

January 26, 2012

SB 6134 Prime Sponsor, Senator Delvin: Allowing department of fish and wildlife enforcement officers to transfer service credit. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Murray, Chair; Kilmer, Vice Chair, Capital Budget Chair; Zarelli; Parlette; Baumgartner; Brown; Conway; Harper; Hatfield; Hewitt; Holmquist Newbry; Honeyford; Kastama; Keiser; Kohl-Welles; Padden; Pridemore; Regala and Schoesler.

Passed to Committee on Rules for second reading.

January 26, 2012

SB 6157 Prime Sponsor, Senator Delvin: Requiring juvenile detention intake standards for juveniles who are developmentally disabled. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: Do pass. Signed by Senators Hargrove, Chair; Regala, Vice Chair; Stevens; Carrell and Padden.

Passed to Committee on Rules for second reading.

January 26, 2012

SB 6213 Prime Sponsor, Senator Kline: Concerning the disclosure of information of an address confidentiality program participant contained in state registered domestic partnership applications and records. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Senators Kline, Chair; Harper, Vice Chair; Pflug; Kohl-Welles; Padden and Regala.

Passed to Committee on Rules for second reading.

January 27, 2012

SB 6214 Prime Sponsor, Senator Kilmer: Correcting technical statutory cross-references in previous private infrastructure development legislation for certain provisions relating to regulatory fees for wastewater companies. Reported by Committee on Environment

MAJORITY recommendation: Do pass. Signed by Senators Nelson, Chair; Rolfes, Vice Chair; Erickson; Chase; Honeyford; Pridemore and Sheldon.

Passed to Committee on Rules for second reading.

January 26, 2012

SB 6218 Prime Sponsor, Senator Frockt: Concerning escrow licensing requirement exceptions relating to the practice of law. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Senators Kline, Chair; Harper, Vice Chair; Pflug; Carrell; Kohl-Welles; Padden and Regala.

Passed to Committee on Rules for second reading.

January 27, 2012

SB 6222 Prime Sponsor, Senator Harper: Concerning employer reporting to the state support registry. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: Do pass. Signed by Senators Hargrove, Chair; Regala, Vice Chair; Stevens; Carrell; Harper and McAuliffe.

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

Passed to Committee on Rules for second reading.

January 26, 2012

SB 6223 Prime Sponsor, Senator Regala: Repealing the early supplemental security income transition project. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: Do pass. Signed by Senators Hargrove, Chair; Regala, Vice Chair; Stevens; Carrell; Harper and Padden.

Passed to Committee on Rules for second reading.

January 27, 2012

SB 6234 Prime Sponsor, Senator Honeyford: Concerning the involuntary medication of persons committed as criminally insane. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: Do pass. Signed by Senators Hargrove, Chair; Regala, Vice Chair; Stevens; Carrell; Harper; McAuliffe and Padden.

Passed to Committee on Rules for second reading.

January 27, 2012

SB 6261 Prime Sponsor, Senator Kohl-Welles: Requiring notification of release of a person following dismissal of charges based on incompetence to stand trial. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: Do pass. Signed by Senators Hargrove, Chair; Regala, Vice Chair; Stevens; Carrell; Harper; McAuliffe and Padden.

Passed to Committee on Rules for second reading.

January 27, 2012

SB 6296 Prime Sponsor, Senator Harper: Modifying background check provisions. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: Do pass. Signed by Senators Hargrove, Chair; Regala, Vice Chair; Stevens; Carrell; Harper; McAuliffe and Padden.

Passed to Committee on Rules for second reading.

January 26, 2012

SB 6345 Prime Sponsor, Senator Kastama: Creating a commission to restructure state government. Reported by Committee on Economic Development, Trade & Innovation

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MAJORITY recommendation: Do pass. Signed by Senators Kastama, Chair; Chase, Vice Chair; Baumgartner; Hatfield; Holmquist Newbry; Kilmer; Shin and Zarelli.

MESSAGE FROM THE GOVERNOR  
GUBERNATORIAL APPOINTMENTS

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

January 27, 2012

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Passed to Committee on Ways & Means.

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

January 26, 2012  
SB 6354 Prime Sponsor, Senator Rolfes: Requiring state agencies to offer electronic filing for business forms. Reported by Committee on Economic Development, Trade & Innovation

Brad Flaherty, appointed January 12, 2012, for the term ending at the governor's pleasure, as a Director of the Department of Revenue.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Ways & Means.

MAJORITY recommendation: That Substitute Senate Bill No. 6354 be substituted therefor, and the substitute bill do pass. Signed by Senators Kastama, Chair; Chase, Vice Chair; Baumgartner; Ericksen; Hatfield; Holmquist Newbry; Kilmer; Shin and Zarelli.

MOTION

Passed to Committee on Rules for second reading.

On motion of Senator Eide, the appointee listed on the Gubernatorial Appointment report was referred to the committee as designated.

MESSAGE FROM THE SECRETARY OF STATE

January 26, 2012  
SB 6368 Prime Sponsor, Senator Chase: Concerning the Washington manufacturing innovation and modernization extension service program. Reported by Committee on Economic Development, Trade & Innovation

CERTIFICATION OF INITIATIVE TO THE LEGISLATURE  
502

MAJORITY recommendation: Do pass. Signed by Senators Kastama, Chair; Chase, Vice Chair; Ericksen; Hatfield; Holmquist Newbry and Shin.

Pursuant to Article II, Section 1 of the Washington State Constitution, RCW 29A.72.230, and WAC 434-379-010, the Office of the Secretary of State has caused the signatures submitted in support of Initiative to the Legislature 502 to be examined in the following manner.

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

1. It was determined that 354,608 signatures were submitted by the sponsors of the initiative. A random sample of 10,845 signatures was taken from those submitted

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Baumgartner and Kilmer.

2. Each sampled signature was examined to determine if the signer was a registered voter of the state, if the signature was reasonably similar to the one appearing on the record of that voter, and if the same signature appeared more than once in the sample. We found 8,774 valid signatures, 2,062 signatures that were invalid and 9 pairs of duplicated signatures in the sample;

Passed to Committee on Ways & Means.

January 26, 2012  
SB 6371 Prime Sponsor, Senator Shin: Extending the customized employment training program. Reported by Committee on Economic Development, Trade & Innovation

3. We calculated an allowance for the chance error of sampling (68) by multiplying the square root of the number of the invalid signatures by 1.5;

MAJORITY recommendation: Do pass. Signed by Senators Kastama, Chair; Chase, Vice Chair; Baumgartner; Ericksen; Hatfield; Holmquist Newbry; Kilmer; Shin and Zarelli.

4. We estimated the upper limit of the number of signatures on the initiative petition which were invalid (69,650) by dividing the sum of the number of invalid signatures in the sample and allowance for the chance of error of sampling by the sampling ratio;

Passed to Committee on Rules for second reading.

MOTION

On motion of Eide, all measures listed on the Standing Committee report were referred to the committees as designated with the exception of Senate Bill No. 5732, Senate Bill No. 5735 and Senate Bill No. 6371 which were referred to the Committee on Ways & Means.

5. We determined the maximum allowable number of pairs of signatures on the petition (43,805) by subtracting the sum of the number of signatures required by Article II, Section 1 of the Washington State Constitution (241,153) and the estimate of the upper limit of the number of invalid signatures on the petition from the number of signatures submitted;

MOTION

On motion of Senator Eide, the Senate advanced to the third order of business.

6. We determined the expected number of pairs of signatures in the sample (41) by multiplying the square of the sampling ratio by the maximum allowable number of pairs of signatures on the initiative petition'

7. We determined the acceptable number of pairs of signatures in the sample (30) by subtracting 1.65 times the square root of the expected number of pairs of signatures in the sample from the expected number of pairs of signatures in the sample; and
8. The number of pairs of signatures in the sample is less than the acceptable number of pairs of signatures in the sample.

Therefore, I hereby declared Initiative to the Legislature 502 to contain sufficient signatures.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Seal of the State of Washington this 27<sup>th</sup> day of January, 2012.

(Seal)

Steven C. Excell  
Assistant Secretary of State

#### MOTION

On motion of Senator Eide, Initiative No. 502 was referred to the Committee on Government Operations, Tribal Relations & Elections.

#### MOTION

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

#### MESSAGE FROM THE HOUSE

January 27, 2012

MR. PRESIDENT:

The House has passed:

ENGROSSED HOUSE BILL NO. 1398,  
HOUSE BILL NO. 2210,  
SUBSTITUTE HOUSE BILL NO. 2212,  
SUBSTITUTE HOUSE BILL NO. 2218,  
HOUSE BILL NO. 2219,  
HOUSE BILL NO. 2242.

and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

#### MESSAGE FROM THE HOUSE

January 27, 2012

MR. PRESIDENT:

The House has passed:

ENGROSSED HOUSE BILL NO. 1900,  
ENGROSSED HOUSE BILL NO. 2186.

and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

#### MESSAGE FROM THE HOUSE

January 27, 2012

MR. PRESIDENT:

The House has adopted:

ENGROSSED HOUSE CONCURRENT RESOLUTION  
NO. 4409.

and the same is herewith transmitted.

BARBARA BAKER, Chief Clerk

#### MOTION

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

#### INTRODUCTION AND FIRST READING

SB 6533 by Senators Conway, Carrell, Harper, Hargrove, Kohl-Welles and Shin

AN ACT Relating to exempting veterans from fingerprint and background check requirements for real estate broker, managing broker, and firm licensees; and amending RCW 18.85.191.

Referred to Committee on Labor, Commerce & Consumer Protection.

SB 6534 by Senators Eide, Haugen and Shin

AN ACT Relating to commercial vehicle regulations for texting while driving and flags on projecting loads; amending RCW 46.25.010, 46.61.668, and 46.37.140; and prescribing penalties.

Referred to Committee on Transportation.

SB 6535 by Senators Conway and Pridemore

AN ACT Relating to subzones in countywide flood control zone districts; and amending RCW 86.15.025.

Referred to Committee on Government Operations, Tribal Relations & Elections.

SB 6536 by Senators Keiser, Fain and Nelson

AN ACT Relating to transferring ferry and flood control zone district functions and taxing authorities to county legislative authorities in counties with a population of one million five hundred thousand or more; adding new chapters to Title 36 RCW; and providing an effective date.

Referred to Committee on Government Operations, Tribal Relations & Elections.

SB 6537 by Senator Eide

AN ACT Relating to school district teacher and principal assignment policies; and amending RCW 28A.150.230.

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

SB 6538 by Senators Pridemore and Nelson

AN ACT Relating to stewardship of household mercury-containing lamps; amending RCW 70.275.030;

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adding a new section to chapter 70.275 RCW; and creating a new section.

amending RCW 43.70.733; adding new sections to chapter 43.330 RCW; creating a new section; recodifying RCW 43.70.730, 43.70.731, 43.70.732, 43.70.733, 43.70.734, 43.70.735, 43.70.736, and 43.70.737; and repealing RCW 43.330.906.

Referred to Committee on Environment.

Referred to Committee on Health & Human Services Appropriations & Oversight.

SB 6539 by Senator Kastama

AN ACT Relating to establishing an air pollution offset program; amending RCW 70.120.070; adding new sections to chapter 70.94 RCW; and providing an expiration date.

SB 6546 by Senators Frockt, Conway, Keiser and Kline

AN ACT Relating to preventative care and screenings for children in medicaid managed care contracts; and reenacting and amending RCW 74.09.522.

Referred to Committee on Ways & Means.

SB 6540 by Senator Chase

AN ACT Relating to creating a business and occupation tax credit for hiring certain persons in manufacturing; and adding a new section to chapter 82.04 RCW.

Referred to Committee on Ways & Means.

Referred to Committee on Ways & Means.

SB 6547 by Senators Pridemore and Shin

AN ACT Relating to the microenterprise development program; and amending RCW 43.330.290.

SB 6541 by Senator Chase

AN ACT Relating to the use of workforce investment funds for layoff aversion; amending RCW 28C.18.060; and adding a new section to chapter 50.60 RCW.

Referred to Committee on Economic Development, Trade & Innovation.

Referred to Committee on Economic Development, Trade & Innovation.

SB 6548 by Senators Kohl-Welles, Nelson, Keiser, Kline, Regala and Harper

AN ACT Relating to providing a stable source of revenue for education by imposing a tax on high income earners; amending RCW 82.03.130, 82.03.140, 2.10.180, 2.12.090, 6.13.030, 6.15.020, 41.24.240, 41.35.100, 41.40.052, 41.44.240, and 43.43.310; reenacting and amending RCW 41.32.052 and 41.26.053; adding a new title to the Revised Code of Washington to be codified as Title 82A RCW; creating a new section; repealing RCW 6.15.025; prescribing penalties; and providing a contingent effective date.

SB 6542 by Senator Chase

AN ACT Relating to the assignment of intellectual property rights at institutions of higher education; and amending RCW 28B.10.630.

Referred to Committee on Ways & Means.

Referred to Committee on Economic Development, Trade & Innovation.

SB 6543 by Senators Tom, Baumgartner, Kastama, Holmquist Newbry, Sheldon, Schoesler and Hewitt

SJR 8225 by Senator Baumgartner

Amending the Constitution to make ample provision to support higher education.

AN ACT Relating to the use of overtime when calculating pension benefits; amending RCW 41.26.030, 41.32.010, 41.40.010, 41.80.040, and 43.43.120; reenacting and amending RCW 41.37.010; adding a new section to chapter 41.45 RCW; and providing an effective date.

Referred to Committee on Ways & Means.

Referred to Committee on Ways & Means.

SJR 8226 by Senators Kohl-Welles, Nelson, Keiser, Kline, Regala and Harper

Amending the Constitution to allow an income tax.

SB 6544 by Senators Shin, Swecker, Kline, Sheldon, Regala, Frockt, Nelson, Pridemore, Fain, Baumgartner, Conway, Harper, Chase, Hatfield, Hobbs, Haugen and Roach

Referred to Committee on Ways & Means.

AN ACT Relating to veterans' classification as resident students; amending RCW 28B.15.012; and providing an effective date.

SCR 8409 by Senators Brown and Hewitt

Amending the redistricting plan for state legislative and congressional districts.

Referred to Committee on Higher Education & Workforce Development.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

SB 6545 by Senator Murray

EHB 1398 by Representatives Fitzgibbon, Seaquist, Orwall, Springer, Uptegrove and Kenney

AN ACT Relating to transferring the powers, duties, and functions of the developmental disabilities endowment;

AN ACT Relating to exempting low-income housing from impact fees; and amending RCW 82.02.060.

Referred to Committee on Financial Institutions, Housing & Insurance.

EHB 1900 by Representatives Stanford, Ladenburg, Ryu and Green

AN ACT Relating to establishing continuing education requirements for engineers; amending RCW 18.43.080; and providing an effective date.

Referred to Committee on Transportation.

EHB 2186 by Representatives Bailey, Cody, Schmick, Darneille, Ahern, Green, Kelley and Kenney

AN ACT Relating to improving the ability of licensed midwives to work with registered nurses and licensed practical nurses; and amending RCW 18.79.040, 18.79.060, 18.79.260, and 18.79.270.

Referred to Committee on Health & Long-Term Care.

HB 2210 by Representatives Billig, Carlyle, Lytton, Dahlquist, Asay, Fitzgibbon, Appleton, Warnick, Klippert, Hurst, Stanford, Kelley, Goodman, Ryu, Hudgins, Ormsby, Nealey, Hunt, Haigh, Hargrove, Finn, Tharinger, Santos, Moeller, Takko, Armstrong, McCoy, Jinkins, Probst, Van De Wege, Maxwell, Green, Sells, Reykdal, Ladenburg, Hasegawa, Pollet, Kenney and Kagi

AN ACT Relating to extending contribution limits to school board candidates; and reenacting and amending RCW 42.17A.405.

Referred to Committee on Government Operations, Tribal Relations & Elections.

SHB 2212 by House Committee on Agriculture & Natural Resources (originally sponsored by Representatives Blake and Chandler)

AN ACT Relating to extending the expiration date of RCW 90.90.030; amending RCW 90.90.030; and providing an expiration date.

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

SHB 2218 by House Committee on Business & Financial Services (originally sponsored by Representatives Kirby and Schmick)

AN ACT Relating to service contracts; amending RCW 48.110.020; and adding a new section to chapter 48.110 RCW.

Referred to Committee on Financial Institutions, Housing & Insurance.

HB 2219 by Representatives Alexander, Ormsby, Hunt, Haler, Miloscia, McCoy, Seaquist and Appleton

AN ACT Relating to the powers and duties of the gambling commission; and amending RCW 9.46.070.

Referred to Committee on Labor, Commerce & Consumer Protection.

HB 2242 by Representatives Ryu, Jinkins and Miloscia

AN ACT Relating to requiring the department of licensing to adopt rules to allow online learning for training in the areas of cosmetology, manicuring, barbering, esthetics, and instructor-training; amending RCW 18.16.020; adding a new section to chapter 18.16 RCW; and creating a new section.

Referred to Committee on Labor, Commerce & Consumer Protection.

EHCR 4409 by Representatives Sullivan and Kretz

Amending the redistricting plan for state legislative and congressional districts.

#### MOTION

On motion of Senator Eide, all measures listed on the Introduction and First Reading report were referred to the committees as designated with the exception of Senate Concurrent Resolution No. 8409 which was held at the desk and House Concurrent Resolution No. 4409 which was placed on the second reading calendar under suspension of the rules without objections.

#### MOTION

At 12:07 p.m., on motion of Senator Eide, the Senate adjourned until 12:00 noon Tuesday, January 31, 2012.

BRAD OWEN, President of the Senate

THOMAS HOEMANN, Secretary of the Senate



TWENTY THIRD DAY

NOON SESSION

Senate Chamber, Olympia, Tuesday, January 31, 2012

The Senate was called to order at 12:00 noon by President Owen. No roll call was taken.

MOTION

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

MOTION

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

REPORTS OF STANDING COMMITTEES

January 30, 2012

SB 5808 Prime Sponsor, Senator Kastama: Concerning innovative industries for economic development. Reported by Committee on Economic Development, Trade & Innovation

MAJORITY recommendation: That Substitute Senate Bill No. 5808 be substituted therefor, and the substitute bill do pass. Signed by Senators Kastama, Chair; Baumgartner; Ericksen; Hatfield; Holmquist Newbry; Kilmer; Shin and Zarelli.

Passed to Committee on Ways & Means.

January 30, 2012

SB 5982 Prime Sponsor, Senator Kastama: Creating the joint center for aerospace technology innovation. Reported by Committee on Economic Development, Trade & Innovation

MAJORITY recommendation: That Substitute Senate Bill No. 5982 be substituted therefor, and the substitute bill do pass. Signed by Senators Kastama, Chair; Chase, Vice Chair; Baumgartner; Ericksen; Hatfield; Holmquist Newbry; Kilmer and Shin.

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

Passed to Committee on Ways & Means.

January 30, 2012

SB 5990 Prime Sponsor, Senator Haugen: Creating state flower special license plates. Reported by Committee on Transportation

MAJORITY recommendation: That Substitute Senate Bill No. 5990 be substituted therefor, and the substitute bill do pass. Signed by Senators Haugen, Chair; Eide, Vice Chair; King; Fain; Delvin; Ericksen; Litzow; Rolfes; Sheldon; Shin and Swecker.

Passed to Committee on Rules for second reading.

January 30, 2012

SB 5995 Prime Sponsor, Senator Delvin: Authorizing urban growth area boundary modifications for industrial land. Reported by Committee on Government Operations, Tribal Relations & Elections

MAJORITY recommendation: That Substitute Senate Bill No. 5995 be substituted therefor, and the substitute bill do pass. Signed by Senators Pridmore, Chair; Prentice, Vice Chair; Swecker; Benton; Chase and Roach.

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

Passed to Committee on Rules for second reading.

January 30, 2012

SB 6026 Prime Sponsor, Senator Honeyford: Maintaining and enhancing the viability of agriculture. Reported by Committee on Agriculture, Water & Rural Economic Development

MAJORITY recommendation: Do pass. Signed by Senators Hatfield, Chair; Shin, Vice Chair; Honeyford; Becker; Delvin; Haugen; Hobbs and Schoesler.

Passed to Committee on Rules for second reading.

January 30, 2012

SB 6034 Prime Sponsor, Senator King: Creating "4-H" special license plates. Reported by Committee on Transportation

MAJORITY recommendation: That Substitute Senate Bill No. 6034 be substituted therefor, and the substitute bill do pass. Signed by Senators Haugen, Chair; Eide, Vice Chair; King; Fain; Delvin; Ericksen; Litzow; Rolfes; Sheldon; Shin and Swecker.

Passed to Committee on Rules for second reading.

January 30, 2012

SB 6076 Prime Sponsor, Senator Nelson: Creating a senior center license. Reported by Committee on Labor, Commerce & Consumer Protection

MAJORITY recommendation: Do pass. Signed by Senators Kohl-Welles, Chair; Conway, Vice Chair; King; Keiser and Kline.

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

Passed to Committee on Rules for second reading.

January 30, 2012

SB 6103 Prime Sponsor, Senator Keiser: Requiring registration of reflexologists. Reported by Committee on Health & Long-Term Care

MAJORITY recommendation: That Substitute Senate Bill No. 6103 be substituted therefor, and the substitute bill do pass. Signed by Senators Keiser, Chair; Conway, Vice Chair; Frockt; Kline; Pflug and Pridmore.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Becker and Parlette.

Passed to Committee on Rules for second reading.

January 30, 2012

SB 6113 Prime Sponsor, Senator Prentice: Concerning the disclosure of personally identifying information on certain transit passes and fare payment media. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Haugen, Chair; Eide, Vice Chair; King; Fain; Delvin; Ericksen; Frockt; Hill; Litzow; Rolfes; Sheldon; Shin and Swecker.

Passed to Committee on Rules for second reading.

January 30, 2012

SB 6127 Prime Sponsor, Senator Prentice: Extending the time period for voter registration. Reported by Committee on Government Operations, Tribal Relations & Elections

MAJORITY recommendation: Do pass. Signed by Senators Pridemore, Chair; Prentice, Vice Chair; Chase and Nelson.

MINORITY recommendation: Do not pass. Signed by Senators Swecker and Benton.

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

Passed to Committee on Rules for second reading.

January 30, 2012

SB 6133 Prime Sponsor, Senator Conway: Requiring training for eligibility for certain electrician certifications. Reported by Committee on Labor, Commerce & Consumer Protection

MAJORITY recommendation: Do pass. Signed by Senators Kohl-Welles, Chair; Conway, Vice Chair; Keiser and Kline.

MINORITY recommendation: Do not pass. Signed by Senators Holmquist Newbry and King.

Passed to Committee on Rules for second reading.

January 30, 2012

ESB 6141 Prime Sponsor, Senator Kilmer: Creating a lifelong learning program. Reported by Committee on Economic Development, Trade & Innovation

MAJORITY recommendation: Do pass. Signed by Senators Kastama, Chair; Chase, Vice Chair; Baumgartner; Ericksen; Hatfield; Holmquist Newbry; Kilmer and Shin.

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

Passed to Committee on Rules for second reading.

January 30, 2012

SB 6156 Prime Sponsor, Senator Delvin: Regarding wine producer liens. Reported by Committee on Agriculture, Water & Rural Economic Development

MAJORITY recommendation: Do pass. Signed by Senators Hatfield, Chair; Shin, Vice Chair; Honeyford; Becker; Delvin; Haugen; Hobbs and Schoesler.

Passed to Committee on Rules for second reading.

January 30, 2012

SB 6175 Prime Sponsor, Senator Pridemore: Establishing a government-to-government relationship between state government and federally recognized Indian tribes. Reported by Committee on Government Operations, Tribal Relations & Elections

MAJORITY recommendation: Do pass. Signed by Senators Pridemore, Chair; Prentice, Vice Chair; Swecker; Benton; Chase; Nelson and Roach.

Passed to Committee on Rules for second reading.

January 30, 2012

ESB 6215 Prime Sponsor, Senator Frockt: Establishing an optional transportation benefit district rebate program for low-income individuals. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Haugen, Chair; Eide, Vice Chair; Fain; Frockt; Litzow; Rolfes; Sheldon; Shin and Swecker.

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

MINORITY recommendation: That it be referred without recommendation. Signed by Senators King and Delvin.

Passed to Committee on Rules for second reading.

January 30, 2012

ESB 6217 Prime Sponsor, Senator Holmquist Newbry: Regarding irrigation district administration. Reported by Committee on Agriculture, Water & Rural Economic Development

MAJORITY recommendation: Do pass. Signed by Senators Hatfield, Chair; Shin, Vice Chair; Honeyford; Becker; Delvin; Haugen; Hobbs and Schoesler.

Passed to Committee on Rules for second reading.

January 30, 2012

SB 6227 Prime Sponsor, Senator Conway: Establishing a Medicaid fraud hotline. Reported by Committee on Health & Long-Term Care

MAJORITY recommendation: That Substitute Senate Bill No. 6227 be substituted therefor, and the substitute bill do pass. Signed by Senators Keiser, Chair; Conway, Vice Chair; Frockt; Kline; Pflug and Pridemore.

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MINORITY recommendation: That it be referred without recommendation. Signed by Senators Becker and Parlette.

Passed to Committee on Rules for second reading.

January 30, 2012

SB 6249 Prime Sponsor, Senator Kohl-Welles: Concerning tanning facilities. Reported by Committee on Labor, Commerce & Consumer Protection

MAJORITY recommendation: That Substitute Senate Bill No. 6249 be substituted therefor, and the substitute bill do pass. Signed by Senators Kohl-Welles, Chair; Conway, Vice Chair; Keiser and Kline.

MINORITY recommendation: Do not pass. Signed by Senator Holmquist Newbry.

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

Passed to Committee on Rules for second reading.

January 30, 2012

SB 6250 Prime Sponsor, Senator Regala: Clarifying the definition of leasehold interest. Reported by Committee on Government Operations, Tribal Relations & Elections

MAJORITY recommendation: Do pass. Signed by Senators Pridemore, Chair; Prentice, Vice Chair; Swecker; Benton; Chase; Nelson and Roach.

Passed to Committee on Ways & Means.

January 30, 2012

SB 6270 Prime Sponsor, Senator Becker: Providing that health care professional licensees may not be required to participate in any public or private third-party reimbursement program. Reported by Committee on Health & Long-Term Care

MAJORITY recommendation: Do pass. Signed by Senators Keiser, Chair; Becker; Frockt; Parlette; Pflug and Pridemore.

MINORITY recommendation: Do not pass. Signed by Senators Conway, Vice Chair and Kline.

Passed to Committee on Rules for second reading.

January 30, 2012

SB 6282 Prime Sponsor, Senator Fraser: Revising requirements for the registration of international student visitor exchange programs. Reported by Committee on Government Operations, Tribal Relations & Elections

MAJORITY recommendation: Do pass. Signed by Senators Pridemore, Chair; Prentice, Vice Chair; Swecker; Benton; Chase; Nelson and Roach.

Passed to Committee on Rules for second reading.

January 30, 2012

SB 6289 Prime Sponsor, Senator Rolfes: Facilitating self-employment training. Reported by Committee on Economic Development, Trade & Innovation

MAJORITY recommendation: Do pass. Signed by Senators Kastama, Chair; Chase, Vice Chair; Baumgartner; Ericksen; Hatfield; Holmquist Newbry; Kilmer; Shin and Zarelli.

Passed to Committee on Rules for second reading.

January 30, 2012

SB 6290 Prime Sponsor, Senator Kilmer: Concerning military spouses or registered domestic partners occupational licensing status during deployment or placement outside Washington state. Reported by Committee on Government Operations, Tribal Relations & Elections

MAJORITY recommendation: Do pass. Signed by Senators Pridemore, Chair; Prentice, Vice Chair; Swecker; Benton; Chase; Nelson and Roach.

Passed to Committee on Rules for second reading.

January 30, 2012

SB 6303 Prime Sponsor, Senator Nelson: Authorizing an optional system of rates and charges for conservation districts. Reported by Committee on Agriculture, Water & Rural Economic Development

MAJORITY recommendation: That Substitute Senate Bill No. 6303 be substituted therefor, and the substitute bill do pass. Signed by Senators Hatfield, Chair; Shin, Vice Chair; Honeyford; Becker; Delvin; Haugen; Hobbs and Schoesler.

Passed to Committee on Rules for second reading.

January 30, 2012

SB 6306 Prime Sponsor, Senator Conway: Increasing the penal sum of a surety bond required to be maintained by an appraisal management company. Reported by Committee on Labor, Commerce & Consumer Protection

MAJORITY recommendation: Do pass. Signed by Senators Kohl-Welles, Chair; Conway, Vice Chair; King; Keiser and Kline.

MINORITY recommendation: Do not pass. Signed by Senator Holmquist Newbry.

Passed to Committee on Rules for second reading.

January 30, 2012

SB 6355 Prime Sponsor, Senator Rolfes: Concerning associate development organizations. Reported by Committee on Economic Development, Trade & Innovation

MAJORITY recommendation: That Substitute Senate Bill No. 6355 be substituted therefor, and the substitute bill do pass. Signed by Senators Kastama, Chair; Chase, Vice Chair; Hatfield; Kilmer and Shin.

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

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Baumgartner; Ericksen and Holmquist Newbry.

Passed to Committee on Rules for second reading.

January 30, 2012

SB 6356 Prime Sponsor, Senator Rolfes: Concerning an interagency work group on establishing a single portal for Washington businesses. Reported by Committee on Economic Development, Trade & Innovation

MAJORITY recommendation: That Substitute Senate Bill No. 6356 be substituted therefor, and the substitute bill do pass. Signed by Senators Kastama, Chair; Chase, Vice Chair; Baumgartner; Ericksen; Hatfield; Holmquist Newbry; Kilmer and Shin.

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

Passed to Committee on Rules for second reading.

January 30, 2012

SB 6373 Prime Sponsor, Senator Kilmer: Concerning economic development by requiring performance audits of certain permit practices by the state auditor. Reported by Committee on Economic Development, Trade & Innovation

MAJORITY recommendation: Do pass. Signed by Senators Kastama, Chair; Chase, Vice Chair; Baumgartner; Ericksen; Hatfield; Holmquist Newbry; Kilmer; Shin and Zarelli.

Passed to Committee on Ways & Means.

January 30, 2012

SB 6383 Prime Sponsor, Senator Benton: Regarding Washington interscholastic activities association penalties. Reported by Committee on Government Operations, Tribal Relations & Elections

MAJORITY recommendation: That Substitute Senate Bill No. 6383 be substituted therefor, and the substitute bill do pass. Signed by Senators Pridemore, Chair; Prentice, Vice Chair; Swecker; Benton; Chase; Nelson and Roach.

Passed to Committee on Rules for second reading.

January 30, 2012

SB 6391 Prime Sponsor, Senator Keiser: Repealing the requirement for a study and report concerning direct practices that the office of the insurance commissioner must provide to the legislature. Reported by Committee on Health & Long-Term Care

MAJORITY recommendation: Do pass. Signed by Senators Keiser, Chair; Conway, Vice Chair; Becker; Frockt; Kline; Parlette; Pflug and Pridemore.

Passed to Committee on Rules for second reading.

January 30, 2012

SB 6429 Prime Sponsor, Senator Conway: Promoting state employee wellness and productivity. Reported by Committee on Health & Long-Term Care

MAJORITY recommendation: Do pass. Signed by Senators Keiser, Chair; Conway, Vice Chair; Frockt; Kline; Pflug and Pridemore.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Becker and Parlette.

Passed to Committee on Rules for second reading.

January 30, 2012

SB 6430 Prime Sponsor, Senator Honeyford: Transferring aerial search and rescue activities from the aviation division of the department of transportation to the state military department. Reported by Committee on Government Operations, Tribal Relations & Elections

MAJORITY recommendation: That it be referred without recommendation. Signed by Senators Pridemore, Chair; Prentice, Vice Chair; Swecker; Benton; Chase; Nelson and Roach.

Passed to Committee on Transportation.

January 30, 2012

SB 6526 Prime Sponsor, Senator Becker: Concerning medicaid cost containment. Reported by Committee on Health & Long-Term Care

MAJORITY recommendation: That it be referred without recommendation. Signed by Senators Keiser, Chair; Conway, Vice Chair; Becker; Frockt; Kline; Parlette; Pflug and Pridemore.

Passed to Committee on Ways & Means.

January 30, 2012

SB 6527 Prime Sponsor, Senator Benton: Regulating cellular telephone use by state employees. Reported by Committee on Government Operations, Tribal Relations & Elections

MAJORITY recommendation: That it be referred without recommendation. Signed by Senators Pridemore, Chair; Prentice, Vice Chair; Swecker; Benton; Chase; Nelson and Roach.

Passed to Committee on Ways & Means.

#### MOTION

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

#### MOTION

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

#### MESSAGE FROM THE HOUSE

January 30, 2012

MR. PRESIDENT:

TWENTY THIRD DAY, JANUARY 31, 2012

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The House concurred in the Senate amendment to HOUSE CONCURRENT RESOLUTION NO. 4408 and passed the Resolution as amended by the Senate. and the same is herewith transmitted.

Referred to Committee on Human Services & Corrections.

BARBARA BAKER, Chief Clerk

MESSAGE FROM THE HOUSE

January 30, 2012

MR. PRESIDENT:

The House has passed:

- SUBSTITUTE HOUSE BILL NO. 1057,
- SUBSTITUTE HOUSE BILL NO. 1194,
- SUBSTITUTE HOUSE BILL NO. 1217,
- HOUSE BILL NO. 1327,
- HOUSE BILL NO. 1833,
- HOUSE BILL NO. 2440.

and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MESSAGE FROM THE HOUSE

January 30, 2012

MR. PRESIDENT:

The House has passed:

- SUBSTITUTE HOUSE BILL NO. 1073,
- SUBSTITUTE HOUSE BILL NO. 1259,
- HOUSE BILL NO. 2213,
- HOUSE BILL NO. 2247,
- HOUSE BILL NO. 2283,
- HOUSE BILL NO. 2293,
- HOUSE BILL NO. 2308.

and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MESSAGE FROM THE HOUSE

January 30, 2012

MR. PRESIDENT:

The House has passed:

- SECOND ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1144,
- ENGROSSED HOUSE BILL NO. 2417.

and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

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

INTRODUCTION AND FIRST READING

SB 6549 by Senators Becker, Swecker, Stevens, Litzow, Hill and Roach

AN ACT Relating to adopting a model policy to require a third person to be present during interviews; amending RCW 26.44.030; and providing an effective date.

SB 6550 by Senators Frockt, Keiser, Kohl-Welles, Ranker and Kline

AN ACT Relating to tax reform; amending RCW 82.32.010, 82.03.130, 82.03.140, 2.10.180, 2.12.090, 6.15.020, 41.24.240, 41.35.100, 41.40.052, 41.44.240, 43.43.310, 82.08.020, 82.04.261, 82.04.285, and 82.04.050; reenacting and amending RCW 41.32.052 and 41.26.053; adding a new title to the Revised Code of Washington to be codified as Title 82A RCW; creating a new section; repealing RCW 6.15.025, 82.04.230, 82.04.240, 82.04.2403, 82.04.2404, 82.04.250, 82.04.255, 82.04.257, 82.04.260, 82.04.263, 82.04.270, 82.04.272, 82.04.280, 82.04.290, 82.04.2905, 82.04.2906, 82.04.2907, 82.04.2908, 82.04.2909, 82.04.293, 82.04.294, and 82.04.298; prescribing penalties; providing contingent effective dates; providing an expiration date; and providing for submission of this act to a vote of the people.

Referred to Committee on Ways & Means.

SB 6551 by Senators Stevens, King, Morton, Schoesler, Holmquist Newbry and Swecker

AN ACT Relating to providing transparency and legislative oversight of tribal fuel tax agreements; amending RCW 82.36.450 and 82.38.310; and declaring an emergency.

Referred to Committee on Transportation.

SB 6552 by Senator Morton

AN ACT Relating to clarifying the definition of qualifying utility in the energy independence act; amending RCW 19.285.030; and adding a new section to chapter 19.285 RCW.

Referred to Committee on Energy, Natural Resources & Marine Waters.

SB 6553 by Senators Prentice, Conway, Chase, Benton, Carrell, McAuliffe, Nelson, Harper, Frockt, Kohl-Welles, Fraser, Pridemore and Roach

AN ACT Relating to school district employer pooled benefits; and amending RCW 28A.400.280.

Referred to Committee on Ways & Means.

SB 6554 by Senator Kastama

AN ACT Relating to the consolidation of the liquor control board into the gambling commission; amending RCW 9.46.0221, 9.46.040, 9.46.060, 9.46.071, 9.46.085, 9.46.360, and 9.46.400; adding a new section to chapter 9.46 RCW; creating a new section; and repealing RCW 66.08.012.

Referred to Committee on Labor, Commerce & Consumer Protection.

SB 6555 by Senators Hargrove, Shin and Roach

AN ACT Relating to child protective services; amending RCW 26.44.030, 26.44.031, 26.44.050, and 26.44.125;

reenacting and amending RCW 26.44.020, 74.13.020, and 74.13.031; adding new sections to chapter 26.44 RCW; and providing an effective date.

Referred to Committee on Ways & Means.

SB 6556 by Senators Keiser and Regala

AN ACT Relating to establishing a diabetes action team public- private partnership; creating new sections; and providing an expiration date.

Referred to Committee on Ways & Means.

SB 6557 by Senator Zarelli

AN ACT Relating to directing existing real estate excise taxes to the general fund; and reenacting and amending RCW 82.45.060.

Referred to Committee on Ways & Means.

SB 6558 by Senators Ranker and Hargrove

AN ACT Relating to using conservation achieved by a qualifying utility in excess of its biennial acquisition target under the energy independence act; and amending RCW 19.285.040.

Referred to Committee on Energy, Natural Resources & Marine Waters.

SB 6559 by Senators Ranker, Hargrove and Shin

AN ACT Relating to modifying the definition of nonpower attributes in the energy independence act; and amending RCW 19.285.030.

Referred to Committee on Energy, Natural Resources & Marine Waters.

SB 6560 by Senators Ranker and Hargrove

AN ACT Relating to modifying the definition of high-efficiency cogeneration in the energy independence act; and amending RCW 19.285.040.

Referred to Committee on Energy, Natural Resources & Marine Waters.

SB 6561 by Senators Ranker and Hargrove

AN ACT Relating to adding spent pulping liquors and liquors derived from algae and other sources to the definition of renewable resource in the energy independence act; and amending RCW 19.285.030.

Referred to Committee on Energy, Natural Resources & Marine Waters.

SB 6562 by Senators McAuliffe, Eide and Shin

AN ACT Relating to requiring the establishment of an automated external defibrillator program for each high school

in the state; and adding new sections to chapter 28A.150 RCW.

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

SB 6563 by Senators Brown, Harper, Hobbs, Murray, Pridemore, Delvin, Kohl-Welles, Chase, Shin and Conway

AN ACT Relating to merging plan 1 and plan 2 of the law enforcement officers' and firefighters' retirement system; amending RCW 41.26.080, 41.50.075, 41.26.710, 41.26.715, 41.26.717, 41.26.720, 41.26.725, 41.26.732, 41.45.010, 41.45.035, 41.45.050, 41.45.060, 41.45.0604, 41.45.067, 41.45.070, 41.04.278, and 41.50.255; reenacting and amending RCW 43.84.092; creating new sections; and declaring an emergency.

Referred to Committee on Ways & Means.

SB 6564 by Senators Keiser and Tom

AN ACT Relating to prohibiting roll your own tobacco machines; and adding a new section to chapter 70.158 RCW.

Referred to Committee on Ways & Means.

SB 6565 by Senators Murray, Prentice, Shin, Frockt, Kline and Conway

AN ACT Relating to residency requirements for the state need grant; and amending RCW 28B.92.010.

Referred to Committee on Higher Education & Workforce Development.

SB 6566 by Senators Litzow and Hobbs

AN ACT Relating to when a judgment lien on real property commences; and amending RCW 4.56.200.

Referred to Committee on Judiciary.

#### INTRODUCTION AND FIRST READING OF HOUSE BILLS

SHB 1057 by House Committee on Labor & Workforce Development (originally sponsored by Representatives Hudgins, Green and Reykdal)

AN ACT Relating to the creation of the farm labor account; and reenacting RCW 19.30.030.

Referred to Committee on Labor, Commerce & Consumer Protection.

SHB 1073 by House Committee on Judiciary (originally sponsored by Representatives Kelley, McCoy, Green and Van De Wege)

AN ACT Relating to the disposition of remains of persons who died while serving on active duty in any branch of the United States armed forces, United States reserve forces, or national guard; and amending RCW 68.50.160.

Referred to Committee on Government Operations, Tribal Relations & Elections.

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2E2SHB 1144 by House Committee on Ways & Means (originally sponsored by Representatives McCoy, Crouse, Eddy, Morris, Haler, Kelley, Lias, Jacks, Frockt and Hudgins)

AN ACT Relating to renewable energy investment cost recovery program; and amending RCW 82.16.110, 82.16.120, and 82.16.130.

Referred to Committee on Energy, Natural Resources & Marine Waters.

SHB 1194 by House Committee on Public Safety & Emergency Preparedness (originally sponsored by Representatives Kelley and Ladenburg)

AN ACT Relating to bail for felony offenses; amending 2010 c 254 s 2 (uncodified); and adding a new section to chapter 10.19 RCW.

Referred to Committee on Judiciary.

SHB 1217 by House Committee on Transportation (originally sponsored by Representatives Ryu, Pedersen, Johnson, Klippert, Maxwell, Finn, Kenney, Santos, Springer, Ladenburg, Appleton, Lias, McCoy, Miloscia, Fitzgibbon, Kagi, Roberts and Billig)

AN ACT Relating to local authorities altering maximum speed limits; and amending RCW 46.61.415.

Referred to Committee on Transportation.

SHB 1259 by House Committee on Judiciary (originally sponsored by Representatives Seaquist and Kelley)

AN ACT Relating to the notice requirement for homeowners' associations meetings; and amending RCW 64.38.035.

Referred to Committee on Financial Institutions, Housing & Insurance.

HB 1327 by Representatives Kirby, Warnick, Miloscia, Fitzgibbon and Roberts

AN ACT Relating to increasing the permissible deposit of public funds with credit unions and authorizing the deposit of public funds at federally chartered credit unions; and amending RCW 39.58.240.

Referred to Committee on Financial Institutions, Housing & Insurance.

HB 1833 by Representatives Finn and Rolfes

AN ACT Relating to motorcycle safety; and amending RCW 46.20.520.

Referred to Committee on Transportation.

HB 2213 by Representatives Chandler, Van De Wege and Johnson

AN ACT Relating to modifying certain definitions for the purpose of firefighting services for unprotected lands; and amending RCW 52.12.160.

Referred to Committee on Government Operations, Tribal Relations & Elections.

HB 2247 by Representatives Green, Cody, Billig, Fitzgibbon, Reykdal, Maxwell, Jinkins, Finn, Moeller and Ryu

AN ACT Relating to expanding the types of medications that a public or private school employee may administer to include topical medication, eye drops, and ear drops; and amending RCW 28A.210.260 and 28A.210.270.

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

HB 2283 by Representatives Hunt and Reykdal

AN ACT Relating to special parking privileges for persons with disabilities; and amending RCW 46.19.030.

Referred to Committee on Transportation.

HB 2293 by Representatives Pedersen, Rodne and Orwall

AN ACT Relating to the nonprofit miscellaneous and mutual corporations act; and amending RCW 24.06.032.

Referred to Committee on Judiciary.

HB 2308 by Representatives Rodne and Pedersen

AN ACT Relating to awarding of costs, including attorneys' fees, in actions challenging actions taken by professional peer review bodies; amending RCW 7.71.030; and adding a new section to chapter 7.71 RCW.

Referred to Committee on Judiciary.

EHB 2417 by Representatives Shea and Reykdal

AN ACT Relating to increasing the dollar amount for construction of a dock that does not qualify as a substantial development under the shoreline management act; and reenacting and amending RCW 90.58.030.

Referred to Committee on Energy, Natural Resources & Marine Waters.

HB 2440 by Representatives Wilcox, Blake, Chandler, Van De Wege, Warnick, McCune, Johnson, Stanford, Hurst, Hinkle and Moscoso

AN ACT Relating to authorizing the department of natural resources to provide wildfire protection services for public lands managed by state agencies; and amending RCW 76.04.015 and 76.04.135.

Referred to Committee on Energy, Natural Resources & Marine Waters.

MOTION

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

MOTION

At 12:04 p.m., on motion of Senator Eide, the Senate adjourned until 10:00 a.m. Wednesday, February 1, 2012.

BRAD OWEN, President of the Senate

THOMAS HOEMANN, Secretary of the Senate



TWENTY FOURTH DAY

MORNING SESSION

Senate Chamber, Olympia, Wednesday, February 1, 2012

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

The Sergeant at Arms Color Guard consisting of Pages Turi Abbott and Claire Pepple, presented the Colors. Pastor James Maultsby, Oakridge Ministries of Rainier offered the prayer.

MOTION

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

MOTION

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

REPORTS OF STANDING COMMITTEES

January 30, 2012

SB 5737 Prime Sponsor, Senator Kastama: Promoting economic development by establishing an intuitive trade assistance web portal. Reported by Committee on Economic Development, Trade & Innovation

MAJORITY recommendation: That Substitute Senate Bill No. 5737 be substituted therefor, and the substitute bill do pass. Signed by Senators Kastama, Chair; Chase, Vice Chair; Hatfield; Kilmer; Shin and Zarelli.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Baumgartner; Ericksen and Holmquist Newbry.

Passed to Committee on Rules for second reading.

January 31, 2012

SB 5978 Prime Sponsor, Senator Pflug: Concerning medicaid fraud. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 5978 as recommended by Committee on Health & Long-Term Care be substituted therefor, and the substitute bill do pass. Signed by Senators Murray, Chair; Kilmer, Vice Chair, Capital Budget Chair; Brown; Conway; Fraser; Harper; Kastama; Keiser; Kohl-Welles; Pflug; Regala and Tom.

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

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Zarelli; Parlette; Baumgartner; Hewitt; Padden and Schoesler.

Passed to Committee on Rules for second reading.

January 31, 2012

SB 6009 Prime Sponsor, Senator Carrell: Regarding ethics in public service. Reported by Committee on Government Operations, Tribal Relations & Elections

MAJORITY recommendation: That Substitute Senate Bill No. 6009 be substituted therefor, and the substitute bill do pass. Signed by Senators Pridemore, Chair; Prentice, Vice Chair; Swecker; Benton; Chase; Nelson and Roach.

Passed to Committee on Rules for second reading.

January 31, 2012

SB 6060 Prime Sponsor, Senator Keiser: Allowing day spas to offer or supply without charge wine or beer by the individual glass to a customer for consumption on the premises. Reported by Committee on Labor, Commerce & Consumer Protection

MAJORITY recommendation: That Substitute Senate Bill No. 6060 be substituted therefor, and the substitute bill do pass. Signed by Senators Kohl-Welles, Chair; Conway, Vice Chair; King; Keiser and Kline.

Passed to Committee on Rules for second reading.

January 31, 2012

SB 6077 Prime Sponsor, Senator Nelson: Generating additional revenue from the sale of solid fuel burning devices. Reported by Committee on Environment

MAJORITY recommendation: Do pass. Signed by Senators Nelson, Chair; Rolfes, Vice Chair; Chase; Fraser and Pridemore.

MINORITY recommendation: Do not pass. Signed by Senators Ericksen; Honeyford; Morton and Sheldon.

Passed to Committee on Ways & Means.

January 31, 2012

SB 6102 Prime Sponsor, Senator Regala: Protecting air quality that is impacted by high emitting solid fuel burning devices. Reported by Committee on Environment

MAJORITY recommendation: Do pass. Signed by Senators Nelson, Chair; Rolfes, Vice Chair; Ericksen; Chase; Fraser and Pridemore.

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

Passed to Committee on Rules for second reading.

January 31, 2012

SB 6108 Prime Sponsor, Senator Harper: Clarifying the location at which the crime of theft of rental, leased, lease-purchased, or loaned property occurs. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Senators Kline, Chair; Pflug; Carrell; Hargrove; Kohl-Welles; Padden; Regala and Roach.

Passed to Committee on Rules for second reading.

January 30, 2012

SB 6140 Prime Sponsor, Senator Kilmer: Concerning local economic development financing. Reported by Committee on Economic Development, Trade & Innovation

MAJORITY recommendation: That Substitute Senate Bill No. 6140 be substituted therefor, and the substitute bill do pass. Signed by Senators Kastama, Chair; Chase, Vice Chair; Ericksen; Hatfield; Kilmer; Shin and Zarelli.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Baumgartner and Holmquist Newbry.

Passed to Committee on Rules for second reading.

January 30, 2012

SB 6142 Prime Sponsor, Senator Kilmer: Changing agency regulatory practices. Reported by Committee on Economic Development, Trade & Innovation

MAJORITY recommendation: That Substitute Senate Bill No. 6142 be substituted therefor, and the substitute bill do pass. Signed by Senators Kastama, Chair; Chase, Vice Chair; Ericksen; Hatfield; Holmquist Newbry; Kilmer; Shin and Zarelli.

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

Passed to Committee on Rules for second reading.

January 30, 2012

SB 6144 Prime Sponsor, Senator Ranker: Authorizing the department of natural resources to provide wildfire protection services for public lands managed by state agencies. Reported by Committee on Energy, Natural Resources & Marine Waters

MAJORITY recommendation: Do pass. Signed by Senators Ranker, Chair; Regala, Vice Chair; Delvin; Morton; Fraser; Hargrove; Stevens and Swecker.

Passed to Committee on Rules for second reading.

January 31, 2012

SB 6162 Prime Sponsor, Senator Regala: Concerning missing endangered persons. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Senators Kline, Chair; Pflug; Carrell; Hargrove; Kohl-Welles; Padden; Regala and Roach.

Passed to Committee on Rules for second reading.

January 31, 2012

SB 6163 Prime Sponsor, Senator Ericksen: Directing the department of ecology to coordinate discussions with the province of British Columbia to study the feasibility of providing new water supplies and storage to benefit residents of western Washington. Reported by Committee on Agriculture, Water & Rural Economic Development

MAJORITY recommendation: That Substitute Senate Bill No. 6163 be substituted therefor, and the substitute bill do pass. Signed by Senators Hatfield, Chair; Shin, Vice Chair; Honeyford; Becker; Delvin; Haugen; Hobbs and Schoesler.

Passed to Committee on Rules for second reading.

January 30, 2012

SB 6168 Prime Sponsor, Senator Ranker: Setting a deadline for developing guidance for the siting of renewable energy facilities in the state's marine waters. Reported by Committee on Energy, Natural Resources & Marine Waters

MAJORITY recommendation: Do pass. Signed by Senators Ranker, Chair; Regala, Vice Chair; Delvin; Morton; Fraser; Hargrove; Stevens and Swecker.

Passed to Committee on Rules for second reading.

January 31, 2012

SB 6181 Prime Sponsor, Senator Keiser: Regulating insurers and insurance products. Reported by Committee on Financial Institutions, Housing & Insurance

MAJORITY recommendation: Do pass. Signed by Senators Hobbs, Chair; Prentice, Vice Chair; Benton; Fain; Haugen; Keiser and Litzow.

Passed to Committee on Rules for second reading.

January 30, 2012

SB 6188 Prime Sponsor, Senator Ranker: Clarifying procedures for appealing the adoption of a local shoreline master program by ensuring consistency with existing procedural provisions of the growth management act, chapter 36.70A RCW, the administrative procedure act, chapter 34.05 RCW, and the state environmental policy act, chapter 43.21C RCW. Reported by Committee on Energy, Natural Resources & Marine Waters

MAJORITY recommendation: That Substitute Senate Bill No. 6188 be substituted therefor, and the substitute bill do pass. Signed by Senators Ranker, Chair; Regala, Vice Chair; Delvin; Morton; Fraser; Hargrove; Stevens and Swecker.

Passed to Committee on Rules for second reading.

January 31, 2012

SB 6198 Prime Sponsor, Senator Pridemore: Centralizing the authority and responsibility for the development, process, and oversight of state procurement of goods and services. Reported by Committee on Government Operations, Tribal Relations & Elections

MAJORITY recommendation: That Substitute Senate Bill No. 6198 be substituted therefor, and the substitute bill do pass. Signed by Senators Pridemore, Chair; Prentice, Vice Chair; Swecker; Benton; Chase; Nelson and Roach.

Passed to Committee on Rules for second reading.

January 30, 2012

SB 6220 Prime Sponsor, Senator Nelson: Regarding the effective date of RCW 19.122.130, from the underground utility

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damage prevention act. Reported by Committee on Energy, Natural Resources & Marine Waters

MAJORITY recommendation: Do pass. Signed by Senators Ranker, Chair; Regala, Vice Chair; Delvin; Morton; Fraser; Hargrove; Stevens and Swecker.

Passed to Committee on Rules for second reading.

January 31, 2012

SB 6235 Prime Sponsor, Senator Hobbs: Regulating the licensing of escrow agents. Reported by Committee on Financial Institutions, Housing & Insurance

MAJORITY recommendation: That Substitute Senate Bill No. 6235 be substituted therefor, and the substitute bill do pass. Signed by Senators Hobbs, Chair; Prentice, Vice Chair; Benton; Fain; Haugen; Keiser and Litzow.

Passed to Committee on Rules for second reading.

January 30, 2012

SB 6238 Prime Sponsor, Senator Brown: Revising provisions concerning regulation of aviation biofuels production. Reported by Committee on Energy, Natural Resources & Marine Waters

MAJORITY recommendation: That Substitute Senate Bill No. 6238 be substituted therefor, and the substitute bill do pass. Signed by Senators Ranker, Chair; Regala, Vice Chair; Delvin; Morton; Hargrove; Stevens and Swecker.

Passed to Committee on Rules for second reading.

January 31, 2012

SB 6252 Prime Sponsor, Senator Kline: Addressing commercial sexual abuse of a minor and promoting prostitution in the first degree. Reported by Committee on Judiciary

MAJORITY recommendation: That Substitute Senate Bill No. 6252 be substituted therefor, and the substitute bill do pass. Signed by Senators Harper, Vice Chair; Carrell; Kohl-Welles; Padden; Regala and Roach.

Passed to Committee on Rules for second reading.

January 31, 2012

SB 6253 Prime Sponsor, Senator Eide: Concerning seizure and forfeiture of property in commercial sexual abuse of a minor and promoting prostitution in the first degree crimes. Reported by Committee on Judiciary

MAJORITY recommendation: That Substitute Senate Bill No. 6253 be substituted therefor, and the substitute bill do pass. Signed by Senators Harper, Vice Chair; Carrell; Kohl-Welles; Padden; Regala and Roach.

Passed to Committee on Rules for second reading.

January 30, 2012

SB 6263 Prime Sponsor, Senator Ranker: Facilitating marine management planning. Reported by Committee on Energy, Natural Resources & Marine Waters

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MAJORITY recommendation: That Substitute Senate Bill No. 6263 be substituted therefor, and the substitute bill do pass. Signed by Senators Ranker, Chair; Regala, Vice Chair; Delvin; Morton; Fraser; Hargrove; Stevens and Swecker.

Passed to Committee on Ways & Means.

January 30, 2012

SB 6265 Prime Sponsor, Senator Kohl-Welles: Addressing the medical use of cannabis. Reported by Committee on Health & Long-Term Care

MAJORITY recommendation: That Substitute Senate Bill No. 6265 be substituted therefor, and the substitute bill do pass. Signed by Senators Keiser, Chair; Frockt; Kline; Pflug and Pridemore.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Becker and Parlette.

Passed to Committee on Ways & Means.

January 31, 2012

SB 6294 Prime Sponsor, Senator Pridemore: Addressing quorum requirements for homeowners' association meetings. Reported by Committee on Financial Institutions, Housing & Insurance

MAJORITY recommendation: That Substitute Senate Bill No. 6294 be substituted therefor, and the substitute bill do pass. Signed by Senators Hobbs, Chair; Prentice, Vice Chair; Benton; Fain; Haugen; Keiser and Litzow.

Passed to Committee on Rules for second reading.

January 31, 2012

SB 6295 Prime Sponsor, Senator Morton: Modifying certain exchange facilitator requirements. Reported by Committee on Financial Institutions, Housing & Insurance

MAJORITY recommendation: That Substitute Senate Bill No. 6295 be substituted therefor, and the substitute bill do pass. Signed by Senators Hobbs, Chair; Prentice, Vice Chair; Benton; Fain; Haugen; Keiser and Litzow.

Passed to Committee on Rules for second reading.

January 31, 2012

SB 6324 Prime Sponsor, Senator Fain: Concerning the obligations of landlords and tenants with respect to carbon monoxide alarms and the disclosure of certain health-related information. Reported by Committee on Financial Institutions, Housing & Insurance

MAJORITY recommendation: Do pass. Signed by Senators Hobbs, Chair; Prentice, Vice Chair; Benton; Fain; Keiser and Litzow.

Passed to Committee on Rules for second reading.

January 31, 2012

SB 6325 Prime Sponsor, Senator Holmquist Newbry: Exempting common interest community managers from real estate broker and managing broker licensing requirements.

Reported by Committee on Labor, Commerce & Consumer Protection

MAJORITY recommendation: That Substitute Senate Bill No. 6325 be substituted therefor, and the substitute bill do pass. Signed by Senators Kohl-Welles, Chair; Conway, Vice Chair; King; Keiser and Kline.

Passed to Committee on Rules for second reading.

January 31, 2012

SB 6337 Prime Sponsor, Senator Frockt: Protecting short sale sellers from payment of forgiven home loan debt if such debt forgiveness is reported to the internal revenue service. Reported by Committee on Financial Institutions, Housing & Insurance

MAJORITY recommendation: That Substitute Senate Bill No. 6337 be substituted therefor, and the substitute bill do pass. Signed by Senators Hobbs, Chair; Prentice, Vice Chair; Benton; Fain; Haugen; Keiser and Litzow.

Passed to Committee on Rules for second reading.

January 30, 2012

SB 6359 Prime Sponsor, Senator Eide: Modifying provisions related to the office of regulatory assistance. Reported by Committee on Economic Development, Trade & Innovation

MAJORITY recommendation: That Substitute Senate Bill No. 6359 be substituted therefor, and the substitute bill do pass. Signed by Senators Kastama, Chair; Chase, Vice Chair; Baumgartner; Ericksen; Kilmer and Shin.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Holmquist Newbry and Zarelli.

Passed to Committee on Rules for second reading.

January 31, 2012

SB 6363 Prime Sponsor, Senator Swecker: Addressing the mobilization of all risk resources during an emergency. Reported by Committee on Government Operations, Tribal Relations & Elections

MAJORITY recommendation: That Substitute Senate Bill No. 6363 be substituted therefor, and the substitute bill do pass. Signed by Senators Pridemore, Chair; Prentice, Vice Chair; Swecker; Benton; Chase; Nelson and Roach.

Passed to Committee on Rules for second reading.

January 31, 2012

SB 6392 Prime Sponsor, Senator Ranker: Establishing a farm internship program. Reported by Committee on Labor, Commerce & Consumer Protection

MAJORITY recommendation: That Substitute Senate Bill No. 6392 be substituted therefor, and the substitute bill do pass. Signed by Senators Kohl-Welles, Chair; Conway, Vice Chair; Holmquist Newbry; King; Keiser and Kline.

Passed to Committee on Rules for second reading.

January 31, 2012

SB 6443 Prime Sponsor, Senator Haugen: Addressing the notice given to owners of life insurance policies about alternative transactions. Reported by Committee on Financial Institutions, Housing & Insurance

MAJORITY recommendation: That Substitute Senate Bill No. 6443 be substituted therefor, and the substitute bill do pass. Signed by Senators Hobbs, Chair; Prentice, Vice Chair; Benton; Fain; Haugen; Keiser and Litzow.

Passed to Committee on Rules for second reading.

January 31, 2012

SB 6465 Prime Sponsor, Senator Holmquist Newbry: Concerning raffles exceeding five thousand dollars. Reported by Committee on Labor, Commerce & Consumer Protection

MAJORITY recommendation: Do pass. Signed by Senators Kohl-Welles, Chair; Conway, Vice Chair; Holmquist Newbry; King; Keiser and Kline.

Passed to Committee on Rules for second reading.

January 31, 2012

SB 6472 Prime Sponsor, Senator Harper: Concerning disclosure of carbon monoxide alarms in real estate transactions. Reported by Committee on Financial Institutions, Housing & Insurance

MAJORITY recommendation: That Substitute Senate Bill No. 6472 be substituted therefor, and the substitute bill do pass. Signed by Senators Hobbs, Chair; Prentice, Vice Chair; Benton; Fain; Haugen and Litzow.

Passed to Committee on Rules for second reading.

January 31, 2012

SB 6512 Prime Sponsor, Senator Holmquist Newbry: Regarding irrigation and rehabilitation district administration. Reported by Committee on Agriculture, Water & Rural Economic Development

MAJORITY recommendation: That Substitute Senate Bill No. 6512 be substituted therefor, and the substitute bill do pass. Signed by Senators Hatfield, Chair; Shin, Vice Chair; Honeyford; Becker; Delvin; Haugen; Hobbs and Schoesler.

Passed to Committee on Rules for second reading.

January 31, 2012

SB 6542 Prime Sponsor, Senator Chase: Regarding the assignment of intellectual property rights at institutions of higher education. Reported by Committee on Higher Education & Workforce Development

MAJORITY recommendation: That it be referred without recommendation. Signed by Senators Tom, Chair; Shin, Vice Chair; Hill; Becker; Frockt; Kastama; Kilmer and Stevens.

Passed to Committee on Economic Development, Trade & Innovation.

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SB 6566 Prime Sponsor, Senator Litzow: Adjusting when a judgment lien on real property commences. Reported by Committee on Judiciary

Member of the Investment Board. Reported by Committee on Ways & Means

MAJORITY recommendation: That it be referred without recommendation. Signed by Senators Kline, Chair; Harper, Vice Chair; Pflug; Hargrove; Kohl-Welles; Padden; Regala and Roach.

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Murray, Chair; Kilmer, Vice Chair, Capital Budget Chair; Zarelli; Parlette; Brown; Conway; Fraser; Harper; Hatfield; Kastama; Keiser; Kohl-Welles; Padden; Pflug and Regala.

Passed to Committee on Financial Institutions, Housing & Insurance.

MINORITY recommendation: That said appointment be referred without recommendation. Signed by Senators Baumgartner; Schoesler and Tom.

REPORTS OF STANDING COMMITTEES  
GUBERNATORIAL APPOINTMENTS

Passed to Committee on Rules for second reading.

January 31, 2012

MOTION

SGA 9144 JUDI OWENS, reappointed on January 6, 2011, for the term ending at the governors pleasure, as Member of the Investment Board. Reported by Committee on Ways & Means

On motion of Eide, all measures listed on the Standing Committee report were referred to the committees as designated with the exception of Senate Bill No. 6140, Senate Bill No. 6163 which were referred to the Committee on Ways & Means and Senate Bill No. 6265 which was referred to the Committee on Rules.

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Murray, Chair; Kilmer, Vice Chair, Capital Budget Chair; Zarelli; Parlette; Brown; Conway; Fraser; Harper; Hatfield; Kastama; Keiser; Kohl-Welles; Padden; Pflug; Regala and Schoesler.

MOTION

MINORITY recommendation: That said appointment be referred without recommendation. Signed by Senators Baumgartner and Tom.

On motion of Senator Eide, the Senate advanced to the third order of business.

Passed to Committee on Rules for second reading.

MESSAGE FROM THE GOVERNOR  
GUBERNATORIAL APPOINTMENTS

January 31, 2012

January 31, 2012

SGA 9153 MIKE RAGAN, reappointed on March 11, 2011, for the term ending at the governors pleasure, as Member of the Investment Board. Reported by Committee on Ways & Means

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Murray, Chair; Kilmer, Vice Chair, Capital Budget Chair; Zarelli; Parlette; Brown; Conway; Fraser; Harper; Hatfield; Kastama; Keiser; Kohl-Welles; Padden; Pflug and Regala.

I have the honor to submit the following appointment, subject to your confirmation.

Lewis Edelmet, appointed January 24, 2012, for the term ending October 1, 2013, as Member of The Life Sciences Discovery Fund Authority Board of Trustees.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Labor, Commerce & Consumer Protection.

MINORITY recommendation: That said appointment be referred without recommendation. Signed by Senators Baumgartner; Schoesler and Tom.

MOTION

Passed to Committee on Rules for second reading.

On motion of Senator Eide, the appointee listed on the Gubernatorial Appointment report was referred to the committee as designated.

MOTION

January 31, 2012  
SGA 9248 AMIT RANADE, appointed on December 1, 2011, for the term ending December 31, 2015, as Member of the Public Disclosure Commission. Reported by Committee on Government Operations, Tribal Relations & Elections

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

INTRODUCTION AND FIRST READING

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Pridemore, Chair; Prentice, Vice Chair; Swecker; Chase; Nelson and Roach.

SB 6567 by Senators Zarelli and Benton

Passed to Committee on Rules for second reading.

AN ACT Relating to modifying the state expenditure limit to ensure that the paramount duty of educating children is met through a reprioritization of state government expenditures; amending RCW 43.135.025; creating a new section; and providing an effective date.

January 31, 2012  
SGA 9272 NATASHA K PRANGER, appointed on January 1, 2012, for the term ending December 31, 2014, as

Referred to Committee on Ways & Means.

SB 6568 by Senators Pridemore and Shin

AN ACT Relating to establishing the center for childhood deafness and hearing loss account and the school for the blind account; amending RCW 43.79A.040; adding new sections to chapter 72.40 RCW; and providing an effective date.

Referred to Committee on Ways & Means.

SB 6569 by Senator Morton

AN ACT Relating to vehicle dealers in counties with a population of ten thousand or less; amending RCW 46.70.021 and 46.70.115; and prescribing penalties.

Referred to Committee on Transportation.

SB 6570 by Senators Keiser, Kohl-Welles, Conway, Kline and Benton

AN ACT Relating to family and medical leave; amending RCW 49.86.005, 49.86.010, 49.86.020, 49.86.030, 49.86.050, 49.86.060, 49.86.070, 49.86.080, 49.86.090, 49.86.100, 49.86.110, 49.86.120, 49.86.130, 49.86.140, 49.86.160, 49.86.170, 49.86.180, 43.79A.040, 49.86.210, 50.29.021, and 50.29.021; reenacting and amending RCW 34.05.328; adding new sections to chapter 49.86 RCW; adding a new section to chapter 82.04 RCW; repealing RCW 49.86.040; providing an effective date; and providing expiration dates.

Referred to Committee on Labor, Commerce & Consumer Protection.

SB 6571 by Senator Kohl-Welles

AN ACT Relating to strengthening the department of revenue's ability to collect spirits taxes imposed under RCW 82.08.150; amending RCW 82.03.190, 66.24.010, 66.08.150, 34.05.422, and 82.32.145; reenacting and amending RCW 82.32.080; adding a new section to chapter 82.08 RCW; adding a new section to chapter 66.28 RCW; creating a new section; and declaring an emergency.

Referred to Committee on Ways & Means.

SB 6572 by Senators Harper, Schoesler, Hobbs, Swecker, Hatfield, Roach, Pridemore, Fain, Conway, Shin and Benton

AN ACT Relating to interpreter services; and adding a new section to chapter 43.19 RCW.

Referred to Committee on Ways & Means.

SB 6573 by Senators Chase, Pridemore, Rolfes, Conway and Kline

AN ACT Relating to addressing unemployment in the construction industry; adding a new chapter to Title 39 RCW; and prescribing penalties.

Referred to Committee on Labor, Commerce & Consumer Protection.

SB 6574 by Senators Kohl-Welles, Frockt and Kline

AN ACT Relating to authorizing certain cities in which stadium and exhibition centers are located to impose admissions taxes in limited circumstances; and amending RCW 36.38.010.

Referred to Committee on Ways & Means.

SB 6575 by Senators Kline, Hargrove and Keiser

AN ACT Relating to the early release offenders; amending RCW 9.94A.728; and adding a new section to chapter 9.94A RCW.

Referred to Committee on Human Services & Corrections.

SB 6576 by Senators Brown and Tom

AN ACT Relating to allowing school districts to charge for the reasonable costs of responding to public records requests; amending RCW 42.56.120; and adding a new section to chapter 28A.320 RCW.

Referred to Committee on Ways & Means.

SB 6577 by Senators Brown and Conway

AN ACT Relating to offering health benefit subsidies for certain retired public employees; and adding a new section to chapter 41.05 RCW.

Referred to Committee on Ways & Means.

#### MOTION

On motion of Senator Eide, all measures listed on the Introduction and First Reading report were referred to the committees as designated with the exception of Senate Bill No. 6572 which was referred to the Committee on Ways & Means.

#### MOTION

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

#### MOTION

Senator Kohl-Welles moved adoption of the following resolution:

#### SENATE RESOLUTION 8673

By Senators Kohl-Welles, Fraser, Brown, Kilmer, Murray, Parlette, Tom, Harper, Conway, Baumgartner, Rolfes, Regala, Kastama, Chase, Padden, Pridemore, Keiser, Nelson, Ranker, Benton, McAuliffe, and Roach

WHEREAS, Participation in athletics is one of the most effective ways for girls and women in the United States to develop leadership skills, discipline, initiative, and self-confidence; and

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WHEREAS, Female athletes now compete in twenty-eight of the thirty-two total events held during the Winter and Summer Olympic Games; and

WHEREAS, One in three girls participates in high school sports; and

WHEREAS, Girls and women who participate in sports are shown to improve cardiovascular fitness, muscle strength, fatigue, anxiety, self-esteem, depression, happiness, and several components of quality of life; and

WHEREAS, Adolescent and teen female athletes are more likely to have positive body images and sport participation can be used as a therapeutic and preventative intervention for enhancing physical and mental health; and

WHEREAS, Participation in sports produces a positive self-concept, educational aspirations, better school attendance, higher math and science enrollment, more time spent on homework, and more enrollment in honors courses; and

WHEREAS, Eighty-two percent of executive businesswomen participated in organized sports during secondary school; and

WHEREAS, The bonds formed among girls and women through sports help to break down the social barriers of prejudice and discrimination; and

WHEREAS, High schools and universities across Washington State continue to produce and support elite athletes who are motivated and successful in their future endeavors; and

WHEREAS, The National Girls and Women in Sports Coalition declared February 1, 2012, to be the 26th annual National Girls and Women in Sports day; and

WHEREAS, High school girls' athletic teams in the state of Washington have achieved many triumphs and successes that provide an inspiration to promote the values of teamwork and cooperation; and

WHEREAS, Washington's high schools and universities foster outstanding achievements in girls' and women's sports, such as volleyball, softball, basketball, soccer, tennis, lacrosse, crew, and wrestling. This includes accomplishments for Washington State teams such as Metro League Champions, WIAA tournament first team selections, State Academic Awards, State championships, Elite Eight NCAA tournaments winners, NCAA super regional teams, All-Big Sky conference honors, and All-American individual honors; and

WHEREAS, Washington State's high school girls' teams have achieved many accomplishments that continue to provide a foundation for future generations of young athletes to commit to the ideas of leadership and teamwork; and

WHEREAS, Skyline High School's girls' soccer team won the state championships; and

WHEREAS, Holy Names Academy's track team were Metro League Champions, SeaKing District 2 Champions, and WIAA 3A State Champions; and

WHEREAS, Holy Names Academy's Erika Johnson was Seattle Times' Washington State Player of the year 2011 for Basketball, and McDonald's All America High School Nominee; and

WHEREAS, Auburn High School's Katrynia Todd won the State Championships in Girls' Wrestling; and

WHEREAS, Forest Ridge School of the Sacred Heart's girls' soccer team won the State Academic award by having the highest GPA of 1A girls soccer teams in Washington State with a 3.78 average; and

WHEREAS, Bainbridge High School's girls' swim and dive team placed second in the 3A state championships; and

WHEREAS, Bainbridge High School's girls' lacrosse team won the state championships; and

WHEREAS, Caitlin Chambers of Mercer Island High School was the diving champion for the 4A girls' swim league; and

WHEREAS, Out of the 808 total athletes at the University of Washington, 413 are female; at Gonzaga University 204 out of 394 are female; and 198 out of 378 athletes at Seattle University are female; and

WHEREAS, Northwest University's women's soccer team had six all-conference female players named players of the year and were finalists in the conference championship; and

WHEREAS, Central Washington University's women's softball team won first place in the Great Northwest Athletic conference for the second year in a row; and

WHEREAS, Kelsey Haupert of Central Washington University led the nation in home runs for Division 2; and

WHEREAS, Stacey Hagensen of Pacific Lutheran University was named Northwest Conference Pitcher of the Year for Softball; and

WHEREAS, Gonzaga University's Janelle Bekkering represented Canada at the 2010 "Federation Internationale de Basketball Amateur" (FIBA) World Championships for women's basketball; and

WHEREAS, Western Washington's women's rowing squad won its seventh straight National Collegiate Athletic Association National Crown which is the longest winning streak by any school in any division; and

WHEREAS, Western Washington's Sara Porter was named an All-American in women's cross country, indoor track and field, and outdoor track and field and was named Great Northwest Athletic Conference Woman Athlete of the Year; and

WHEREAS, Eastern Washington University had fourteen student athletes from Washington State to earn All-Big Sky conference honors; and

WHEREAS, Eastern Washington University's women's volleyball team tied for the best overall GPA of any squad, men or women's, in the Big Sky conference for the 2010-2011 academic year; and

WHEREAS, Kyla Evans from Eastern Washington University was one of twenty-nine female student athletes among I, II, and III schools in the nation to receive a NCAA postgraduate grant to be used toward completion of an advanced degree; and

WHEREAS, Washington State University had a total of six women from women's track and field, women's rowing, and women's volleyball named All-American athletes; and

WHEREAS, Seattle Pacific University had four women's teams, soccer, volleyball, indoor track, and outdoor track, make it into the Great Northwest Athletic Conference Championship; and

WHEREAS, Elle Kerfoot of Seattle University's women's basketball team was selected to represent Canada at the World University Games in China; and

WHEREAS, University of Washington's women's volleyball and soccer teams were represented in Elite Eight NCAA Tournament; and

WHEREAS, University of Washington's women's softball team was invited to NCAA super-regionals; and

WHEREAS, University of Puget Sound's women's soccer team were conference champions for the tenth year in a row, which is the longest active title streak in its women's soccer division; and

WHEREAS, Walla Walla University's Emily Yip, Heather Mcfadden, Kara Moor, and Victoria Buell were selected onto the national All-Academic Team for Volleyball; and

WHEREAS, The 2011 Lacrosse All-American team includes Jaclyn Biggers of Bainbridge, Katie Mincin of Issaquah, and Meaghan Hess of Snohomish; and

WHEREAS, Auburn High School's Melanie Roach won a Bronze medal at the Pan Am Games for weight-lifting and

participated in the 2008 Olympic Games in Beijing where she set an American Record for lifting 193 kilos; and

WHEREAS, Washington is honored to be the host of the Women's National Basketball Association 2010 champions, the Seattle Storm, the only women's professional basketball team in the Northwest and the first major professional sports team in Seattle to bring home two championship titles, one in 2004 and one in 2010; and

WHEREAS, Washington has many Roller Derby teams including the Oly Rollers who went to Nationals for the second time this year and placed second in the country;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate honor National Girls and Women in Sports Day on February 1, 2012, and encourage support for our states' female athletes and athletic programs; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to the Washington State Senate and all of the aforementioned athletes and their respective institutions.

Senators Kohl-Welles, Ericksen, Benton and Baumgartner spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8673.

The motion by Senator Kohl-Welles carried and the resolution was adopted by voice vote.

#### INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced members of the Holly Rollers, Tannah Elwess AKA Tannibal Lector; Decoda Sordahl AKA Lil Tonka; Dani Lewis AKA Sassy and Karrara Guerrero AKA Knocker Socks off who were seated in the gallery.

#### MOTION

On motion of Senator Ericksen, Senators Carrell and Roach were excused.

#### INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced members of the Women in University Sports, Byron Starkey Associated Students of Western Washington University Vice President for Governmental Affairs and Joe Meyer Associated Students of Western Washington University Legislative Liaison who were seated in the gallery.

#### MOTION

At 10:25 a.m., on motion of Senator Eide, the Senate was declared to be at ease subject to the call of the President.

The Senate was called to order at 11:24 a.m. by President Owen.

#### MOTION

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

#### SECOND READING

ENGROSSED HOUSE CONCURRENT RESOLUTION NO. 4409, by Representatives Sullivan and Kretz

Amending the redistricting plan for state legislative and congressional districts.

The measure was read the second time.

#### MOTION

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

On page 2, line 24, after "to" strike "137,218" and insert "137,204"

On page 2, line 26, after "to" strike "137,224" and insert "137,238"

On page 8, line 16, after "(1)" insert "On page 122, line 5, after "Klickitat County" insert "(part): Tract 9501: Block Group 1: Block 1000, Block 1001, Block 1002, Block 1003, Block 1004, Block 1005, Block 1006, Block 1007, Block 1008, Block 1009, Block 1010, Block 1014, Block 1015, Block 1016, Block 1017, Block 1018, Block 1019, Block 1025, Block 1026, Block 1027, Block 1028, Block 1029, Block 1030, Block 1031, Block 1032, Block 1033, Block 1037, Block 1038, Block 1044, Block 1047, Block 1048, Block 1049, Block 1050, Block 1051, Block 1052, Block 1053, Block 1054, Block 1055, Block 1056, Block 1057, Block 1060, Block 1061, Block 1064, Block 1065, Block 1066, Block 1067, Block 1068, Block 1069, Block 1070, Block 1071, Block 1072, Block 1073, Block 1074, Block 1075, Block 1076, Block 1077, Block 1078, Block 1079, Block 1080, Block 1081, Block 1082, Block 1083, Block 1084, Block 1085, Block 1086, Block 1087, Block 1088, Block 1089, Block 1090, Block 1091, Block 1092, Block 1093, Block 1094, Block 1095, Block 1096, Block 1097, Block 1098, Block 1099, Block 1100, Block 1101, Block 1102, Block 1103, Block 1104, Block 1105, Block 1106, Block 1107, Block 1108, Block 1109, Block 1110, Block 1111, Block 1112, Block 1113, Block 1114, Block 1115, Block 1116, Block 1117, Block 1118, Block 1119, Block 1120, Block 1121, Block 1122, Block 1123, Block 1124, Block 1125, Block 1126, Block 1127, Block 1128, Block 1129, Block 1130, Block 1131, Block 1132, Block 1133, Block 1134, Block 1135, Block 1136, Block 1137, Block 1138, Block 1139, Block 1140, Block 1141, Block 1142, Block 1143, Block 1144, Block 1145, Block 1146, Block 1147, Block 1148, Block 1149, Block 1150, Block 1151, Block 1152, Block 1153, Block 1154, Block 1155, Block 1156, Block 1157, Block 1158, Block 1159, Block 1160, Block 1161, Block 1162, Block 1163, Block 1164, Block 1165, Block 1166, Block 1167, Block 1168, Block 1169, Block 1170, Block 1171, Block 1172, Block 1173, Block 1174, Block 1175, Block 1176, Block 1177, Block 1178, Block 1179, Block 1180, Block 1181, Block 1182, Block 1183, Block 1184, Block 1185, Block 1186, Block 1187, Block 1188, Block 1189, Block 1190, Block 1191, Block 1192, Block 1193, Block 1194, Block 1195, Block 1196, Block 1197, Block 1198, Block 1199, Block 1200, Block 1201, Block 1202, Block 1203, Block 1204, Block 1205, Block 1206, Block 1207, Block 1208, Block 1209, Block 1210, Block 1211, Block 1212, Block 1213, Block 1214, Block 1215, Block 1216, Block 1217, Block 1218, Block 1219, Block 1220, Block 1221, Block 1222, Block 1223, Block 1224, Block 1225, Block 1226, Block 1227, Block 1228, Block 1229, Block 1230, Block 1231, Block 1232, Block 1233, Block 1234, Block 1235, Block 1236, Block 1237, Block 1238, Block 1239, Block 1240, Block 1241, Block 1242, Block 1243, Block 1244, Block 1245, Block 1246, Block 1247, Block 1248, Block 1249, Block 1250, Block 1251, Block 1252, Block 1253, Block 1254, Block 1255, Block 1256, Block 1257, Block 1258, Block 1259, Block 1260, Block 1261, Block 1262, Block 1263, Block 1264, Block 1265, Block 1266, Block 1267, Block 1268, Block 1269, Block 1270, Block 1271,



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Block 1272, Block 1273, Block 1274, Block 1275, Block 1276, Block 1277, Block 1278, Block 1279, Block 1280, Block 1281, Block 1282, Block 1283, Block 1284, Block 1285, Block 1286, Block 1287, Block 1288, Block 1289, Block 1290, Block 1291, Block 1292, Block 1293, Block 1294, Block 1295, Block 1296, Block 1297, Block 1298, Block 1299, Block 1300, Block 1301, Block 1302, Block 1303, Block 1304, Block 1305, Block 1306, Block 1307, Block 1308, Block 1309, Block 1310, Block 1311, Block 1312, Block 1313, Block 1314, Block 1315, Block 1316, Block 1317, Block 1318, Block 1319, Block 1320, Block 1321, Block 1322, Block 1323, Block 1324, Block 1325, Block 1326, Block 1327, Block 1328, Block 1329, Block 1330, Block 1331, Block 1332, Block 1333, Block 1334, Block 1335, Block 1336, Block 1337, Block 1338, Block 1339, Block 1340, Block 1341, Block 1342, Block 1343, Block 1344, Block 1345, Block 1346, Block 1347, Block 1348, Block 1349, Block 1350, Block 1351, Block 1352, Block 1353, Block 1354, Block 1355, Block 1356, Block 1357, Block 1358; Block Group 2; Block Group 3; Block Group 4; Block Group 5; Block Group 6; Block Group 7; Block Group 8; Tract 9502; Tract 9503"

(2) On page 123, line 3, after "Tract 11:" insert "Block Group 1: Block 1004;"

(3) On page 123, line 5, after "Block 4010" insert ", Block 4026"

(4)"

Renumber the remaining subsections.

On page 8, line 23, after "(1)" insert "On page 126, line 36, after **"District 15:"** insert "Klickitat County (part): Tract 9501: Block Group 1: Block 1011, Block 1012, Block 1013, Block 1020, Block 1021, Block 1022, Block 1023, Block 1024, Block 1034, Block 1035, Block 1036, Block 1039, Block 1040, Block 1041, Block 1042, Block 1043, Block 1045, Block 1046, Block 1058, Block 1059, Block 1062, Block 1063;"

(2) On page 127, at the beginning of line 25, after "1" insert ": Block 1000, Block 1001, Block 1002, Block 1003, Block 1005, Block 1006, Block 1007, Block 1008, Block 1009, Block 1010, Block 1011, Block 1012, Block 1013, Block 1014, Block 1015, Block 1016, Block 1017, Block 1018, Block 1019, Block 1020, Block 1021"

(3) On page 127, line 36, after "Block 4025" strike ", Block 4026"

(4)"

Renumber the remaining subsections.

Senator Honeyford spoke in favor of adoption of the amendment.

Senator Brown spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Honeyford on page 2, line 24 to Engrossed House Concurrent Resolution No. 4409.

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

MOTION

On motion of Senator Brown, the rules were suspended, Engrossed House Concurrent Resolution No. 4409 was advanced to third reading, the second reading considered the third and the resolution was placed on final passage.

Senators Brown and Hewitt spoke in favor of passage of the resolution.

Senator Honeyford spoke against passage of the resolution.

The President declared the question before the Senate to be the final passage of Engrossed House Concurrent Resolution No. 4409.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Concurrent Resolution No. 4409 and the resolution passed the Senate by the following vote: Yeas, 44; Nays, 4; Absent, 0; Excused, 1.

Voting yea: Senators Becker, Benton, Brown, Chase, Conway, Delvin, Eide, Erickson, Fain, Fraser, Frockt, Hargrove, Harper, Hatfield, Haugen, Hewitt, Hill, Hobbs, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles, Litzow, McAuliffe, Morton, Murray, Nelson, Padden, Parlette, Prentice, Pridemore, Ranker, Regala, Roach, Rolfes, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Voting nay: Senators Baumgartner, Holmquist Newbry, Honeyford and Pflug

Excused: Senator Carrell

ENGROSSED HOUSE CONCURRENT RESOLUTION NO. 4409, having received the constitutional majority, was declared passed.

MOTION

At 11:37 a.m., on motion of Senator Eide, the Senate recessed until 6:00 p.m.

EVENING SESSION

The Senate was called to order at 6:00 p.m. by President Owen.

MOTION

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

MESSAGE FROM THE HOUSE

February 1, 2012

MR. PRESIDENT:

The House has passed:

SUBSTITUTE HOUSE BILL NO. 1865,

HOUSE BILL NO. 2235,

SUBSTITUTE HOUSE BILL NO. 2255,

HOUSE BILL NO. 2305,

HOUSE BILL NO. 2306,

SUBSTITUTE HOUSE BILL NO. 2360,

HOUSE BILL NO. 2362,

SUBSTITUTE HOUSE BILL NO. 2367.

and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

At 6:03 p.m., on motion of Senator Eide, the Senate was declared to be at ease subject to the call of the President.

The Senate was called to order at 6:30 p.m. by President Owen.

MOTION

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

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

#### MOTION TO LIMIT DEBATE

Senator Eide: "Mr. President, I move that the members of the Senate be allowed to speak but once on each question before the Senate, that such speech be limited to three minutes and that members be prohibited from yielding their time, however, the maker of a motion shall be allowed to open and close debate. This motion shall be in effect through February 1, 2012."

The President declared the question before the Senate to be the motion by Senator Eide to limit debate.

The motion by Senator Eide carried and debate was limited through February 1, 2012 by voice vote.

#### MOTION

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

#### SECOND READING

SENATE BILL NO. 6239, by Senators Murray, Pflug, Hobbs, Litzow, Kohl-Welles, Ranker, Tom, Harper, Pridemore, Keiser, Kline, Regala, Eide, Rolfes, McAuliffe, Brown, Nelson, Chase, Fraser, Frockt, Conway, Kilmer and Prentice

Concerning civil marriage and domestic partnerships.

#### MOTION

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

#### MOTION

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

Beginning on page 1, line 9, strike all of section 1

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

Senators Hill and Pridemore spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Hill and others on page 1, line 9 to Substitute Senate Bill No. 6239.

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

#### MOTION

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

On page 2, after line 16, insert the following:

"(4) No regularly licensed or ordained minister or any priest, imam, rabbi, or similar official of any religious organization is required to

solemnize or recognize any marriage. A regularly licensed or ordained minister or priest, imam, rabbi, or similar official of any religious organization shall be immune from any civil claim or cause of action based on a refusal to solemnize or recognize any marriage under this section. No state agency or local government may base a decision to penalize, withhold benefits from, or refuse to contract with any religious organization on the refusal of a person associated with such religious organization to solemnize or recognize a marriage under this section.

(5) No religious organization is required to provide accommodations, facilities, advantages, privileges, services, or goods related to the solemnization or celebration of a marriage.

(6) A religious organization shall be immune from any civil claim or cause of action, including a claim pursuant to chapter 49.60 RCW, based on its refusal to provide accommodations, facilities, advantages, privileges, services, or goods related to the solemnization or celebration of a marriage.

(7) For purposes of this section:

(a) "Recognize" means to provide religious-based services that:

(i) Are delivered by a religious organization, or by an individual who is managed, supervised, or directed by a religious organization; and

(ii) Are designed for married couples or couples engaged to marry and are directly related to solemnizing, celebrating, strengthening, or promoting a marriage, such as religious counseling programs, courses, retreats, and workshops; and

(b) "Religious organization" includes, but is not limited to, churches, mosques, synagogues, temples, nondenominational ministries, interdenominational and ecumenical organizations, mission organizations, faith-based social agencies, and other entities whose principal purpose is the study, practice, or advancement of religion."

On page 3, at the beginning of line 8, strike "(1)"

On page 3, beginning on line 16, strike all of subsection (2)

On page 4, beginning on line 9, strike all of section 7

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

Senators Fain and Pridemore spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Fain and others on page 2, after line 16 to Substitute Senate Bill No. 6239.

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

#### MOTION

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

On page 3, after line 5, insert the following:

"(5) No state agency or local government may base a decision to penalize, withhold benefits from, license, or refuse to contract with any religious organization based on the opposition to or refusal to provide accommodations, facilities, advantages, privileges, service, or goods related to the solemnization or celebration of a marriage."

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

The President declared the question before the Senate to be the adoption of the amendment by Senator Padden on page 3, after line 5 to Substitute Senate Bill No. 6239.

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

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## MOTION

Senator Benton moved that the following amendment by Senators Benton and Zarelli be adopted:

On page 3, after line 5, insert the following:

"(5) No religiously affiliated educational institution shall be required to provide accommodations, facilities, advantages, privileges, service, or goods related to the solemnization or celebration of a marriage, including a use of any campus chapel or church. A religiously affiliated educational institution shall be immune from a civil claim or cause of action, including a claim pursuant to chapter 49.60 RCW, based on its refusal to provide accommodations, facilities, advantages, privileges, service, or goods related to the solemnization or celebration of a marriage under this subsection shall be immune for civil claim or cause of action, including a claim pursuant to chapter 49.60 RCW."

Senators Benton and Pridemore spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senators Benton and Zarelli on page 3, after line 5 to Substitute Senate Bill No. 6239.

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

## MOTION

Senator Benton moved that the following amendment by Senators Benton and Zarelli be adopted:

On page 3, after line 5, insert the following:

**"NEW SECTION. Sec. 4.** "Religious organization" as defined in this chapter must be interpreted liberally to include faith-based social service organizations involved in social services directed at the larger community."

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

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

The President declared the question before the Senate to be the adoption of the amendment by Senators Benton and Zarelli on page 3, after line 5 to Substitute Senate Bill No. 6239.

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

## MOTION

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

On page 3, beginning on line 13, after "of any" strike "church or religious denomination" and insert "~~((church or))~~ religious ~~((denomination))~~ organization"

On page 3, beginning on line 30, after "any" strike "church or religious denomination" and insert "religious ~~((denomination))~~ organization"

On page 4, beginning on line 5, after "any" strike "church or religious denomination" and insert "religious organization"

On page 4, beginning on line 19, strike all of subsection (3)

On page 4, after line 24, insert the following:

**"NEW SECTION. Sec. 8.** A new section is added to chapter 26.04 RCW to read as follows:

For purposes of this chapter, "religious organization" includes, but is not limited to, churches, mosques, synagogues, temples, nondenominational ministries, interdenominational and ecumenical organizations, mission organizations, faith-based social agencies,

and other entities whose principal purpose is the study, practice, or advancement of religion."

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

Senators Fain and Pridemore spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Fain and others on page 3, line 13 to Substitute Senate Bill No. 6239.

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

## MOTION

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

On page 3, after line 15, insert the following:

"(2)(a) The legislature recognizes the preeminent protections of religious freedom in both the federal and state constitutions and that every person enjoys the secured rights of freedom of religious exercise, freedom of conscience, and free speech.

Article I, section 11 of the Washington State Constitution provides, "Absolute freedom of conscience in all matters of religious sentiment, belief and worship, shall be guaranteed to every individual, and no one shall be molested or disturbed in person or property on account of religion.

Article XXVI of the Washington State Constitution provides that, "perfect toleration of religious sentiment shall be secured and that no inhabitant of this state shall ever be molested in person or property on account of his or her mode of religious worship."

The first clause of the First Amendment of the Bill of rights to the United States Constitution provides that "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof."

(b) No judge, justice, or commissioner is required to solemnize any marriage contrary to his or her sincerely-held religious beliefs regarding marriage in violation of his or her right to free exercise of religion guaranteed by the First Amendment to the United States Constitution or by the Washington State Constitution. A judge, justice, or commissioner is immune from any civil claim or cause of action based on a refusal to solemnize any such marriage.

(c) The provisions of this subsection (2) shall be broadly construed."

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

Senator Padden spoke in favor of adoption of the amendment.

Senator Frockt spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Padden on page 3, after line 15 to Substitute Senate Bill No. 6239.

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

## MOTION

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

On page 4, after line 24, insert the following:

**"NEW SECTION. Sec. 8.** A new section is added to chapter 26.04 RCW to read as follows:

(1) No individual or entity is required to provide accommodations, facilities, advantages, privileges, service, or

goods related to the solemnization or celebration of a marriage if such a marriage is contrary to their religious beliefs.

(2) An individual or organization protected by subsection (1) of this section is immune from any civil claim or cause of action, including a claim pursuant to chapter 49.60 RCW, based on its refusal to provide accommodations, facilities, advantages, privileges, service, or goods related to the solemnization or celebration of a marriage.

**Sec. 9.** RCW 49.60.030 and 2009 c 164 s 1 are each amended to read as follows:

(1) The right to be free from discrimination because of race, creed, color, national origin, sex, honorably discharged veteran or military status, sexual orientation, or the presence of any sensory, mental, or physical disability or the use of a trained dog guide or service animal by a person with a disability is recognized as and declared to be a civil right. This right shall include, but not be limited to:

(a) The right to obtain and hold employment without discrimination;

(b) The right to the full enjoyment of any of the accommodations, advantages, facilities, or privileges of any place of public resort, accommodation, assemblage, or amusement;

(c) The right to engage in real estate transactions without discrimination, including discrimination against families with children;

(d) The right to engage in credit transactions without discrimination;

(e) The right to engage in insurance transactions or transactions with health maintenance organizations without discrimination: PROVIDED, That a practice which is not unlawful under RCW 48.30.300, 48.44.220, or 48.46.370 does not constitute an unfair practice for the purposes of this subparagraph;

(f) The right to engage in commerce free from any discriminatory boycotts or blacklists. Discriminatory boycotts or blacklists for purposes of this section shall be defined as the formation or execution of any express or implied agreement, understanding, policy or contractual arrangement for economic benefit between any persons which is not specifically authorized by the laws of the United States and which is required or imposed, either directly or indirectly, overtly or covertly, by a foreign government or foreign person in order to restrict, condition, prohibit, or interfere with or in order to exclude any person or persons from any business relationship on the basis of race, color, creed, religion, sex, honorably discharged veteran or military status, sexual orientation, the presence of any sensory, mental, or physical disability, or the use of a trained dog guide or service animal by a person with a disability, or national origin or lawful business relationship: PROVIDED HOWEVER, That nothing herein contained shall prohibit the use of boycotts as authorized by law pertaining to labor disputes and unfair labor practices; PROVIDED FURTHER, That nothing herein contained shall prohibit the right of an individual or entity to deny services or goods related to the solemnization of a marriage if such a marriage is contrary to the individual's or the owner of the entity's religious beliefs; and

(g) The right of a mother to breastfeed her child in any place of public resort, accommodation, assemblage, or amusement.

(2) Any person deeming himself or herself injured by any act in violation of this chapter shall have a civil action in a court of competent jurisdiction to enjoin further violations, or to recover the actual damages sustained by the person, or both, together with the cost of suit including reasonable attorneys' fees or any other appropriate remedy authorized by this chapter or the United States Civil Rights Act of 1964 as amended, or the Federal Fair Housing Amendments Act of 1988 (42 U.S.C. Sec. 3601 et seq.).

(3) Except for any unfair practice committed by an employer against an employee or a prospective employee, or any unfair practice in a real estate transaction which is the basis for relief specified in the amendments to RCW 49.60.225 contained in chapter 69, Laws of 1993, any unfair practice prohibited by this chapter which is committed in the course of trade or commerce as defined in the Consumer Protection Act, chapter 19.86 RCW, is, for the purpose of applying that chapter, a matter affecting the public interest, is not reasonable in relation to the development and preservation of business, and is an unfair or deceptive act in trade or commerce.

**Sec. 10.** RCW 49.60.040 and 2009 c 187 s 3 are each reenacted and amended to read as follows:

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

(1) "Aggrieved person" means any person who: (a) Claims to have been injured by an unfair practice in a real estate transaction; or (b) believes that he or she will be injured by an unfair practice in a real estate transaction that is about to occur.

(2) "Any place of public resort, accommodation, assemblage, or amusement" includes, but is not limited to, any place, licensed or unlicensed, kept for gain, hire, or reward, or where charges are made for admission, service, occupancy, or use of any property or facilities, whether conducted for the entertainment, housing, or lodging of transient guests, or for the benefit, use, or accommodation of those seeking health, recreation, or rest, or for the burial or other disposition of human remains, or for the sale of goods, merchandise, services, or personal property, or for the rendering of personal services, or for public conveyance or transportation on land, water, or in the air, including the stations and terminals thereof and the garaging of vehicles, or where food or beverages of any kind are sold for consumption on the premises, or where public amusement, entertainment, sports, or recreation of any kind is offered with or without charge, or where medical service or care is made available, or where the public gathers, congregates, or assembles for amusement, recreation, or public purposes, or public halls, public elevators, and public washrooms of buildings and structures occupied by two or more tenants, or by the owner and one or more tenants, or any public library or educational institution, or schools of special instruction, or nursery schools, or day care centers or children's camps: PROVIDED, That nothing contained in this definition shall be construed to include or apply to any institute, bona fide club, or place of accommodation, which is by its nature distinctly private, including fraternal organizations, though where public use is permitted that use shall be covered by this chapter; nor shall anything contained in this definition apply to any educational facility, columbarium, crematory, mausoleum, or cemetery operated or maintained by a bona fide religious or sectarian institution; PROVIDED FURTHER, That nothing contained in this definition shall be construed to include any place of public resort, accommodation, assemblage, or amusement that is used for the celebration or solemnization of a marriage if the owner or owners assert that such a marriage is contrary to their religious beliefs.

(3) "Commission" means the Washington state human rights commission.

(4) "Complainant" means the person who files a complaint in a real estate transaction.

(5) "Covered multifamily dwelling" means: (a) Buildings consisting of four or more dwelling units if such buildings have one or more elevators; and (b) ground floor dwelling units in other buildings consisting of four or more dwelling units.

(6) "Credit transaction" includes any open or closed end credit transaction, whether in the nature of a loan, retail installment transaction, credit card issue or charge, or otherwise, and whether for personal or for business purposes, in which a service, finance, or

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interest charge is imposed, or which provides for repayment in scheduled payments, when such credit is extended in the regular course of any trade or commerce, including but not limited to transactions by banks, savings and loan associations or other financial lending institutions of whatever nature, stock brokers, or by a merchant or mercantile establishment which as part of its ordinary business permits or provides that payment for purchases of property or service therefrom may be deferred.

(7)(a) "Disability" means the presence of a sensory, mental, or physical impairment that:

- (i) Is medically cognizable or diagnosable; or
- (ii) Exists as a record or history; or
- (iii) Is perceived to exist whether or not it exists in fact.

(b) A disability exists whether it is temporary or permanent, common or uncommon, mitigated or unmitigated, or whether or not it limits the ability to work generally or work at a particular job or whether or not it limits any other activity within the scope of this chapter.

(c) For purposes of this definition, "impairment" includes, but is not limited to:

(i) Any physiological disorder, or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems: Neurological, musculoskeletal, special sense organs, respiratory, including speech organs, cardiovascular, reproductive, digestive, genitor-urinary, hemic and lymphatic, skin, and endocrine; or

(ii) Any mental, developmental, traumatic, or psychological disorder, including but not limited to cognitive limitation, organic brain syndrome, emotional or mental illness, and specific learning disabilities.

(d) Only for the purposes of qualifying for reasonable accommodation in employment, an impairment must be known or shown through an interactive process to exist in fact and:

(i) The impairment must have a substantially limiting effect upon the individual's ability to perform his or her job, the individual's ability to apply or be considered for a job, or the individual's access to equal benefits, privileges, or terms or conditions of employment; or

(ii) The employee must have put the employer on notice of the existence of an impairment, and medical documentation must establish a reasonable likelihood that engaging in job functions without an accommodation would aggravate the impairment to the extent that it would create a substantially limiting effect.

(e) For purposes of (d) of this subsection, a limitation is not substantial if it has only a trivial effect.

(8) "Dog guide" means a dog that is trained for the purpose of guiding blind persons or a dog that is trained for the purpose of assisting hearing impaired persons.

(9) "Dwelling" means any building, structure, or portion thereof that is occupied as, or designed or intended for occupancy as, a residence by one or more families, and any vacant land that is offered for sale or lease for the construction or location thereon of any such building, structure, or portion thereof.

(10) "Employee" does not include any individual employed by his or her parents, spouse, or child, or in the domestic service of any person.

(11) "Employer" includes any person acting in the interest of an employer, directly or indirectly, who employs eight or more persons, and does not include any religious or sectarian organization not organized for private profit.

(12) "Employment agency" includes any person undertaking with or without compensation to recruit, procure, refer, or place employees for an employer.

(13) "Families with children status" means one or more individuals who have not attained the age of eighteen years being

domiciled with a parent or another person having legal custody of such individual or individuals, or with the designee of such parent or other person having such legal custody, with the written permission of such parent or other person. Families with children status also applies to any person who is pregnant or is in the process of securing legal custody of any individual who has not attained the age of eighteen years.

(14) "Full enjoyment of" includes the right to purchase any service, commodity, or article of personal property offered or sold on, or by, any establishment to the public, and the admission of any person to accommodations, advantages, facilities, or privileges of any place of public resort, accommodation, assemblage, or amusement, without acts directly or indirectly causing persons of any particular race, creed, color, sex, sexual orientation, national origin, or with any sensory, mental, or physical disability, or the use of a trained dog guide or service animal by a person with a disability, to be treated as not welcome, accepted, desired, or solicited.

(15) "Honorably discharged veteran or military status" means a person who is:

(a) A veteran, as defined in RCW 41.04.007; or

(b) An active or reserve member in any branch of the armed forces of the United States, including the national guard, coast guard, and armed forces reserves.

(16) "Labor organization" includes any organization which exists for the purpose, in whole or in part, of dealing with employers concerning grievances or terms or conditions of employment, or for other mutual aid or protection in connection with employment.

(17) "Marital status" means the legal status of being married, single, separated, divorced, or widowed.

(18) "National origin" includes "ancestry."

(19) "Person" includes one or more individuals, partnerships, associations, organizations, corporations, cooperatives, legal representatives, trustees and receivers, or any group of persons; it includes any owner, lessee, proprietor, manager, agent, or employee, whether one or more natural persons; and further includes any political or civil subdivisions of the state and any agency or instrumentality of the state or of any political or civil subdivision thereof.

(20) "Premises" means the interior or exterior spaces, parts, components, or elements of a building, including individual dwelling units and the public and common use areas of a building.

(21) "Real estate transaction" includes the sale, appraisal, brokering, exchange, purchase, rental, or lease of real property, transacting or applying for a real estate loan, or the provision of brokerage services.

(22) "Real property" includes buildings, structures, dwellings, real estate, lands, tenements, leaseholds, interests in real estate cooperatives, condominiums, and hereditaments, corporeal and incorporeal, or any interest therein.

(23) "Respondent" means any person accused in a complaint or amended complaint of an unfair practice in a real estate transaction.

(24) "Service animal" means an animal that is trained for the purpose of assisting or accommodating a sensory, mental, or physical disability of a person with a disability.

(25) "Sex" means gender.

(26) "Sexual orientation" means heterosexuality, homosexuality, bisexuality, and gender expression or identity. As used in this definition, "gender expression or identity" means having or being perceived as having a gender identity, self-image, appearance, behavior, or expression, whether or not that gender identity, self-image, appearance, behavior, or expression is different from that traditionally associated with the sex assigned to that person at birth.

**Sec. 11.** RCW 49.60.215 and 2011 c 237 s 1 are each amended to read as follows:

(1) It shall be an unfair practice for any person or the person's agent or employee to commit an act which directly or indirectly results in any distinction, restriction, or discrimination, or the requiring of any person to pay a larger sum than the uniform rates charged other persons, or the refusing or withholding from any person the admission, patronage, custom, presence, frequenting, dwelling, staying, or lodging in any place of public resort, accommodation, assemblage, or amusement, except for conditions and limitations established by law and applicable to all persons, regardless of race, creed, color, national origin, sexual orientation, sex, honorably discharged veteran or military status, status as a mother breastfeeding her child, the presence of any sensory, mental, or physical disability, or the use of a trained dog guide or service animal by a person with a disability: PROVIDED, That this section shall not be construed to require structural changes, modifications, or additions to make any place accessible to a person with a disability except as otherwise required by law: PROVIDED, That behavior or actions constituting a risk to property or other persons can be grounds for refusal and shall not constitute an unfair practice; PROVIDED FURTHER, That an individual or entity shall not be required to provide accommodations, facilities, advantages, privileges, services, or goods related to the solemnization or celebration of a marriage that is in conflict with the individual's or the owner of the entity's religious beliefs.

(2) This section does not apply to food establishments, as defined in RCW 49.60.218, with respect to the use of a trained dog guide or service animal by a person with a disability. Food establishments are subject to RCW 49.60.218 with respect to trained dog guides and service animals."

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

On page 1, beginning on line 4 of the title, after "26.04.070," strike all material through "1.12.080" on line 5 and insert "49.60.030, 49.60.215, 26.60.010, 26.60.030, 26.60.090, and 1.12.080; reenacting and amending RCW 49.60.040"

Senator Swecker spoke in favor of adoption of the amendment.

Senator Murray spoke against adoption of the amendment.

Senator Schoesler demanded a roll call.

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

Senators Brown and Pflug spoke against adoption of the amendment.

Senator Schoesler spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Swecker on page 4, after line 24 to Substitute Senate Bill No. 6239.

#### ROLL CALL

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

Voting yea: Senators Baumgartner, Becker, Benton, Carrell, Delvin, Ericksen, Fain, Hargrove, Hewitt, Hill, Holmquist Newbry, Honeyford, King, Morton, Padden, Parlette, Roach, Schoesler, Sheldon, Stevens, Swecker and Zarelli

Voting nay: Senators Brown, Chase, Conway, Eide, Fraser, Frockt, Harper, Hatfield, Haugen, Hobbs, Kastama, Keiser, Kilmer, Kline, Kohl-Welles, Litzow, McAuliffe, Murray, Nelson, Pflug, Prentice, Pridemore, Ranker, Regala, Rolfes, Shin and Tom

#### MOTION

Senator Haugen moved that the following amendment by Senators Haugen and Fain be adopted:

On page 8, after line 10, insert the following:

"NEW SECTION. Sec. 14. A new section is added to chapter 26.33 RCW to read as follows:

Nothing contained in chapter . . . , Laws of 2012 (this act) shall be construed to alter or affect existing law regarding the manner in which a religious or nonprofit organization may be licensed to and provide adoption, foster care, or other child-placing services under this chapter or chapter 74.15 or 74.13 RCW.

NEW SECTION. Sec. 15. A new section is added to chapter 74.13 RCW to read as follows:

Nothing contained in chapter . . . , Laws of 2012 (this act) shall be construed to alter or affect existing law regarding the manner in which a religious or nonprofit organization may be licensed to and provide adoption, foster care, or other child-placing services under this chapter or chapter 74.15 or 26.33 RCW.

NEW SECTION. Sec. 16. A new section is added to chapter 74.15 RCW to read as follows:

Nothing contained in chapter . . . , Laws of 2012 (this act) shall be construed to alter or affect existing law regarding the manner in which a religious or nonprofit organization may be licensed to and provide adoption, foster care, or other child-placing services under this chapter or chapter 74.13 or 26.33 RCW." Renumber the remaining subsections consecutively and correct any internal references accordingly.

Senators Haugen and Pridemore spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senators Haugen and Fain on page 8, after line 10 to Substitute Senate Bill No. 6239.

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

#### MOTION

Senator Benton moved that the following amendment by Senators Benton and Zarelli be adopted.

On page 8, after line 26, insert the following:

"NEW SECTION. Sec. 15. A new section is added to chapter 74.15 RCW to read as follows:

(1) No religious organization or organization affiliated, controlled, or managed by a religious organization may be required to place children or arrange for the placement of children for adoption by same sex couples or individuals in same sex relationships.

(2) No court, state agency, or local government may base a decision to penalize, deny a license or renewal of license, withhold benefits from, or refuse to contract with any religious organization or organization affiliated, controlled, or managed by a religious organization, on the refusal of the organization to place children or arrange for the placement of children for adoption by same sex couples or individuals in same sex relationships.

NEW SECTION. Sec. 16. A new section is added to chapter 74.13 RCW to read as follows:

(1) No religious organization or organization affiliated, controlled, or managed by a religious organization may be required to place children or arrange for the placement of children with same sex couples or individuals in same sex relationships.

(2) No court, state agency, or local government may base a decision to penalize, deny a license or renewal of license, withhold

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benefits from, or refuse to contract with any religious organization or organization affiliated, controlled, or managed by a religious organization, on the refusal of the organization to place children or arrange for the placement of children with same sex couples or individuals in same sex relationships."

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

On page 1, line 6 of the title, after "26.60 RCW;" insert "adding a new section to chapter 74.15 RCW; adding a new section to chapter 74.13 RCW;"

Senator Benton spoke in favor of adoption of the amendment. Senator Ranker spoke against adoption of the amendment.

Senator Schoesler demanded a roll call.

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

The President declared the question before the Senate to be the adoption of the amendment by Senators Benton and Zarelli on page 8, after line 26 to Substitute Senate Bill No. 6239.

ROLL CALL

The Secretary called the roll on the adoption of the amendment by Senators Benton and Zarelli and the amendment was not adopted by the following vote: Yeas, 23; Nays, 26; Absent, 0; Excused, 0.

Voting yea: Senators Baumgartner, Becker, Benton, Carrell, Delvin, Ericksen, Fain, Hargrove, Hatfield, Hewitt, Hill, Holmquist Newbry, Honeyford, King, Morton, Padden, Parlette, Roach, Schoesler, Sheldon, Stevens, Swecker and Zarelli

Voting nay: Senators Brown, Chase, Conway, Eide, Fraser, Frockt, Harper, Haugen, Hobbs, Kastama, Keiser, Kilmer, Kline, Kohl-Welles, Litzow, McAuliffe, Murray, Nelson, Pflug, Prentice, Pridemore, Ranker, Regala, Rolfes, Shin and Tom

MOTION

Senator Hatfield moved that the following amendment by Senator Hatfield and others be adopted.

On page 8, after line 29, insert the following:

**"NEW SECTION. Sec. 16.** The secretary of state shall submit this act to the people for their adoption and ratification, or rejection, at the next general election to be held in this state, in accordance with Article II, section 1 of the state Constitution and the laws adopted to facilitate its operation."

On page 1, line 7 of the title, after "sections;" strike the remainder of the title and insert "providing a contingent effective date; and providing for submission of certain sections of this act to a vote of the people."

Senator Hatfield spoke in favor of adoption of the amendment.

Senator Brown spoke against adoption of the amendment.

Senator Schoesler demanded a roll call.

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

Senator Padden and Benton spoke in favor of adoption of the amendment.

Senator Murray spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Hatfield and others on page 8, after line 29 to Substitute Senate Bill No. 6239.

ROLL CALL

The Secretary called the roll on the adoption of the amendment by Senator Hatfield and others and the amendment was not adopted by the following vote: Yeas, 23; Nays, 26; Absent, 0; Excused, 0.

Voting yea: Senators Baumgartner, Becker, Benton, Carrell, Delvin, Ericksen, Fain, Hargrove, Hatfield, Hewitt, Hill, Holmquist Newbry, Honeyford, King, Morton, Padden, Parlette, Roach, Schoesler, Sheldon, Stevens, Swecker and Zarelli

Voting nay: Senators Brown, Chase, Conway, Eide, Fraser, Frockt, Harper, Haugen, Hobbs, Kastama, Keiser, Kilmer, Kline, Kohl-Welles, Litzow, McAuliffe, Murray, Nelson, Pflug, Prentice, Pridemore, Ranker, Regala, Rolfes, Shin and Tom

MOTION

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

On page 1, beginning on line 6 of the title, after "26.60 RCW;" strike "creating new sections" and insert "creating a new section"

On page 1, line 5 of the title, strike "adding new sections" and insert "adding a new section"

On page 1, line 6 of the title, after "26.60 RCW;" insert "adding a new section to chapter 26.33 RCW; adding a new section to chapter 74.13 RCW; adding a new section to chapter 74.15 RCW;"

MOTION

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

Senators Murray, Regala, Ranker, Kastama, Pflug, Hobbs, Litzow, Kohl-Welles and Prentice spoke in favor of passage of the bill.

Senators Swecker and Hargrove spoke against passage of the bill.

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

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6239 and the bill passed the Senate by the following vote: Yeas, 28; Nays, 21; Absent, 0; Excused, 0.

Voting yea: Senators Brown, Chase, Conway, Eide, Fain, Fraser, Frockt, Harper, Hatfield, Haugen, Hill, Hobbs, Kastama, Keiser, Kilmer, Kline, Kohl-Welles, Litzow, McAuliffe, Murray, Nelson, Pflug, Prentice, Pridemore, Ranker, Regala, Rolfes and Tom

Voting nay: Senators Baumgartner, Becker, Benton, Carrell, Delvin, Ericksen, Hargrove, Hewitt, Holmquist Newbry, Honeyford, King, Morton, Padden, Parlette, Roach, Schoesler, Sheldon, Shin, Stevens, Swecker and Zarelli

ENGROSSED SUBSTITUTE SENATE BILL NO. 6239, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Eide, Engrossed Substitute Senate Bill No. 6239 was immediately transmitted to the House of Representatives.

## MOTION

At 8:00 p.m., on motion of Senator Eide, the Senate adjourned until 12:00 noon Thursday, February 2, 2012.

BRAD OWEN, President of the Senate

THOMAS HOEMANN, Secretary of the Senate



TWENTY FIFTH DAY

NOON SESSION

Senate Chamber, Olympia, Thursday, February 2, 2012

The Senate was called to order at 12:00 noon by President Owen. No roll call was taken.

MOTION

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

MOTION

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

REPORTS OF STANDING COMMITTEES

January 30, 2012

SB 5247 Prime Sponsor, Senator Conway: Determining health insurance rates by comparing premiums and benefits. Reported by Committee on Health & Long-Term Care

MAJORITY recommendation: That Substitute Senate Bill No. 5247 be substituted therefor, and the substitute bill do pass. Signed by Senators Keiser, Chair; Conway, Vice Chair; Frockt; Kline and Pridemore.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Becker; Parlette and Pflug.

Passed to Committee on Rules for second reading.

January 31, 2012

ESSB 5366 Prime Sponsor, Committee on Transportation: Authorizing the use of two or four-wheel, all-terrain vehicles on public roadways under certain conditions. (REVISED FOR ENGROSSED: Authorizing the use of off-road vehicles on public roadways under certain conditions or in certain areas.) Reported by Committee on Transportation

MAJORITY recommendation: That Second Substitute Senate Bill No. 5366 be substituted therefor, and the second substitute bill do pass. Signed by Senators Haugen, Chair; Eide, Vice Chair; King; Fain; Delvin; Ericksen; Hill; Hobbs; Litzow; Ranker and Swecker.

Passed to Committee on Rules for second reading.

January 31, 2012

SB 5697 Prime Sponsor, Senator Hargrove: Addressing the minimum standards for firearms safety devices and gun safes used by certain governmental agencies that purchase, receive, possess, use, or issue firearms and government agents who receive, possess, or use a firearm issued to the agent by the agency. Reported by Committee on Judiciary

MAJORITY recommendation: That Substitute Senate Bill No. 5697 be substituted therefor, and the substitute bill do pass. Signed by Senators Harper, Vice Chair; Pflug; Carrell; Hargrove; Regala and Roach.

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

Passed to Committee on Rules for second reading.

February 1, 2012

SB 6023 Prime Sponsor, Senator Swecker: Creating the permit efficiency and accountability committee to select priority economic recovery projects for review by multiagency permitting teams. Reported by Committee on Economic Development, Trade & Innovation

MAJORITY recommendation: That Substitute Senate Bill No. 6023 be substituted therefor, and the substitute bill do pass. Signed by Senators Kastama, Chair; Chase, Vice Chair; Baumgartner; Ericksen; Hatfield; Kilmer and Shin.

Passed to Committee on Rules for second reading.

February 1, 2012

SB 6029 Prime Sponsor, Senator Shin: Regarding the ability to obtain a baccalaureate degree in three years. Reported by Committee on Higher Education & Workforce Development

MAJORITY recommendation: That Substitute Senate Bill No. 6029 be substituted therefor, and the substitute bill do pass. Signed by Senators Tom, Chair; Shin, Vice Chair; Hill; Baumgartner; Becker; Frockt; Kastama; Kilmer and Stevens.

Passed to Committee on Rules for second reading.

February 1, 2012

SB 6033 Prime Sponsor, Senator Kohl-Welles: Concerning parental decision making regarding the disposition of remains upon the death of an adult child. Reported by Committee on Judiciary

MAJORITY recommendation: That Substitute Senate Bill No. 6033 be substituted therefor, and the substitute bill do pass. Signed by Senators Kline, Chair; Pflug; Hargrove; Kohl-Welles; Regala and Roach.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Harper, Vice Chair and Padden.

Passed to Committee on Rules for second reading.

February 1, 2012

SB 6070 Prime Sponsor, Senator Kline: Concerning the recording of residential real property. Reported by Committee on Financial Institutions, Housing & Insurance

MAJORITY recommendation: That Substitute Senate Bill No. 6070 be substituted therefor, and the substitute bill do pass. Signed by Senators Hobbs, Chair; Prentice, Vice Chair; Benton; Fain and Keiser.

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

Passed to Committee on Rules for second reading.

February 1, 2012

SB 6121 Prime Sponsor, Senator Frockt: Requiring the office of student financial assistance to provide a financial aid counseling curriculum for institutions of higher education. Reported by Committee on Higher Education & Workforce Development

MAJORITY recommendation: That Substitute Senate Bill No. 6121 be substituted therefor, and the substitute bill do pass. Signed by Senators Tom, Chair; Shin, Vice Chair; Hill; Baumgartner; Becker; Frockt; Kastama and Stevens.

Passed to Committee on Rules for second reading.

January 31, 2012

SB 6123 Prime Sponsor, Senator Hatfield: Creating "National Rifle Association" special license plates. Reported by Committee on Transportation

MAJORITY recommendation: That Substitute Senate Bill No. 6123 be substituted therefor, and the substitute bill do pass. Signed by Senators Haugen, Chair; Eide, Vice Chair; King; Delvin; Ericksen; Hobbs; Litzow; Ranker and Swecker.

Passed to Committee on Rules for second reading.

February 1, 2012

SB 6130 Prime Sponsor, Senator Rolfes: Modernizing the functionality of the state environmental policy act. Reported by Committee on Environment

MAJORITY recommendation: That Substitute Senate Bill No. 6130 be substituted therefor, and the substitute bill do pass. Signed by Senators Nelson, Chair; Rolfes, Vice Chair; Ericksen; Chase and Sheldon.

MINORITY recommendation: Do not pass. Signed by Senators Honeyford and Morton.

Passed to Committee on Ways & Means.

February 1, 2012

SB 6143 Prime Sponsor, Senator Eide: Adding trafficking in stolen property in the first and second degrees to the six-year statute of limitations provisions. Reported by Committee on Judiciary

MAJORITY recommendation: That Substitute Senate Bill No. 6143 be substituted therefor, and the substitute bill do pass. Signed by Senators Kline, Chair; Harper, Vice Chair; Pflug; Hargrove; Kohl-Welles; Padden; Regala and Roach.

Passed to Committee on Rules for second reading.

February 1, 2012

SB 6178 Prime Sponsor, Senator Keiser: Implementing the affordable care act. Reported by Committee on Health & Long-Term Care

MAJORITY recommendation: That Substitute Senate Bill No. 6178 be substituted therefor, and the substitute bill do

pass. Signed by Senators Keiser, Chair; Conway, Vice Chair; Frockt; Kline; Pflug and Pridemore.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Becker and Parlette.

Passed to Committee on Rules for second reading.

February 1, 2012

SB 6179 Prime Sponsor, Senator Kastama: Concerning the possession and manufacture of equipment for public safety and military personnel. Reported by Committee on Judiciary

MAJORITY recommendation: That Substitute Senate Bill No. 6179 be substituted therefor, and the substitute bill do pass. Signed by Senators Kline, Chair; Harper, Vice Chair; Pflug; Hargrove; Kohl-Welles; Padden; Regala and Roach.

Passed to Committee on Rules for second reading.

January 30, 2012

SB 6185 Prime Sponsor, Senator Hobbs: Concerning health plan coverage for the voluntary termination of a pregnancy. Reported by Committee on Health & Long-Term Care

MAJORITY recommendation: That Substitute Senate Bill No. 6185 be substituted therefor, and the substitute bill do pass. Signed by Senators Keiser, Chair; Conway, Vice Chair; Frockt; Kline and Pridemore.

MINORITY recommendation: Do not pass. Signed by Senators Becker; Parlette and Pflug.

Passed to Committee on Rules for second reading.

February 1, 2012

SB 6187 Prime Sponsor, Senator Pflug: Concerning claims against the state and governmental entities arising out of tortious conduct. Reported by Committee on Judiciary

MAJORITY recommendation: That Substitute Senate Bill No. 6187 be substituted therefor, and the substitute bill do pass. Signed by Senators Kline, Chair; Harper, Vice Chair; Pflug; Hargrove; Kohl-Welles and Padden.

Passed to Committee on Rules for second reading.

February 1, 2012

SB 6199 Prime Sponsor, Senator Roach: Modifying the penalty for false swearing by a beneficiary. Reported by Committee on Judiciary

MAJORITY recommendation: That Substitute Senate Bill No. 6199 be substituted therefor, and the substitute bill do pass. Signed by Senators Harper, Vice Chair; Pflug; Hargrove; Kohl-Welles; Padden; Regala and Roach.

Passed to Committee on Rules for second reading.

February 1, 2012

SB 6242 Prime Sponsor, Senator Hobbs: Addressing specialty producer licenses. Reported by Committee on Financial Institutions, Housing & Insurance

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MAJORITY recommendation: That Substitute Senate Bill No. 6242 be substituted therefor, and the substitute bill do pass. Signed by Senators Hobbs, Chair; Prentice, Vice Chair; Benton; Fain; Haugen and Keiser.

SB 6269 Prime Sponsor, Senator Becker: Regarding higher education coordination. Reported by Committee on Higher Education & Workforce Development

Passed to Committee on Rules for second reading.

MAJORITY recommendation: That Substitute Senate Bill No. 6269 be substituted therefor, and the substitute bill do pass. Signed by Senators Tom, Chair; Shin, Vice Chair; Hill; Baumgartner; Becker; Frockt and Stevens.

February 1, 2012  
SB 6251 Prime Sponsor, Senator Kohl-Welles: Regulating advertising of commercial sexual abuse of a minor. Reported by Committee on Judiciary

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

MAJORITY recommendation: That Substitute Senate Bill No. 6251 be substituted therefor, and the substitute bill do pass. Signed by Senators Kline, Chair; Harper, Vice Chair; Pflug; Hargrove; Kohl-Welles; Padden and Roach.

Passed to Committee on Ways & Means.

Passed to Committee on Rules for second reading.

February 1, 2012  
SB 6279 Prime Sponsor, Senator Nelson: Improving water quality to support shellfish resources. Reported by Committee on Environment

February 1, 2012  
SB 6254 Prime Sponsor, Senator Delvin: Changing promoting prostitution provisions. Reported by Committee on Judiciary

MAJORITY recommendation: That Substitute Senate Bill No. 6279 be substituted therefor, and the substitute bill do pass. Signed by Senators Nelson, Chair; Rolfes, Vice Chair; Chase; Fraser; Morton; Pridemore and Sheldon.

MAJORITY recommendation: Do pass. Signed by Senators Kline, Chair; Harper, Vice Chair; Pflug; Hargrove; Kohl-Welles; Padden and Roach.

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

Passed to Committee on Rules for second reading.

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

February 1, 2012  
SB 6255 Prime Sponsor, Senator Fraser: Concerning victims of human trafficking and promoting prostitution. Reported by Committee on Judiciary

Passed to Committee on Rules for second reading.

MAJORITY recommendation: Do pass. Signed by Senators Kline, Chair; Harper, Vice Chair; Pflug; Hargrove; Kohl-Welles; Padden and Roach.

February 1, 2012  
SB 6285 Prime Sponsor, Senator Kline: Concerning the use of geothermal resources. Reported by Committee on Energy, Natural Resources & Marine Waters

Passed to Committee on Rules for second reading.

MAJORITY recommendation: That Substitute Senate Bill No. 6285 be substituted therefor, and the substitute bill do pass. Signed by Senators Ranker, Chair; Regala, Vice Chair; Delvin; Morton; Fraser and Stevens.

February 1, 2012  
SB 6256 Prime Sponsor, Senator Conway: Adding commercial sexual abuse of a minor to the list of criminal street gang-related offenses. Reported by Committee on Judiciary

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

MAJORITY recommendation: Do pass. Signed by Senators Kline, Chair; Harper, Vice Chair; Pflug; Hargrove; Kohl-Welles; Padden; Regala and Roach.

Passed to Committee on Rules for second reading.

February 1, 2012  
SB 6257 Prime Sponsor, Senator Roach: Addressing sexually explicit performance. Reported by Committee on Judiciary

February 1, 2012  
SB 6315 Prime Sponsor, Senator Frockt: Concerning the fair tenant screening act. Reported by Committee on Financial Institutions, Housing & Insurance

MAJORITY recommendation: Do pass. Signed by Senators Kline, Chair; Harper, Vice Chair; Pflug; Hargrove; Kohl-Welles; Padden and Roach.

MAJORITY recommendation: That Substitute Senate Bill No. 6315 be substituted therefor, and the substitute bill do pass. Signed by Senators Hobbs, Chair; Prentice, Vice Chair; Benton; Fain and Keiser.

Passed to Committee on Rules for second reading.

Passed to Committee on Rules for second reading.

February 1, 2012  
SB 6343 Prime Sponsor, Senator Nelson: Establishing a water pollution control revolving administration fee. Reported by Committee on Environment

February 1, 2012

MAJORITY recommendation: That Substitute Senate Bill No. 6343 be substituted therefor, and the substitute bill do pass. Signed by Senators Nelson, Chair; Rolfes, Vice Chair; Chase; Fraser and Pridemore.

MINORITY recommendation: Do not pass. Signed by Senators Ericksen; Honeyford; Morton and Sheldon.

Passed to Committee on Rules for second reading.

January 31, 2012

SB 6349 Prime Sponsor, Senator Fain: Modifying the delivery of notifications to habitual traffic offenders. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Haugen, Chair; Eide, Vice Chair; King; Fain; Delvin; Ericksen; Hill; Hobbs; Litzow; Ranker; Rolfes and Swecker.

Passed to Committee on Rules for second reading.

February 1, 2012

SB 6364 Prime Sponsor, Senator Hobbs: Modifying the foreclosure fairness act. Reported by Committee on Financial Institutions, Housing & Insurance

MAJORITY recommendation: That Substitute Senate Bill No. 6364 be substituted therefor, and the substitute bill do pass. Signed by Senators Hobbs, Chair; Prentice, Vice Chair; Fain; Haugen and Keiser.

Passed to Committee on Rules for second reading.

February 1, 2012

SB 6374 Prime Sponsor, Senator Kilmer: Enacting the educational success for youth and alumni of foster care act. Reported by Committee on Higher Education & Workforce Development

MAJORITY recommendation: Do pass. Signed by Senators Tom, Chair; Shin, Vice Chair; Hill; Baumgartner; Becker; Frockt; Kastama; Kilmer and Stevens.

Passed to Committee on Ways & Means.

February 1, 2012

SB 6376 Prime Sponsor, Senator Kline: Increasing the authority of the forensic investigations council to assist local jurisdictions in identification of human remains. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Senators Kline, Chair; Harper, Vice Chair; Pflug; Hargrove; Kohl-Welles and Padden.

Passed to Committee on Rules for second reading.

February 1, 2012

SB 6385 Prime Sponsor, Senator Parlette: Extending the tenure of the habitat and recreation lands coordinating group. Reported by Committee on Energy, Natural Resources & Marine Waters

MAJORITY recommendation: Do pass. Signed by Senators Ranker, Chair; Delvin; Morton; Fraser; Hargrove and Stevens.

Passed to Committee on Rules for second reading.

February 1, 2012

SB 6387 Prime Sponsor, Senator Ranker: Concerning state parks, recreation, and natural resources fiscal matters. Reported by Committee on Energy, Natural Resources & Marine Waters

MAJORITY recommendation: That Substitute Senate Bill No. 6387 be substituted therefor, and the substitute bill do pass. Signed by Senators Ranker, Chair; Regala, Vice Chair; Delvin; Morton; Fraser; Hargrove and Stevens.

Passed to Committee on Ways & Means.

February 1, 2012

SB 6393 Prime Sponsor, Senator Nelson: Changing the numeric limit for bacterial contamination for industrial storm water permittees with discharges to water bodies listed as impaired to a narrative limit. Reported by Committee on Environment

MAJORITY recommendation: Do pass. Signed by Senators Nelson, Chair; Rolfes, Vice Chair; Ericksen; Chase; Fraser; Honeyford; Morton and Pridemore.

Passed to Committee on Rules for second reading.

February 1, 2012

SB 6399 Prime Sponsor, Senator Frockt: Regarding program fees at institutions of higher education. Reported by Committee on Higher Education & Workforce Development

MAJORITY recommendation: That Substitute Senate Bill No. 6399 be substituted therefor, and the substitute bill do pass. Signed by Senators Tom, Chair; Shin, Vice Chair; Hill; Frockt and Kilmer.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Baumgartner; Becker; Kastama and Stevens.

Passed to Committee on Ways & Means.

February 1, 2012

SB 6401 Prime Sponsor, Senator Tom: Creating efficiencies for institutions of higher education. Reported by Committee on Higher Education & Workforce Development

MAJORITY recommendation: That Substitute Senate Bill No. 6401 be substituted therefor, and the substitute bill do pass. Signed by Senators Tom, Chair; Shin, Vice Chair; Hill; Becker; Frockt; Kastama; Kilmer and Stevens.

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

Passed to Committee on Ways & Means.

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SB 6405 Prime Sponsor, Senator Hargrove: Concerning the Washington service corps. Reported by Committee on Economic Development, Trade & Innovation

MAJORITY recommendation: That Substitute Senate Bill No. 6405 be substituted therefor, and the substitute bill do pass. Signed by Senators Kastama, Chair; Chase, Vice Chair; Ericksen; Hatfield; Kilmer and Shin.

MINORITY recommendation: Do not pass. Signed by Senator Holmquist Newbry.

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

Passed to Committee on Ways & Means.

February 1, 2012

SB 6426 Prime Sponsor, Senator Prentice: Regulating personal vehicle sharing programs. Reported by Committee on Financial Institutions, Housing & Insurance

MAJORITY recommendation: That Substitute Senate Bill No. 6426 be substituted therefor, and the substitute bill do pass. Signed by Senators Hobbs, Chair; Prentice, Vice Chair; Benton; Fain; Haugen and Keiser.

Passed to Committee on Rules for second reading.

February 1, 2012

SB 6441 Prime Sponsor, Senator Ranker: Authorizing grants to the successful pilot programs implementing RCW 70.260.020. Reported by Committee on Energy, Natural Resources & Marine Waters

MAJORITY recommendation: Do pass. Signed by Senators Ranker, Chair; Regala, Vice Chair; Delvin; Morton; Fraser; Hargrove and Stevens.

Passed to Committee on Ways & Means.

February 1, 2012

SB 6456 Prime Sponsor, Senator Haugen: Prohibiting the use of state funds and tuition fees for intercollegiate athletic expenses at the University of Washington and Washington State University. Reported by Committee on Higher Education & Workforce Development

MAJORITY recommendation: Do pass. Signed by Senators Tom, Chair; Shin, Vice Chair; Hill; Baumgartner; Becker; Frockt; Kastama; Kilmer and Stevens.

Passed to Committee on Rules for second reading.

February 1, 2012

SB 6491 Prime Sponsor, Senator Nelson: Transferring the low-level radioactive waste site use permit program from the department of ecology to the department of health. Reported by Committee on Environment

MAJORITY recommendation: Do pass. Signed by Senators Nelson, Chair; Rolfes, Vice Chair; Ericksen; Chase; Fraser; Honeyford; Morton; Pridemore and Sheldon.

Passed to Committee on Rules for second reading.

February 1, 2012  
SB 6515 Prime Sponsor, Senator Kline: Concerning the rescission of a trustee's foreclosure sale. Reported by Committee on Financial Institutions, Housing & Insurance

MAJORITY recommendation: That Substitute Senate Bill No. 6515 be substituted therefor, and the substitute bill do pass. Signed by Senators Hobbs, Chair; Prentice, Vice Chair; Benton; Fain and Haugen.

Passed to Committee on Rules for second reading.

February 1, 2012

SB 6541 Prime Sponsor, Senator Chase: Regarding the use of workforce investment funds for layoff aversion. Reported by Committee on Economic Development, Trade & Innovation

MAJORITY recommendation: Do pass. Signed by Senators Kastama, Chair; Chase, Vice Chair; Baumgartner; Ericksen; Hatfield; Holmquist Newbry; Kilmer and Shin.

Passed to Committee on Rules for second reading.

February 1, 2012

SB 6566 Prime Sponsor, Senator Litzow: Adjusting when a judgment lien on real property commences. Reported by Committee on Financial Institutions, Housing & Insurance

MAJORITY recommendation: Do pass. Signed by Senators Hobbs, Chair; Prentice, Vice Chair; Benton; Fain and Keiser.

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

Passed to Committee on Rules for second reading.

February 1, 2012

SJM 8016 Prime Sponsor, Senator Kastama: Encouraging the beyond the border action plan on perimeter security and economic competitiveness and the action plan on regulatory cooperation between the United States and Canada. Reported by Committee on Economic Development, Trade & Innovation

MAJORITY recommendation: That Substitute Senate Joint Memorial No. 8016 be substituted therefor, and the substitute joint memorial do pass. Signed by Senators Kastama, Chair; Chase, Vice Chair; Hatfield; Holmquist Newbry; Kilmer and Shin.

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

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

Passed to Committee on Rules for second reading.

REPORTS OF STANDING COMMITTEES  
GUBERNATORIAL APPOINTMENTS

February 1, 2012

SGA 9115 PAMELA J TIETZ, appointed on October 1, 2009, for the term ending June 30, 2013, as Member of the

Housing Finance Commission. Reported by Committee on Financial Institutions, Housing & Insurance

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Hobbs, Chair; Prentice, Vice Chair; Benton; Fain; Haugen and Keiser.

Passed to Committee on Rules for second reading.

February 1, 2012

SGA 9162 GABE P SPENCER, appointed on March 31, 2011, for the term ending June 30, 2013, as Member of the Housing Finance Commission. Reported by Committee on Financial Institutions, Housing & Insurance

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Hobbs, Chair; Prentice, Vice Chair; Benton; Fain; Haugen and Keiser.

Passed to Committee on Rules for second reading.

February 1, 2012

SGA 9176 MARK ASMUNDSON, appointed on October 1, 2011, for the term ending September 30, 2016, as Member of the Board of Trustees, Technical College District #25 (Bellingham). Reported by Committee on Higher Education & Workforce Development

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Tom, Chair; Shin, Vice Chair; Hill; Becker; Frockt; Kastama and Kilmer.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Baumgartner and Stevens.

Passed to Committee on Rules for second reading.

February 1, 2012

SGA 9213 STEVEN MOSS, appointed on November 1, 2011, for the term ending June 30, 2015, as Member of the Housing Finance Commission. Reported by Committee on Financial Institutions, Housing & Insurance

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Hobbs, Chair; Prentice, Vice Chair; Benton; Fain; Haugen and Keiser.

Passed to Committee on Rules for second reading.

February 1, 2012

SGA 9270 LISA CHIN, appointed on October 3, 2011, for the term ending September 30, 2016, as Member of the Board of Trustees, College District No. 8 (Bellevue College). Reported by Committee on Higher Education & Workforce Development

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Tom, Chair; Shin, Vice Chair; Hill; Becker; Frockt; Kastama and Kilmer.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Baumgartner and Stevens.

Passed to Committee on Rules for second reading.

February 1, 2012

SGA 9271 WILLIAM S AYER, appointed on January 17, 2012, for the term ending September 30, 2016, as Member of the Board of Regents, University of Washington. Reported by Committee on Higher Education & Workforce Development

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Tom, Chair; Shin, Vice Chair; Hill; Becker; Frockt; Kastama and Kilmer.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Baumgartner and Stevens.

Passed to Committee on Rules for second reading.

February 1, 2012

SGA 9274 PETE B LEWIS, appointed on December 23, 2011, for the term ending September 30, 2016, as Member of the Board of Trustees, Community College District No. 10 (Green River Community College). Reported by Committee on Higher Education & Workforce Development

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Tom, Chair; Shin, Vice Chair; Hill; Becker; Frockt and Kilmer.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Baumgartner and Stevens.

Passed to Committee on Rules for second reading.

February 1, 2012

SGA 9275 PATRICK SHANAHAN, appointed on January 17, 2012, for the term ending September 30, 2016, as Member of the Board of Regents, University of Washington. Reported by Committee on Higher Education & Workforce Development

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Tom, Chair; Shin, Vice Chair; Hill; Becker; Frockt and Kilmer.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Baumgartner and Stevens.

Passed to Committee on Rules for second reading.

#### MOTION

On motion of Eide, all measures listed on the Standing Committee report were referred to the committees as designated with the exception of Senate Bill No. 6023 which was referred to the Committee on Transportation.

#### MOTION

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

#### INTRODUCTION AND FIRST READING

TWENTY FIFTH DAY, FEBRUARY 2, 2012

2012 REGULAR SESSION

SB 6578 by Senators Hobbs, Swecker, Hargrove, Pridmore, Keiser, Delvin and Kline

AN ACT Relating to providing funding for chemical dependency treatment; amending RCW 66.24.055; adding a new section to chapter 74.50 RCW; providing an effective date; and declaring an emergency.

Referred to Committee on Ways & Means.

SB 6579 by Senators Haugen and Shin

AN ACT Relating to the public disclosure of evaluation and testing materials for vessel pilots; and reenacting and amending RCW 42.56.250.

Referred to Committee on Transportation.

SB 6580 by Senator Zarelli

AN ACT Relating to modifying investment cost recovery incentive provisions concerning customer-generated electricity to require certain elements used in the production of such electricity to be manufactured by entities that have a significant employment presence in Washington state; and amending RCW 82.16.120.

Referred to Committee on Ways & Means.

SB 6581 by Senator Murray

AN ACT Relating to eliminating accounts and funds; amending RCW 70.94.6532, 43.330.090, 43.99G.020, 28A.300.440, 82.32.393, 82.45.210, 43.79A.040, 50.04.070, 50.04.072, 50.16.010, 43.330.310, 43.99I.020, 43.99Q.130, 78.56.080, 28B.95.150, 59.22.020, 59.22.032, 59.22.034, 42.16.011, 42.16.012, 28B.109.020, 28B.109.040, 28B.133.030, and 43.31A.400; reenacting and amending RCW 43.84.092; creating a new section; repealing RCW 82.14.200, 82.14.210, 70.05.125, 43.330.092, 82.14.380, 28B.57.050, 76.09.400, 43.155.055, 43.211.050, 28A.300.445, 43.63A.760, 50.12.280, 43.79.485, 82.45.200, 90.88.060, 50.16.015, 43.43.565, 41.04.395, 43.21K.170, 77.65.230, 38.52.106, 43.176.040, 43.340.120, 43.155.100, 59.22.030, 43.72.904, 42.16.016, 42.26.010, 28B.109.050, 70.94.630, 82.32.392, 28B.109.060, 43.43.866, and 66.08.235; and providing an effective date.

Referred to Committee on Ways & Means.

SB 6582 by Senators Haugen, Eide, Hobbs, Ranker and Shin

AN ACT Relating to local transportation revenue options; amending RCW 36.73.065, 36.73.040, 82.80.010, 84.55.005, 36.82.040, and 36.82.070; adding a new section to chapter 82.80 RCW; and creating a new section.

Referred to Committee on Transportation.

SJM 8018 by Senators Roach, Holmquist Newbry, Benton, Sheldon and Stevens

Requesting the President and United States Congress to take action to approve the Keystone XL pipeline.

Referred to Committee on Energy, Natural Resources & Marine Waters.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

SHB 1865 by House Committee on Business & Financial Services (originally sponsored by Representatives Kirby and Bailey)

AN ACT Relating to handling claims associated with products issued under specialty producer licenses; and adding a new section to chapter 48.17 RCW.

Referred to Committee on Financial Institutions, Housing & Insurance.

HB 2235 by Representatives Kirby and Bailey

AN ACT Relating to franchise investment protection; and amending RCW 19.100.010, 19.100.020, 19.100.030, 19.100.040, 19.100.070, 19.100.080, 19.100.090, 19.100.184, 19.100.130, and 19.100.248.

Referred to Committee on Financial Institutions, Housing & Insurance.

SHB 2255 by House Committee on Business & Financial Services (originally sponsored by Representatives Kirby and Bailey)

AN ACT Relating to making technical corrections, modernizing statutes, and streamlining enforcement authorities of nondepository institutions regulated by the department of financial institutions; amending RCW 31.04.027, 31.04.065, 31.04.093, 31.04.145, 31.04.224, 31.45.010, 31.45.070, 31.45.105, 31.45.110, 19.146.200, and 19.144.020; reenacting and amending RCW 31.04.025; adding a new section to chapter 31.45 RCW; adding a new section to chapter 19.146 RCW; adding new sections to chapter 18.44 RCW; and adding new sections to chapter 19.230 RCW.

Referred to Committee on Financial Institutions, Housing & Insurance.

HB 2305 by Representatives Angel, Takko and Green

AN ACT Relating to contracts with community service organizations for public improvements; and amending RCW 35.21.278.

Referred to Committee on Government Operations, Tribal Relations & Elections.

HB 2306 by Representatives Hinkle and Green

AN ACT Relating to authorizing the presentation of claims for payment for pathology services to direct patient-provider primary care practices; amending RCW 48.43.081; and creating a new section.

Referred to Committee on Health & Long-Term Care.

SHB 2360 by House Committee on Business & Financial Services (originally sponsored by Representatives Stanford, Rivers and Ryu)

AN ACT Relating to deposit and investment provisions for the prearrangement trust funds of cemetery authorities and funeral establishments; and amending RCW 68.46.040 and 18.39.250.

Referred to Committee on Government Operations, Tribal Relations & Elections.

HB 2362 by Representatives Haler, Blake and Chandler

AN ACT Relating to wine producer liens; amending RCW 60.13.010, 60.13.040, 60.13.060, and 60.13.070; and adding new sections to chapter 60.13 RCW.

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

SHB 2367 by House Committee on Agriculture & Natural Resources (originally sponsored by Representatives Buys, Lytton, Chandler, Blake, Fagan, Wilcox and Overstreet)

AN ACT Relating to the dairy products commission; and amending RCW 15.44.010, 15.44.020, 15.44.021, 15.44.022, 15.44.027, 15.44.030, 15.44.032, 15.44.033, and 15.44.035.

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

#### MOTION

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

#### MOTION

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

#### MOTION

Senator Kohl-Welles moved adoption of the following resolution:

#### SENATE RESOLUTION 8675

By Senators Kohl-Welles and Shin

WHEREAS, Francis Cunningham, a Lowell, Massachusetts native, has lived in the Seattle area for over 60 years; and

WHEREAS, Frank served his country in the United States Marines during World War II; and

WHEREAS, Frank resumed his studies at Harvard College after his war service and distinguished himself with the Harvard Crew; and

WHEREAS, He stroked the victorious 1947 Harvard Varsity Eight to national prominence and won the invitational race that summer at the University of Washington, besting eleven other college rowing teams; and

WHEREAS, Recognizing the unsurpassed beauty of the Pacific Northwest, he relocated to Seattle following his graduation from Harvard in 1948; and

WHEREAS, Frank immediately immersed himself in the established rowing scene in Seattle, coaching for the summer Junior Rowing Program, and was instrumental in expanding it to become the Green Lake Junior Crew, a year-round, coeducational sports program for high school students, for which he served as coach and boatwright for 20 years; and

WHEREAS, Frank married his beloved wife, Lora Jane, and together reared their three children, and he now dotes on their five grandchildren; and

WHEREAS, He taught at Edmonds High School from 1950 until 1968, and then at the Lakeside School from 1968 until 1980, instilling in his students the values of integrity, perseverance, and the joys and beauty of the English language and literature; and

WHEREAS, Frank has endeavored to carry on the traditions of his friend and mentor George Pocock and George's son, Stan, and has been the head coach of Lake Washington Rowing Club for many years, training national and Olympic competitors and local residents in the art of rowing; and

WHEREAS, For his lifelong dedication to the sport and to teaching and coaching, Frank was awarded the 2010 USRowing Medal of Honor; and

WHEREAS, Thousands of his students, academic and rowing, have benefited from the kindness, expertise, patience, counseling, and advice of this true "Renaissance Man";

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate honors Frank Cunningham on the 90th anniversary of his birth for his service to his community and the nation as a teacher and coach.

Senator Kohl-Welles spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8675.

The motion by Senator Kohl-Welles carried and the resolution was adopted by voice vote.

#### INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced Mr. Francis Cunningham and guests who were seated in the gallery.

#### MOTION

At 12:11 p.m., on motion of Senator Eide, the Senate adjourned until 10:00 a.m. Friday, February 3, 2012.

BRAD OWEN, President of the Senate

THOMAS HOEMANN, Secretary of the Senate



TWENTY SIXTH DAY

MORNING SESSION

Senate Chamber, Olympia, Friday, February 3, 2012

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

The Sergeant at Arms escorted Major General Timothy Lowenberg, Adjutant General and Commander of the Washington National Guard, and First Gentleman Mike Gregoire the to the rostrum.

The Sergeant at Arms Color Guard consisting of Washington Army National Guard Sergeant First Class Kenneth Cowen; Sergeant Henry PoChing; Jacob Smalser and Specialist Russell Phillips, presented the Colors. Colonel Carl Steele, Washington Army National Guard offered the prayer.

Staff Sergeant Alton Huckaby; Staff Sergeant Richard Little; Staff Sergeant Brian Smith; Staff Sergeant Leonardo Altamiranda of the 133<sup>rd</sup> Washington Army National Guard performed the National Anthem.

The President thanked the distinguished members of the Guard, the Honor Guard, the great presentation of "The Stars-Spangled Banner" and the prayer.

MOTION

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

MOTION

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

REPORTS OF STANDING COMMITTEES

February 2, 2012  
SB 5631 Prime Sponsor, Senator Swecker: Concerning miscellaneous provisions regulated by the department of agriculture. Reported by Committee on Agriculture, Water & Rural Economic Development

MAJORITY recommendation: That Substitute Senate Bill No. 5631 be substituted therefor, and the substitute bill do pass. Signed by Senators Hatfield, Chair; Shin, Vice Chair; Honeyford; Becker; Delvin; Haugen; Hobbs and Schoesler.

Passed to Committee on Rules for second reading.

February 2, 2012  
SB 5996 Prime Sponsor, Senator Schoesler: Concerning contiguous land under the current use open space property tax programs. Reported by Committee on Agriculture, Water & Rural Economic Development

MAJORITY recommendation: That Substitute Senate Bill No. 5996 be substituted therefor, and the substitute bill do

pass. Signed by Senators Hatfield, Chair; Shin, Vice Chair; Honeyford; Becker; Delvin; Haugen; Hobbs and Schoesler.

Passed to Committee on Ways & Means.

February 2, 2012  
SB 6056 Prime Sponsor, Senator Swecker: Concerning legal defense funds of candidates and public officials. Reported by Committee on Government Operations, Tribal Relations & Elections

MAJORITY recommendation: That Substitute Senate Bill No. 6056 be substituted therefor, and the substitute bill do pass. Signed by Senators Pridemore, Chair; Prentice, Vice Chair; Swecker; Benton; Chase and Nelson.

Passed to Committee on Rules for second reading.

February 2, 2012  
SB 6096 Prime Sponsor, Senator Conway: Regulating the practices of pharmacy benefits managers. Reported by Committee on Health & Long-Term Care

MAJORITY recommendation: Do pass. Signed by Senators Keiser, Chair; Conway, Vice Chair; Frockt; Kline; Parlette; Pflug and Pridemore.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Becker and Carrell.

Passed to Committee on Ways & Means.

February 2, 2012  
SB 6109 Prime Sponsor, Senator Pridemore: Exempting video and audio recordings of closed executive session meetings from public inspection and copying. Reported by Committee on Government Operations, Tribal Relations & Elections

MAJORITY recommendation: Do pass. Signed by Senators Pridemore, Chair; Prentice, Vice Chair; Swecker; Chase and Nelson.

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

Passed to Committee on Rules for second reading.

February 2, 2012  
SB 6126 Prime Sponsor, Senator Frockt: Concerning dental practitioners. Reported by Committee on Health & Long-Term Care

MAJORITY recommendation: That Substitute Senate Bill No. 6126 be substituted therefor, and the substitute bill do pass. Signed by Senators Keiser, Chair; Conway, Vice Chair; Frockt; Kline and Pridemore.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Becker; Carrell; Parlette and Pflug.

Passed to Committee on Rules for second reading.

February 1, 2012

SB 6138 Prime Sponsor, Senator Ericksen: Increasing the allowable maximum length for vehicles operated on public highways. Reported by Committee on Transportation

MAJORITY recommendation: That Substitute Senate Bill No. 6138 be substituted therefor, and the substitute bill do pass. Signed by Senators Haugen, Chair; Eide, Vice Chair; King; Fain; Delvin; Ericksen; Frockt; Hobbs; Litzow; Prentice; Rolfes; Sheldon; Shin and Swecker.

Passed to Committee on Rules for second reading.

February 2, 2012

SB 6139 Prime Sponsor, Senator Rolfes: Regarding large wild carnivore conflict management. Reported by Committee on Energy, Natural Resources & Marine Waters

MAJORITY recommendation: Do pass. Signed by Senators Ranker, Chair; Regala, Vice Chair; Delvin; Fraser; Hargrove and Swecker.

MINORITY recommendation: Do not pass. Signed by Senators Morton and Stevens.

Passed to Committee on Rules for second reading.

February 2, 2012

SB 6146 Prime Sponsor, Senator Prentice: Clarifying restrictions on the use of the public records act for the purpose of obtaining records for commercial or profit-making purposes. Reported by Committee on Government Operations, Tribal Relations & Elections

MAJORITY recommendation: That Substitute Senate Bill No. 6146 be substituted therefor, and the substitute bill do pass. Signed by Senators Pridemore, Chair; Prentice, Vice Chair; Benton; Chase and Nelson.

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

Passed to Committee on Rules for second reading.

February 2, 2012

SB 6147 Prime Sponsor, Senator Prentice: Creating a procedure for the state's retrocession of civil and criminal jurisdiction over Indian tribes and Indian country. Reported by Committee on Government Operations, Tribal Relations & Elections

MAJORITY recommendation: That Substitute Senate Bill No. 6147 be substituted therefor, and the substitute bill do pass. Signed by Senators Pridemore, Chair; Prentice, Vice Chair; Swecker; Chase and Nelson.

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

Passed to Committee on Rules for second reading.

February 2, 2012

SB 6152 Prime Sponsor, Senator Hatfield: Streamlining water right permitting and appeals. Reported by Committee on Agriculture, Water & Rural Economic Development

MAJORITY recommendation: That Substitute Senate Bill No. 6152 be substituted therefor, and the substitute bill do pass. Signed by Senators Hatfield, Chair; Shin, Vice Chair; Honeyford; Becker; Delvin; Haugen; Hobbs and Schoesler.

Passed to Committee on Rules for second reading.

February 2, 2012

SB 6165 Prime Sponsor, Senator Hargrove: Creating flexible conservation futures taxing districts. Reported by Committee on Government Operations, Tribal Relations & Elections

MAJORITY recommendation: That Substitute Senate Bill No. 6165 be substituted therefor, and the substitute bill do pass. Signed by Senators Pridemore, Chair; Prentice, Vice Chair; Swecker; Chase and Nelson.

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

Passed to Committee on Rules for second reading.

February 2, 2012

SB 6170 Prime Sponsor, Senator Ranker: Establishing the working waterfront redevelopment jobs act. Reported by Committee on Energy, Natural Resources & Marine Waters

MAJORITY recommendation: That Substitute Senate Bill No. 6170 be substituted therefor, and the substitute bill do pass. Signed by Senators Ranker, Chair; Regala, Vice Chair; Delvin; Morton; Fraser; Hargrove; Stevens and Swecker.

Passed to Committee on Rules for second reading.

February 2, 2012

SB 6180 Prime Sponsor, Senator Swecker: Reducing costs and inefficiencies in elections. Reported by Committee on Government Operations, Tribal Relations & Elections

MAJORITY recommendation: That Substitute Senate Bill No. 6180 be substituted therefor, and the substitute bill do pass. Signed by Senators Pridemore, Chair; Prentice, Vice Chair; Swecker; Benton; Chase and Nelson.

Passed to Committee on Rules for second reading.

February 2, 2012

SB 6186 Prime Sponsor, Senator Swecker: Concerning limitations on the taxing authority of counties for emergency medical services. Reported by Committee on Government Operations, Tribal Relations & Elections

MAJORITY recommendation: That Substitute Senate Bill No. 6186 be substituted therefor, and the substitute bill do pass. Signed by Senators Pridemore, Chair; Prentice, Vice Chair; Swecker; Benton; Chase and Nelson.

Passed to Committee on Rules for second reading.

February 2, 2012

SB 6194 Prime Sponsor, Senator Prentice: Concerning the administration of medical expense plans for state government

TWENTY SIXTH DAY, FEBRUARY 3, 2012

2012 REGULAR SESSION

retirees. Reported by Committee on Government Operations, Tribal Relations & Elections

insurance laws. Reported by Committee on Labor, Commerce & Consumer Protection

MAJORITY recommendation: Do pass. Signed by Senators Pridemore, Chair; Prentice, Vice Chair; Swecker; Benton; Chase and Nelson.

MAJORITY recommendation: That Substitute Senate Bill No. 6302 be substituted therefor, and the substitute bill do pass. Signed by Senators Kohl-Welles, Chair; Conway, Vice Chair; Keiser and Kline.

Passed to Committee on Rules for second reading.

MINORITY recommendation: Do not pass. Signed by Senators Holmquist Newbry; King and Hewitt.

February 1, 2012  
SB 6232 Prime Sponsor, Senator Kilmer: Creating the office of the student achievement council. Reported by Committee on Higher Education & Workforce Development

Passed to Committee on Rules for second reading.

MAJORITY recommendation: That Substitute Senate Bill No. 6232 be substituted therefor, and the substitute bill do pass. Signed by Senators Tom, Chair; Shin, Vice Chair; Frockt; Kastama and Kilmer.

February 2, 2012  
SB 6309 Prime Sponsor, Senator Prentice: Requiring meals and rest breaks for certain health care workers. Reported by Committee on Labor, Commerce & Consumer Protection

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Hill; Baumgartner; Becker and Stevens.

MAJORITY recommendation: That Substitute Senate Bill No. 6309 be substituted therefor, and the substitute bill do pass. Signed by Senators Kohl-Welles, Chair; Conway, Vice Chair; Keiser and Kline.

Passed to Committee on Ways & Means.

MINORITY recommendation: Do not pass. Signed by Senators Holmquist Newbry; King and Hewitt.

February 2, 2012  
SB 6241 Prime Sponsor, Senator Pridemore: Limiting prescription drug cost-sharing obligations and out-of-pocket expenses. Reported by Committee on Health & Long-Term Care

Passed to Committee on Ways & Means.

MAJORITY recommendation: Do pass. Signed by Senators Keiser, Chair; Conway, Vice Chair; Frockt; Kline; Pflug and Pridemore.

February 2, 2012  
SB 6311 Prime Sponsor, Senator Haugen: Requiring proof of concept for water resource mitigation alternatives for human domestic needs in rural areas. Reported by Committee on Agriculture, Water & Rural Economic Development

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Becker; Carrell and Parlette.

MAJORITY recommendation: That Substitute Senate Bill No. 6311 be substituted therefor, and the substitute bill do pass. Signed by Senators Hatfield, Chair; Shin, Vice Chair; Honeyford; Becker; Delvin; Haugen; Hobbs and Schoesler.

Passed to Committee on Ways & Means.

Passed to Committee on Rules for second reading.

February 1, 2012  
SB 6284 Prime Sponsor, Senator Kline: Reforming Washington's approach to certain nonsafety civil traffic infractions by authorizing a civil collection process for unpaid traffic fines and removing the requirement for law enforcement intervention for the failure to appear and pay a traffic ticket. Reported by Committee on Judiciary

February 2, 2012  
SB 6312 Prime Sponsor, Senator Haugen: Promoting job creation by ensuring access to human domestic water for home construction. Reported by Committee on Agriculture, Water & Rural Economic Development

MAJORITY recommendation: That Substitute Senate Bill No. 6284 be substituted therefor, and the substitute bill do pass. Signed by Senators Kline, Chair; Harper, Vice Chair; Hargrove; Kohl-Welles and Regala.

MAJORITY recommendation: That Substitute Senate Bill No. 6312 be substituted therefor, and the substitute bill do pass. Signed by Senators Hatfield, Chair; Shin, Vice Chair; Honeyford; Becker; Delvin; Haugen; Hobbs and Schoesler.

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

Passed to Committee on Rules for second reading.

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

February 2, 2012  
SB 6313 Prime Sponsor, Senator Haugen: Providing consistency in water resource terminology and policy. Reported by Committee on Agriculture, Water & Rural Economic Development

Passed to Committee on Rules for second reading.

MAJORITY recommendation: Do pass. Signed by Senators Hatfield, Chair; Shin, Vice Chair; Honeyford; Becker; Delvin; Haugen; Hobbs and Schoesler.

February 2, 2012  
SB 6302 Prime Sponsor, Senator Kohl-Welles: Addressing claim files and compensation under the industrial

Passed to Committee on Rules for second reading.

February 1, 2012

SB 6327 Prime Sponsor, Senator Padden: Creating a business and occupation tax exemption for new businesses. Reported by Committee on Economic Development, Trade & Innovation

MAJORITY recommendation: Do pass. Signed by Senators Kastama, Chair; Chase, Vice Chair; Baumgartner; Ericksen; Hatfield; Holmquist Newbry; Kilmer and Shin.

Passed to Committee on Ways & Means.

February 2, 2012

SB 6332 Prime Sponsor, Senator Kohl-Welles: Expanding availability of the competitive grant program for arts and cultural facilities. Reported by Committee on Government Operations, Tribal Relations & Elections

MAJORITY recommendation: Do pass. Signed by Senators Pridemore, Chair; Prentice, Vice Chair; Swecker; Chase and Nelson.

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

Passed to Committee on Rules for second reading.

February 1, 2012

SB 6340 Prime Sponsor, Senator Sheldon: Authorizing registered tow truck operators to carry passengers in a vehicle attached to a flatbed tow truck under certain situations. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Haugen, Chair; Eide, Vice Chair; King; Fain; Delvin; Ericksen; Frockt; Hobbs; Litzow; Prentice; Rolfes; Sheldon; Shin and Swecker.

Passed to Committee on Rules for second reading.

February 2, 2012

SB 6346 Prime Sponsor, Senator Prentice: Harmonizing state requirements regarding discrimination against health care providers with federal requirements. Reported by Committee on Health & Long-Term Care

MAJORITY recommendation: Do pass. Signed by Senators Keiser, Chair; Conway, Vice Chair; Becker; Carrell; Frockt; Kline; Pflug and Pridemore.

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

Passed to Committee on Rules for second reading.

February 2, 2012

SB 6351 Prime Sponsor, Senator Prentice: Regarding inspection and copying of any public record. Reported by Committee on Government Operations, Tribal Relations & Elections

MAJORITY recommendation: That Substitute Senate Bill No. 6351 be substituted therefor, and the substitute bill do

pass. Signed by Senators Prentice, Vice Chair; Swecker; Chase and Nelson.

MINORITY recommendation: Do not pass. Signed by Senators Pridemore, Chair and Benton.

Passed to Committee on Rules for second reading.

February 2, 2012

SB 6365 Prime Sponsor, Senator Hatfield: Waiving and clarifying certain requirements for port district small public works projects. Reported by Committee on Government Operations, Tribal Relations & Elections

MAJORITY recommendation: That Substitute Senate Bill No. 6365 be substituted therefor, and the substitute bill do pass. Signed by Senators Pridemore, Chair; Prentice, Vice Chair; Swecker; Benton; Chase and Nelson.

Passed to Committee on Rules for second reading.

February 2, 2012

SB 6372 Prime Sponsor, Senator Swecker: Reducing nontax administration costs associated with the conduct of city and county operations. Reported by Committee on Government Operations, Tribal Relations & Elections

MAJORITY recommendation: That Substitute Senate Bill No. 6372 be substituted therefor, and the substitute bill do pass. Signed by Senators Pridemore, Chair; Prentice, Vice Chair; Swecker; Benton; Chase and Nelson.

Passed to Committee on Rules for second reading.

February 2, 2012

SB 6381 Prime Sponsor, Senator Prentice: Enacting the Washington voting rights act of 2012. Reported by Committee on Government Operations, Tribal Relations & Elections

MAJORITY recommendation: That Substitute Senate Bill No. 6381 be substituted therefor, and the substitute bill do pass. Signed by Senators Pridemore, Chair; Prentice, Vice Chair; Chase and Nelson.

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

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

Passed to Committee on Rules for second reading.

February 2, 2012

SB 6384 Prime Sponsor, Senator Parlette: Ensuring that persons with developmental disabilities be given the opportunity to transition to a community access program after enrollment in an employment program. Reported by Committee on Health & Long-Term Care

MAJORITY recommendation: That Substitute Senate Bill No. 6384 be substituted therefor, and the substitute bill do pass. Signed by Senators Keiser, Chair; Conway, Vice Chair; Becker; Carrell; Frockt; Kline; Parlette; Pflug and Pridemore.

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Passed to Committee on Rules for second reading.

Passed to Committee on Rules for second reading.

February 2, 2012

SB 6403 Prime Sponsor, Senator Regala: Removing financial barriers to persons seeking vulnerable adult protection orders. Reported by Committee on Health & Long-Term Care

MAJORITY recommendation: That Substitute Senate Bill No. 6403 be substituted therefor, and the substitute bill do pass. Signed by Senators Keiser, Chair; Conway, Vice Chair; Becker; Carrell; Frockt; Kline; Parlette; Pflug and Pridemore.

Passed to Committee on Rules for second reading.

February 1, 2012  
SB 6423 Prime Sponsor, Senator King: Concerning the definition of farm vehicle. Reported by Committee on Transportation

MAJORITY recommendation: That Substitute Senate Bill No. 6423 be substituted therefor, and the substitute bill do pass. Signed by Senators Haugen, Chair; Eide, Vice Chair; King; Fain; Delvin; Ericksen; Frockt; Hobbs; Litzow; Prentice; Rolfes; Sheldon; Shin and Swecker.

Passed to Committee on Rules for second reading.

February 2, 2012

SB 6412 Prime Sponsor, Senator Rolfes: Assisting persons seeking individual health benefit plan coverage when their prior carrier has terminated individual coverage. Reported by Committee on Health & Long-Term Care

MAJORITY recommendation: Do pass. Signed by Senators Keiser, Chair; Conway, Vice Chair; Becker; Carrell; Frockt; Kline; Parlette; Pflug and Pridemore.

Passed to Committee on Rules for second reading.

February 2, 2012  
SB 6431 Prime Sponsor, Senator Honeyford: Harmonizing federal exemptions for agriculture practices with state law. Reported by Committee on Agriculture, Water & Rural Economic Development

MAJORITY recommendation: That Substitute Senate Bill No. 6431 be substituted therefor, and the substitute bill do pass. Signed by Senators Hatfield, Chair; Shin, Vice Chair; Honeyford; Becker; Delvin; Haugen; Hobbs and Schoesler.

Passed to Committee on Rules for second reading.

February 2, 2012

SB 6415 Prime Sponsor, Senator Conway: Requiring the development of an informational document for use during negotiations for self-insured claims. Reported by Committee on Labor, Commerce & Consumer Protection

MAJORITY recommendation: Do pass. Signed by Senators Kohl-Welles, Chair; Conway, Vice Chair; Keiser and Kline.

MINORITY recommendation: Do not pass. Signed by Senators Holmquist Newbry; King and Hewitt.

Passed to Committee on Rules for second reading.

February 2, 2012  
SB 6442 Prime Sponsor, Senator Hobbs: Establishing a consolidating purchasing system for public school employees. Reported by Committee on Health & Long-Term Care

MAJORITY recommendation: That it be referred without recommendation. Signed by Senators Keiser, Chair; Becker; Kline; Parlette and Pflug.

MINORITY recommendation: Do not pass. Signed by Senators Conway, Vice Chair; Frockt and Pridemore.

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

Passed to Committee on Ways & Means.

February 2, 2012

SB 6417 Prime Sponsor, Senator Nelson: Concerning activities prohibited at a voting center or ballot drop location. Reported by Committee on Government Operations, Tribal Relations & Elections

MAJORITY recommendation: Do pass. Signed by Senators Pridemore, Chair; Prentice, Vice Chair; Swecker; Benton; Chase and Nelson.

Passed to Committee on Rules for second reading.

February 2, 2012  
SB 6448 Prime Sponsor, Senator Frockt: Concerning fiscal impact statements in the voters' pamphlet. Reported by Committee on Government Operations, Tribal Relations & Elections

MAJORITY recommendation: Do pass. Signed by Senators Pridemore, Chair; Prentice, Vice Chair; Swecker; Chase and Nelson.

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

Passed to Committee on Rules for second reading.

February 2, 2012

SB 6421 Prime Sponsor, Senator King: Addressing the statement of intent to pay prevailing wages on public works. Reported by Committee on Labor, Commerce & Consumer Protection

MAJORITY recommendation: That Substitute Senate Bill No. 6421 be substituted therefor, and the substitute bill do pass. Signed by Senators Kohl-Welles, Chair; Conway, Vice Chair; Holmquist Newbry; King; Hewitt; Keiser and Kline.

February 1, 2012  
SB 6451 Prime Sponsor, Senator Swecker: Modifying certain provisions regarding transportation benefit districts. Reported by Committee on Transportation

MAJORITY recommendation: That Substitute Senate Bill No. 6451 be substituted therefor, and the substitute bill do pass. Signed by Senators Haugen, Chair; Eide, Vice Chair; King; Fain; Delvin; Ericksen; Frockt; Hobbs; Litzow; Prentice; Rolfes; Sheldon; Shin and Swecker.

Passed to Committee on Rules for second reading.

February 2, 2012

SB 6452 Prime Sponsor, Senator Haugen: Concerning veterans' assistance levies. Reported by Committee on Government Operations, Tribal Relations & Elections

MAJORITY recommendation: Do pass. Signed by Senators Pridemore, Chair; Prentice, Vice Chair; Swecker; Benton; Chase and Nelson.

Passed to Committee on Ways & Means.

February 1, 2012

SB 6453 Prime Sponsor, Senator Haugen: Concerning golf cart zones. Reported by Committee on Transportation

MAJORITY recommendation: That Substitute Senate Bill No. 6453 be substituted therefor, and the substitute bill do pass. Signed by Senators Haugen, Chair; Eide, Vice Chair; King; Fain; Delvin; Ericksen; Frockt; Hobbs; Litzow; Prentice; Sheldon; Shin and Swecker.

Passed to Committee on Rules for second reading.

February 2, 2012

SB 6459 Prime Sponsor, Senator Conway: Addressing membership on city disability boards. Reported by Committee on Government Operations, Tribal Relations & Elections

MAJORITY recommendation: Do pass. Signed by Senators Pridemore, Chair; Prentice, Vice Chair; Swecker; Benton; Chase and Nelson.

Passed to Committee on Rules for second reading.

February 2, 2012

SB 6464 Prime Sponsor, Senator Holmquist Newbry: Requiring the governor to sign certain significant legislative rules. Reported by Committee on Government Operations, Tribal Relations & Elections

MAJORITY recommendation: Do pass. Signed by Senators Pridemore, Chair; Prentice, Vice Chair; Swecker; Benton; Chase and Nelson.

Passed to Committee on Rules for second reading.

February 2, 2012

SB 6466 Prime Sponsor, Senator Holmquist Newbry: Concerning fraud prevention and detection in the medicaid and the children's health insurance program. Reported by Committee on Health & Long-Term Care

MAJORITY recommendation: Do pass. Signed by Senators Keiser, Chair; Conway, Vice Chair; Carrell; Frockt and Kline.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Becker; Parlette and Pflug.

Passed to Committee on Ways & Means.

February 2, 2012

SB 6470 Prime Sponsor, Senator McAuliffe: Authorizing benefit charges for the enhancement of fire protection services. Reported by Committee on Government Operations, Tribal Relations & Elections

MAJORITY recommendation: That Substitute Senate Bill No. 6470 be substituted therefor, and the substitute bill do pass. Signed by Senators Pridemore, Chair; Prentice, Vice Chair; Swecker; Benton; Chase and Nelson.

Passed to Committee on Rules for second reading.

February 2, 2012

SB 6475 Prime Sponsor, Senator Hobbs: Changing the criteria for the beer and wine tasting endorsement for grocery stores. Reported by Committee on Labor, Commerce & Consumer Protection

MAJORITY recommendation: That Substitute Senate Bill No. 6475 be substituted therefor, and the substitute bill do pass. Signed by Senators Kohl-Welles, Chair; Conway, Vice Chair; Holmquist Newbry; King; Hewitt; Keiser and Kline.

Passed to Committee on Rules for second reading.

February 2, 2012

SB 6476 Prime Sponsor, Senator Kohl-Welles: Regulating plumbing contractors. Reported by Committee on Labor, Commerce & Consumer Protection

MAJORITY recommendation: That Substitute Senate Bill No. 6476 be substituted therefor, and the substitute bill do pass. Signed by Senators Kohl-Welles, Chair; Conway, Vice Chair; Keiser and Kline.

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

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Holmquist Newbry and Hewitt.

Passed to Committee on Rules for second reading.

February 2, 2012

SB 6477 Prime Sponsor, Senator Conway: Concerning spirits sampling in former contract liquor stores. Reported by Committee on Labor, Commerce & Consumer Protection

MAJORITY recommendation: That Substitute Senate Bill No. 6477 be substituted therefor, and the substitute bill do pass. Signed by Senators Kohl-Welles, Chair; Conway, Vice Chair; Holmquist Newbry; King; Hewitt; Keiser and Kline.

Passed to Committee on Rules for second reading.

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SB 6480 Prime Sponsor, Senator King: Protecting employers who pay the prevailing wage on public works. Reported by Committee on Labor, Commerce & Consumer Protection

MAJORITY recommendation: That Substitute Senate Bill No. 6480 be substituted therefor, and the substitute bill do pass. Signed by Senators Kohl-Welles, Chair; Conway, Vice Chair; Holmquist Newbry; King; Hewitt; Keiser and Kline.

Passed to Committee on Rules for second reading.

February 2, 2012

SB 6486 Prime Sponsor, Senator Kohl-Welles: Granting collective bargaining for postdoctoral researchers at certain state universities. Reported by Committee on Labor, Commerce & Consumer Protection

MAJORITY recommendation: Do pass. Signed by Senators Kohl-Welles, Chair; Conway, Vice Chair; Keiser and Kline.

MINORITY recommendation: Do not pass. Signed by Senators Holmquist Newbry; King and Hewitt.

Passed to Committee on Ways & Means.

February 2, 2012

SB 6490 Prime Sponsor, Senator Pridemore: Clarifying the number of employees within certain classifications within the consolidated technology services agency. Reported by Committee on Government Operations, Tribal Relations & Elections

MAJORITY recommendation: Do pass. Signed by Senators Pridemore, Chair; Prentice, Vice Chair; Swecker; Benton; Chase and Nelson.

Passed to Committee on Rules for second reading.

February 2, 2012

SB 6498 Prime Sponsor, Senator Swecker: Modifying write-in voting provisions. Reported by Committee on Government Operations, Tribal Relations & Elections

MAJORITY recommendation: Do pass. Signed by Senators Pridemore, Chair; Prentice, Vice Chair; Swecker; Chase and Nelson.

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

Passed to Committee on Rules for second reading.

February 2, 2012

SB 6504 Prime Sponsor, Senator Keiser: Addressing noncompetition agreements for broadcasting industry employees. Reported by Committee on Labor, Commerce & Consumer Protection

MAJORITY recommendation: Do pass. Signed by Senators Kohl-Welles, Chair; Conway, Vice Chair; Keiser and Kline.

MINORITY recommendation: Do not pass. Signed by Senators Holmquist Newbry; King and Hewitt.

Passed to Committee on Rules for second reading.

February 2, 2012

SB 6507 Prime Sponsor, Senator Hewitt: Establishing the Walla Walla state veterans' home. Reported by Committee on Government Operations, Tribal Relations & Elections

MAJORITY recommendation: Do pass. Signed by Senators Pridemore, Chair; Prentice, Vice Chair; Swecker; Benton; Chase and Nelson.

Passed to Committee on Rules for second reading.

February 2, 2012

SB 6517 Prime Sponsor, Senator Pflug: Regarding hospital financing and tax preference eligibility. Reported by Committee on Health & Long-Term Care

MAJORITY recommendation: That Substitute Senate Bill No. 6517 be substituted therefor, and the substitute bill do pass. Signed by Senators Keiser, Chair; Conway, Vice Chair; Becker; Frockt; Kline and Pflug.

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

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Carrell and Parlette.

Passed to Committee on Ways & Means.

February 2, 2012

SB 6521 Prime Sponsor, Senator Regala: Increasing flexibility and diversity of local government revenue. Reported by Committee on Government Operations, Tribal Relations & Elections

MAJORITY recommendation: That it be referred without recommendation. Signed by Senators Pridemore, Chair; Prentice, Vice Chair; Swecker; Benton; Chase and Nelson.

Passed to Committee on Ways & Means.

February 2, 2012

SB 6523 Prime Sponsor, Senator Honeyford: Concerning resident curators of state properties. Reported by Committee on Government Operations, Tribal Relations & Elections

MAJORITY recommendation: Do pass. Signed by Senators Pridemore, Chair; Prentice, Vice Chair; Swecker; Benton; Chase and Nelson.

Passed to Committee on Rules for second reading.

February 2, 2012

SB 6529 Prime Sponsor, Senator Pridemore: Changing requirements for electioneering communications. Reported by Committee on Government Operations, Tribal Relations & Elections

MAJORITY recommendation: That Substitute Senate Bill No. 6529 be substituted therefor, and the substitute bill do pass. Signed by Senators Pridemore, Chair; Prentice, Vice Chair; Swecker; Chase and Nelson.

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

Passed to Committee on Rules for second reading.

February 2, 2012

SB 6535 Prime Sponsor, Senator Conway: Clarifying provisions establishing subzones in countywide flood control zone districts. Reported by Committee on Government Operations, Tribal Relations & Elections

MAJORITY recommendation: Do pass. Signed by Senators Pridemore, Chair; Prentice, Vice Chair; Swecker; Benton; Chase and Nelson.

Passed to Committee on Rules for second reading.

February 2, 2012

SB 6536 Prime Sponsor, Senator Keiser: Concerning ferry and flood control zone district functions and taxing authorities. Reported by Committee on Government Operations, Tribal Relations & Elections

MAJORITY recommendation: Do pass. Signed by Senators Pridemore, Chair; Prentice, Vice Chair; Swecker; Chase and Nelson.

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

Passed to Committee on Rules for second reading.

February 1, 2012

SB 6540 Prime Sponsor, Senator Chase: Creating a business and occupation tax credit for hiring certain persons in manufacturing. Reported by Committee on Economic Development, Trade & Innovation

MAJORITY recommendation: That Substitute Senate Bill No. 6540 be substituted therefor, and the substitute bill do pass. Signed by Senators Kastama, Chair; Chase, Vice Chair; Baumgartner; Ericksen; Hatfield; Holmquist Newbry; Kilmer and Shin.

Passed to Committee on Ways & Means.

February 2, 2012

SB 6546 Prime Sponsor, Senator Frockt: Concerning preventative care and screenings for children in medicaid managed care contracts. Reported by Committee on Health & Long-Term Care

MAJORITY recommendation: Do pass. Signed by Senators Keiser, Chair; Conway, Vice Chair; Frockt; Kline and Pridemore.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Becker; Carrell; Parlette and Pflug.

Passed to Committee on Ways & Means.

February 1, 2012

SB 6547 Prime Sponsor, Senator Pridemore: Regarding the microenterprise development program. Reported by Committee on Economic Development, Trade & Innovation

MAJORITY recommendation: That Substitute Senate Bill No. 6547 be substituted therefor, and the substitute bill do pass. Signed by Senators Kastama, Chair; Chase, Vice Chair; Hatfield; Kilmer and Shin.

Passed to Committee on Rules for second reading.

February 2, 2012

SB 6556 Prime Sponsor, Senator Keiser: Establishing a diabetes action team public-private partnership. Reported by Committee on Health & Long-Term Care

MAJORITY recommendation: That Substitute Senate Bill No. 6556 be substituted therefor, and the substitute bill do pass. Signed by Senators Keiser, Chair; Conway, Vice Chair; Frockt; Kline and Pridemore.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Becker; Carrell; Parlette and Pflug.

Passed to Committee on Ways & Means.

February 2, 2012

SB 6559 Prime Sponsor, Senator Ranker: Modifying the definition of nonpower attributes in the energy independence act. Reported by Committee on Energy, Natural Resources & Marine Waters

MAJORITY recommendation: That Substitute Senate Bill No. 6559 be substituted therefor, and the substitute bill do pass. Signed by Senators Delvin; Morton; Hargrove; Stevens and Swecker.

Passed to Committee on Rules for second reading.

February 2, 2012

SB 6561 Prime Sponsor, Senator Ranker: Adding spent pulping liquors and liquors derived from algae and other sources to the definition of renewable resource in the energy independence act. Reported by Committee on Energy, Natural Resources & Marine Waters

MAJORITY recommendation: That Substitute Senate Bill No. 6561 be substituted therefor, and the substitute bill do pass. Signed by Senators Ranker, Chair; Regala, Vice Chair; Morton; Hargrove and Swecker.

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

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

Passed to Committee on Rules for second reading.

February 2, 2012



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SB 6564 Prime Sponsor, Senator Keiser: Prohibiting roll your own tobacco machines. Reported by Committee on Labor, Commerce & Consumer Protection

MOTION

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

MAJORITY recommendation: That it be referred without recommendation. Signed by Senators Kohl-Welles, Chair; Conway, Vice Chair; Keiser and Kline.

INTRODUCTION AND FIRST READING

MINORITY recommendation: Do not pass. Signed by Senators Holmquist Newbry; King and Hewitt.

SB 6583 by Senators Hobbs and Harper

Passed to Committee on Ways & Means.

AN ACT Relating to creating a property tax exemption for the value of new construction of industrial/manufacturing facilities in target urban areas; and adding a new chapter to Title 84 RCW.

February 2, 2012

Referred to Committee on Ways & Means.

SB 6571 Prime Sponsor, Senator Kohl-Welles: Strengthening the department of revenue's ability to collect spirits taxes imposed under RCW 82.08.150. Reported by Committee on Labor, Commerce & Consumer Protection

SB 6584 by Senators Fraser, Schoesler, Murray, Fain, Hill and Shin

MAJORITY recommendation: Do pass. Signed by Senators Kohl-Welles, Chair; Conway, Vice Chair; Holmquist Newbry; King; Hewitt; Keiser and Kline.

AN ACT Relating to employer and employee relationships under the state retirement systems; amending RCW 41.26.030, 41.32.010, and 41.40.010; reenacting and amending RCW 41.35.010 and 41.37.010; adding a new section to chapter 41.04 RCW; creating a new section; and declaring an emergency.

Passed to Committee on Rules for second reading.

Referred to Committee on Ways & Means.

February 2, 2012

SB 6574 Prime Sponsor, Senator Kohl-Welles: Authorizing certain cities in which stadium and exhibition centers are located to impose admissions taxes in limited circumstances. Reported by Committee on Government Operations, Tribal Relations & Elections

MOTION

MAJORITY recommendation: That it be referred without recommendation. Signed by Senators Pridemore, Chair; Prentice, Vice Chair; Swecker; Chase and Nelson.

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

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

INTRODUCTION OF SPECIAL GUESTS

Passed to Committee on Ways & Means.

The President welcomed and introduced members of the Pharmacist students who were seated in the gallery.

MOTION

February 2, 2012

SJM 8014 Prime Sponsor, Senator Chase: Requesting a reduction in federal military spending by ending the war in Afghanistan. Reported by Committee on Government Operations, Tribal Relations & Elections

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

MOTION

MAJORITY recommendation: Do pass. Signed by Senators Pridemore, Chair; Prentice, Vice Chair; Chase and Nelson.

Senator Hobbs moved adoption of the following resolution:

SENATE RESOLUTION

8674

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

By Senators Hobbs, Eide, Conway, Nelson, Prentice, Tom, Kilmer, Fraser, Shin, Regala, Hatfield, Pflug, King, Fain, Litzow, Carrell, Stevens, Delvin, Hewitt, Zarelli, Brown, Harper, Holmquist Newbry, Becker, Morton, Ericksen, Parlette, Padden, Hill, and Baumgartner

Passed to Committee on Rules for second reading.

MOTION

On motion of Eide, all measures listed on the Standing Committee report were referred to the committees as designated with the exception of Senate Bill No. 6284 which was referred to the Committee on Transportation, Senate Bill No. 6152, Senate Bill No. 6165, Senate Bill No. 6332, Senate Bill No. 6470, Senate Bill No. 6507 and Senate Bill No. 6571 which were referred to the Committee on Ways & Means.

WHEREAS, Nearly eighty-six hundred men and women of the Washington National Guard continue to serve the country as guardians of American interests at home and abroad; and

WHEREAS, These recognized leaders in state, regional, and national preparedness, who reside in nearly every legislative district throughout Washington, volunteer their time and put personal lives aside when the needs of the people of Washington state arise; and

WHEREAS, The Guard always answers the state's call in response to all emergency efforts and to protect lives and property; and

WHEREAS, The Washington Army and Air National Guard continue to provide critical mission support to Operation Enduring Freedom around the world to include Afghanistan, Kuwait, the Philippines, and the Horn of Africa, as well as supporting Federal mission requirements throughout the continental United States; and

WHEREAS, The Guard continues to train and prepare for both natural disasters and threats to our national security; and

WHEREAS, The Guard continues to promote positive lifestyles and activities for Washington's youth through involvement in and support of highly effective drug prevention programs with school-aged children and community-based organizations and the continued success and ongoing work of the invaluable Washington Youth Academy; and

WHEREAS, The Guard continues to actively participate in the state's counterdrug efforts by providing soldiers, airmen, and specialized equipment to over thirty-four local, state, and federal law enforcement agencies and community-based and other organizations; and

WHEREAS, The Guard adds value to communities by opening its Readiness Centers for public and other community and youth activities use. The Guard continues to build upon these Readiness Centers and Armories throughout the state to enhance education, add to quality of life, and increase economic vitality;

NOW, THEREFORE, BE IT RESOLVED, That the Senate express its thanks and appreciation to the devoted families and dedicated employers of our Washington National Guard soldiers and airmen for their support, without whom the Guard's missions could not be successful; and

BE IT FURTHER RESOLVED, That the Senate recognize the value and dedication of a strong Washington National Guard to the viability, economy, safety, security, and well-being of this state, both through the outstanding performance of its state emergency and disaster relief mission, and through the continued benefit to local communities by the presence of productively employed, drug-free, well-equipped, and trained Guard units and the readiness centers and armories that house them; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to The Adjutant General of the Washington National Guard, the Governor of the State of Washington, the Secretaries of the United States Army and Air Force, and the President of the United States.

Senators Hobbs, Swecker, Shin, Carrell, Eide, Conway and King spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8674.

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

#### INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced Major General Timothy Lowenberg, Adjutant General and Commander of the Washington National Guard and First Gentleman Mike Gregoire, who were seated at the rostrum.

#### INTRODUCTION OF SPECIAL GUESTS

The President welcomed members of the Washington National Guard who were seated in the gallery.

#### PERSONAL PRIVILEGE

Senator Hobbs: "I just want to, I know that I'm going against the rules here just a little bit but I just want to let the Sergeant Major know, that is in the audience, that I will get my hair cut this afternoon so that I am in regulation at tomorrow's drill."

#### MOTION

At 10:32 a.m., on motion of Senator Eide, the Senate was declared to be at ease subject to the call of the President.

#### AFTERNOON SESSION

The Senate was called to order at 3:32 p.m. by Senator Fraser.

#### MOTION

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

#### SUPPLEMENTAL REPORTS OF STANDING COMMITTEES

February 2, 2012

SB 5049 Prime Sponsor, Senator Kline: Implementing recommendations of the sunshine committee. Reported by Committee on Government Operations, Tribal Relations & Elections

MAJORITY recommendation: That Second Substitute Senate Bill No. 5049 be substituted therefor, and the second substitute bill do pass. Signed by Senators Pridemore, Chair; Prentice, Vice Chair; Swecker; Benton; Chase and Nelson.

Passed to Committee on Rules for second reading.

February 3, 2012

SB 5054 Prime Sponsor, Senator Kline: Regulating legal proceedings involving public hazards. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Senators Kline, Chair; Harper, Vice Chair; Pflug; Kohl-Welles and Regala.

Passed to Committee on Rules for second reading.

February 2, 2012

SB 5341 Prime Sponsor, Senator Keiser: Requiring notice to injured workers by self-insured employers. Reported by Committee on Labor, Commerce & Consumer Protection

MAJORITY recommendation: That Second Substitute Senate Bill No. 5341 be substituted therefor, and the second substitute bill do pass. Signed by Senators Kohl-Welles, Chair; Conway, Vice Chair; Keiser and Kline.

MINORITY recommendation: Do not pass. Signed by Senators Holmquist Newbry; King and Hewitt.

Passed to Committee on Rules for second reading.

February 2, 2012

SB 5412 Prime Sponsor, Senator Keiser: Providing remedies for whistleblowers in the conveyance work industry.

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Reported by Committee on Labor, Commerce & Consumer Protection

neglect. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: That Substitute Senate Bill No. 5412 be substituted therefor, and the substitute bill do pass. Signed by Senators Kohl-Welles, Chair; Conway, Vice Chair; Keiser and Kline.

MAJORITY recommendation: That Substitute Senate Bill No. 5971 be substituted therefor, and the substitute bill do pass. Signed by Senators Hargrove, Chair; Regala, Vice Chair; Stevens; Carrell; Harper; McAuliffe and Padden.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Holmquist Newbry; King and Hewitt.

Passed to Committee on Rules for second reading.

Passed to Committee on Rules for second reading.

February 2, 2012

ESSB 5605 Prime Sponsor, Committee on Human Services & Corrections: Limiting governmental liability for various activities. Reported by Committee on Human Services & Corrections

SB 5991 Prime Sponsor, Senator Kohl-Welles: Extending mandatory child abuse reporting requirements to specified employees of institutions of higher education. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: Do pass. Signed by Senators Hargrove, Chair; Stevens; Carrell; Harper and McAuliffe.

MAJORITY recommendation: That Substitute Senate Bill No. 5991 be substituted therefor, and the substitute bill do pass. Signed by Senators Hargrove, Chair; Regala, Vice Chair; Stevens; Carrell; Harper; McAuliffe and Padden.

Passed to Committee on Rules for second reading.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Regala, Vice Chair and Padden.

February 2, 2012

Passed to Committee on Rules for second reading.

SB 6010 Prime Sponsor, Senator Carrell: Concerning worker safety at state hospitals. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: That Substitute Senate Bill No. 6010 be substituted therefor, and the substitute bill do pass. Signed by Senators Hargrove, Chair; Regala, Vice Chair; Stevens; Carrell; Harper; McAuliffe and Padden.

Passed to Committee on Rules for second reading.

February 2, 2012  
SB 5650 Prime Sponsor, Senator Harper: Allowing craft distilleries to sell their own spirits at qualifying farmers markets. Reported by Committee on Labor, Commerce & Consumer Protection

February 3, 2012

MAJORITY recommendation: That Substitute Senate Bill No. 5650 be substituted therefor, and the substitute bill do pass. Signed by Senators Kohl-Welles, Chair; Conway, Vice Chair; King; Hewitt; Keiser and Kline.

SB 6027 Prime Sponsor, Senator Honeyford: Concerning publicly owned industrial wastewater treatment facilities. Reported by Committee on Environment

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

MAJORITY recommendation: That Substitute Senate Bill No. 6027 be substituted therefor, and the substitute bill do pass. Signed by Senators Nelson, Chair; Rolfes, Vice Chair; Ericksen; Chase; Fraser; Honeyford; Morton; Pridemore and Sheldon.

Passed to Committee on Rules for second reading.

Passed to Committee on Rules for second reading.

February 3, 2012  
SB 5684 Prime Sponsor, Senator Rockefeller: Regarding water well construction requirements. Reported by Committee on Environment

February 2, 2012

MAJORITY recommendation: That Substitute Senate Bill No. 5684 be substituted therefor, and the substitute bill do pass. Signed by Senators Nelson, Chair; Rolfes, Vice Chair; Chase; Fraser and Pridemore.

SB 6122 Prime Sponsor, Senator Carrell: Concerning unattended pet animals with a choke chain. Reported by Committee on Judiciary

MINORITY recommendation: Do not pass. Signed by Senators Honeyford; Morton and Sheldon.

MAJORITY recommendation: That Substitute Senate Bill No. 6122 be substituted therefor, and the substitute bill do pass. Signed by Senators Kline, Chair; Harper, Vice Chair; Carrell; Hargrove; Kohl-Welles; Padden and Regala.

Passed to Committee on Rules for second reading.

Passed to Committee on Rules for second reading.

February 2, 2012  
SB 5971 Prime Sponsor, Senator Carrell: Modifying requirements for certain mandatory reporters of child abuse and

February 2, 2012

SB 6135 Prime Sponsor, Senator Hargrove: Regarding enforcement of fish and wildlife violations. Reported by Committee on Energy, Natural Resources & Marine Waters

MAJORITY recommendation: That Substitute Senate Bill No. 6135 be substituted therefor, and the substitute bill do pass. Signed by Senators Ranker, Chair; Regala, Vice Chair; Delvin; Morton; Fraser; Hargrove; Murray; Stevens and Swecker.

Passed to Committee on Rules for second reading.

February 2, 2012

SB 6137 Prime Sponsor, Senator Schoesler: Providing an affirmative defense to the unlawful taking of endangered fish or wildlife when the incident involves a gray wolf. Reported by Committee on Energy, Natural Resources & Marine Waters

MAJORITY recommendation: That Substitute Senate Bill No. 6137 be substituted therefor, and the substitute bill do pass. Signed by Senators Ranker, Chair; Delvin; Morton; Fraser; Hargrove; Stevens and Swecker.

Passed to Committee on Rules for second reading.

February 3, 2012

SB 6145 Prime Sponsor, Senator Chase: Developing a paint stewardship program. Reported by Committee on Environment

MAJORITY recommendation: That Substitute Senate Bill No. 6145 be substituted therefor, and the substitute bill do pass. Signed by Senators Nelson, Chair; Rolfes, Vice Chair; Chase; Fraser and Pridemore.

MINORITY recommendation: Do not pass. Signed by Senators Ericksen; Honeyford; Morton and Sheldon.

Passed to Committee on Ways & Means.

February 2, 2012

SB 6153 Prime Sponsor, Senator McAuliffe: Regarding school attendance of children whose parents or guardians receive state assistance. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: That Substitute Senate Bill No. 6153 be substituted therefor, and the substitute bill do pass. Signed by Senators Hargrove, Chair; Regala, Vice Chair; Stevens; Carrell; Harper; McAuliffe and Padden.

Passed to Committee on Rules for second reading.

February 2, 2012

SB 6167 Prime Sponsor, Senator Kohl-Welles: Regarding criminal identification system information for entities providing emergency shelter, interim housing, or transitional housing. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: That Substitute Senate Bill No. 6167 be substituted therefor, and the substitute bill do pass. Signed by Senators Hargrove, Chair; Regala, Vice Chair; Stevens; Carrell; Harper; McAuliffe and Padden.

Passed to Committee on Rules for second reading.

February 2, 2012

SB 6169 Prime Sponsor, Senator Ranker: Establishing the ocean policy advisory council. Reported by Committee on Energy, Natural Resources & Marine Waters

MAJORITY recommendation: That Substitute Senate Bill No. 6169 be substituted therefor, and the substitute bill do pass. Signed by Senators Ranker, Chair; Regala, Vice Chair; Delvin; Morton; Fraser; Hargrove; Murray; Stevens and Swecker.

Passed to Committee on Rules for second reading.

February 2, 2012

SB 6204 Prime Sponsor, Senator Hargrove: Modifying community supervision provisions. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: That Substitute Senate Bill No. 6204 be substituted therefor, and the substitute bill do pass. Signed by Senators Hargrove, Chair; Regala, Vice Chair; Stevens; Carrell; Harper; McAuliffe and Padden.

Passed to Committee on Ways & Means.

February 3, 2012

SB 6211 Prime Sponsor, Senator Ranker: Accelerating cleanup of hazardous waste sites. Reported by Committee on Environment

MAJORITY recommendation: That Substitute Senate Bill No. 6211 be substituted therefor, and the substitute bill do pass. Signed by Senators Nelson, Chair; Rolfes, Vice Chair; Ericksen; Chase; Fraser; Morton; Pridemore and Sheldon.

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

Passed to Committee on Ways & Means.

February 2, 2012

SB 6226 Prime Sponsor, Senator Frockt: Concerning authorization periods for subsidized child care. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: That Substitute Senate Bill No. 6226 be substituted therefor, and the substitute bill do pass. Signed by Senators Hargrove, Chair; Regala, Vice Chair; Stevens; Carrell; Harper; McAuliffe and Padden.

Passed to Committee on Rules for second reading.

February 2, 2012

SB 6228 Prime Sponsor, Senator Keiser: Making employment status discrimination an unfair labor practice. Reported by Committee on Labor, Commerce & Consumer Protection

MAJORITY recommendation: That Substitute Senate Bill No. 6228 be substituted therefor, and the substitute bill do pass. Signed by Senators Kohl-Welles, Chair; Conway, Vice Chair; Keiser and Kline.

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

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MINORITY recommendation: That it be referred without recommendation. Signed by Senators Holmquist Newbry and Hewitt.

Passed to Committee on Ways & Means.

Passed to Committee on Rules for second reading.

February 2, 2012

SB 6240 Prime Sponsor, Senator Regala: Modifying provisions relating to orders of disposition for juveniles. Reported by Committee on Human Services & Corrections

SB 6304 Prime Sponsor, Senator Rolfes: Incorporating motorcycles into certain transportation planning. Reported by Committee on Transportation

MAJORITY recommendation: That Substitute Senate Bill No. 6240 be substituted therefor, and the substitute bill do pass. Signed by Senators Hargrove, Chair; Regala, Vice Chair; Stevens; Carrell; Harper; McAuliffe and Padden.

MAJORITY recommendation: That Substitute Senate Bill No. 6304 be substituted therefor, and the substitute bill do pass. Signed by Senators Haugen, Chair; Eide, Vice Chair; King; Fain; Delvin; Frockt; Hobbs; Litzow; Ranker; Rolfes; Sheldon; Shin and Swecker.

Passed to Committee on Rules for second reading.

Passed to Committee on Rules for second reading.

February 2, 2012

SB 6258 Prime Sponsor, Senator Stevens: Concerning unaccompanied persons. Reported by Committee on Judiciary

SB 6307 Prime Sponsor, Senator Prentice: Concerning nursing staffing practices at hospitals. Reported by Committee on Health & Long-Term Care

MAJORITY recommendation: That Substitute Senate Bill No. 6258 be substituted therefor, and the substitute bill do pass. Signed by Senators Kline, Chair; Harper, Vice Chair; Carrell; Hargrove; Kohl-Welles; Padden and Regala.

MAJORITY recommendation: That Substitute Senate Bill No. 6307 be substituted therefor, and the substitute bill do pass. Signed by Senators Keiser, Chair; Conway, Vice Chair; Frockt; Kline and Pflug.

Passed to Committee on Rules for second reading.

MINORITY recommendation: Do not pass. Signed by Senators Becker; Carrell and Parlette.

February 2, 2012

SB 6260 Prime Sponsor, Senator Delvin: Revising registration requirements and fees charged for various criminal offenses. Reported by Committee on Judiciary

Passed to Committee on Ways & Means.

MAJORITY recommendation: That Substitute Senate Bill No. 6260 be substituted therefor, and the substitute bill do pass. Signed by Senators Kline, Chair; Harper, Vice Chair; Carrell; Hargrove; Kohl-Welles; Padden and Regala.

SB 6321 Prime Sponsor, Senator Kohl-Welles: Facilitating the sealing of certain unlawful detainer and protection order records to protect housing opportunities. Reported by Committee on Judiciary

Passed to Committee on Rules for second reading.

MAJORITY recommendation: That Substitute Senate Bill No. 6321 be substituted therefor, and the substitute bill do pass. Signed by Senators Kline, Chair; Harper, Vice Chair; Hargrove; Kohl-Welles and Regala.

February 2, 2012

SB 6280 Prime Sponsor, Senator Carrell: Concerning robberies of pharmacies. Reported by Committee on Judiciary

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Carrell and Padden.

MAJORITY recommendation: That Substitute Senate Bill No. 6280 be substituted therefor, and the substitute bill do pass. Signed by Senators Kline, Chair; Harper, Vice Chair; Carrell; Hargrove; Kohl-Welles; Padden and Regala.

Passed to Committee on Rules for second reading.

Passed to Committee on Rules for second reading.

February 2, 2012

SB 6292 Prime Sponsor, Senator Harper: Making juvenile records confidential. Reported by Committee on Human Services & Corrections

SB 6328 Prime Sponsor, Senator Conway: Creating a retired active license for mental health professionals. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: That Substitute Senate Bill No. 6292 be substituted therefor, and the substitute bill do pass. Signed by Senators Hargrove, Chair; Regala, Vice Chair; Stevens; Harper and McAuliffe.

MAJORITY recommendation: That Substitute Senate Bill No. 6328 be substituted therefor, and the substitute bill do pass. Signed by Senators Hargrove, Chair; Regala, Vice Chair; Stevens; Carrell; Harper; McAuliffe and Padden.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Carrell and Padden.

Passed to Committee on Rules for second reading.

February 3, 2012

SB 6336 Prime Sponsor, Senator Pridemore: Regarding electronic product recycling. Reported by Committee on Environment

MAJORITY recommendation: That Substitute Senate Bill No. 6336 be substituted therefor, and the substitute bill do

pass. Signed by Senators Nelson, Chair; Rolfes, Vice Chair; Ericksen; Chase; Fraser; Morton and Pridemore.

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

Passed to Committee on Rules for second reading.

February 3, 2012

SB 6341 Prime Sponsor, Senator Kohl-Welles: Creating jobs by increasing recycling of discarded carpet. Reported by Committee on Environment

MAJORITY recommendation: That Substitute Senate Bill No. 6341 be substituted therefor, and the substitute bill do pass. Signed by Senators Nelson, Chair; Rolfes, Vice Chair; Chase; Fraser and Pridemore.

MINORITY recommendation: Do not pass. Signed by Senators Ericksen; Honeyford and Sheldon.

Passed to Committee on Ways & Means.

February 2, 2012

SB 6347 Prime Sponsor, Senator Pridemore: Regarding cost savings and efficiencies in mailing notices of possible license suspension for noncompliance with child support orders. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: Do pass. Signed by Senators Hargrove, Chair; Regala, Vice Chair; Stevens; Carrell; Harper; McAuliffe and Padden.

Passed to Committee on Rules for second reading.

February 2, 2012

SB 6350 Prime Sponsor, Senator Haugen: Repealing the transportation innovative partnerships act. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Haugen, Chair; Eide, Vice Chair; King; Fain; Delvin; Frockt; Hill; Hobbs; Litzow; Ranker; Rolfes; Sheldon; Shin and Swecker.

Passed to Committee on Rules for second reading.

February 2, 2012

SB 6386 Prime Sponsor, Senator Carrell: Enacting measures to reduce public assistance fraud. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: That Substitute Senate Bill No. 6386 be substituted therefor, and the substitute bill do pass. Signed by Senators Hargrove, Chair; Regala, Vice Chair; Stevens; Carrell; Harper; McAuliffe and Padden.

Passed to Committee on Rules for second reading.

February 2, 2012

SB 6389 Prime Sponsor, Senator Hargrove: Creating the crime victims' services account. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: That Substitute Senate Bill No. 6389 be substituted therefor, and the substitute bill do pass. Signed by Senators Hargrove, Chair; Regala, Vice Chair; Harper and McAuliffe.

MINORITY recommendation: Do not pass. Signed by Senators Stevens; Carrell and Padden.

Passed to Committee on Rules for second reading.

February 2, 2012

SB 6406 Prime Sponsor, Senator Hargrove: Modifying programs that provide for the protection of the state's natural resources. Reported by Committee on Energy, Natural Resources & Marine Waters

MAJORITY recommendation: That Substitute Senate Bill No. 6406 be substituted therefor, and the substitute bill do pass. Signed by Senators Ranker, Chair; Delvin; Morton; Hargrove and Swecker.

MINORITY recommendation: Do not pass. Signed by Senators Fraser and Murray.

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

Passed to Committee on Ways & Means.

February 2, 2012

SB 6407 Prime Sponsor, Senator Carrell: Providing transitional reentry housing through the department of corrections. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: That Substitute Senate Bill No. 6407 be substituted therefor, and the substitute bill do pass. Signed by Senators Hargrove, Chair; Regala, Vice Chair; Stevens; Carrell; Harper; McAuliffe and Padden.

Passed to Committee on Rules for second reading.

February 2, 2012

SB 6411 Prime Sponsor, Senator Regala: Concerning expenditures of the WorkFirst program. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: Do pass. Signed by Senators Hargrove, Chair; Regala, Vice Chair; Stevens; Carrell; Harper; McAuliffe and Padden.

Passed to Committee on Ways & Means.

February 2, 2012

SB 6414 Prime Sponsor, Senator Ranker: Authorizing advisory opinions regarding whether an electric generation project or conservation resource qualifies to meet a target under RCW 19.285.040. Reported by Committee on Energy, Natural Resources & Marine Waters

MAJORITY recommendation: That Substitute Senate Bill No. 6414 be substituted therefor, and the substitute bill do pass. Signed by Senators Regala, Vice Chair; Delvin; Morton; Hargrove; Murray; Stevens and Swecker.

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Passed to Committee on Rules for second reading.

February 2, 2012

SB 6427 Prime Sponsor, Senator Kastama: Improving protections for incapacitated adults. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: That Substitute Senate Bill No. 6427 be substituted therefor, and the substitute bill do pass. Signed by Senators Hargrove, Chair; Stevens; Carrell; McAuliffe and Padden.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Regala, Vice Chair and Harper.

Passed to Committee on Rules for second reading.

February 2, 2012

SB 6440 Prime Sponsor, Senator Parlette: Providing health care purchasing options for individuals and small employers. Reported by Committee on Health & Long-Term Care

MAJORITY recommendation: Do pass. Signed by Senators Keiser, Chair; Becker; Carrell; Frockt; Kline; Parlette and Pflug.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Conway, Vice Chair.

Passed to Committee on Ways & Means.

February 2, 2012

SB 6457 Prime Sponsor, Senator Rolfes: Concerning preferential hiring of veterans by the marine division of the department of transportation. Reported by Committee on Transportation

MAJORITY recommendation: That Substitute Senate Bill No. 6457 be substituted therefor, and the substitute bill do pass. Signed by Senators Haugen, Chair; Eide, Vice Chair; King; Fain; Delvin; Frockt; Hill; Hobbs; Litzow; Ranker; Rolfes; Sheldon; Shin and Swecker.

Passed to Committee on Rules for second reading.

February 2, 2012

SB 6462 Prime Sponsor, Senator Fraser: Concerning determination of income and resources for the purposes of eligibility for public assistance. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: That Substitute Senate Bill No. 6462 be substituted therefor, and the substitute bill do pass. Signed by Senators Hargrove, Chair; Regala, Vice Chair; Stevens; Carrell; Harper; McAuliffe and Padden.

Passed to Committee on Rules for second reading.

February 2, 2012

SB 6479 Prime Sponsor, Senator Swecker: Making technical corrections to certain vehicle and vessel title and registration provisions. Reported by Committee on Transportation

MAJORITY recommendation: That Substitute Senate Bill No. 6479 be substituted therefor, and the substitute bill do pass. Signed by Senators Haugen, Chair; Eide, Vice Chair; King; Fain; Delvin; Frockt; Hobbs; Litzow; Ranker; Rolfes; Sheldon; Shin and Swecker.

Passed to Committee on Rules for second reading.

February 2, 2012

SB 6489 Prime Sponsor, Senator Harper: Concerning the issuance of certain drivers' licenses. Reported by Committee on Judiciary

MAJORITY recommendation: That Substitute Senate Bill No. 6489 be substituted therefor, and the substitute bill do pass. Signed by Senators Kline, Chair; Harper, Vice Chair; Carrell; Hargrove; Kohl-Welles; Padden and Regala.

Passed to Committee on Rules for second reading.

February 2, 2012

SB 6492 Prime Sponsor, Senator Hargrove: Improving timeliness, efficiency, and accountability of forensic resource utilization associated with competency to stand trial. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: That Substitute Senate Bill No. 6492 be substituted therefor, and the substitute bill do pass. Signed by Senators Hargrove, Chair; Regala, Vice Chair; Stevens; Carrell; Harper; McAuliffe and Padden.

Passed to Committee on Rules for second reading.

February 2, 2012

SB 6493 Prime Sponsor, Senator Regala: Addressing sexually violent predator civil commitment cases. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: That Substitute Senate Bill No. 6493 be substituted therefor, and the substitute bill do pass. Signed by Senators Hargrove, Chair; Regala, Vice Chair; Stevens; Carrell; Harper; McAuliffe and Padden.

Passed to Committee on Ways & Means.

February 2, 2012

SB 6494 Prime Sponsor, Senator Hargrove: Improving truancy procedures by changing the applicability of mandatory truancy petition filing provisions to children under seventeen years of age, requiring initial petitions to contain information about the child's academic status, prohibiting issuance of a bench warrant at an initial truancy status hearing, and modifying school district reporting requirements after the court assumes jurisdiction in a truancy case. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: That Substitute Senate Bill No. 6494 be substituted therefor, and the substitute bill do pass. Signed by Senators Hargrove, Chair; Regala, Vice Chair; Stevens; Harper and McAuliffe.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Carrell and Padden.

Passed to Committee on Ways & Means.

February 2, 2012

SB 6508 Prime Sponsor, Senator Pridemore: Authorizing waivers from certain DSHS overpayment recovery efforts. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: That Substitute Senate Bill No. 6508 be substituted therefor, and the substitute bill do pass. Signed by Senators Hargrove, Chair; Regala, Vice Chair; Stevens; Carrell; Harper and McAuliffe.

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

Passed to Committee on Rules for second reading.

February 2, 2012

SB 6524 Prime Sponsor, Senator Hargrove: Delaying elimination of the family policy council and the council for children and families. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: That Substitute Senate Bill No. 6524 be substituted therefor, and the substitute bill do pass. Signed by Senators Hargrove, Chair; Stevens; Carrell; Harper; McAuliffe and Padden.

MINORITY recommendation: Do not pass. Signed by Senator Regala, Vice Chair.

Passed to Committee on Rules for second reading.

February 2, 2012

SB 6531 Prime Sponsor, Senator Regala: Concerning health care services for incarcerated offenders. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: Do pass. Signed by Senators Hargrove, Chair; Regala, Vice Chair; Stevens; Carrell; Harper and McAuliffe.

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

Passed to Committee on Ways & Means.

February 3, 2012

SB 6538 Prime Sponsor, Senator Pridemore: Concerning the stewardship of household mercury-containing lamps. Reported by Committee on Environment

MAJORITY recommendation: That Substitute Senate Bill No. 6538 be substituted therefor, and the substitute bill do pass. Signed by Senators Nelson, Chair; Rolfes, Vice Chair; Ericksen; Chase; Fraser; Honeyford; Morton; Pridemore and Sheldon.

Passed to Committee on Rules for second reading.

February 3, 2012

SB 6539 Prime Sponsor, Senator Kastama: Establishing an air pollution offset program. Reported by Committee on Environment

MAJORITY recommendation: That Substitute Senate Bill No. 6539 be substituted therefor, and the substitute bill do pass. Signed by Senators Nelson, Chair; Rolfes, Vice Chair; Ericksen; Chase; Fraser; Honeyford; Morton; Pridemore and Sheldon.

Passed to Committee on Ways & Means.

February 2, 2012

SB 6555 Prime Sponsor, Senator Hargrove: Providing for family assessments in cases involving child abuse or neglect. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: That Substitute Senate Bill No. 6555 be substituted therefor, and the substitute bill do pass. Signed by Senators Hargrove, Chair; Regala, Vice Chair; Stevens; Carrell; Harper; McAuliffe and Padden.

Passed to Committee on Ways & Means.

February 2, 2012

SB 6575 Prime Sponsor, Senator Kline: Granting extraordinary medical placement to offenders under certain conditions. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: That Substitute Senate Bill No. 6575 be substituted therefor, and the substitute bill do pass. Signed by Senators Hargrove, Chair; Regala, Vice Chair; Stevens; Harper and McAuliffe.

MINORITY recommendation: Do not pass. Signed by Senators Carrell and Padden.

Passed to Committee on Rules for second reading.

February 2, 2012

SJM 8017 Prime Sponsor, Senator Kohl-Welles: Requesting that the Drug Enforcement Administration reclassify medical marijuana as a Schedule II drug. Reported by Committee on Health & Long-Term Care

MAJORITY recommendation: Do pass. Signed by Senators Keiser, Chair; Conway, Vice Chair; Becker; Carrell; Frockt; Kline; Parlette; Pflug and Pridemore.

Passed to Committee on Rules for second reading.

#### REPORTS OF STANDING COMMITTEES GUBERNATORIAL APPOINTMENTS

February 2, 2012

SGA 9225 PHIL ROCKEFELLER, appointed on July 8, 2011, for the term ending July 15, 2015, as Member of the Salmon Recovery Funding Board. Reported by Committee on Energy, Natural Resources & Marine Waters

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Ranker, Chair; Regala, Vice Chair; Delvin; Morton; Fraser; Hargrove; Murray and Stevens.

Passed to Committee on Rules for second reading.

MOTION



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On motion of Eide, all measures listed on the Supplemental Standing Committee report were referred to the committees as designated with the exception of Senate Bill No. 6493 which was referred to the Committee on Rules and Senate Bill No. 6389, Senate Bill No. 6492 and Senate Bill No. 6524 which were referred to the Committee on Ways and Means.

## MOTION

At 3:34 p.m., on motion of Senator Eide, the Senate adjourned until 12:00 noon Monday, February 6, 2012.

BRAD OWEN, President of the Senate

THOMAS HOEMANN, Secretary of the Senate

**TWENTY NINTH DAY**

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**NOON SESSION**

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Senate Chamber, Olympia, Monday, February 6, 2012

The Senate was called to order at 12:00 noon by President Owen. No roll call was taken.

**MOTION**

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

**MOTION**

On motion of Senator Frockt, the Senate advanced to the third order of business.

**MESSAGE FROM THE GOVERNOR  
GUBERNATORIAL APPOINTMENTS**

February 3, 2012

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following reappointment, subject to your confirmation.

David Dicks, reappointed July 29, 2011, for the term ending June 25, 2015, as Member of the Puget Sound Partnership.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Energy, Natural Resources & Marine Waters.

February 2, 2012

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

Mark P. Martinez, appointed January 20, 2009, for the term ending September 30, 2012, as Member, Board of Trustees, Technical College District #29 (Clover Park).

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Higher Education & Workforce Development.

**MOTION**

On motion of Senator Frockt, all appointees listed on the Gubernatorial Appointments report were referred to the committees as designated.

**MOTION**

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

**INTRODUCTION AND FIRST READING**

SB 6585 by Senators Rolfes, Swecker, Haugen, King, Hill, Frockt, Ranker, Fain and Shin

AN ACT Relating to the periodic replacement of license plates; amending RCW 46.16A.200 and 46.17.200; and creating a new section.

Referred to Committee on Transportation.

SB 6586 by Senators Haugen and Shin

AN ACT Relating to the public works board; amending RCW 43.155.020, 43.155.030, 43.155.050, and 43.155.070; adding new sections to chapter 43.155 RCW; and repealing RCW 43.155.010, 43.155.040, 43.155.055, 43.155.060, 43.155.065, 43.155.068, 43.155.075, 43.155.100, 43.155.110, and 43.155.120.

Referred to Committee on Ways & Means.

SB 6587 by Senators Hewitt and Brown

AN ACT Relating to the redistricting commission; and amending RCW 44.05.100 and 44.05.110.

Referred to Committee on Government Operations, Tribal Relations & Elections.

SB 6588 by Senator Kastama

AN ACT Relating to the division of archives and records management; and amending RCW 40.14.020.

Referred to Committee on Ways & Means.

SB 6589 by Senators Kastama and Tom

AN ACT Relating to direct patient-provider primary care practice services for public employees; amending RCW 41.05.065; and reenacting and amending RCW 48.150.010.

Referred to Committee on Ways & Means.

SB 6590 by Senator Haugen

AN ACT Relating to the discover pass program; amending RCW 79A.80.020, 79A.80.040, 79A.80.090, and 79A.05.215; creating a new section; and declaring an emergency.

Referred to Committee on Energy, Natural Resources & Marine Waters.

SJR 8227 by Senators Hewitt and Brown

Amending the Constitution to advance the date for completion of the redistricting plan.

Referred to Committee on Government Operations, Tribal Relations & Elections.

**MOTION**

On motion of Senator Frockt, all measures listed on the Introduction and First Reading report were referred to the

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committees as designated with the exception of Senate Bill No. 6589 which was referred to the Committee on Ways & Means.

MOTION

At 12:04 p.m., on motion of Senator Frockt, the Senate adjourned until 10:00 a.m. Tuesday, February 7, 2012.

BRAD OWEN, President of the Senate

THOMAS HOEMANN, Secretary of the Senate

**THIRTIETH DAY****MORNING SESSION**

Senate Chamber, Olympia, Tuesday, February 7, 2012

The Senate was called to order at 10:00 a.m. by the President Pro Tempore. The Secretary called the roll and announced to the President Pro Tempore that all Senators were present with the exception of Senators Benton, Hill, Roach and Stevens.

The Sergeant at Arms Color Guard consisting of Pages McKenzie Mathews and Rebecca Garcia-Moreno, presented the Colors. Reverend Jim Erlandson, Community of Christ of Olympia offered the prayer.

**MOTION**

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

**MOTION**

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

**MESSAGE FROM THE HOUSE**

February 6, 2012

MR. PRESIDENT:

The Speaker has signed:

HOUSE CONCURRENT RESOLUTION NO. 4408,

ENGROSSED HOUSE CONCURRENT RESOLUTION NO. 4409.

and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

**MOTION**

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

**INTRODUCTION AND FIRST READING**

SB 6591 by Senators Tom, Kastama, Hatfield, Hobbs, Pflug, Hill and Schoesler

AN ACT Relating to setting employee salaries upon reallocation or layoff action; amending RCW 41.80.040; and adding a new section to chapter 41.06 RCW.

Referred to Committee on Ways & Means.

**MOTION**

On motion of Senator Eide, the measure listed on the Introduction and First Reading report was referred to the committee as designated.

**MOTION**

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

**MOTION**

Senator Becker moved adoption of the following resolution:

**SENATE RESOLUTION  
8676**

By Senators Becker, Eide, Baumgartner, Stevens, Pflug, Padden, Hargrove, Carrell, Frockt, Ericksen, Zarelli, Swecker, Conway, Nelson, Hill, Parlette, Chase, Prentice, Keiser, Pridemore, Fain, Kilmer, Morton, Hobbs, Harper, Ranker, Murray, Hatfield, Kohl-Welles, Sheldon, Regala, Fraser, Honeyford, Haugen, King, Schoesler, Delvin, McAuliffe, and Shin

WHEREAS, A dedicated and heroic Mount Rainier National Park Ranger gave her life in the line of duty on January 1, 2012; and

WHEREAS, Ranger Margaret Anderson was fatally shot during a selfless act that almost certainly saved the lives of many park visitors, including children; and

WHEREAS, Mount Rainier park rangers have a duty to courageously face dangers whenever they encounter a threat; and

WHEREAS, Margaret Anderson's fellow rangers have lost a good friend and respected colleague; and

WHEREAS, Ranger Margaret Anderson leaves behind a husband, Eric Anderson, who is also a ranger at Mount Rainier, and two daughters, Kathryn Paige, age 1 and Annalise Rose, age 3; and

WHEREAS, Our state and our nation mourn the loss of a good, brave ranger, and a compassionate and kind individual;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate honor the life of Ranger Margaret Anderson for her devotion and exceptional commitment to public service and her family; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to Eric Anderson, Mount Rainier National Park Superintendent Randy King, and National Park Service Director Jonathan Jarvis.

Senators Becker and Eide spoke in favor of adoption of the resolution.

The President Pro Tempore declared the question before the Senate to be the adoption of Senate Resolution No. 8676.

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

Mr. Mike Kildow of the Washington State Patrol performed "Amazing Grace" on the bagpipes.

**INTRODUCTION OF SPECIAL GUESTS**

The President Pro Tempore welcomed and introduced representatives of the Mt. Rainier National Park; Randy King, Superintendent of Mt. Rainier National Park; Chuck Young, Chief Ranger; Kraig Snure, District Ranger; Ed Troyer, Pierce County Sheriff's Office; Paul Pastor, Pierce County Sheriff; Doug Beagle Eatonville Town Administrator; Deacon Rod McGuire, Our Lady of Good Counsel Catholic Church in Eatonville; and Mr. Mike Kildow, Washington State Patrol who were seated in the gallery.

**MOTION**

At 10:24 a.m., on motion of Senator Eide, the Senate was declared to be at ease subject to the call of the President.

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The Senate was called to order at 9:30 p.m. by President Owen.

## MOTION

On motion of Senator Eide, the Senate reverted to the first order of business.

## REPORTS OF STANDING COMMITTEES

February 7, 2012

SB 5468 Prime Sponsor, Senator Pridemore: Creating the office of forecast councils. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 5468 be substituted therefor, and the substitute bill do pass. Signed by Senators Murray, Chair; Kilmer, Vice Chair, Capital Budget Chair; Zarelli; Parlette; Fraser; Harper; Hatfield; Hewitt; Honeyford; Keiser; Kohl-Welles; Pridemore; Regala; Schoesler and Tom.

Passed to Committee on Rules for second reading.

February 7, 2012

SB 5895 Prime Sponsor, Senator Murray: Relating to education. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 5895 be substituted therefor, and the substitute bill do pass. Signed by Senators Murray, Chair; Kilmer, Vice Chair, Capital Budget Chair; Zarelli; Parlette; Baumgartner; Brown; Conway; Fraser; Harper; Hatfield; Hewitt; Honeyford; Keiser; Kohl-Welles; Pridemore; Regala and Schoesler.

Passed to Committee on Rules for second reading.

February 7, 2012

SB 5896 Prime Sponsor, Senator Murray: Relating to education. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 5896 be substituted therefor, and the substitute bill do pass. Signed by Senators Murray, Chair; Zarelli; Parlette; Baumgartner; Fraser; Hatfield; Hewitt; Holmquist Newbry; Honeyford; Kastama; Keiser; Padden; Regala; Schoesler and Tom.

MINORITY recommendation: Do not pass. Signed by Senators Conway and Pridemore.

Passed to Committee on Rules for second reading.

February 7, 2012

SB 5982 Prime Sponsor, Senator Kastama: Creating the joint center for aerospace technology innovation. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 5982 as recommended by Committee on Economic Development, Trade & Innovation be substituted therefor,

and the substitute bill do pass. Signed by Senators Murray, Chair; Kilmer, Vice Chair, Capital Budget Chair; Zarelli; Baumgartner; Brown; Conway; Fraser; Harper; Hatfield; Hewitt; Holmquist Newbry; Honeyford; Kastama; Keiser; Kohl-Welles; Padden; Regala; Schoesler and Tom.

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

Passed to Committee on Rules for second reading.

February 7, 2012

SB 5984 Prime Sponsor, Senator Murray: Concerning local government financial soundness. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 5984 be substituted therefor, and the substitute bill do pass. Signed by Senators Murray, Chair; Kilmer, Vice Chair, Capital Budget Chair; Zarelli; Parlette; Brown; Conway; Fraser; Harper; Hatfield; Hewitt; Kastama; Keiser; Kohl-Welles; Pridemore; Regala and Tom.

MINORITY recommendation: Do not pass. Signed by Senators Holmquist Newbry; Honeyford; Padden and Schoesler.

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

Passed to Committee on Rules for second reading.

February 7, 2012

SB 5996 Prime Sponsor, Senator Schoesler: Concerning contiguous land under the current use open space property tax programs. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 5996 as recommended by Committee on Agriculture, Water & Rural Economic Development be substituted therefor, and the substitute bill do pass. Signed by Senators Murray, Chair; Kilmer, Vice Chair, Capital Budget Chair; Zarelli; Parlette; Baumgartner; Brown; Conway; Fraser; Harper; Hatfield; Hewitt; Holmquist Newbry; Honeyford; Kastama; Keiser; Kohl-Welles; Padden; Pridemore; Regala; Schoesler and Tom.

Passed to Committee on Rules for second reading.

February 7, 2012

SB 6023 Prime Sponsor, Senator Swecker: Creating the permit efficiency and accountability committee to select priority economic recovery projects for review by multiagency permitting teams. Reported by Committee on Transportation

MAJORITY recommendation: That Second Substitute Senate Bill No. 6023 be substituted therefor, and the second substitute bill do pass. Signed by Senators Haugen, Chair; Eide, Vice Chair; King; Fain; Delvin; Ericksen; Frockt; Hill; Hobbs; Litzow; Prentice; Ranker; Rolfes; Sheldon; Shin and Swecker.

Passed to Committee on Rules for second reading.

February 6, 2012

SB 6075 Prime Sponsor, Senator Carrell: Removing the notice requirement when an attorney or private investigator requests vehicle owner information. Reported by Committee on Transportation

MAJORITY recommendation: That Substitute Senate Bill No. 6075 be substituted therefor, and the substitute bill do pass. Signed by Senators Haugen, Chair; Eide, Vice Chair; King; Fain; Delvin; Ericksen; Frockt; Hobbs; Rolfes; Sheldon; Shin and Swecker.

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

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Litzow and Ranker.

Passed to Committee on Rules for second reading.

February 7, 2012

SB 6077 Prime Sponsor, Senator Nelson: Generating additional revenue from the sale of solid fuel burning devices. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Murray, Chair; Kilmer, Vice Chair, Capital Budget Chair; Brown; Conway; Fraser; Harper; Kastama; Keiser; Kohl-Welles; Pridemore; Regala and Tom.

MINORITY recommendation: Do not pass. Signed by Senators Zarelli; Hatfield; Hewitt; Holmquist Newbry; Honeyford; Padden and Schoesler.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Parlette and Baumgartner.

Passed to Committee on Rules for second reading.

February 7, 2012

SB 6088 Prime Sponsor, Senator Pridemore: Strengthening the review of the legislature's goals for tax preferences by requiring that every new tax preference provide an expiration date and statement of legislative intent. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 6088 be substituted therefor, and the substitute bill do pass. Signed by Senators Murray, Chair; Kilmer, Vice Chair, Capital Budget Chair; Zarelli; Parlette; Baumgartner; Brown; Conway; Fraser; Harper; Hatfield; Hewitt; Holmquist Newbry; Honeyford; Kastama; Keiser; Kohl-Welles; Pridemore; Regala and Tom.

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

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

Passed to Committee on Rules for second reading.

February 6, 2012

SB 6093 Prime Sponsor, Senator Haugen: Regarding wetlands mitigation. Reported by Committee on Transportation

MAJORITY recommendation: That Substitute Senate Bill No. 6093 be substituted therefor, and the substitute bill do pass. Signed by Senators Haugen, Chair; Eide, Vice Chair; King; Fain; Delvin; Ericksen; Hill; Hobbs; Litzow; Prentice; Ranker; Rolfes; Sheldon; Shin and Swecker.

Passed to Committee on Rules for second reading.

February 7, 2012

SB 6120 Prime Sponsor, Senator Nelson: Concerning children's safe products. Reported by Committee on Ways & Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 6120 be substituted therefor, and the second substitute bill do pass. Signed by Senators Murray, Chair; Kilmer, Vice Chair, Capital Budget Chair; Baumgartner; Brown; Conway; Fraser; Harper; Kastama; Keiser; Kohl-Welles; Pridemore; Regala and Tom.

MINORITY recommendation: Do not pass. Signed by Senators Zarelli; Hewitt; Holmquist Newbry; Honeyford; Padden and Schoesler.

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

Passed to Committee on Rules for second reading.

February 7, 2012

SB 6130 Prime Sponsor, Senator Rolfes: Modernizing the functionality of the state environmental policy act. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 6130 as recommended by Committee on Environment be substituted therefor, and the substitute bill do pass. Signed by Senators Murray, Chair; Kilmer, Vice Chair, Capital Budget Chair; Brown; Conway; Fraser; Harper; Hatfield; Kastama; Keiser; Kohl-Welles; Pridemore; Regala and Tom.

MINORITY recommendation: Do not pass. Signed by Senators Holmquist Newbry; Honeyford; Padden and Schoesler.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Zarelli; Parlette; Baumgartner and Hewitt.

Passed to Committee on Rules for second reading.

February 7, 2012

SB 6140 Prime Sponsor, Senator Kilmer: Concerning local economic development financing. Reported by Committee on Ways & Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 6140 be substituted therefor, and the second substitute bill do pass. Signed by Senators Murray, Chair; Kilmer, Vice Chair, Capital Budget Chair; Zarelli; Parlette; Brown; Conway; Fraser; Harper; Hatfield; Hewitt; Kastama; Keiser; Kohl-Welles; Pridemore; Regala and Tom.

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MINORITY recommendation: Do not pass. Signed by Senators Honeyford and Schoesler.

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

Passed to Committee on Rules for second reading.

February 6, 2012

SB 6150 Prime Sponsor, Senator Haugen: Authorizing the implementation of a facial recognition matching system for drivers' licenses, permits, and identicards. Reported by Committee on Transportation

MAJORITY recommendation: That Substitute Senate Bill No. 6150 be substituted therefor, and the substitute bill do pass. Signed by Senators Haugen, Chair; Eide, Vice Chair; Fain; Ericksen; Frockt; Hobbs; Litzow; Prentice; Ranker; Sheldon and Shin.

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

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Hill and Swecker.

Passed to Committee on Rules for second reading.

February 7, 2012

SB 6152 Prime Sponsor, Senator Hatfield: Streamlining water right permitting and appeals. Reported by Committee on Ways & Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 6152 be substituted therefor, and the second substitute bill do pass. Signed by Senators Murray, Chair; Kilmer, Vice Chair, Capital Budget Chair; Zarelli; Parlette; Baumgartner; Conway; Fraser; Harper; Hatfield; Hewitt; Holmquist Newbry; Honeyford; Kastama; Kohl-Welles; Padden; Regala; Schoesler and Tom.

Passed to Committee on Rules for second reading.

February 7, 2012

SB 6165 Prime Sponsor, Senator Hargrove: Creating flexible conservation futures taxing districts. Reported by Committee on Ways & Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 6165 be substituted therefor, and the second substitute bill do pass. Signed by Senators Murray, Chair; Kilmer, Vice Chair, Capital Budget Chair; Brown; Conway; Fraser; Harper; Hatfield; Kastama; Keiser; Kohl-Welles; Pridemore; Regala and Tom.

MINORITY recommendation: Do not pass. Signed by Senators Holmquist Newbry; Honeyford; Padden and Schoesler.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Zarelli; Parlette; Baumgartner and Hewitt.

Passed to Committee on Rules for second reading.

SB 6204 Prime Sponsor, Senator Hargrove: Modifying community supervision provisions. Reported by Committee on Ways & Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 6204 be substituted therefor, and the second substitute bill do pass. Signed by Senators Murray, Chair; Kilmer, Vice Chair, Capital Budget Chair; Zarelli; Parlette; Baumgartner; Brown; Fraser; Harper; Hatfield; Hewitt; Holmquist Newbry; Honeyford; Kastama; Keiser; Kohl-Welles; Padden; Pridemore; Regala; Schoesler and Tom.

Passed to Committee on Rules for second reading.

February 7, 2012

SB 6211 Prime Sponsor, Senator Ranker: Accelerating cleanup of hazardous waste sites. Reported by Committee on Ways & Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 6211 be substituted therefor, and the second substitute bill do pass. Signed by Senators Murray, Chair; Kilmer, Vice Chair, Capital Budget Chair; Zarelli; Parlette; Baumgartner; Brown; Conway; Fraser; Harper; Hatfield; Hewitt; Honeyford; Kastama; Keiser; Kohl-Welles; Pridemore; Regala; Schoesler and Tom.

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

Passed to Committee on Rules for second reading.

February 7, 2012

SB 6232 Prime Sponsor, Senator Kilmer: Creating the office of the student achievement council. Reported by Committee on Ways & Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 6232 be substituted therefor, and the second substitute bill do pass. Signed by Senators Murray, Chair; Kilmer, Vice Chair, Capital Budget Chair; Zarelli; Parlette; Brown; Conway; Fraser; Harper; Hatfield; Honeyford; Kastama; Keiser; Kohl-Welles; Regala; Schoesler and Tom.

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

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Baumgartner and Holmquist Newbry.

Passed to Committee on Rules for second reading.

February 7, 2012

SB 6263 Prime Sponsor, Senator Ranker: Facilitating marine management planning. Reported by Committee on Ways & Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 6263 be substituted therefor, and the second substitute bill do pass. Signed by Senators Murray, Chair; Kilmer, Vice Chair, Capital Budget Chair; Zarelli; Parlette; Baumgartner; Brown; Conway; Fraser; Harper; Hatfield;

Hewitt; Holmquist Newbry; Honeyford; Kastama; Keiser; Kohl-Welles; Padden; Pridemore; Regala; Schoesler and Tom.

Passed to Committee on Rules for second reading.

February 6, 2012

SB 6284 Prime Sponsor, Senator Kline: Reforming Washington's approach to certain nonsafety civil traffic infractions by authorizing a civil collection process for unpaid traffic fines and removing the requirement for law enforcement intervention for the failure to appear and pay a traffic ticket. Reported by Committee on Transportation

MAJORITY recommendation: That Second Substitute Senate Bill No. 6284 be substituted therefor, and the second substitute bill do pass. Signed by Senators Haugen, Chair; Eide, Vice Chair; Ericksen; Frockt; Hobbs; Prentice; Ranker; Rolfes; Sheldon and Shin.

MINORITY recommendation: Do not pass. Signed by Senators King and Delvin.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Fain; Hill; Litzow and Swecker.

Passed to Committee on Rules for second reading.

February 7, 2012

SB 6292 Prime Sponsor, Senator Harper: Making juvenile records confidential. Reported by Committee on Ways & Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 6292 be substituted therefor, and the second substitute bill do pass. Signed by Senators Murray, Chair; Kilmer, Vice Chair, Capital Budget Chair; Brown; Conway; Fraser; Harper; Hatfield; Kastama; Keiser; Kohl-Welles; Pridemore; Regala and Tom.

MINORITY recommendation: Do not pass. Signed by Senators Honeyford; Padden and Schoesler.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Zarelli; Parlette; Baumgartner; Hewitt and Holmquist Newbry.

Passed to Committee on Rules for second reading.

February 7, 2012

SB 6322 Prime Sponsor, Senator Hill: Allowing nonprofit institutions recognized by the state of Washington to be eligible to participate in the state need grant program. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Murray, Chair; Kilmer, Vice Chair, Capital Budget Chair; Zarelli; Parlette; Baumgartner; Fraser; Hatfield; Hewitt; Holmquist Newbry; Honeyford; Kastama; Padden; Pridemore; Regala; Schoesler and Tom.

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

Passed to Committee on Rules for second reading.

February 7, 2012

SB 6345 Prime Sponsor, Senator Kastama: Creating a commission to restructure state government. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 6345 be substituted therefor, and the substitute bill do pass. Signed by Senators Murray, Chair; Kilmer, Vice Chair, Capital Budget Chair; Zarelli; Parlette; Baumgartner; Brown; Fraser; Hatfield; Hewitt; Holmquist Newbry; Honeyford; Kastama; Schoesler and Tom.

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

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

Passed to Committee on Rules for second reading.

February 7, 2012

SB 6371 Prime Sponsor, Senator Shin: Extending the customized employment training program. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 6371 be substituted therefor, and the substitute bill do pass. Signed by Senators Murray, Chair; Kilmer, Vice Chair, Capital Budget Chair; Zarelli; Parlette; Baumgartner; Brown; Conway; Fraser; Harper; Hatfield; Hewitt; Holmquist Newbry; Honeyford; Kastama; Keiser; Kohl-Welles; Padden; Pridemore; Regala; Schoesler and Tom.

Passed to Committee on Rules for second reading.

February 7, 2012

SB 6387 Prime Sponsor, Senator Ranker: Concerning state parks, recreation, and natural resources fiscal matters. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 6387 as recommended by Committee on Energy, Natural Resources & Marine Waters be substituted therefor, and the substitute bill do pass. Signed by Senators Murray, Chair; Kilmer, Vice Chair, Capital Budget Chair; Zarelli; Parlette; Brown; Conway; Fraser; Harper; Hatfield; Hewitt; Honeyford; Kastama; Keiser; Kohl-Welles; Pridemore; Regala; Schoesler and Tom.

MINORITY recommendation: Do not pass. Signed by Senator Holmquist Newbry.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Baumgartner and Padden.

Passed to Committee on Rules for second reading.

February 7, 2012

SB 6389 Prime Sponsor, Senator Hargrove: Creating the crime victims' services account. Reported by Committee on Ways & Means



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MAJORITY recommendation: That Substitute Senate Bill No. 6389 as recommended by Committee on Human Services & Corrections be substituted therefor, and the substitute bill do pass. Signed by Senators Murray, Chair; Kilmer, Vice Chair, Capital Budget Chair; Brown; Conway; Fraser; Harper; Hatfield; Kastama; Keiser; Kohl-Welles; Pridemore; Regala and Tom.

MINORITY recommendation: Do not pass. Signed by Senators Honeyford; Padden and Schoesler.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Zarelli; Parlette; Baumgartner; Hewitt and Holmquist Newbry.

Passed to Committee on Rules for second reading.

February 7, 2012

SB 6401 Prime Sponsor, Senator Tom: Creating efficiencies for institutions of higher education. Reported by Committee on Ways & Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 6401 be substituted therefor, and the second substitute bill do pass. Signed by Senators Murray, Chair; Kilmer, Vice Chair, Capital Budget Chair; Zarelli; Parlette; Brown; Conway; Fraser; Harper; Hatfield; Hewitt; Holmquist Newbry; Honeyford; Kastama; Keiser; Kohl-Welles; Regala; Schoesler and Tom.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Baumgartner and Padden.

Passed to Committee on Rules for second reading.

February 7, 2012

SB 6411 Prime Sponsor, Senator Regala: Concerning expenditures of the WorkFirst program. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Murray, Chair; Kilmer, Vice Chair, Capital Budget Chair; Brown; Conway; Fraser; Harper; Hatfield; Kastama; Keiser; Kohl-Welles; Pridemore and Regala.

MINORITY recommendation: Do not pass. Signed by Senators Holmquist Newbry; Honeyford; Padden; Schoesler and Tom.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Zarelli; Parlette; Baumgartner and Hewitt.

Passed to Committee on Rules for second reading.

February 7, 2012

SB 6440 Prime Sponsor, Senator Parlette: Providing health care purchasing options for individuals and small employers. Reported by Committee on Ways & Means

MAJORITY recommendation: That it be referred without recommendation. Signed by Senators Murray, Chair; Kilmer, Vice Chair, Capital Budget Chair; Zarelli; Parlette;

Baumgartner; Brown; Hatfield; Hewitt; Honeyford; Kastama; Keiser; Kohl-Welles; Padden; Regala; Schoesler and Tom.

Passed to Committee on Rules for second reading.

February 7, 2012

SB 6441 Prime Sponsor, Senator Ranker: Authorizing grants to the successful pilot programs implementing RCW 70.260.020. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 6441 be substituted therefor, and the substitute bill do pass. Signed by Senators Murray, Chair; Kilmer, Vice Chair, Capital Budget Chair; Zarelli; Parlette; Baumgartner; Brown; Conway; Fraser; Harper; Hatfield; Hewitt; Holmquist Newbry; Kastama; Keiser; Kohl-Welles; Pridemore; Regala; Schoesler and Tom.

MINORITY recommendation: Do not pass. Signed by Senators Honeyford and Padden.

Passed to Committee on Rules for second reading.

February 6, 2012

SB 6444 Prime Sponsor, Senator Haugen: Concerning eligible toll facilities. Reported by Committee on Transportation

MAJORITY recommendation: That Substitute Senate Bill No. 6444 be substituted therefor, and the substitute bill do pass. Signed by Senators Haugen, Chair; Eide, Vice Chair; King; Fain; Delvin; Ericksen; Frockt; Hill; Hobbs; Litzow; Prentice; Ranker; Sheldon; Shin and Swecker.

Passed to Committee on Rules for second reading.

February 6, 2012

SB 6445 Prime Sponsor, Senator Pridemore: Concerning the Interstate 5 Columbia river crossing project. Reported by Committee on Transportation

MAJORITY recommendation: That Substitute Senate Bill No. 6445 be substituted therefor, and the substitute bill do pass. Signed by Senators Haugen, Chair; Eide, Vice Chair; Frockt; Hobbs; Prentice; Ranker; Rolfes; Sheldon; Shin and Swecker.

MINORITY recommendation: Do not pass. Signed by Senators King and Delvin.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Fain; Ericksen; Hill and Litzow.

Passed to Committee on Rules for second reading.

February 7, 2012

SB 6446 Prime Sponsor, Senator Fraser: Concerning the lodging tax. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 6446 be substituted therefor, and the substitute bill do pass. Signed by Senators Murray, Chair; Kilmer, Vice Chair, Capital Budget Chair; Zarelli; Conway; Fraser;

Hatfield; Honeyford; Kastama; Keiser; Kohl-Welles; Pridemore and Regala.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Parlette; Baumgartner; Hewitt; Padden; Schoesler and Tom.

Passed to Committee on Rules for second reading.

February 7, 2012

SB 6452 Prime Sponsor, Senator Haugen: Concerning veterans' assistance levies. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 6452 be substituted therefor, and the substitute bill do pass. Signed by Senators Murray, Chair; Kilmer, Vice Chair, Capital Budget Chair; Zarelli; Parlette; Baumgartner; Brown; Conway; Fraser; Harper; Hatfield; Hewitt; Holmquist Newbry; Honeyford; Kastama; Keiser; Kohl-Welles; Padden; Pridemore; Regala; Schoesler and Tom.

Passed to Committee on Rules for second reading.

February 6, 2012

SB 6455 Prime Sponsor, Senator Haugen: Addressing transportation revenue. Reported by Committee on Transportation

MAJORITY recommendation: That Substitute Senate Bill No. 6455 be substituted therefor, and the substitute bill do pass. Signed by Senators Haugen, Chair; Eide, Vice Chair; Fain; Delvin; Ericksen; Frockt; Hobbs; Litzow; Prentice; Ranker; Shin and Swecker.

MINORITY recommendation: Do not pass. Signed by Senators King and Sheldon.

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

Passed to Committee on Rules for second reading.

February 7, 2012

SB 6468 Prime Sponsor, Senator Kilmer: Requiring state research universities to adopt policies governing investment of university funds, consistent with the uniform prudent management of institutional funds act, and requiring annual investment performance reports. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 6468 be substituted therefor, and the substitute bill do pass. Signed by Senators Murray, Chair; Kilmer, Vice Chair, Capital Budget Chair; Zarelli; Parlette; Baumgartner; Brown; Conway; Fraser; Harper; Hatfield; Hewitt; Holmquist Newbry; Honeyford; Kastama; Keiser; Kohl-Welles; Padden; Pridemore; Regala; Schoesler and Tom.

Passed to Committee on Rules for second reading.

February 7, 2012

SB 6470 Prime Sponsor, Senator McAuliffe: Authorizing benefit charges for the enhancement of fire protection services. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 6470 as recommended by Committee on Government Operations, Tribal Relations & Elections be substituted therefor, and the substitute bill do pass. Signed by Senators Murray, Chair; Kilmer, Vice Chair, Capital Budget Chair; Zarelli; Parlette; Brown; Conway; Fraser; Harper; Hatfield; Hewitt; Kastama; Keiser; Kohl-Welles; Pridemore and Regala.

MINORITY recommendation: Do not pass. Signed by Senators Holmquist Newbry; Honeyford; Padden and Schoesler.

Passed to Committee on Rules for second reading.

February 7, 2012

SB 6486 Prime Sponsor, Senator Kohl-Welles: Granting collective bargaining for postdoctoral researchers at certain state universities. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 6486 be substituted therefor, and the substitute bill do pass. Signed by Senators Murray, Chair; Kilmer, Vice Chair, Capital Budget Chair; Brown; Conway; Fraser; Harper; Kastama; Keiser; Kohl-Welles; Pridemore; Regala and Tom.

MINORITY recommendation: Do not pass. Signed by Senators Zarelli; Parlette; Holmquist Newbry; Honeyford and Schoesler.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Baumgartner; Hewitt and Padden.

Passed to Committee on Rules for second reading.

February 7, 2012

SB 6492 Prime Sponsor, Senator Hargrove: Improving timeliness, efficiency, and accountability of forensic resource utilization associated with competency to stand trial. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 6492 as recommended by Committee on Human Services & Corrections be substituted therefor, and the substitute bill do pass. Signed by Senators Murray, Chair; Kilmer, Vice Chair, Capital Budget Chair; Zarelli; Parlette; Baumgartner; Brown; Conway; Fraser; Harper; Hatfield; Hewitt; Holmquist Newbry; Honeyford; Kastama; Keiser; Kohl-Welles; Padden; Pridemore; Regala; Schoesler and Tom.

Passed to Committee on Rules for second reading.

February 7, 2012

SB 6507 Prime Sponsor, Senator Hewitt: Establishing the Walla Walla state veterans' home. Reported by Committee on Ways & Means

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MAJORITY recommendation: That Substitute Senate Bill No. 6507 be substituted therefor, and the substitute bill do pass. Signed by Senators Murray, Chair; Kilmer, Vice Chair, Capital Budget Chair; Zarelli; Parlette; Baumgartner; Brown; Conway; Fraser; Harper; Hatfield; Hewitt; Holmquist Newbry; Honeyford; Kastama; Kohl-Welles; Padden; Pridemore; Regala and Schoesler.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Zarelli; Parlette; Hewitt and Padden.

Passed to Committee on Rules for second reading.

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

Passed to Committee on Rules for second reading.

February 7, 2012

SB 6518 Prime Sponsor, Senator Rolfes: Concerning the executive committee of Washington state ferry users. Reported by Committee on Transportation

SB 6545 Prime Sponsor, Senator Murray: Transferring the powers, duties, and functions of the developmental disabilities endowment from the department of health to the department of commerce. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 6518 be substituted therefor, and the substitute bill do pass. Signed by Senators Haugen, Chair; Eide, Vice Chair; Ericksen; Frockt; Hobbs; Ranker; Rolfes; Sheldon and Shin.

MAJORITY recommendation: Do pass. Signed by Senators Murray, Chair; Kilmer, Vice Chair, Capital Budget Chair; Zarelli; Parlette; Brown; Conway; Fraser; Harper; Hatfield; Hewitt; Holmquist Newbry; Honeyford; Kastama; Keiser; Kohl-Welles; Padden; Pridemore; Regala; Schoesler and Tom.

MINORITY recommendation: Do not pass. Signed by Senators King; Delvin; Prentice and Swecker.

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

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Fain and Hill.

Passed to Committee on Rules for second reading.

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Passed to Committee on Rules for second reading.

SB 6531 Prime Sponsor, Senator Regala: Concerning health care services for incarcerated offenders. Reported by Committee on Ways & Means

SB 6555 Prime Sponsor, Senator Hargrove: Providing for family assessments in cases involving child abuse or neglect. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 6531 be substituted therefor, and the substitute bill do pass. Signed by Senators Murray, Chair; Zarelli; Parlette; Baumgartner; Brown; Conway; Fraser; Harper; Hatfield; Hewitt; Holmquist Newbry; Honeyford; Kastama; Keiser; Kohl-Welles; Pridemore; Regala; Schoesler and Tom.

MAJORITY recommendation: That Substitute Senate Bill No. 6555 as recommended by Committee on Human Services & Corrections be substituted therefor, and the substitute bill do pass. Signed by Senators Murray, Chair; Kilmer, Vice Chair, Capital Budget Chair; Zarelli; Parlette; Baumgartner; Brown; Conway; Fraser; Harper; Hatfield; Hewitt; Holmquist Newbry; Honeyford; Kastama; Keiser; Kohl-Welles; Padden; Pridemore; Regala; Schoesler and Tom.

Passed to Committee on Rules for second reading.

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

Passed to Committee on Rules for second reading.

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SB 6539 Prime Sponsor, Senator Kastama: Establishing an air pollution offset program. Reported by Committee on Ways & Means

SB 6568 Prime Sponsor, Senator Pridemore: Creating accounts for the center for childhood deafness and hearing loss and for the school for the blind. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 6539 as recommended by Committee on Environment be substituted therefor, and the substitute bill do pass. Signed by Senators Murray, Chair; Kilmer, Vice Chair, Capital Budget Chair; Brown; Conway; Fraser; Harper; Hatfield; Honeyford; Kastama; Keiser; Kohl-Welles; Schoesler and Tom.

MAJORITY recommendation: That Substitute Senate Bill No. 6568 be substituted therefor, and the substitute bill do pass. Signed by Senators Murray, Chair; Kilmer, Vice Chair, Capital Budget Chair; Zarelli; Parlette; Baumgartner; Brown; Conway; Fraser; Harper; Hatfield; Hewitt; Holmquist Newbry; Honeyford; Kastama; Keiser; Kohl-Welles; Padden; Pridemore; Regala; Schoesler and Tom.

Passed to Committee on Rules for second reading.

MINORITY recommendation: Do not pass. Signed by Senator Holmquist Newbry.

February 7, 2012

SB 6571 Prime Sponsor, Senator Kohl-Welles: Strengthening the department of revenue's ability to collect spirits taxes imposed under RCW 82.08.150. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Murray, Chair; Kilmer, Vice Chair, Capital Budget Chair; Zarelli; Parlette; Brown; Conway; Fraser; Harper; Hatfield; Hewitt; Holmquist Newbry; Honeyford; Kastama; Keiser; Kohl-Welles; Padden; Pridemore; Regala; Schoesler and Tom.

Passed to Committee on Rules for second reading.

February 7, 2012

SB 6572 Prime Sponsor, Senator Harper: Addressing provision of spoken language interpreter services for state executive agencies. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 6572 be substituted therefor, and the substitute bill do pass. Signed by Senators Murray, Chair; Kilmer, Vice Chair, Capital Budget Chair; Baumgartner; Brown; Conway; Fraser; Harper; Hatfield; Kastama; Keiser; Kohl-Welles; Pridemore and Regala.

MINORITY recommendation: Do not pass. Signed by Senators Zarelli; Parlette; Hewitt; Holmquist Newbry; Honeyford; Padden and Schoesler.

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

Passed to Committee on Rules for second reading.

February 7, 2012

SB 6574 Prime Sponsor, Senator Kohl-Welles: Authorizing certain cities in which stadium and exhibition centers are located to impose admissions taxes in limited circumstances. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 6574 be substituted therefor, and the substitute bill do pass. Signed by Senators Murray, Chair; Kilmer, Vice Chair, Capital Budget Chair; Zarelli; Parlette; Brown; Conway; Fraser; Harper; Hatfield; Hewitt; Kastama; Keiser; Kohl-Welles; Pridemore; Regala; Schoesler and Tom.

MINORITY recommendation: Do not pass. Signed by Senators Holmquist Newbry; Honeyford and Padden.

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

Passed to Committee on Rules for second reading.

February 6, 2012

SB 6579 Prime Sponsor, Senator Haugen: Concerning the public disclosure of evaluation and testing materials for vessel pilots. Reported by Committee on Transportation

MAJORITY recommendation: That Substitute Senate Bill No. 6579 be substituted therefor, and the substitute bill do pass. Signed by Senators Haugen, Chair; Eide, Vice Chair; King; Fain; Delvin; Ericksen; Frockt; Hill; Hobbs; Litzow; Prentice; Ranker; Rolfes; Sheldon; Shin and Swecker.

Passed to Committee on Rules for second reading.

February 7, 2012

SB 6582 Prime Sponsor, Senator Haugen: Concerning local transportation revenue options. Reported by Committee on Transportation

MAJORITY recommendation: That Substitute Senate Bill No. 6582 be substituted therefor, and the substitute bill do pass. Signed by Senators Haugen, Chair; Eide, Vice Chair; Frockt; Hobbs; Prentice; Ranker; Rolfes; Shin and Swecker.

MINORITY recommendation: Do not pass. Signed by Senators King; Fain; Delvin; Ericksen and Sheldon.

Passed to Committee on Rules for second reading.

February 7, 2012

SB 6589 Prime Sponsor, Senator Kastama: Requiring a direct patient-provider primary care practice services option for public employees. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Kilmer, Vice Chair, Capital Budget Chair; Zarelli; Parlette; Baumgartner; Brown; Harper; Hatfield; Hewitt; Holmquist Newbry; Honeyford; Kastama; Padden; Regala; Schoesler and Tom.

Passed to Committee on Rules for second reading.

February 7, 2012

SB 6591 Prime Sponsor, Senator Tom: Setting employee salaries upon reallocation or layoff action. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 6591 be substituted therefor, and the substitute bill do pass. Signed by Senators Zarelli; Parlette; Baumgartner; Brown; Hatfield; Hewitt; Holmquist Newbry; Honeyford; Kastama; Padden; Schoesler and Tom.

Passed to Committee on Rules for second reading.

February 7, 2012

SJR 8221 Prime Sponsor, Senator Parlette: Amending the Constitution to include the recommendations of the commission on state debt. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Murray, Chair; Kilmer, Vice Chair, Capital Budget Chair; Zarelli; Parlette; Baumgartner; Brown; Fraser; Harper; Hatfield; Hewitt; Holmquist Newbry; Honeyford; Kastama; Keiser; Kohl-Welles; Padden; Pridemore; Regala; Schoesler and Tom.

Passed to Committee on Rules for second reading.

February 7, 2012

SJR 8222 Prime Sponsor, Senator Kastama: Requiring six-year balanced budgets. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Murray, Chair; Kilmer, Vice Chair, Capital Budget Chair; Zarelli; Parlette; Baumgartner; Hatfield; Hewitt; Holmquist Newbry; Honeyford; Kastama; Padden; Schoesler and Tom.

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

Passed to Committee on Rules for second reading.

February 7, 2012

SJR 8223 Prime Sponsor, Senator Kilmer: Amending the Constitution to provide clear authority to state research universities to invest funds as authorized by law, including investment in stocks or bonds issued by any company. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Murray, Chair; Kilmer, Vice Chair, Capital Budget Chair; Zarelli; Parlette; Brown; Conway; Fraser; Harper; Hatfield; Hewitt; Holmquist Newbry; Honeyford; Kastama; Keiser; Kohl-Welles; Padden; Pridemore; Regala; Schoesler and Tom.

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

Passed to Committee on Rules for second reading.

#### MOTION

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

#### SIGNED BY THE PRESIDENT

The President signed:

HOUSE CONCURRENT RESOLUTION NO. 4408,  
ENGROSSED HOUSE CONCURRENT RESOLUTION  
NO. 4409.

#### MOTION

At 9:31 p.m., on motion of Senator Eide, the Senate adjourned until 9:00 a.m. Wednesday, February 8, 2012.

BRAD OWEN, President of the Senate

THOMAS HOEMANN, Secretary of the Senate

## THIRTY FIRST DAY

## MORNING SESSION

Senate Chamber, Olympia, Wednesday, February 8, 2012

The Senate was called to order at 9:00 a.m. by President Owen. The Secretary called the roll and announced to the President that all Senators were present with the exception of Benton, Delvin, Haugen, Hewitt, Honeyford, Keiser and Swecker.

The Sergeant at Arms Color Guard consisting of Pages Parker Dean and Maria Garza, presented the Colors. Senator Fraser offered the prayer.

## MOTION

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

## MOTION

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

## INTRODUCTION AND FIRST READING

SB 6592 by Senators Hill and Tom

AN ACT Relating to streamlining and reforming financial aid programs; amending RCW 28B.92.030, 28B.76.526, 28B.76.540, 28B.95.060, and 43.79A.040; reenacting and amending RCW 28B.92.060; repealing RCW 28B.105.010, 28B.105.020, 28B.105.030, 28B.105.040, 28B.105.050, 28B.105.060, 28B.105.070, 28B.105.080, 28B.105.090, 28B.105.100, 28B.105.110, 28B.116.005, 28B.116.010, 28B.116.020, 28B.116.030, 28B.116.050, 28B.116.060, 28B.116.070, 28B.117.005, 28B.117.010, 28B.117.020, 28B.117.030, 28B.117.040, 28B.117.050, 28B.117.060, 28B.117.070, 28B.117.900, 28B.117.901, 28B.119.005, 28B.119.010, 28B.119.020, 28B.119.030, 28B.119.040, 28B.119.050, 28B.119.900, 28B.50.271, 28B.50.272, and 28B.95.160; and providing an effective date.

Referred to Committee on Higher Education & Workforce Development.

SB 6593 by Senator Hatfield

AN ACT Relating to placing epinephrine auto-injectors in schools; adding a new section to chapter 28A.210 RCW; and creating a new section.

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

## MOTION

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

## MOTION

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

SECOND READING  
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

## MOTION

Senator Nelson moved that Gubernatorial Appointment No. 9042, Kristin Haugen, as a member of the Board of Trustees, Cascadia Community College District No. 30, be confirmed.

Senator Nelson spoke in favor of the motion.

## APPOINTMENT OF KRISTIN HAUGEN

The President declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9042, Kristin Haugen as a member of the Board of Trustees, Cascadia Community College District No. 30.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9042, Kristin Haugen as a member of the Board of Trustees, Cascadia Community College District No. 30 and the appointment was confirmed by the following vote: Yeas, 41; Nays, 1; Absent, 7; Excused, 0.

Voting yea: Senators Becker, Brown, Carrell, Chase, Conway, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hatfield, Hill, Hobbs, Holmquist Newbry, Kastama, Kilmer, King, Kline, Kohl-Welles, Litzow, McAuliffe, Morton, Murray, Nelson, Padden, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rolfes, Schoesler, Sheldon, Shin, Stevens, Tom and Zarelli

Voting nay: Senator Baumgartner

Absent: Senators Benton, Delvin, Haugen, Hewitt, Honeyford, Keiser and Swecker

Gubernatorial Appointment No. 9042, Kristin Haugen, having received the constitutional majority was declared confirmed as a member of the Board of Trustees, Cascadia Community College District No. 30.

## MOTION

On motion of Senator Harper, Senators Haugen and Keiser were excused.

## MOTION

On motion of Senator Ericksen, Senator Benton was excused.

SECOND READING  
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

## MOTION

Senator Kohl-Welles moved that Gubernatorial Appointment No. 9063, Karen Lee, as a member of the Board of Trustees, Western Washington University, be confirmed.

Senator Kohl-Welles spoke in favor of the motion.

Senator Baumgartner spoke against the motion.

## APPOINTMENT OF KAREN LEE

The President declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9063, Karen

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Lee as a member of the Board of Trustees, Western Washington University.

SECOND READING  
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9063, Karen Lee as a member of the Board of Trustees, Western Washington University and the appointment was confirmed by the following vote: Yeas, 42; Nays, 5; Absent, 0; Excused, 2.

Senator Parlette moved that Gubernatorial Appointment No. 9099, Rolland Schmitt, as a member of the Fish and Wildlife Commission, be confirmed.

Senator Parlette spoke in favor of the motion.

Voting yea: Senators Becker, Brown, Chase, Conway, Delvin, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hatfield, Hill, Hobbs, Holmquist Newbry, Honeyford, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles, Litzow, McAuliffe, Morton, Murray, Nelson, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rolfes, Schoesler, Sheldon, Shin, Swecker, Tom and Zarelli

APPOINTMENT OF ROLLAND SCHMITTEN

Voting nay: Senators Baumgartner, Carrell, Hewitt, Padden and Stevens

The President declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9099, Rolland Schmitt as a member of the Fish and Wildlife Commission.

Excused: Senators Benton and Haugen

Gubernatorial Appointment No. 9063, Karen Lee, having received the constitutional majority was declared confirmed as a member of the Board of Trustees, Western Washington University.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9099, Rolland Schmitt as a member of the Fish and Wildlife Commission and the appointment was confirmed by the following vote: Yeas, 46; Nays, 2; Absent, 0; Excused, 1.

MOTION

On motion of Senator Ericksen, Senators Delvin, Hewitt, Honeyford and Swecker were excused.

Voting yea: Senators Baumgartner, Becker, Benton, Brown, Carrell, Chase, Conway, Delvin, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles, Litzow, McAuliffe, Morton, Murray, Nelson, Padden, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rolfes, Schoesler, Sheldon, Shin, Swecker, Tom and Zarelli

SECOND READING  
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Chase moved that Gubernatorial Appointment No. 9168, Jeff Johnson, as a member of the Work Force Training and Education Coordinating Board, be confirmed.

Senators Chase and Tom spoke in favor of passage of the motion.

Voting nay: Senators Honeyford and Stevens

Excused: Senator Haugen

Gubernatorial Appointment No. 9099, Rolland Schmitt, having received the constitutional majority was declared confirmed as a member of the Fish and Wildlife Commission.

APPOINTMENT OF JEFF JOHNSON

The President declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9168, Jeff Johnson as a member of the Work Force Training and Education Coordinating Board.

SECOND READING  
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9168, Jeff Johnson as a member of the Work Force Training and Education Coordinating Board and the appointment was confirmed by the following vote: Yeas, 44; Nays, 4; Absent, 0; Excused, 1.

Senator Schoesler moved that Gubernatorial Appointment No. 9058, Kristine Klaveano, as a member of the Board of Trustees, Walla Walla Community College District No. 20, be confirmed.

Senator Schoesler spoke in favor of the motion.

Voting yea: Senators Baumgartner, Becker, Benton, Brown, Chase, Conway, Delvin, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles, Litzow, McAuliffe, Morton, Murray, Nelson, Padden, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rolfes, Sheldon, Shin, Swecker, Tom and Zarelli

APPOINTMENT OF KRISTINE KLAVEANO

The President declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9058, Kristine Klaveano as a member of the Board of Trustees, Walla Walla Community College District No. 20.

Voting nay: Senators Carrell, Honeyford, Schoesler and Stevens

Excused: Senator Haugen

Gubernatorial Appointment No. 9168, Jeff Johnson, having received the constitutional majority was declared confirmed as a member of the Work Force Training and Education Coordinating Board.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9058, Kristine Klaveano as a member of the Board of Trustees, Walla Walla Community College District No. 20 and the appointment was confirmed by the following vote: Yeas, 47; Nays, 2; Absent, 0; Excused, 0.

Voting yea: Senators Becker, Benton, Brown, Carrell, Chase, Conway, Delvin, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hatfield, Haugen, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles, Litzow, McAuliffe, Morton, Murray, Nelson, Padden, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala,

Roach, Rolfes, Schoesler, Sheldon, Shin, Swecker, Tom and Zarelli

Voting nay: Senators Baumgartner and Stevens

Gubernatorial Appointment No. 9058, Kristine Klaveano, having received the constitutional majority was declared confirmed as a member of the Board of Trustees, Walla Walla Community College District No. 20.

#### SECOND READING

#### CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

#### MOTION

Senator Brown moved that Gubernatorial Appointment No. 9070, Mark Mays, as a member of the Board of Trustees, Eastern Washington University, be confirmed.

Senator Brown spoke in favor of the motion.

#### APPOINTMENT OF MARK MAYS

The President declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9070, Mark Mays as a member of the Board of Trustees, Eastern Washington University.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9070, Mark Mays as a member of the Board of Trustees, Eastern Washington University and the appointment was confirmed by the following vote: Yeas, 47; Nays, 2; Absent, 0; Excused, 0.

Voting yea: Senators Becker, Benton, Brown, Carrell, Chase, Conway, Delvin, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hatfield, Haugen, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles, Litzow, McAuliffe, Morton, Murray, Nelson, Padden, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rolfes, Schoesler, Sheldon, Shin, Swecker, Tom and Zarelli

Voting nay: Senators Baumgartner and Stevens

Gubernatorial Appointment No. 9070, Mark Mays, having received the constitutional majority was declared confirmed as a member of the Board of Trustees, Eastern Washington University.

#### SECOND READING

SENATE BILL NO. 6131, by Senators Chase, Delvin and Kline

Regarding the regulation of mercury.

The measure was read the second time.

#### MOTION

On motion of Senator Chase, the rules were suspended, Senate Bill No. 6131 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Chase spoke in favor of passage of the bill.

#### MOTION

On motion of Senator Fraser, Senator Brown was excused.

The President declared the question before the Senate to be the final passage of Senate Bill No. 6131.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6131 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Baumgartner, Becker, Benton, Carrell, Chase, Conway, Delvin, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hatfield, Haugen, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles, Litzow, McAuliffe, Morton, Murray, Nelson, Padden, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rolfes, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Excused: Senator Brown

SENATE BILL NO. 6131, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 6116, by Senators Fraser, Swecker, Pridemore, Ranker and Murray

Concerning on-site sewage program management plans.

#### MOTIONS

On motion of Senator Fraser, Substitute Senate Bill No. 6116 was substituted for Senate Bill No. 6116 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Fraser, the rules were suspended, Substitute Senate Bill No. 6116 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Fraser spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6116.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6116 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Baumgartner, Becker, Benton, Carrell, Chase, Conway, Delvin, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hatfield, Haugen, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles, Litzow, McAuliffe, Morton, Murray, Nelson, Padden, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rolfes, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Excused: Senator Brown

SUBSTITUTE SENATE BILL NO. 6116, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 6112, by Senators Eide, King, Haugen, Fain and Shin



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Concerning the use of alternative traction devices on tires under certain conditions.

MOTIONS

On motion of Senator Eide, Substitute Senate Bill No. 6112 was substituted for Senate Bill No. 6112 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Eide, the rules were suspended, Substitute Senate Bill No. 6112 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Eide, King and Haugen spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6112.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6112 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Baumgartner, Becker, Benton, Brown, Carrell, Chase, Conway, Delvin, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hatfield, Haugen, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles, Litzow, McAuliffe, Morton, Murray, Nelson, Padden, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rolfes, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

SUBSTITUTE SENATE BILL NO. 6112, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Harper, Senator Murray was excused.

MOTION

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

MOTION

Senator Schoesler moved adoption of the following resolution:

SENATE RESOLUTION  
8678

By Senators Schoesler and Hatfield

WHEREAS, Agriculture is the leading employer in the state of Washington; and

WHEREAS, The voice of agriculture in Washington is Washington Farm Bureau, which today represents farm and ranch families comprising 40,000 members; and

WHEREAS, Washington Farm Bureau was founded in 1920, the same year that Steve Appel's great-uncle began farming outside Dusty, in Whitman County; and

WHEREAS, In 1974, after earning his agronomy degree from Washington State University where he met his wife Dianne, Steve

Appel began farming with his father, growing wheat and barley on the land where he grew up, and joined Washington Farm Bureau; and

WHEREAS, In 1994, after 20 years of membership, Steve Appel became president of Washington Farm Bureau, which had 7,000 members at the time; and

WHEREAS, When Steve Appel stepped down in November 2011, after 17 consecutive years as president, Washington Farm Bureau had grown to 41,000 members, an increase of more than 486 percent without a single membership drive; and

WHEREAS, In addition to serving longer than any other Washington Farm Bureau president, Steve Appel also served seven years as vice president of the American Farm Bureau Federation and was instrumental in arranging for Seattle to host the federation's 2010 national conference; and

WHEREAS, During Steve Appel's time as president, Washington Farm Bureau not only grew in membership but became an effective political force that helped improve the business and regulatory climate for farmers across Washington, championed private property rights, moved the state toward finding new water sources, and worked to increase foreign market access;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate congratulate Steve Appel, a self-described "dirt farmer from Dusty," for his exemplary leadership of Washington's primary advocate for farm and ranch families, his many contributions to Washington agriculture, and for doing things "the Farm Bureau way."

Senators Schoesler, Sheldon, Honeyford, King and Roach spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8678.

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

INTRODUCTION OF SPECIAL GUESTS

The President introduced Mr. Steve Appel and wife, Dianne, who were seated in the gallery.

MOTION

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

SECOND READING

SENATE BILL NO. 6082, by Senators Haugen, Swecker, Hatfield, King, Ericksen, Honeyford, Shin and Parlette

Regarding the preservation and conservation of agricultural resource lands.

The measure was read the second time.

MOTION

On motion of Senator Haugen, the rules were suspended, Senate Bill No. 6082 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Haugen, Shin and Honeyford spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 6082.

## ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6082 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 1; Excused, 0.

Voting yea: Senators Baumgartner, Becker, Benton, Brown, Carrell, Chase, Conway, Delvin, Eide, Ericksen, Fain, Fraser, Frockt, Harper, Hatfield, Haugen, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles, Litzow, McAuliffe, Morton, Murray, Nelson, Padden, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rolfes, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Absent: Senator Hargrove

SENATE BILL NO. 6082, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## MOTION

At 10:22 a.m., on motion of Senator Eide, the Senate was declared to be at ease subject to the call of the President.

The Senate was called to order at 11:39 a.m. by President Owen.

## SECOND READING

SENATE BILL NO. 5292, by Senators Honeyford, Schoesler, Swecker, Holmquist Newbry and Roach

Exempting irrigation and drainage ditches from the definition of critical areas. Revised for 2nd Substitute: Exempting certain structures that are constructed and maintained by irrigation districts and port districts from the definition of critical areas.

## MOTION

On motion of Senator Honeyford, Second Substitute Senate Bill No. 5292 was substituted for Senate Bill No. 5292 and the second substitute bill was placed on the second reading and read the second time.

## MOTION

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

On page 2, at the beginning of line 11, strike all material through "or" and insert "such artificial features or constructs as irrigation delivery systems, irrigation infrastructure, irrigation canals, or"

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

The President declared the question before the Senate to be the adoption of the amendment by Senator Honeyford on page 2, line 11 to Second Substitute Senate Bill No. 5292.

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

## MOTION

On motion of Senator Honeyford, the rules were suspended, Engrossed Second Substitute Senate Bill No. 5292 was advanced

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

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

The President declared the question before the Senate to be the final passage of Engrossed Second Substitute Senate Bill No. 5292.

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 5292 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 3; Excused, 0.

Voting yea: Senators Baumgartner, Becker, Benton, Brown, Carrell, Chase, Conway, Delvin, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hatfield, Haugen, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles, Murray, Nelson, Padden, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rolfes, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Absent: Senators Litzow, McAuliffe and Morton

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5292, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## MOTION

On motion of Senator Ranker, Senator McAuliffe was excused.

## MOTION

On motion of Senator Ericksen, Senators Litzow and Morton were excused.

## SECOND READING

SENATE BILL NO. 6002, by Senators Kilmer, Parlette, Morton and Shin

Making adjustments to the school construction assistance formula.

## MOTIONS

On motion of Senator Kilmer, Substitute Senate Bill No. 6002 was substituted for Senate Bill No. 6002 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Kilmer, the rules were suspended, Substitute Senate Bill No. 6002 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Kilmer spoke in favor of passage of the bill.

Senator Ericksen spoke against passage of the bill.

## POINT OF INQUIRY

Senator Benton: "Would Senator Kilmer yield to a question? Senator Kilmer, could you clarify for me the intent of the Legislature, by the Senate at least, in this legislation is not to impair in a negative fashion. The funding is currently being

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received by these ALE [Alternative Learning Experience] programs in this legislation. Is that correct?"

On motion of Senator Ericksen, Senators Fain and Hewitt were excused.

Senator Kilmer: "Thank you for the question. The intent of this bill is to change from the point of this bill forward to change the approach to funding for school construction so that if a student is an ALE student who does not reside in the school district that school construction dollars won't be sent to that district to provide capacity for a student who will never show up. The bill presumes savings going forward but does assume 13 million dollars in this capital budget. What we also presumed, however, in the intent section, is if there are any sunk cost the school districts have faced, the state would basically hold harmless those districts."

MOTION

On motion of Senator Eide, Senator Brown was excused.

Senator Parlette spoke in favor of passage of the bill.

APPOINTMENT OF LEONOR FULLER

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6002.

The President declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9195, Leonor Fuller as a member of the Board of Trustees South Puget Sound Community College District No. 24.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9195, Leonor Fuller as a member of the Board of Trustees South Puget Sound Community College District No. 24 and the appointment was confirmed by the following vote: Yeas, 41; Nays, 2; Absent, 1; Excused, 5.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6002 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 1; Absent, 0; Excused, 3.

Voting yea: Senators Becker, Benton, Carrell, Chase, Conway, Delvin, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hatfield, Haugen, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles, Litzow, McAuliffe, Morton, Nelson, Padden, Parlette, Regala, Roach, Rolfes, Schoesler, Sheldon, Shin, Swecker, Tom and Zarelli

Voting yea: Senators Baumgartner, Becker, Benton, Brown, Carrell, Chase, Conway, Delvin, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Haugen, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles, Murray, Nelson, Padden, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rolfes, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Voting nay: Senators Baumgartner and Stevens

Absent: Senator Pflug

Excused: Senators Brown, Murray, Prentice, Pridemore and Ranker

Voting nay: Senator Hatfield  
Excused: Senators Litzow, McAuliffe and Morton  
SUBSTITUTE SENATE BILL NO. 6002, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

Gubernatorial Appointment No. 9195, Leonor Fuller, having received the constitutional majority was declared confirmed as a member of the Board of Trustees South Puget Sound Community College District No. 24.

MOTION

On motion of Senator Ericksen, Senator Pflug was excused.

MOTION

SECOND READING

At 11:57 a.m., on motion of Senator Eide, the Senate was declared to be at ease subject to the call of the President.

SENATE BILL NO. 6384, by Senators Parlette, Murray, Keiser, Fraser, Carrell, Kline, Pridemore, Frockt, Delvin, Harper, Fain, Honeyford, Benton, Hobbs, Hewitt, Shin, Regala, McAuliffe, Conway, Kohl-Welles, Roach, Haugen and Nelson

AFTERNOON SESSION

The Senate was called to order at 1:49 p.m. by President Owen.

Ensuring that persons with developmental disabilities be given the opportunity to transition to a community access program after enrollment in an employment program.

SECOND READING  
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTIONS

MOTION

Senator Fraser moved that Gubernatorial Appointment No. 9195, Leonor Fuller, as a member of the Board of Trustees, South Puget Sound Community College District No. 24, be confirmed.

On motion of Senator Parlette, Substitute Senate Bill No. 6384 was substituted for Senate Bill No. 6384 and the substitute bill was placed on the second reading and read the second time.

Senator Fraser spoke in favor of the motion.

On motion of Senator Parlette, the rules were suspended, Substitute Senate Bill No. 6384 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

MOTION

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

On motion of Senator Harper, Senators Kohl-Welles, Murray, Nelson, Pridemore and Ranker were excused.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6384.

MOTION

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6384 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 0; Excused, 5.

Voting yea: Senators Baumgartner, Becker, Benton, Brown, Carrell, Chase, Conway, Delvin, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hatfield, Haugen, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles, Litzow, McAuliffe, Morton, Nelson, Padden, Parlette, Regala, Roach, Rolfes, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Excused: Senators Murray, Pflug, Prentice, Pridemore and Ranker

SUBSTITUTE SENATE BILL NO. 6384, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced Community Employment providers, clients and family members representing a statewide parent coalition and partnership with ARC of Washington who were seated in the gallery.

#### SECOND READING

SENATE BILL NO. 6223, by Senators Regala, Hargrove and Stevens

Repealing the early supplemental security income transition project.

The measure was read the second time.

#### MOTION

On motion of Senator Regala, the rules were suspended, Senate Bill No. 6223 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Regala spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 6223.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6223 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 0; Excused, 5.

Voting yea: Senators Baumgartner, Becker, Benton, Brown, Carrell, Chase, Conway, Delvin, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hatfield, Haugen, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles, Litzow, McAuliffe, Morton, Nelson, Padden, Parlette, Regala, Roach, Rolfes, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Excused: Senators Murray, Pflug, Prentice, Pridemore and Ranker

SENATE BILL NO. 6223, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5188, by Senators Becker, Haugen, Swecker, Stevens, King, Fain, Delvin, Holmquist Newbry, Honeyford and Hewitt

Harmonizing certain traffic control signal provisions relative to yellow change intervals and certain fine amount limitations. Revised for 2nd Substitute: Harmonizing certain traffic control signal provisions relative to yellow change intervals, certain fine amount limitations, and certain signage and reporting requirements.

#### MOTION

On motion of Senator Becker, Second Substitute Senate Bill No. 5188 was substituted for Senate Bill No. 5188 and the second substitute bill was placed on the second reading and read the second time.

#### MOTION

Senator Benton moved that the following amendment by Senators Benton and Holmquist Newbry be adopted:

On page 2, at the beginning of line 32, strike "or more"

Senators Benton, Holmquist Newbry and Roach spoke in favor of adoption of the amendment.

Senators Becker, Haugen and Keiser spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senators Benton and Holmquist Newbry on page 2, line 32 to Second Substitute Senate Bill No. 5188.

The motion by Senator Benton carried and the amendment was adopted by a rising vote.

#### MOTION

On motion of Senator Becker, the rules were suspended, Engrossed Second Substitute Senate Bill No. 5188 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Becker, Benton and Haugen spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Second Substitute Senate Bill No. 5188.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 5188 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Baumgartner, Becker, Benton, Brown, Carrell, Chase, Conway, Delvin, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hatfield, Haugen, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles, Litzow, McAuliffe, Morton, Nelson, Padden, Parlette, Prentice, Regala, Roach, Rolfes, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Excused: Senators Murray, Pflug, Pridemore and Ranker

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5188, having received the constitutional majority, was

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declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

MOTION

At 2:30 p.m., on motion of Senator Eide, the Senate was declared to be at ease subject to the call of the President.

The Senate was called to order at 3:51 p.m. by President Owen.

SECOND READING  
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Prentice moved that Gubernatorial Appointment No. 9198, Judy Guenther, as a member of the Lottery Commission, be confirmed.

Senator Prentice spoke in favor of the motion.

MOTION

On motion of Senator Hobbs, Senator Pridemore was excused.

MOTION

On motion of Senator Ericksen, Senators Benton and Zarelli were excused.

APPOINTMENT OF JUDY GUENTHER

The President declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9198, Judy Guenther as a member of the Lottery Commission.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9198, Judy Guenther as a member of the Lottery Commission and the appointment was confirmed by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Baumgartner, Becker, Benton, Brown, Carrell, Chase, Conway, Delvin, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hatfield, Haugen, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles, Litzow, McAuliffe, Morton, Murray, Nelson, Padden, Parlette, Pflug, Prentice, Ranker, Regala, Roach, Rolfes, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Excused: Senator Pridemore

Gubernatorial Appointment No. 9198, Judy Guenther, having received the constitutional majority was declared confirmed as a member of the Lottery Commission.

SECOND READING

SENATE BILL NO. 6252, by Senators Kline, Zarelli, Kohl-Welles, Shin, Conway, Eide, Chase, Delvin, Litzow, Stevens, Fraser, Pflug, Regala, Nelson, Keiser and Roach

Addressing commercial sexual abuse of a minor and promoting prostitution in the first degree. Revised for 1st Substitute: Addressing commercial sexual abuse of a minor, promoting commercial sexual abuse of a minor, and promoting prostitution in the first degree.

On motion of Senator Kline, Substitute Senate Bill No. 6252 was substituted for Senate Bill No. 6252 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Kline moved that the following striking amendment by Senators Kline, Eide and Pflug be adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 9A.82.010 and 2008 c 108 s 24 are each amended to read as follows:

Unless the context requires the contrary, the definitions in this section apply throughout this chapter.

(1)(a) "Beneficial interest" means:

(i) The interest of a person as a beneficiary under a trust established under Title 11 RCW in which the trustee for the trust holds legal or record title to real property;

(ii) The interest of a person as a beneficiary under any other trust arrangement under which a trustee holds legal or record title to real property for the benefit of the beneficiary; or

(iii) The interest of a person under any other form of express fiduciary arrangement under which one person holds legal or record title to real property for the benefit of the other person.

(b) "Beneficial interest" does not include the interest of a stockholder in a corporation or the interest of a partner in a general partnership or limited partnership.

(c) A beneficial interest is considered to be located where the real property owned by the trustee is located.

(2) "Control" means the possession of a sufficient interest to permit substantial direction over the affairs of an enterprise.

(3) "Creditor" means a person making an extension of credit or a person claiming by, under, or through a person making an extension of credit.

(4) "Criminal profiteering" means any act, including any anticipatory or completed offense, committed for financial gain, that is chargeable or indictable under the laws of the state in which the act occurred and, if the act occurred in a state other than this state, would be chargeable or indictable under the laws of this state had the act occurred in this state and punishable as a felony and by imprisonment for more than one year, regardless of whether the act is charged or indicted, as any of the following:

(a) Murder, as defined in RCW 9A.32.030 and 9A.32.050;

(b) Robbery, as defined in RCW 9A.56.200 and 9A.56.210;

(c) Kidnapping, as defined in RCW 9A.40.020 and 9A.40.030;

(d) Forgery, as defined in RCW 9A.60.020 and 9A.60.030;

(e) Theft, as defined in RCW 9A.56.030, 9A.56.040, 9A.56.060, 9A.56.080, and 9A.56.083;

(f) Unlawful sale of subscription television services, as defined in RCW 9A.56.230;

(g) Theft of telecommunication services or unlawful manufacture of a telecommunication device, as defined in RCW 9A.56.262 and 9A.56.264;

(h) Child selling or child buying, as defined in RCW 9A.64.030;

(i) Bribery, as defined in RCW 9A.68.010, 9A.68.020, 9A.68.040, and 9A.68.050;

(j) Gambling, as defined in RCW 9.46.220 and 9.46.215 and 9.46.217;

(k) Extortion, as defined in RCW 9A.56.120 and 9A.56.130;

(l) Unlawful production of payment instruments, unlawful possession of payment instruments, unlawful possession of a personal identification device, unlawful possession of fictitious

identification, or unlawful possession of instruments of financial fraud, as defined in RCW 9A.56.320;

(m) Extortionate extension of credit, as defined in RCW 9A.82.020;

(n) Advancing money for use in an extortionate extension of credit, as defined in RCW 9A.82.030;

(o) Collection of an extortionate extension of credit, as defined in RCW 9A.82.040;

(p) Collection of an unlawful debt, as defined in RCW 9A.82.045;

(q) Delivery or manufacture of controlled substances or possession with intent to deliver or manufacture controlled substances under chapter 69.50 RCW;

(r) Trafficking in stolen property, as defined in RCW 9A.82.050;

(s) Leading organized crime, as defined in RCW 9A.82.060;

(t) Money laundering, as defined in RCW 9A.83.020;

(u) Obstructing criminal investigations or prosecutions in violation of RCW 9A.72.090, 9A.72.100, 9A.72.110, 9A.72.120, 9A.72.130, 9A.76.070, or 9A.76.180;

(v) Fraud in the purchase or sale of securities, as defined in RCW 21.20.010;

(w) Promoting pornography, as defined in RCW 9.68.140;

(x) Sexual exploitation of children, as defined in RCW 9.68A.040, 9.68A.050, and 9.68A.060;

(y) Promoting prostitution, as defined in RCW 9A.88.070 and 9A.88.080;

(z) Arson, as defined in RCW 9A.48.020 and 9A.48.030;

(aa) Assault, as defined in RCW 9A.36.011 and 9A.36.021;

(bb) Assault of a child, as defined in RCW 9A.36.120 and 9A.36.130;

(cc) A pattern of equity skimming, as defined in RCW 61.34.020;

(dd) Commercial telephone solicitation in violation of RCW 19.158.040(1);

(ee) Trafficking in insurance claims, as defined in RCW 48.30A.015;

(ff) Unlawful practice of law, as defined in RCW 2.48.180;

(gg) Commercial bribery, as defined in RCW 9A.68.060;

(hh) Health care false claims, as defined in RCW 48.80.030;

(ii) Unlicensed practice of a profession or business, as defined in RCW 18.130.190(7);

(jj) Improperly obtaining financial information, as defined in RCW 9.35.010;

(kk) Identity theft, as defined in RCW 9.35.020;

(ll) Unlawful shipment of cigarettes in violation of RCW 70.155.105(6) (a) or (b);

(mm) Unlawful shipment of cigarettes in violation of RCW 82.24.110(2);

(nn) Unauthorized sale or procurement of telephone records in violation of RCW 9.26A.140;

(oo) Theft with the intent to resell, as defined in RCW 9A.56.340;

(pp) Organized retail theft, as defined in RCW 9A.56.350; ((or))

(qq) Mortgage fraud, as defined in RCW 19.144.080;

(rr) Commercial sexual abuse of a minor, as defined in RCW 9.68A.100; or

(ss) Promoting commercial sexual abuse of a minor, as defined in RCW 9.68A.101.

(5) "Dealer in property" means a person who buys and sells property as a business.

(6) "Debtor" means a person to whom an extension of credit is made or a person who guarantees the repayment of an extension of credit or in any manner undertakes to indemnify the creditor against

loss resulting from the failure of a person to whom an extension is made to repay the same.

(7) "Documentary material" means any book, paper, document, writing, drawing, graph, chart, photograph, phonograph record, magnetic tape, computer printout, other data compilation from which information can be obtained or from which information can be translated into usable form, or other tangible item.

(8) "Enterprise" includes any individual, sole proprietorship, partnership, corporation, business trust, or other profit or nonprofit legal entity, and includes any union, association, or group of individuals associated in fact although not a legal entity, and both illicit and licit enterprises and governmental and nongovernmental entities.

(9) "Extortionate extension of credit" means an extension of credit with respect to which it is the understanding of the creditor and the debtor at the time the extension is made that delay in making repayment or failure to make repayment could result in the use of violence or other criminal means to cause harm to the person, reputation, or property of any person.

(10) "Extortionate means" means the use, or an express or implicit threat of use, of violence or other criminal means to cause harm to the person, reputation, or property of any person.

(11) "Financial institution" means any bank, trust company, savings and loan association, savings bank, mutual savings bank, credit union, or loan company under the jurisdiction of the state or an agency of the United States.

(12) "Pattern of criminal profiteering activity" means engaging in at least three acts of criminal profiteering, one of which occurred after July 1, 1985, and the last of which occurred within five years, excluding any period of imprisonment, after the commission of the earliest act of criminal profiteering. In order to constitute a pattern, the three acts must have the same or similar intent, results, accomplices, principals, victims, or methods of commission, or be otherwise interrelated by distinguishing characteristics including a nexus to the same enterprise, and must not be isolated events. However, in any civil proceedings brought pursuant to RCW 9A.82.100 by any person other than the attorney general or county prosecuting attorney in which one or more acts of fraud in the purchase or sale of securities are asserted as acts of criminal profiteering activity, it is a condition to civil liability under RCW 9A.82.100 that the defendant has been convicted in a criminal proceeding of fraud in the purchase or sale of securities under RCW 21.20.400 or under the laws of another state or of the United States requiring the same elements of proof, but such conviction need not relate to any act or acts asserted as acts of criminal profiteering activity in such civil action under RCW 9A.82.100.

(13) "Real property" means any real property or interest in real property, including but not limited to a land sale contract, lease, or mortgage of real property.

(14) "Records" means any book, paper, writing, record, computer program, or other material.

(15) "Repayment of an extension of credit" means the repayment, satisfaction, or discharge in whole or in part of a debt or claim, acknowledged or disputed, valid or invalid, resulting from or in connection with that extension of credit.

(16) "Stolen property" means property that has been obtained by theft, robbery, or extortion.

(17) "To collect an extension of credit" means to induce in any way a person to make repayment thereof.

(18) "To extend credit" means to make or renew a loan or to enter into an agreement, tacit or express, whereby the repayment or satisfaction of a debt or claim, whether acknowledged or disputed, valid or invalid, and however arising, may or shall be deferred.

(19) "Traffic" means to sell, transfer, distribute, dispense, or otherwise dispose of stolen property to another person, or to buy,

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receive, possess, or obtain control of stolen property, with intent to sell, transfer, distribute, dispense, or otherwise dispose of the property to another person.

(20)(a) "Trustee" means:

(i) A person acting as a trustee under a trust established under Title 11 RCW in which the trustee holds legal or record title to real property;

(ii) A person who holds legal or record title to real property in which another person has a beneficial interest; or

(iii) A successor trustee to a person who is a trustee under (a)(i) or (ii) of this subsection.

(b) "Trustee" does not mean a person appointed or acting as:

(i) A personal representative under Title 11 RCW;

(ii) A trustee of any testamentary trust;

(iii) A trustee of any indenture of trust under which a bond is issued; or

(iv) A trustee under a deed of trust.

(21) "Unlawful debt" means any money or other thing of value constituting principal or interest of a debt that is legally unenforceable in the state in full or in part because the debt was incurred or contracted:

(a) In violation of any one of the following:

(i) Chapter 67.16 RCW relating to horse racing;

(ii) Chapter 9.46 RCW relating to gambling;

(b) In a gambling activity in violation of federal law; or

(c) In connection with the business of lending money or a thing of value at a rate that is at least twice the permitted rate under the applicable state or federal law relating to usury.

**Sec. 2.** RCW 9A.82.100 and 2003 c 267 s 6 are each amended to read as follows:

(1)(a) A person who sustains injury to his or her person, business, or property by an act of criminal profiteering that is part of a pattern of criminal profiteering activity, or by an offense defined in RCW 9A.40.100, 9.68A.100, 9.68A.101, or 9A.88.070, or by a violation of RCW 9A.82.060 or 9A.82.080 may file an action in superior court for the recovery of damages and the costs of the suit, including reasonable investigative and attorney's fees.

(b) The attorney general or county prosecuting attorney may file an action: (i) On behalf of those persons injured or, respectively, on behalf of the state or county if the entity has sustained damages, or (ii) to prevent, restrain, or remedy a pattern of criminal profiteering activity, or an offense defined in RCW 9A.40.100, 9.68A.100, 9.68A.101, or 9A.88.070, or a violation of RCW 9A.82.060 or 9A.82.080.

(c) An action for damages filed by or on behalf of an injured person, the state, or the county shall be for the recovery of damages and the costs of the suit, including reasonable investigative and attorney's fees.

(d) In an action filed to prevent, restrain, or remedy a pattern of criminal profiteering activity, or an offense defined in RCW 9A.40.100, 9.68A.100, 9.68A.101, or 9A.88.070, or a violation of RCW 9A.82.060 or 9A.82.080, the court, upon proof of the violation, may impose a civil penalty not exceeding two hundred fifty thousand dollars, in addition to awarding the cost of the suit, including reasonable investigative and attorney's fees.

(2) The superior court has jurisdiction to prevent, restrain, and remedy a pattern of criminal profiteering, or an offense defined in RCW 9A.40.100, 9.68A.100, 9.68A.101, or 9A.88.070, or a violation of RCW 9A.82.060 or 9A.82.080 after making provision for the rights of all innocent persons affected by the violation and after hearing or trial, as appropriate, by issuing appropriate orders.

(3) Prior to a determination of liability, orders issued under subsection (2) of this section may include, but are not limited to, entering restraining orders or prohibitions or taking such other actions, including the acceptance of satisfactory performance bonds,

in connection with any property or other interest subject to damages, forfeiture, or other restraints pursuant to this section as the court deems proper. The orders may also include attachment, receivership, or injunctive relief in regard to personal or real property pursuant to Title 7 RCW. In shaping the reach or scope of receivership, attachment, or injunctive relief, the superior court shall provide for the protection of bona fide interests in property, including community property, of persons who were not involved in the violation of this chapter, except to the extent that such interests or property were acquired or used in such a way as to be subject to forfeiture under RCW 9A.82.100(4)(f).

(4) Following a determination of liability, orders may include, but are not limited to:

(a) Ordering any person to divest himself or herself of any interest, direct or indirect, in any enterprise.

(b) Imposing reasonable restrictions on the future activities or investments of any person, including prohibiting any person from engaging in the same type of endeavor as the enterprise engaged in, the activities of which affect the laws of this state, to the extent the Constitutions of the United States and this state permit.

(c) Ordering dissolution or reorganization of any enterprise.

(d) Ordering the payment of actual damages sustained to those persons injured by a violation of RCW 9A.82.060 or 9A.82.080, or an offense defined in RCW 9A.40.100, 9.68A.100, 9.68A.101, or 9A.88.070, or an act of criminal profiteering that is part of a pattern of criminal profiteering, and in the court's discretion, increasing the payment to an amount not exceeding three times the actual damages sustained.

(e) Ordering the payment of all costs and expenses of the prosecution and investigation of a pattern of criminal profiteering, or an offense defined in RCW 9A.40.100, 9.68A.100, 9.68A.101, or 9A.88.070, activity or a violation of RCW 9A.82.060 or 9A.82.080, civil and criminal, incurred by the state or county, including any costs of defense provided at public expense, as appropriate to the state general fund or the antiprofitteering revolving fund of the county.

(f) Ordering forfeiture first as restitution to any person damaged by an act of criminal profiteering that is part of a pattern of criminal profiteering, or by an offense defined in RCW 9A.40.100, then to the state general fund or antiprofitteering revolving fund of the county, as appropriate, to the extent not already ordered to be paid in other damages, of the following:

(i) Any property or other interest acquired or maintained in violation of RCW 9A.82.060 or 9A.82.080 to the extent of the investment of funds, and any appreciation or income attributable to the investment, from a violation of RCW 9A.82.060 or 9A.82.080.

(ii) Any property, contractual right, or claim against property used to influence any enterprise that a person has established, operated, controlled, conducted, or participated in the conduct of, in violation of RCW 9A.82.060 or 9A.82.080.

(iii) All proceeds traceable to or derived from an offense included in the pattern of criminal profiteering activity, or an offense defined in RCW 9A.40.100, 9.68A.100, 9.68A.101, or 9A.88.070, and all moneys, negotiable instruments, securities, and other things of value significantly used or intended to be used significantly to facilitate commission of the offense.

(g) Ordering payment to the state general fund or antiprofitteering revolving fund of the county, as appropriate, of an amount equal to the gain a person has acquired or maintained through an offense included in the definition of criminal profiteering.

(5) In addition to or in lieu of an action under this section, the attorney general or county prosecuting attorney may file an action for forfeiture to the state general fund or antiprofitteering revolving

fund of the county, as appropriate, to the extent not already ordered paid pursuant to this section, of the following:

(a) Any interest acquired or maintained by a person in violation of RCW 9A.82.060 or 9A.82.080 to the extent of the investment of funds obtained from a violation of RCW 9A.82.060 or 9A.82.080 and any appreciation or income attributable to the investment.

(b) Any property, contractual right, or claim against property used to influence any enterprise that a person has established, operated, controlled, conducted, or participated in the conduct of, in violation of RCW 9A.82.060 or 9A.82.080.

(c) All proceeds traceable to or derived from an offense included in the pattern of criminal profiteering activity, or an offense defined in RCW 9A.40.100, 9.68A.100, 9.68A.101, or 9A.88.070, and all moneys, negotiable instruments, securities, and other things of value significantly used or intended to be used significantly to facilitate the commission of the offense.

(6) A defendant convicted in any criminal proceeding is precluded in any civil proceeding from denying the essential allegations of the criminal offense proven in the criminal trial in which the defendant was convicted. For the purposes of this subsection, a conviction shall be deemed to have occurred upon a verdict, finding, or plea of guilty, notwithstanding the fact that appellate review of the conviction and sentence has been or may be sought. If a subsequent reversal of the conviction occurs, any judgment that was based upon that conviction may be reopened upon motion of the defendant.

(7) The initiation of civil proceedings under this section shall be commenced within three years after discovery of the pattern of criminal profiteering activity or after the pattern should reasonably have been discovered or, in the case of an offense that is defined in RCW 9A.40.100, within three years after the final disposition of any criminal charges relating to the offense, whichever is later.

(8) The attorney general or county prosecuting attorney may, in a civil action brought pursuant to this section, file with the clerk of the superior court a certificate stating that the case is of special public importance. A copy of that certificate shall be furnished immediately by the clerk to the presiding chief judge of the superior court in which the action is pending and, upon receipt of the copy, the judge shall immediately designate a judge to hear and determine the action. The judge so designated shall promptly assign the action for hearing, participate in the hearings and determination, and cause the action to be expedited.

(9) The standard of proof in actions brought pursuant to this section is the preponderance of the evidence test.

(10) A person other than the attorney general or county prosecuting attorney who files an action under this section shall serve notice and one copy of the pleading on the attorney general within thirty days after the action is filed with the superior court. The notice shall identify the action, the person, and the person's attorney. Service of the notice does not limit or otherwise affect the right of the state to maintain an action under this section or intervene in a pending action nor does it authorize the person to name the state or the attorney general as a party to the action.

(11) Except in cases filed by a county prosecuting attorney, the attorney general may, upon timely application, intervene in any civil action or proceeding brought under this section if the attorney general certifies that in the attorney general's opinion the action is of special public importance. Upon intervention, the attorney general may assert any available claim and is entitled to the same relief as if the attorney general had instituted a separate action.

(12) In addition to the attorney general's right to intervene as a party in any action under this section, the attorney general may appear as amicus curiae in any proceeding in which a claim under this section has been asserted or in which a court is interpreting

RCW 9A.82.010, 9A.82.080, 9A.82.090, 9A.82.110, or 9A.82.120, or this section.

(13) A private civil action under this section does not limit any other civil or criminal action under this chapter or any other provision. Private civil remedies provided under this section are supplemental and not mutually exclusive.

(14) Upon motion by the defendant, the court may authorize the sale or transfer of assets subject to an order or lien authorized by this chapter for the purpose of paying actual attorney's fees and costs of defense. The motion shall specify the assets for which sale or transfer is sought and shall be accompanied by the defendant's sworn statement that the defendant has no other assets available for such purposes. No order authorizing such sale or transfer may be entered unless the court finds that the assets involved are not subject to possible forfeiture under RCW 9A.82.100(4)(f). Prior to disposition of the motion, the court shall notify the state of the assets sought to be sold or transferred and shall hear argument on the issue of whether the assets are subject to forfeiture under RCW 9A.82.100(4)(f). Such a motion may be made from time to time and shall be heard by the court on an expedited basis.

(15) In an action brought under subsection (1)(a) and (b)(i) of this section, either party has the right to a jury trial."

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

The President declared the question before the Senate to be the adoption of the striking amendment by Senators Kline, Eide and Pflug to Substitute Senate Bill No. 6252.

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

#### MOTION

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

On page 1, line 3 of the title, after "degree;" strike the remainder of the title and insert "and amending RCW 9A.82.010 and 9A.82.100."

#### PARLIAMENTARY INQUIRY

Senator Kline: "Is this bill about to be on third reading?"

#### REPLY BY THE PRESIDENT

President Owen: "If you put it there."

#### MOTION

On motion of Senator Kline, the rules were suspended, Engrossed Substitute Senate Bill No. 6252 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Kline spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 6252.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6252 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Baumgartner, Becker, Benton, Brown, Carrell, Chase, Conway, Delvin, Eide, Ericksen, Fain, Fraser,



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Froctt, Hargrove, Harper, Hatfield, Haugen, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles, Litzow, McAuliffe, Morton, Murray, Nelson, Padden, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rolfes, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

ENGROSSED SUBSTITUTE SENATE BILL NO. 6252, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6253, by Senators Eide, Kline, Regala, Shin, Kohl-Welles, Litzow, Chase, Stevens, Nelson, Keiser, Roach and Conway

Concerning seizure and forfeiture of property in commercial sexual abuse of a minor and promoting prostitution in the first degree crimes. Revised for 1st Substitute: Concerning seizure and forfeiture of property in commercial sexual abuse of a minor, promoting commercial sexual abuse of a minor, and promoting prostitution in the first degree crimes.

MOTIONS

On motion of Senator Eide, Substitute Senate Bill No. 6253 was substituted for Senate Bill No. 6253 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Eide, the rules were suspended, Substitute Senate Bill No. 6253 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6253.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6253 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Baumgartner, Becker, Benton, Brown, Carrell, Chase, Conway, Delvin, Eide, Ericksen, Fain, Fraser, Froctt, Hargrove, Harper, Hatfield, Haugen, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles, Litzow, McAuliffe, Morton, Murray, Nelson, Padden, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rolfes, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

SUBSTITUTE SENATE BILL NO. 6253, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6251, by Senators Kohl-Welles, Delvin, Eide, Chase, Pflug, Conway, Kline, Ranker, Stevens, Fraser, Regala, Nelson, Roach and Froctt

Regulating advertising of commercial sexual abuse of a minor.

MOTION

On motion of Senator Kline, Substitute Senate Bill No. 6251 was substituted for Senate Bill No. 6251 and the substitute bill was placed on the second reading and read the second time.

MOTION

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

Strike everything after the enacting clause and insert the following:

NEW SECTION. **Sec. 1.** The legislature finds it unacceptable that Washington's children are being sold for sex in advertisements. A 2008 Seattle human services department report estimated that there are three hundred to five hundred children being exploited for sex in the Seattle area alone each year. The legislature finds that the practice of escort services advertising includes minors who are being sold for sex, a form of sex trafficking and commercial sexual abuse of minors. According to the Seattle police department, since the beginning of 2010, at least twenty-two children have been advertised online in the Seattle area for commercial sex and were recovered by the police department. The legislature is committed to eliminating sex trafficking of minors in a manner consistent with federal laws prohibiting sexual exploitation of children.

NEW SECTION. **Sec. 2.** A new section is added to chapter 9.68A RCW to read as follows:

(1) A person commits the offense of advertising commercial sexual abuse of a minor if he or she knowingly publishes, disseminates, or displays, or causes directly or indirectly, to be published, disseminated, or displayed, any advertisement for a commercial sex act, which is to take place in the state of Washington and that includes the depiction of a minor.

(a) "Advertisement for a commercial sex act" means any advertisement or offer in electronic or print media, which includes either an explicit or implicit offer for a commercial sex act to occur in Washington.

(b) "Commercial sex act" means any act of sexual contact or sexual intercourse, both as defined in chapter 9A.44 RCW, for which something of value is given or received by any person.

(c) "Depiction" as used in this section means any photograph or visual or printed matter as defined in RCW 9.68A.011 (2) and (3).

(2) In a prosecution under this statute it is not a defense that the defendant did not know the age of the minor depicted in the advertisement. It is a defense, which the defendant must prove by a preponderance of the evidence, that the defendant made a reasonable bona fide attempt to ascertain the true age of the minor depicted in the advertisement by requiring, prior to publication, dissemination, or display of the advertisement, production of a driver's license, marriage license, birth certificate, or other governmental or educational identification card or paper of the minor depicted in the advertisement and did not rely solely on oral or written representations of the minor's age, or the apparent age of the minor as depicted. In order to invoke the defense, the defendant must produce for inspection by law enforcement a record of the identification used to verify the age of the person depicted in the advertisement.

(3) Advertising commercial sexual abuse of a minor is a class C felony.

NEW SECTION. **Sec. 3.** If any part of this act is found to be in conflict with federal requirements that are a prescribed condition to the allocation of federal funds to the state, the conflicting part of this act is inoperative solely to the extent of the conflict and with respect to the agencies directly affected, and this finding does not affect the operation of the remainder of this act in its application to

the agencies concerned. Rules adopted under this act must meet federal requirements that are a necessary condition to the receipt of federal funds by the state."

Senators Kline and Padden spoke in favor of adoption of the striking amendment.

The President declared the question before the Senate to be the adoption of the striking amendment by Senator Kline and others to Substitute Senate Bill No. 6251.

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

#### MOTION

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

On page 1, line 1 of the title, after "minor;" strike the remainder of the title and insert "adding a new section to chapter 9.68A RCW; creating new sections; and prescribing penalties."

#### MOTION

On motion of Senator Kohl-Welles, the rules were suspended, Engrossed Substitute Senate Bill No. 6251 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Kohl-Welles spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 6251.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6251 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Baumgartner, Becker, Benton, Brown, Carrell, Chase, Conway, Delvin, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hatfield, Haugen, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles, Litzow, McAuliffe, Morton, Murray, Nelson, Padden, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rolfes, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

ENGROSSED SUBSTITUTE SENATE BILL NO. 6251, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 6254, by Senators Delvin, Hargrove, Kohl-Welles, Roach, Conway, Pflug, Ericksen, Carrell, Schoesler, Fain, Baumgartner, Fraser, Padden, Regala, Kline, Shin, Litzow, Eide, Chase, Stevens, Nelson and Keiser

Changing promoting prostitution provisions.

The measure was read the second time.

#### MOTION

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

On page 1, line 11, after "mental" insert "or developmental"

Senators Kline and Delvin spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Kline on page 1, line 11 to Senate Bill No. 6254.

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

#### MOTION

On motion of Senator Kline, the rules were suspended, Engrossed Senate Bill No. 6254 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Delvin spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Senate Bill No. 6254.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 6254 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Baumgartner, Becker, Benton, Brown, Carrell, Chase, Conway, Delvin, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hatfield, Haugen, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles, Litzow, McAuliffe, Morton, Murray, Nelson, Padden, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rolfes, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

ENGROSSED SENATE BILL NO. 6254, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 6103, by Senators Keiser and Fraser

Requiring registration of reflexologists. Revised for 1st Substitute: Concerning the practice of reflexology and massage therapy.

#### MOTION

On motion of Senator Keiser, Substitute Senate Bill No. 6103 was substituted for Senate Bill No. 6103 and the substitute bill was placed on the second reading and read the second time.

#### MOTION

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

On page 3, line 37, after "reflexologist" insert "or licensed as a massage practitioner"

On page 4, beginning on line 19, after "(3)" strike all material through "(4)" on line 26

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

On page 4, line 32, after "reflexologist" insert "or as a massage practitioner"

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

The President declared the question before the Senate to be the adoption of the amendment by Senators Keiser and Becker on page 3, line 37 to Substitute Senate Bill No. 6103.

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

#### MOTION

On motion of Senator Keiser, the rules were suspended, Engrossed Substitute Senate Bill No. 6103 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 6103.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6103 and the bill passed the Senate by the following vote: Yeas, 33; Nays, 16; Absent, 0; Excused, 0.

Voting yea: Senators Becker, Brown, Chase, Conway, Delvin, Eide, Fraser, Frockt, Hargrove, Harper, Haugen, Hewitt, Hobbs, Kastama, Keiser, Kilmer, Kline, Kohl-Welles, Litzow, McAuliffe, Morton, Murray, Nelson, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rolfes, Shin and Tom

Voting nay: Senators Baumgartner, Benton, Carrell, Ericksen, Fain, Hatfield, Hill, Holmquist Newbry, Honeyford, King, Padden, Schoesler, Sheldon, Stevens, Swecker and Zarelli

ENGROSSED SUBSTITUTE SENATE BILL NO. 6103, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 6256, by Senators Conway, Delvin, Roach, Chase, Kohl-Welles, Eide, Litzow, Fraser, Stevens, Pflug, Regala, Nelson, Keiser and Holmquist Newbry

Adding commercial sexual abuse of a minor to the list of criminal street gang-related offenses.

The measure was read the second time.

#### MOTION

On motion of Senator Kline, the rules were suspended, Senate Bill No. 6256 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

The President declared the question before the Senate to be the final passage of Senate Bill No. 6256.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6256 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Baumgartner, Becker, Benton, Brown, Carrell, Chase, Conway, Delvin, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hatfield, Haugen, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles, Litzow, McAuliffe, Morton, Murray, Nelson, Padden, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rolfes, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

SENATE BILL NO. 6256, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MOTION

On motion of Senator Ericksen, Senator Pflug was excused.

#### SECOND READING

SENATE BILL NO. 6257, by Senators Roach, Conway, Swecker, Fraser, Pflug, Kohl-Welles, Eide, Delvin, Stevens, Padden, Regala, Chase, Tom, Kastama, Haugen, Litzow, Brown, Kline, Shin, Nelson and Keiser

Addressing sexually explicit performance.

The measure was read the second time.

#### MOTION

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

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 9.68A.101 and 2010 c 289 s 14 are each amended to read as follows:

(1) A person is guilty of promoting commercial sexual abuse of a minor if he or she knowingly advances commercial sexual abuse or a sexually explicit act of a minor or profits from a minor engaged in sexual conduct or a sexually explicit act.

(2) Promoting commercial sexual abuse of a minor is a class A felony.

(3) For the purposes of this section:

(a) A person "advances commercial sexual abuse of a minor" if, acting other than as a minor receiving compensation for personally rendered sexual conduct or as a person engaged in commercial sexual abuse of a minor, he or she causes or aids a person to commit or engage in commercial sexual abuse of a minor, procures or solicits customers for commercial sexual abuse of a minor, provides persons or premises for the purposes of engaging in commercial sexual abuse of a minor, operates or assists in the operation of a house or enterprise for the purposes of engaging in commercial sexual abuse of a minor, or engages in any other conduct designed to institute, aid, cause, assist, or facilitate an act or enterprise of commercial sexual abuse of a minor.

(b) A person "profits from commercial sexual abuse of a minor" if, acting other than as a minor receiving compensation for personally rendered sexual conduct, he or she accepts or receives money or other property pursuant to an agreement or understanding with any person whereby he or she participates or will participate in the proceeds of commercial sexual abuse of a minor.

(c) A "sexually explicit act" is a public, private, or live photographed, recorded, or videotaped act or show intended to

arouse or satisfy the sexual desires or appeal to the prurient interests of patrons.

(4) For purposes of this section, "sexual conduct" means sexual intercourse or sexual contact, both as defined in chapter 9A.44 RCW.

**Sec. 2.** RCW 9A.40.100 and 2011 c 111 s 1 are each amended to read as follows:

(1)(a) A person is guilty of trafficking in the first degree when:

(i) Such person:

(A) Recruits, harbors, transports, transfers, provides, obtains, or receives by any means another person knowing that force, fraud, or coercion as defined in RCW 9A.36.070 will be used to cause the person to engage in forced labor, involuntary servitude, a sexually explicit act, or a commercial sex act; or

(B) Benefits financially or by receiving anything of value from participation in a venture that has engaged in acts set forth in (a)(i)(A) of this subsection; and

(ii) The acts or venture set forth in (a)(i) of this subsection:

(A) Involve committing or attempting to commit kidnapping;

(B) Involve a finding of sexual motivation under RCW 9.94A.835;

(C) Involve the illegal harvesting or sale of human organs; or

(D) Result in a death.

(b) Trafficking in the first degree is a class A felony.

(2)(a) A person is guilty of trafficking in the second degree when such person:

(i) Recruits, harbors, transports, transfers, provides, obtains, or receives by any means another person knowing that force, fraud, or coercion as defined in RCW 9A.36.070 will be used to cause the person to engage in forced labor, involuntary servitude, a sexually explicit act, or a commercial sex act; or

(ii) Benefits financially or by receiving anything of value from participation in a venture that has engaged in acts set forth in (a)(i) of this subsection.

(b) Trafficking in the second degree is a class A felony.

(3) For purposes of this section, "sexually explicit act" means a public, private, or live photographed, recorded, or videotaped act or show intended to arouse or satisfy the sexual desires or appeal to the prurient interests of patrons."

Senators Kline and Padden spoke in favor of adoption of the striking amendment.

The President declared the question before the Senate to be the adoption of the striking amendment by Senator Kline to Senate Bill No. 6257.

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

#### MOTION

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

On page 1, line 1 of the title, after "Relating to" strike the remainder of the title and insert "a sexually explicit act; amending RCW 9.68A.101 and 9A.40.100; and prescribing penalties."

#### MOTION

On motion of Senator Kline, the rules were suspended, Engrossed Senate Bill No. 6257 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Roach spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Senate Bill No. 6257.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 6257 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Baumgartner, Becker, Benton, Brown, Carrell, Chase, Conway, Delvin, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hatfield, Haugen, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles, Litzow, McAuliffe, Morton, Murray, Nelson, Padden, Parlette, Prentice, Pridemore, Ranker, Regala, Roach, Rolfes, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Excused: Senator Pflug

ENGROSSED SENATE BILL NO. 6257, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 6258, by Senators Stevens, Carrell, Kohl-Welles, Fraser, Delvin, Regala and Roach

Concerning unaccompanied persons.

#### MOTIONS

On motion of Senator Kline, Substitute Senate Bill No. 6258 was substituted for Senate Bill No. 6258 and the substitute bill was placed on the second reading and read the second time.

Senator Kline spoke in favor of the substitute bill.

On motion of Senator Kline, the rules were suspended, Substitute Senate Bill No. 6258 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Kline spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6258.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6258 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Baumgartner, Becker, Benton, Brown, Carrell, Chase, Conway, Delvin, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hatfield, Haugen, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles, Litzow, McAuliffe, Morton, Murray, Nelson, Padden, Parlette, Prentice, Pridemore, Ranker, Regala, Roach, Rolfes, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Excused: Senator Pflug

SUBSTITUTE SENATE BILL NO. 6258, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MOTION

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At 4:56 p.m., on motion of Senator Eide, the Senate adjourned  
until 10:00 a.m. Thursday, February 9, 2012.

BRAD OWEN, President of the Senate

THOMAS HOEMANN, Secretary of the Senate

## THIRTY SECOND DAY

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MORNING SESSION

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Senate Chamber, Olympia, Thursday, February 9, 2012

The Senate was called to order at 10:00 a.m. by President Owen. The Secretary called the roll and announced to the President that all Senators were present with the exception of Senators Benton, Brown, Haugen, Murray and Pflug.

The Sergeant at Arms Color Guard consisting of Pages Catherine Thatcher and Clinton Timmermans, Jr., presented the Colors. Pastor Brad Carlson of Yelm Prairie Christian Center offered the prayer.

## MOTION

On motion of Senator Ericksen, Senator Pflug was excused.

## MOTION

On motion of Senator Harper, Senators Kohl-Welles and Murray were excused.

## MOTION

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

## MOTION

On motion of Senator Eide, the Senate advanced to the third order of business.

MESSAGE FROM THE GOVERNOR  
 GUBERNATORIAL APPOINTMENTS

February 7, 2012

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

Kelsey Gray, appointed January 23, 2012, for the term ending June 30, 2017, as Member of the Gambling Commission.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Labor, Commerce & Consumer Protection.

## MOTION

On motion of Senator Eide, the appointee listed on the Gubernatorial Appointment report was referred to the committee as designated.

## MOTION

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

MESSAGE FROM THE HOUSE

February 8, 2012

MR. PRESIDENT:

The House has passed:

ENGROSSED SUBSTITUTE SENATE BILL NO. 6239,  
 and the same is herewith transmitted.

BARBARA BAKER, Chief Clerk

MESSAGE FROM THE HOUSE

February 8, 2012

MR. PRESIDENT:

The House has passed:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1627,  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2314,  
 and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MESSAGE FROM THE HOUSE

February 8, 2012

MR. PRESIDENT:

The House has passed:

SUBSTITUTE HOUSE BILL NO. 1775,  
 HOUSE BILL NO. 2285,  
 and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MESSAGE FROM THE HOUSE

February 8, 2012

MR. PRESIDENT:

The House has passed:

SUBSTITUTE HOUSE BILL NO. 2191,  
 HOUSE BILL NO. 2256,  
 SUBSTITUTE HOUSE BILL NO. 2259,  
 SUBSTITUTE HOUSE BILL NO. 2270,  
 HOUSE BILL NO. 2274,  
 SUBSTITUTE HOUSE BILL NO. 2313,  
 and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MESSAGE FROM THE HOUSE

February 8, 2012

MR. PRESIDENT:

The House has passed:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2223,  
 ENGROSSED HOUSE BILL NO. 2469,  
 and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MESSAGE FROM THE HOUSE

February 8, 2012

MR. PRESIDENT:

The House has passed:

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SUBSTITUTE HOUSE BILL NO. 2299,

SUBSTITUTE HOUSE BILL NO. 2312.

and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

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

INTRODUCTION AND FIRST READING

SB 6594 by Senators Kastama, Hobbs, Tom and Hatfield

AN ACT Relating to government operation; amending RCW 43.09.260, 43.17.390, 82.08.020, and 82.12.0201; adding a new section to chapter 44.04 RCW; adding a new section to chapter 43.09 RCW; and making appropriations.

Referred to Committee on Government Operations, Tribal Relations & Elections.

MOTION

On motion of Senator Eide, the measure listed on the Introduction and First Reading report was referred to the committee as designated.

MOTION

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

SECOND READING  
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Fraser moved that Gubernatorial Appointment No. 9248, Amit Ranade, as a member of the Public Disclosure Commission, be confirmed.

Senator Fraser spoke in favor of the motion.

MOTION

On motion of Senator Ericksen, Senator Benton was excused.

APPOINTMENT OF AMIT RANADE

The President declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9248, Amit Ranade as a member of the Public Disclosure Commission.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9248, Amit Ranade as a member of the Public Disclosure Commission and the appointment was confirmed by the following vote: Yeas, 43; Nays, 0; Absent, 3; Excused, 3.

Voting yea: Senators Baumgartner, Becker, Carrell, Chase, Conway, Delvin, Eide, Ericksen, Fain, Fraser, Frockt, Harper, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles, Litzow, McAuliffe, Morton, Nelson, Padden, Parlette, Prentice,

Pridemore, Ranker, Regala, Roach, Rolfes, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Absent: Senators Brown, Hargrove and Haugen

Excused: Senators Benton, Murray and Pflug

Gubernatorial Appointment No. 9248, Amit Ranade, having received the constitutional majority was declared confirmed as a member of the Public Disclosure Commission.

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced Little Miss Rodeo, Riata Marchant, and 2012 Miss Omak Stampede Katie Fergus, who were seated at the rostrum.

REMARKS BY MISS KATIE FERGUS

Miss Katie Fergus: "Good morning, I would like to invite you all to the Omak Stampede which is always the second weekend in August."

REMARKS BY THE PRESIDENT

President Owen: "And I've been there and it's a great time. Thank you both for being here this morning."

SECOND READING

SENATE BILL NO. 6226, by Senators Frockt, Harper, Regala, Zarelli, Fain, Hargrove, Kohl-Welles and Keiser

Concerning authorization periods for subsidized child care.

MOTIONS

On motion of Senator Frockt, Substitute Senate Bill No. 6226 was substituted for Senate Bill No. 6226 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Frockt, the rules were suspended, Substitute Senate Bill No. 6226 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Frockt spoke in favor of passage of the bill.

REMARKS BY SENATOR KOHL-WELLES

Senator Kohl-Welles: Thank you Mr. President. Well, as somebody who has had legislation introduced and deliberated on and enacted actually for many, many years having to do with child care. I really thought that I knew a lot about this issue but after listening to the good Senator here now I'm getting a little confused about whether we're on the same page here. Maybe it's because the good Senator is a lawyer and speaks in legalize. I'm thinking, I'm going to have to really determine whether I'm going to vote for this bill now because I'm not sure what was said about it. Thank you."

REMARKS BY SENATOR KING

Senator King: "Thank you Mr. President. Well, I have set here and listened to this. I believe that somewhere in this explanation he said, 'this is a very simple bill.' Well, if it's a simple bill why did it take him fifteen minutes to tell us about it? Thank you Mr. President."

REMARKS BY SENATOR PRIDEMORE

Senator Pridemore: “WAKE UP! I understand that proceeding speaker may have put a lot of you to sleep. He was speaking about an extremely important bill. It does go to remind us however that there is no bill that is so simple that can’t be complicated by a lawyer. Heard a lot of first speeches in my eight years in the Senate, I’ve got to say that that one, you know most senators come in and spend a lot of time preparing for their first speech. It’s impressive to note that Senator Frockt didn’t bother with that preparation. Actually what astonished me most was the fact that I think for the first time in my eight years in the senate somebody gave a longer speech than Senator Kohl-Welles. So, Mr. President, I agree with Senator Kohl-Welles, I’m no longer sure if I support this bill or not. Frankly, no longer sure what it does. I’ll need to spend some time.”

Senators Kohl-Welles, King and Pridemore spoke on final passage of the bill.

#### PERSONAL PRIVILEGE

Senator Fraser: “Well, I would like to come a little bit to Senator’s defense here. I did time the speech. We do have a lot of unwritten rules around here about speeches. One of them related to length so I won’t give out the time. Sometimes the time, the real time is different than perceived time, of course, but I did hear on the radio this morning, for everybody’s benefit, that there’s a city in China that just adopted a rule that no member can speak for no longer than an hour. I did learn recently that in the other body they have a rule that you can speak no longer than 10 minutes and that was a little bit of a surprise. So, I, the good Senator did speak for less than that but we do have kind of old rules. You might call them Shakespearean. Brevity is the soul of wit and you did well and it’s, I’m sure you’ll have a great future here.”

#### PERSONAL PRIVILEGE

Senator Kline: “For those of us who need to take the advice of the good senator from Vancouver and wake up. I just want to point out that as usual at this time of the legislative session over there in this side of the wings the machine is together. There’s coffee and unfortunately, since we don’t have a fridge, there’s no milk. So, for those of us who are truly manly in our drinking habits and don’t love that frumpily stuff and those lattes. I just want you to know that only real men are going to be able to drink coffee over there. One of the real men in this floor I know the good senator from the fifth has been over on our side already and has the instructions for using this so you’ll have to drink it straight the way they do in Italy and Spain and France, ok? It will be over here, just push the button. If you have any problems let me know and I have the instructions here too. Thanks.”

#### REMARKS BY SENATOR HONEYFORD

Senator Honeyford: “Thank you Mr. President. I’m going to urge everyone to vote no on this. The adage in the legislature is if you have the votes, vote, if you don’t, talk. So obviously he doesn’t have the votes so I would say vote no.”

#### PERSONAL PRIVILEGE

Senator Shin: “I like my colleagues in the senate to know that I was so grateful and thank you so much for what you have done yesterday, Senator Kline you did a marvelous job, you’re my giant and Senator Kohl-Welles, between the two of you I was so touched. I think our state is a pioneering against prostitution

and importation of prostitution from abroad. Unfortunately many comes from Asia, it pains me and hurts me so much and I think we are wonderful state and area to pioneer such things to pass these bills to prevent from this happening and I wish that the rest of the states in the western part follow suit and they will thank us. Thank you Mr. President.”

Senator Regala spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6226.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6226 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Baumgartner, Becker, Benton, Brown, Carrell, Chase, Conway, Delvin, Eide, Erickson, Fain, Fraser, Frockt, Hargrove, Harper, Hatfield, Haugen, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles, Litzow, McAuliffe, Morton, Murray, Nelson, Padden, Parlette, Prentice, Pridemore, Ranker, Regala, Roach, Rolfes, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Excused: Senator Pflug

SUBSTITUTE SENATE BILL NO. 6226, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### PERSONAL PRIVILEGE

Senator Ranker: “Thank you Mr. President. I wanted to point for the good Senator from the Forty-Sixth, first of all, welcome, it is wonderful to have you in this chamber. I also wanted to let you know that we received these wonderful piles of paper from our staff, on the left, these are our bill book right, and on the left side it has these motions and such and it just says summarize the bill. I wanted to point out you don’t need to read the entire bill. You just summarize the bill. That was the single longest speech I’ve ever heard on this, that was remarkable. So, thank you so much for your clarity and your depth of knowledge of your bill. It was remarkable but in the future maybe a little more of a summary instead of reading the entire bill. Thank you.”

#### PERSONAL PRIVILEGE

Senator Sheldon: “Thank you Mr. President. After listening to the debate and some of the messages here on the floor is conveyed here about Senator Frockt I just want to close this because I think I understand. Senator Frockt and I attended the University of Pennsylvania. I was a little bit earlier than him but I’ve gone back through the records there and there’s a word in everyone’s lexicon about attorneys and that is, ‘a Philadelphia lawyer.’ So, I think that explains it quite well but we welcome him anyway and he’ll do a wonderful job here on the senate floor.”

#### PERSONAL PRIVILEGE

Senator Eide: “Thank you Mr. President. Well, I just want to make sure that those of you that are watching and that are up in the gallery, that it is a tradition in the senate to roast a maiden speech and Senator Frockt it was his first bill on the senate floor



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and I just want you to know it was a very good bill regarding child care and we take things very seriously. Every once in a while when we have a new member on the floor we do roast them after their first speech.”

ROLL CALL

REPLY BY THE PRESIDENT

President Owen: “Senator Eide, the President would like to make a clarification because by our rules it would be inappropriate to demean another member by roasting them. I believe what the members were trying to do was trying to explain some of the process in the session to the new senator and explain to him how maybe in the future he could do a better job of keeping us awake. That was my understanding of it rather than a roast.”

PERSONAL PRIVILEGE

Senator Frockt: “Well, first of all I appreciate that Mr. President and I clearly invited the roasting and I gave you lots of material to work with and by this I’m instructing my press guy to destroy the tape that he was just making of my maiden speech so we don’t use it. I have gifts for all of you that I believe are at the rostrum that will be given out. I just wanted to let you know, thank you for the warm welcome to this body. The gifts are from my district from a chocolatier place in my district on Aurora Avenue. It’s a great place, they gave us red and blue. The lady asked me what kind of ribbons I wanted and I said, she said ‘We have red or blue’ and I said, ‘Madam you have no idea where I work, I need both.’ So for of you I have red. For some of you, I have blue ribbons. Some of you I have purple. I appreciate the warm welcome. I will try to be more brief next time I speak. Thank you.”

SECOND READING

SENATE BILL NO. 6354, by Senators Rolfes, Kastama, Chase, Tom, Frockt and McAuliffe

Requiring state agencies to offer electronic filing for business forms.

MOTIONS

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

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

Senator Rolfes spoke in favor of passage of the bill.

Senator Nelson spoke on final passage of the bill.

MOTION

On motion of Senator Benton, Senator Roach was excused.

POINT OF INQUIRY

Senator Conway: “Would the good lady from the twenty-third yield her cell phone to a question?”

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

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6354 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Baumgartner, Becker, Benton, Brown, Carrell, Chase, Conway, Delvin, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hatfield, Haugen, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles, Litzow, McAuliffe, Morton, Murray, Nelson, Padden, Parlette, Prentice, Pridemore, Ranker, Regala, Rolfes, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Excused: Senators Pflug and Roach

SUBSTITUTE SENATE BILL NO. 6354, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

PERSONAL PRIVILEGE

Senator Fraser: “Well, thank you Mr. President. Well, it’s a pleasure to welcome Senator Christine Rolfes to the Senate floor for the purpose of making speeches. Until today we’ve only been able to watch her in action so today we begin hearing her in action. Of course watching her in action is very nice. She’s always pleasant, business-like, organized, polite and cheery and above all very kind to everybody. In fact, to quote from ‘My Fair Lady,’ ‘the milk of human kindness by the quart in every vein.’ But now to start listening to her speeches and I now I expect sometime she’ll be given a speech on the milk on human kindness and my request is please make it condensed, but not so condensed that we don’t know what’s in the bill.”

PERSONAL PRIVILEGE

Senator Sheldon: “Well, thank you Mr. President. You know when the, I took a look at the map, obviously, of our legislative districts and certainly been aware for a long time that the twenty-third legislative district is adjacent to the under-privileged thirty-fifth district. I started to put two and two together. I knew that Senator Rockefeller was representing the twenty-third district and a Representative Rolfes was going to be appointed to Senator Rockefeller’s seat. I knew that there was wealth somewhere. This is all about money. So, on my own I spent some time following you as you left the house, I apologize for that, my car stayed back a ways and we crossed the Agate Pass Bridge, we got to Bainbridge Island. She did not pull into a tract house, let’s say, something you know you would think that a representative might live in that really represents the people. No, it was large, very large, huge driveway, large pillars. We came down toward the mansion, I’ll call it a mansion. It was big Mr. President, eight fireplaces. I noticed out in front the gardeners were still keeping things quite well around there, but they were clipping around these large anchors and some of the nautical things that were on the estate. I won’t call it the yards, the grounds of the estate. Then I started thinking she’s very, very interested in ferries. Spends a lot of time on ferry advisory groups, talking about ferries, did a little research on the internet, found she and her husband manufacture ferries, amazing. Amazing information right at your fingertips today. So, just want you to be very careful when she brings those ferry construction bills up. Senator Haugen, be very, very careful. There’s something else going on here when you follow a Rockefeller to the state senate you know something’s up.”

## PERSONAL PRIVILEGE

Senator Ranker: “Thank you Mr. President. I want to welcome the good Senator from the twenty-third to this magnificent chamber. I’m very pleased to have her here because we share so many values. We do. We both come from Islands that are ferry served and we are very passionate about taking care of Washington States Ferries. We are both very passionate about the environment and the marine protection and I really got to know the good lady from the twenty third over the last couple of years when there would be these random chaotic, not necessary deliberate ideas coming out of the other chamber that we would have to fix over here but I knew that because it was the Representative from the twenty third that there was some passion and some real something in there. So, first we got to know her from fixing some really interesting bills. My favorite however was last year, when several of us had been working on an issue with regard to oil spills and some other matters for a long time. I dropped a bill and over here in this chamber we’d been working on it for weeks when I heard there was a Representative from the twenty third who was screaming and saying, ‘I have a new idea’ and that new idea just happen to be that same exact idea that we had been working on for months in the higher chamber. It was interesting to me that the passion and the excitement didn’t really get to a finished product until it was fixed in this chamber so I’m glad, I’m so pleased that the good Representative is now our Senator from the twenty third district so she can fix her own problems. In all seriousness I think it is wonderful to have you in this chamber and I welcome your input and compassion with regard to many issues that we do share. Thank you.”

## PERSONAL PRIVILEGE

Senator Schoesler: “Well, Mr. President, being in this body for eight years now I’ve learned to be patient, tolerant of those new to the body. Give them the benefit of the doubt on legislation so when the previous bill came up I thought after the previous power outage how would you file those forms electronically? The power outage was so bad in some areas the U. S. Mail service would have been quicker but I trusted the new member. But now the fatal flaw has been discovered. The curly-headed gentleman in the back of the chamber whole-heartedly endorsing her with his values probably is a kiss of death for her in this body. Thank you.”

## PERSONAL PRIVILEGE

Senator Delvin: “Thank you. Well, I mayas well just pile on on this one. I was asked last year to lead take a delegation of legislators to China so I was the only Senate member that ended up going and there was House members and then I met the good lady from the twenty third. She kept saying it was going to be nice working with you next year. I go, ‘I don’t go to the house much you know to work on things.’ I kept wondering what was she talking about you know and then someone called her a Senator and I said ‘No, she’s a Representative she’s not a Senator.’ They said ‘No, she’s replacing Rockefeller,’ I go ‘Oh gosh, at least she’s better looking than Rockefeller was’ so, I gave her credit for that but actually she added a lot to our little delegation. Good addition even though she was the only democrat. We accepted her, took her under our wings showed her all about you know how we do things in the Republican party but she adapted well. She is good hearted. I think we all enjoyed her company on the trip so, it

will be a pleasure working with you over here in the senate now that you’re here officially. Thank you.”

## PERSONAL PRIVILEGE

Senator Honeyford: “Well, this is on a more serious vein, I just wanted to say that when she was in the other body across the rotunda that I had a bill over there and she called or emailed I don’t remember which and offered to help get my bill through the committee and that’s the first time that I had someone from the other body and the other party do that. So, thank you.”

## PERSONAL PRIVILEGE

Senator Pridemore: “Thank you Mr. President. I just wanted to thank Representative Rolfes, my apologies Mr. President, Senator Rolfes. I wanted to thank her for giving a shorter maiden speech. Frankly I was timing hers with a stop watch. With Senator Frockt I had to use a calendar. It actually, mid-way through Senator Frockt’s speech I was afraid I was going to have to go out and shave again so a couple things, Senator Rolfes, a couple things you need to know about the senate just so your aware, first off the microphones in the committee hearings are always on. That comment you made about Senator Kline the other day were just inappropriate. This stuff about Senator Benton were true but this stuff about Kline was just wrong. Another thing to note and its very important, a lot of us have to be conscience of this, in the Senate we wear mouse in our hair we wear styling gel, we use hair spray. We don’t use all three, ok? Thank you Mr. President.”

## PERSONAL PRIVILEGE

Senator Hobbs: “I just realized that we have Senator Rolfes. I thought it was Representative Rolfes because I didn’t know because she was here drinking on the floor and eating and I was just like, well, a Senator doesn’t do that, only Representative does that or Hargrove does those things and that was just yesterday Mr. President. I was just curious she also had a cell phone while she was doing a roll call vote. I know you couldn’t see it because the hair kept it in place. You couldn’t quite see it but there was a cell phone there. So, I just want to remind the good Senator that we don’t eat on the floor, we don’t drink on the floor and we don’t use a cell phone while we are on the floor so I just want to point that out because if you can do it I get upset because I can’t do it. but we all agree that Hargrove gets away with it because he’s really good at hiding it. so, welcome to the Senate.”

## REMARKS BY THE PRESIDENT

President Owen: “The dead giveaway on the cell phone was the hand in the ear. I had a pretty good idea that she wasn’t scratching her ear at that time. Senator Rolfes.”

## PERSONAL PRIVILEGE

Senator Rolfes: “Thank you Mr. President. I guess I need to give it a few more weeks before I start to rally around the changing of some of the floor rules. I also want to say I sincerely thank Senator Zarelli and Hewitt for their yes votes on my bill and I will remember that later on in session. I want to thank you. That was a really nice welcome. I was really only afraid of what Kevin was going to say and I understand we are not allowed to say liar on the floor but I just wanted to yell it loud. Thank you for laughing Senator. But sincerely thank you it’s a little bit awkward

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to come in the middle of session and fill somebody else's seat while representing the same people that you represented on the other body. It's taking time to get used to the rules and meet people and to get to know the staff but you all have made me feel welcome and I thank you for that. I also like Senator Frockt because I understand that's the tradition. Mine are a little bit quirky. What's so funny about that? It's empty, Mr. President. The gifts are a little bit quirky; I thought that would kind of liven things up a little bit in this state institution. They're made they're small gifts, some are salt, some are mustard, some are salmon, there's a little bit of art. My office kind of went through and picked out specific presents that we thought would be appropriate. They were all made by very, very small companies in the twenty-third. Some of them have gone through the state employment program and learned how to start their own businesses. Others have mentored through that program or have supported that small business so please enjoy the fruits of labor from the main streets of the twenty-third legislative district. Thank you."

MOTION

On motion of Senator Harper, Senator Regala was excused.

SECOND READING

SENATE BILL NO. 6142, by Senators Kilmer, Becker, Rolfes, Hatfield, Kastama, Baumgartner, Eide, Fain, Hobbs, Shin, Parlette, Chase and Frockt

Changing agency regulatory practices.

MOTIONS

On motion of Senator Kilmer, Substitute Senate Bill No. 6142 was substituted for Senate Bill No. 6142 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Kilmer, the rules were suspended, Substitute Senate Bill No. 6142 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Kilmer, Kastama and Pridemore spoke in favor of passage of the bill.

MOTION

On motion of Senator Ericksen, Senator Stevens was excused.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6142.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6142 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Baumgartner, Becker, Benton, Brown, Carrell, Chase, Conway, Delvin, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hatfield, Haugen, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles, Litzow, McAuliffe, Morton, Murray, Nelson, Padden, Parlette, Prentice, Pridemore, Ranker, Regala, Roach, Rolfes, Schoesler, Sheldon, Shin, Swecker, Tom and Zarelli

Excused: Senators Pflug and Stevens

SUBSTITUTE SENATE BILL NO. 6142, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6078, by Senators Ranker, Swecker, Regala, Kline, Schoesler, Fain, Kilmer, Harper, Shin, Litzow, Fraser, Keiser, Conway, Hargrove and Rolfes

Implementing efficiencies in the management of the state's natural resources.

MOTION

On motion of Senator Ranker, Substitute Senate Bill No. 6078 was substituted for Senate Bill No. 6078 and the substitute bill was placed on the second reading and read the second time.

MOTION

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

On page 2, line 34, after "agencies" insert "and consistent with RCW 43.82.010. The agencies shall seek to align the implementation of this subsection with the development and implementation of the six-year facility plan required under RCW 43.82.055 wherever possible in order to promote efficiencies"

Senator Ranker spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Ranker on page 2, line 34 to Substitute Senate Bill No. 6078.

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

MOTION

On motion of Senator Ranker, the rules were suspended, Engrossed Substitute Senate Bill No. 6078 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 6078.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6078 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 1; Excused, 1.

Voting yea: Senators Baumgartner, Becker, Benton, Brown, Carrell, Chase, Conway, Delvin, Eide, Ericksen, Fain, Fraser, Hargrove, Harper, Hatfield, Haugen, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles, Litzow, McAuliffe, Morton, Murray, Nelson, Padden, Parlette, Prentice, Pridemore, Ranker, Regala, Roach, Rolfes, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Absent: Senator Frockt

Excused: Senator Pflug

ENGROSSED SUBSTITUTE SENATE BILL NO. 6078, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SIGNED BY THE PRESIDENT

The President signed:  
ENGROSSED SUBSTITUTE SENATE BILL NO. 6239.

MOTION

On motion of Senator Eide, Senators Frockt and Prentice were excused.

SECOND READING

SENATE BILL NO. 6038, by Senators Delvin and McAuliffe

Excluding permanent school building space used for STEM schools from eligibility determinations for state school plant funding assistance. Revised for 1st Substitute: Requiring rules to address school construction assistance for schools in shared or colocated facilities.

MOTIONS

On motion of Senator Delvin, Substitute Senate Bill No. 6038 was substituted for Senate Bill No. 6038 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Delvin, the rules were suspended, Substitute Senate Bill No. 6038 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Delvin spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6038.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6038 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Baumgartner, Becker, Benton, Brown, Carrell, Chase, Conway, Delvin, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hatfield, Haugen, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles, Litzow, McAuliffe, Morton, Murray, Nelson, Padden, Parlette, Pridemore, Ranker, Regala, Roach, Rolfes, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Excused: Senators Pflug and Prentice

SUBSTITUTE SENATE BILL NO. 6038, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6041, by Senators McAuliffe, Litzow, Rolfes and Hobbs

Regarding lighthouse school programs.

MOTIONS

On motion of Senator McAuliffe, Substitute Senate Bill No. 6041 was substituted for Senate Bill No. 6041 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator McAuliffe, the rules were suspended, Substitute Senate Bill No. 6041 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6041.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6041 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Baumgartner, Becker, Benton, Brown, Carrell, Chase, Conway, Delvin, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hatfield, Haugen, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles, Litzow, McAuliffe, Morton, Murray, Nelson, Padden, Parlette, Pridemore, Ranker, Regala, Roach, Rolfes, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Excused: Senators Pflug and Prentice

SUBSTITUTE SENATE BILL NO. 6041, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

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

MOTION

Senator Rolfes moved adoption of the following resolution:

SENATE RESOLUTION  
8680

By Senators Rolfes, Eide, Frockt, Ranker, Pridemore, Schoesler, Holmquist Newbry, Kline, Kohl-Welles, Harper, Carrell, Conway, Keiser, Swecker, Becker, Morton, Roach, Honeyford, Sheldon, Shin, Fraser, Zarelli, and Chase

WHEREAS, The Washington State Senate joins with people across our great state and our nation to recognize the sacrifices our veterans have made, during both time of war and time of peace; and

WHEREAS, Over 670,000 veterans choose to live in the state of Washington, including over 47,000 women veterans; and

WHEREAS, Their service to our country during both times of peace and times of conflict ensure that America remains a symbol of freedom and democracy across the world, and the work of our military forces exemplifies the discipline, focus, and sacrifices it takes to achieve success; and

WHEREAS, Many veterans actively continue to serve our country, by advocating for fellow veterans through a variety of service organizations, by utilizing their skills to start small

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businesses in our communities, and by serving in political office or as community leaders; and

WHEREAS, The burden of military service is born by a small percentage of Americans who bravely give their time and talent to their country, and by their families who support them through long absences;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate honors the clear demonstration of leadership, ability, and unstinting bravery of our veterans; and

BE IT FURTHER RESOLVED, That the Senate expresses its deep appreciation to the dedicated families of these men and women; and to the people in our communities who dedicate their time, talents, and resources to comfort, assist, and honor these patriotic citizens; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to President Barack Obama; Secretary of Defense Leon E. Panetta; Secretary of State Hillary Clinton; General Martin Dempsey, Chair of the Joint Chiefs of Staff; Joint Base Lewis-McChord Commander Major General Lloyd Miles; Navy Region Northwest Commander Rear Admiral Douglass T. Biesel; Washington Governor Chris Gregoire and First Gentleman Mike Gregoire; Washington National Guard Adjutant General Timothy J. Lowenberg; and Washington Department of Veterans Affairs Director John E. Lee.

Senators Rolfes, Conway, Roach, Kohl-Welles, Shin, Carrell, Benton, McAuliffe, Baumgartner and Hobbs spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8680.

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

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced members of Veterans of America who were seated in the gallery.

MOTION

At 12:00 p.m., on motion of Senator Eide, the Senate was declared to be at ease subject to the call of the President.

AFTERNOON SESSION

The Senate was called to order at 1:42 p.m. by the President Pro Tempore.

MOTION

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

SECOND READING  
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Holmquist Newbry moved that Gubernatorial Appointment No. 9204, Jonathan Lane, as a member of the Board of Trustees, Big Bend Community College District No. 18, be confirmed.

Senator Holmquist Newbry spoke in favor of the motion.

MOTION

On motion of Senator Harper, Senators Brown, Hatfield, Hobbs, Kastama, Murray and Tom were excused.

MOTION

On motion of Senator Ericksen, Senators Benton, King and Zarelli were excused.

APPOINTMENT OF JONATHAN LANE

The President Pro Tempore declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9204, Jonathan Lane as a member of the Board of Trustees, Big Bend Community College District No. 18.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9204, Jonathan Lane as a member of the Board of Trustees, Big Bend Community College District No. 18 and the appointment was confirmed by the following vote: Yeas, 41; Nays, 0; Absent, 1; Excused, 7.

Voting yea: Senators Baumgartner, Becker, Benton, Carrell, Chase, Conway, Delvin, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Haugen, Hewitt, Hill, Holmquist Newbry, Honeyford, Keiser, Kilmer, King, Kline, Kohl-Welles, Litzow, McAuliffe, Morton, Nelson, Padden, Parlette, Prentice, Pridemore, Ranker, Regala, Rolfes, Schoesler, Sheldon, Shin, Stevens, Swecker and Zarelli

Absent: Senator Roach

Excused: Senators Brown, Hatfield, Hobbs, Kastama, Murray, Pflug and Tom

Gubernatorial Appointment No. 9204, Jonathan Lane, having received the constitutional majority was declared confirmed as a member of the Board of Trustees, Big Bend Community College District No. 18.

SECOND READING  
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Sheldon moved that Gubernatorial Appointment No. 9202, Lawrence Kenney, as a member of the Energy Northwest, be confirmed.

Senators Sheldon and Frockt spoke in favor of passage of the motion.

MOTION

On motion of Senator Delvin, Senator Roach was excused.

APPOINTMENT OF LAWRENCE KENNEY

The President Pro Tempore declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9202, Lawrence Kenney as a member of the Energy Northwest.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9202, Lawrence Kenney as a member of the Energy Northwest and the appointment was confirmed by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Baumgartner, Becker, Benton, Carrell, Chase, Conway, Delvin, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hatfield, Haugen, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles, Litzow, McAuliffe, Morton, Murray,

Nelson, Padden, Parlette, Prentice, Pridemore, Ranker, Regala, Rolfes, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Excused: Senators Brown, Pflug and Roach

Gubernatorial Appointment No. 9202, Lawrence Kenney, having received the constitutional majority was declared confirmed as a member of the Energy Northwest.

#### MOTION

On motion of Senator Harper, Senators Hatfield and Hobbs were excused.

The President assumed the chair.

#### SECOND READING

SENATE BILL NO. 5401, by Senators Chase, Kastama and McAuliffe

Authorizing use of sales and use tax proceeds for certain public facilities in innovation partnership zones for economic development purposes.

The measure was read the second time.

#### MOTION

On motion of Senator Chase, the rules were suspended, Senate Bill No. 5401 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Chase and Kastama spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5401.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5401 and the bill passed the Senate by the following vote: Yeas, 29; Nays, 16; Absent, 0; Excused, 4.

Voting yea: Senators Becker, Chase, Conway, Eide, Fain, Fraser, Frockt, Hargrove, Harper, Haugen, Holmquist Newbry, Kastama, Keiser, Kilmer, Kline, Kohl-Welles, Litzow, McAuliffe, Murray, Nelson, Prentice, Pridemore, Ranker, Regala, Rolfes, Sheldon, Shin, Swecker and Tom

Voting nay: Senators Baumgartner, Benton, Carrell, Delvin, Ericksen, Hewitt, Hill, Honeyford, King, Morton, Padden, Parlette, Roach, Schoesler, Stevens and Zarelli

Excused: Senators Brown, Hatfield, Hobbs and Pflug

SENATE BILL NO. 5401, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MOTION

On motion of Senator Harper, Senator Prentice was excused.

#### SECOND READING

SENATE BILL NO. 5404, by Senators Chase, Kastama, Hatfield, Shin, Prentice, McAuliffe, Kohl-Welles, Conway and Keiser

Authorizing community economic revitalization board funding to benefit innovation partnership zones.

The measure was read the second time.

#### MOTION

On motion of Senator Chase, the rules were suspended, Senate Bill No. 5404 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Chase spoke in favor of passage of the bill.

#### MOTION

On motion of Senator Harper, Senator Tom was excused.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5404.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5404 and the bill passed the Senate by the following vote: Yeas, 36; Nays, 9; Absent, 0; Excused, 4.

Voting yea: Senators Baumgartner, Becker, Brown, Chase, Conway, Delvin, Eide, Fain, Fraser, Frockt, Hargrove, Harper, Haugen, Hewitt, Holmquist Newbry, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles, Litzow, McAuliffe, Morton, Murray, Nelson, Pridemore, Ranker, Regala, Roach, Rolfes, Sheldon, Shin, Stevens, Swecker and Tom

Voting nay: Senators Benton, Carrell, Ericksen, Hill, Honeyford, Padden, Parlette, Schoesler and Zarelli

Excused: Senators Hatfield, Hobbs, Pflug and Prentice

SENATE BILL NO. 5404, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 6197, by Senators Conway, Parlette, Keiser and Becker

Including pharmacists in the legend drug act.

#### MOTIONS

On motion of Senator Conway, Substitute Senate Bill No. 6197 was substituted for Senate Bill No. 6197 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Conway, the rules were suspended, Substitute Senate Bill No. 6197 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6197.

#### ROLL CALL

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The Secretary called the roll on the final passage of Substitute Senate Bill No. 6197 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Baumgartner, Becker, Benton, Brown, Carrell, Chase, Conway, Delvin, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Haugen, Hewitt, Hill, Holmquist Newbry, Honeyford, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles, Litzow, McAuliffe, Morton, Murray, Nelson, Padden, Parlette, Pridemore, Ranker, Regala, Roach, Rolfes, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Excused: Senators Hatfield, Hobbs, Pflug and Prentice

SUBSTITUTE SENATE BILL NO. 6197, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6216, by Senators Padden, Regala, Hargrove, Baumgartner, Kohl-Welles and Roach

Providing immunity for nonprofit and charitable corporations that provide used eyeglasses for charitable purposes.

MOTIONS

On motion of Senator Padden, Substitute Senate Bill No. 6216 was substituted for Senate Bill No. 6216 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Padden, the rules were suspended, Substitute Senate Bill No. 6216 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Keiser, Padden, Brown and Roach spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6216.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6216 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 1; Excused, 2.

Voting yea: Senators Baumgartner, Becker, Benton, Brown, Carrell, Chase, Conway, Delvin, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hatfield, Haugen, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Kastama, Keiser, Kilmer, King, Kohl-Welles, Litzow, McAuliffe, Morton, Murray, Nelson, Padden, Parlette, Pridemore, Ranker, Regala, Roach, Rolfes, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Absent: Senator Kline

Excused: Senators Pflug and Prentice

SUBSTITUTE SENATE BILL NO. 6216, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5715, by Senators Kohl-Welles, McAuliffe, Litzow, Harper and Kline

Requiring adoption of core competencies for early care and education professionals. Revised for 1st Substitute: Requiring

adoption of core competencies for early care and education professionals and child and youth development professionals.

MOTION

On motion of Senator Kohl-Welles, Substitute Senate Bill No. 5715 was substituted for Senate Bill No. 5715 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Delvin moved that the following amendment by Senators Delvin and Kohl-Welles be adopted:

On page 1, line 17, after "field;", strike "and"

On page 1, after line 19, after "system" insert "; and

(5) Recognize existing standards met by nationally chartered nonprofit youth development agencies providing facility-based after school services for school age children as relevant and sufficient standards"

Senator Delvin spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senators Delvin and Kohl-Welles on page 1, line 17 to Substitute Senate Bill No. 5715.

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

MOTION

Senator Kohl-Welles moved that the following amendment by Senators Kohl-Welles and McAuliffe be adopted:

On page 2, line 3, after "31," strike "2011" and insert "2012"

Senator Kohl-Welles spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senators Kohl-Welles and McAuliffe on page 2, line 3 to Substitute Senate Bill No. 5715.

The motion by Senator Kohl-Welles carried and the amendment was adopted by voice vote.

MOTION

On motion of Senator Kohl-Welles, the rules were suspended, Engrossed Substitute Senate Bill No. 5715 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Kohl-Welles spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5715.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5715 and the bill passed the Senate by the following vote: Yeas, 38; Nays, 9; Absent, 0; Excused, 2.

Voting yea: Senators Becker, Benton, Brown, Carrell, Chase, Conway, Delvin, Eide, Fain, Fraser, Frockt, Hargrove, Harper, Haugen, Hewitt, Hill, Hobbs, Honeyford, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles, Litzow, McAuliffe, Murray,

Nelson, Pridemore, Ranker, Regala, Roach, Rolfes, Schoesler, Sheldon, Shin, Swecker and Tom

Voting nay: Senators Baumgartner, Ericksen, Hatfield, Holmquist Newbry, Morton, Padden, Parlette, Stevens and Zarelli

Excused: Senators Pflug and Prentice

ENGROSSED SUBSTITUTE SENATE BILL NO. 5715, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MOTION

On motion of Senator Ericksen, Senator Becker was excused.

#### SECOND READING

SENATE BILL NO. 6296, by Senators Harper, Carrell and Shin

Modifying background check provisions.

The measure was read the second time.

#### MOTION

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

Strike everything after the enacting clause and insert the following:

**Sec. 1.** RCW 10.97.030 and 1999 c 49 s 1 are each amended to read as follows:

For purposes of this chapter, the definitions of terms in this section shall apply.

(1) "Criminal history record information" means information contained in records collected by criminal justice agencies, other than courts, on individuals, consisting of identifiable descriptions and notations of arrests, detentions, indictments, informations, or other formal criminal charges, and any disposition arising therefrom, including acquittals by reason of insanity, dismissals based on lack of competency, sentences, correctional supervision, and release.

The term includes information contained in records maintained by or obtained from criminal justice agencies, other than courts, which records provide individual identification of a person together with any portion of the individual's record of involvement in the criminal justice system as an alleged or convicted offender, except:

(a) Posters, announcements, or lists for identifying or apprehending fugitives or wanted persons;

(b) Original records of entry maintained by criminal justice agencies to the extent that such records are compiled and maintained chronologically and are accessible only on a chronological basis;

(c) Court indices and records of public judicial proceedings, court decisions, and opinions, and information disclosed during public judicial proceedings;

(d) Records of traffic violations which are not punishable by a maximum term of imprisonment of more than ninety days;

(e) Records of any traffic offenses as maintained by the department of licensing for the purpose of regulating the issuance, suspension, revocation, or renewal of drivers' or other operators' licenses and pursuant to RCW 46.52.130;

(f) Records of any aviation violations or offenses as maintained by the department of transportation for the purpose of regulating pilots or other aviation operators, and pursuant to RCW 47.68.330;

(g) Announcements of executive clemency;

(h) Intelligence, analytical, or investigative reports and files.

(2) "Nonconviction data" consists of all criminal history record information relating to an incident which has not led to a conviction or other disposition adverse to the subject, and for which proceedings are no longer actively pending. There shall be a rebuttable presumption that proceedings are no longer actively pending if more than one year has elapsed since arrest, citation, charge, or service of warrant and no disposition has been entered.

(3) "Conviction record" means criminal history record information relating to an incident which has led to a conviction or other disposition adverse to the subject.

(4) "Conviction or other disposition adverse to the subject" means any disposition of charges other than: (a) A decision not to prosecute; (b) a dismissal; or (c) acquittal; with the following exceptions, which shall be considered dispositions adverse to the subject: An acquittal due to a finding of not guilty by reason of insanity and a dismissal by reason of incompetency, pursuant to chapter 10.77 RCW; and a dismissal entered after a period of probation, suspension, or deferral of sentence.

(5) "Criminal justice agency" means: (a) A court; or (b) a government agency which performs the administration of criminal justice pursuant to a statute or executive order and which allocates a substantial part of its annual budget to the administration of criminal justice.

(6) "The administration of criminal justice" means performance of any of the following activities: Detection, apprehension, detention, pretrial release, post-trial release, prosecution, adjudication, correctional supervision, or rehabilitation of accused persons or criminal offenders. The term also includes criminal identification activities and the collection, storage, dissemination of criminal history record information, and the compensation of victims of crime.

(7) "Disposition" means the formal conclusion of a criminal proceeding at whatever stage it occurs in the criminal justice system.

(8) "Dissemination" means disclosing criminal history record information or disclosing the absence of criminal history record information to any person or agency outside the agency possessing the information, subject to the following exceptions:

(a) When criminal justice agencies jointly participate in the maintenance of a single record keeping department as an alternative to maintaining separate records, the furnishing of information by that department to personnel of any participating agency is not a dissemination;

(b) The furnishing of information by any criminal justice agency to another for the purpose of processing a matter through the criminal justice system, such as a police department providing information to a prosecutor for use in preparing a charge, is not a dissemination;

(c) The reporting of an event to a record keeping agency for the purpose of maintaining the record is not a dissemination.

**Sec. 2.** RCW 10.97.050 and 2005 c 421 s 9 are each amended to read as follows:

(1) Conviction records may be disseminated without restriction.

(2) Any criminal history record information which pertains to an incident that occurred within the last twelve months for which a person is currently being processed by the criminal justice system, including the entire period of correctional supervision extending through final discharge from parole, when applicable, may be disseminated without restriction ~~((with the exception of a record being disseminated in response to a request for a conviction record under RCW 43.43.832. A request for a conviction record under RCW 43.43.832 shall not contain information for a person who, within the last twelve months, is currently being processed by the~~



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~~criminal justice system unless it pertains to information relating to a crime against a person as defined in RCW 9.94A.411).~~

(3) Criminal history record information which includes nonconviction data may be disseminated by a criminal justice agency to another criminal justice agency for any purpose associated with the administration of criminal justice, or in connection with the employment of the subject of the record by a criminal justice or juvenile justice agency. A criminal justice agency may respond to any inquiry from another criminal justice agency without any obligation to ascertain the purpose for which the information is to be used by the agency making the inquiry.

(4) Criminal history record information which includes nonconviction data may be disseminated by a criminal justice agency to implement a statute, ordinance, executive order, or a court rule, decision, or order which expressly refers to records of arrest, charges, or allegations of criminal conduct or other nonconviction data and authorizes or directs that it be available or accessible for a specific purpose.

(5) Criminal history record information which includes nonconviction data may be disseminated to individuals and agencies pursuant to a contract with a criminal justice agency to provide services related to the administration of criminal justice. Such contract must specifically authorize access to criminal history record information, but need not specifically state that access to nonconviction data is included. The agreement must limit the use of the criminal history record information to stated purposes and insure the confidentiality and security of the information consistent with state law and any applicable federal statutes and regulations.

(6) Criminal history record information which includes nonconviction data may be disseminated to individuals and agencies for the express purpose of research, evaluative, or statistical activities pursuant to an agreement with a criminal justice agency. Such agreement must authorize the access to nonconviction data, limit the use of that information which identifies specific individuals to research, evaluative, or statistical purposes, and contain provisions giving notice to the person or organization to which the records are disseminated that the use of information obtained therefrom and further dissemination of such information are subject to the provisions of this chapter and applicable federal statutes and regulations, which shall be cited with express reference to the penalties provided for a violation thereof.

(7) Every criminal justice agency that maintains and disseminates criminal history record information must maintain information pertaining to every dissemination of criminal history record information except a dissemination to the effect that the agency has no record concerning an individual. Information pertaining to disseminations shall include:

- (a) An indication of to whom (agency or person) criminal history record information was disseminated;
- (b) The date on which the information was disseminated;
- (c) The individual to whom the information relates; and
- (d) A brief description of the information disseminated.

The information pertaining to dissemination required to be maintained shall be retained for a period of not less than one year.

(8) In addition to the other provisions in this section allowing dissemination of criminal history record information, RCW 4.24.550 governs dissemination of information concerning offenders who commit sex offenses as defined by RCW 9.94A.030. Criminal justice agencies, their employees, and officials shall be immune from civil liability for dissemination of criminal history record information concerning sex offenders as provided in RCW 4.24.550.

**Sec. 3.** RCW 10.97.080 and 2010 c 8 s 1093 are each amended to read as follows:

All criminal justice agencies shall permit an individual who is, or who believes that he or she may be, the subject of a criminal record maintained by that agency, to appear in person during normal business hours of that criminal justice agency and request to see the criminal history record information held by that agency pertaining to the individual. The individual's right to access and review of criminal history record information shall not extend to data contained in intelligence, investigative, or other related files, and shall not be construed to include any information other than that defined as criminal history record information by this chapter.

Every criminal justice agency shall adopt rules and make available forms to facilitate the inspection and review of criminal history record information by the subjects thereof, which rules may include requirements for identification, the establishment of reasonable periods of time to be allowed an individual to examine the record, and for assistance by an individual's counsel, interpreter, or other appropriate persons.

No person shall be allowed to retain or mechanically reproduce any nonconviction data except for the ~~((purpose of challenge or correction when the))~~ person who is the subject of the record, ~~((asserts the belief in writing that the information regarding such person is inaccurate or incomplete))~~ Such person may retain a copy of their personal nonconviction data information on file, if the criminal justice agency has verified the identities of those who seek to inspect them. Criminal justice agencies may impose such additional restrictions, including fingerprinting, as are reasonably necessary both to assure the record's security and to verify the identities of those who seek to inspect them. The criminal justice agency may charge a reasonable fee for fingerprinting or providing a copy of the personal nonconviction data information pursuant to this section. The provisions of chapter 42.56 RCW shall not be construed to require or authorize copying of nonconviction data for any other purpose.

The Washington state patrol shall establish rules for the challenge of records which an individual declares to be inaccurate or incomplete, and for the resolution of any disputes between individuals and criminal justice agencies pertaining to the accuracy and completeness of criminal history record information. The Washington state patrol shall also adopt rules for the correction of criminal history record information and the dissemination of corrected information to agencies and persons to whom inaccurate or incomplete information was previously disseminated. Such rules may establish time limitations of not less than ninety days upon the requirement for disseminating corrected information.

**Sec. 4.** RCW 43.43.730 and 2006 c 294 s 5 are each amended to read as follows:

(1) Any individual shall have the right to inspect or request a copy of the criminal history record information on file with the section which refers to the individual. If the individual believes such information to be inaccurate or incomplete, he or she may request the section to purge, modify or supplement it and to advise such persons or agencies who have received his or her record and whom the individual designates to modify it accordingly. Should the section decline to so act, or should the individual believe the section's decision to be otherwise unsatisfactory, the individual may appeal such decision to the superior court in the county in which he or she is resident, or the county from which the disputed record emanated or Thurston county. The court shall in such case conduct a de novo hearing, and may order such relief as it finds to be just and equitable.

(2) The section may prescribe reasonable hours and a place for inspection, and may impose such additional restrictions, including fingerprinting, as are reasonably necessary both to assure the record's security and to verify the identities of those who seek to inspect them: **PROVIDED,** That the section may charge a

reasonable fee for fingerprinting or for providing a copy of the criminal history record information pursuant to subsection (1) of this section.

**Sec. 5.** RCW 43.43.8321 and 2005 c 421 s 10 are each amended to read as follows:

When the Washington state patrol disseminates conviction record information in response to a request under RCW 43.43.832, it shall clearly state that: (1) The conviction record data does not include information on civil adjudications, administrative findings, or disciplinary board final decisions and that all such information must be obtained from the courts and licensing agencies; (2) the conviction record ~~((that is being disseminated includes information))~~ includes any criminal history record information which pertains to an incident that occurred within the last twelve months for which a person is currently being processed by the criminal justice system ((relating to only crimes against a person as defined in RCW 9.94A.411 and that it does not include any other current or pending charge information for which a person could be in the current process of being processed by the criminal justice system)), including the entire period of correctional supervision extending through final discharge from parole, when applicable, may be disseminated without restriction; and (3) an arrest is not a conviction or a finding of guilt.

**NEW SECTION. Sec. 6.** RCW 43.43.565 (Automatic fingerprint information system account) and 1986 c 196 s 2 are each repealed."

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

The President declared the question before the Senate to be the adoption of the striking amendment by Senators Harper and Carrell to Senate Bill No. 6296.

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

#### MOTION

On motion of Senator Harper, the rules were suspended, Engrossed Senate Bill No. 6296 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Harper spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Senate Bill No. 6296.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 6296 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 2; Absent, 0; Excused, 2.

Voting yea: Senators Baumgartner, Becker, Benton, Brown, Carrell, Chase, Conway, Delvin, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hatfield, Haugen, Hewitt, Hill, Hobbs, Honeyford, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles, Litzow, McAuliffe, Morton, Murray, Nelson, Padden, Parlette, Pridemore, Ranker, Regala, Roach, Rolfes, Schoesler, Sheldon, Shin, Swecker, Tom and Zarelli

Voting nay: Senators Holmquist Newbry and Stevens

Excused: Senators Pflug and Prentice

ENGROSSED SENATE BILL NO. 6296, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 6134, by Senators Delvin, Conway, Sheldon and Hewitt

Allowing department of fish and wildlife enforcement officers to transfer service credit.

The measure was read the second time.

#### MOTION

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

Senator Delvin spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 6134.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6134 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Baumgartner, Becker, Benton, Brown, Carrell, Chase, Conway, Delvin, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hatfield, Haugen, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles, Litzow, McAuliffe, Morton, Murray, Nelson, Padden, Parlette, Prentice, Pridemore, Ranker, Regala, Roach, Rolfes, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Excused: Senator Pflug

SENATE BILL NO. 6134, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5365, by Senators Nelson and Kohl-Welles

Authorizing the purchase of retirement pension coverage by certain volunteer firefighters and reserve officers.

The measure was read the second time.

#### MOTION

On motion of Senator Nelson, the rules were suspended, Senate Bill No. 5365 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Nelson spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5365.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5365 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

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Voting yea: Senators Baumgartner, Becker, Benton, Brown, Carrell, Chase, Conway, Delvin, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hatfield, Haugen, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles, Litzow, McAuliffe, Morton, Murray, Nelson, Padden, Parlette, Prentice, Pridemore, Ranker, Regala, Roach, Rolfes, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

description of categories of health care assistants as they transition to categories of medical assistants."

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

Excused: Senator Pflug

SENATE BILL NO. 5365, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

The President declared the question before the Senate to be the adoption of the amendment by Senators Becker, Keiser and Stevens on page 7, after line 6 to Substitute Senate Bill No. 6237.

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

SECOND READING

MOTION

SENATE BILL NO. 6237, by Senators Keiser, Conway, Kline, Frockt and Becker

On motion of Senator Keiser, the rules were suspended, Engrossed Substitute Senate Bill No. 6237 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Creating a career pathway for medical assistants.

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

MOTION

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 6237.

On motion of Senator Keiser, Substitute Senate Bill No. 6237 was substituted for Senate Bill No. 6237 and the substitute bill was placed on the second reading and read the second time.

ROLL CALL

MOTION

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6237 and the bill passed the Senate by the following vote: Yeas, 42; Nays, 6; Absent, 0; Excused, 1.

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

On page 2, line 25, after "category;" strike "and"

Voting yea: Senators Baumgartner, Becker, Benton, Brown, Carrell, Chase, Conway, Delvin, Eide, Fain, Fraser, Frockt, Hargrove, Harper, Hatfield, Haugen, Hewitt, Hill, Hobbs, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles, Litzow, McAuliffe, Murray, Nelson, Parlette, Prentice, Pridemore, Ranker, Regala, Roach, Rolfes, Schoesler, Sheldon, Shin, Swecker, Tom and Zarelli

On page 2, line 26, after "(b)" insert "One category of medical assistants must be for hemodialysis technicians. Rules adopted by the secretary must allow for the hemodialysis technician to be trained by the facility in which the person is employed so long as the training program is approved by the department. If the hemodialysis technician is so trained, he or she is not required to meet the requirements of section 4(3) (b) through (d); and

Voting nay: Senators Ericksen, Holmquist Newbry, Honeyford, Morton, Padden and Stevens

(c)"

Excused: Senator Pflug

On page 3, line 29, after "However," insert "the term "medical assistant" does not include"

ENGROSSED SUBSTITUTE SENATE BILL NO. 6237, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

On page 3, line 31, after "setting" strike "are exempt from certification under this chapter"

MOTION

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

At 2:59 p.m., on motion of Senator Eide, the Senate was declared to be at ease subject to the call of the President.

The President declared the question before the Senate to be the adoption of the amendment by Senators Keiser and Becker on page 2, line 25 to Substitute Senate Bill No. 6237.

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

The Senate was called to order at 5:12 p.m. by President Owen.

MOTION

SECOND READING

Senator Becker moved that the following amendment by Senators Becker, Keiser and Stevens be adopted:

SENATE BILL NO. 5355, by Senators Morton, Swecker and Honeyford

On page 7, after line 6, insert the following:

"(3) Before adopting rules under this section and by December 1, 2012, the secretary must submit a preliminary plan, as described in this subsection, to the appropriate committees of the legislature. The preliminary plan must include the categories of medical assistants to be adopted in rule as well as the scope of practice of each category. The preliminary plan must also include the plan for transitioning health care assistants to medical assistants with a

Regarding notice requirements for special meetings of public agencies.

MOTIONS

On motion of Senator Morton, Second Substitute Senate Bill No. 5355 was substituted for Senate Bill No. 5355 and the second substitute bill was placed on the second reading and read the second time.

On motion of Senator Morton, the rules were suspended, Second Substitute Senate Bill No. 5355 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

The President declared the question before the Senate to be the final passage of Second Substitute Senate Bill No. 5355.

#### ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 5355 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Baumgartner, Becker, Benton, Brown, Carrell, Chase, Conway, Delvin, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hatfield, Haugen, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles, Litzow, McAuliffe, Morton, Murray, Nelson, Padden, Parlette, Prentice, Pridemore, Ranker, Regala, Roach, Rolfes, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Excused: Senator Pflug

SECOND SUBSTITUTE SENATE BILL NO. 5355, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 6493, by Senators Regala, Hargrove, Stevens, Harper, Kline, Carrell and Shin

Addressing sexually violent predator civil commitment cases.

#### MOTIONS

On motion of Senator Regala, Substitute Senate Bill No. 6493 was substituted for Senate Bill No. 6493 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Regala, the rules were suspended, Substitute Senate Bill No. 6493 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Regala, Padden and Stevens spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6493.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6493 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Baumgartner, Becker, Benton, Brown, Carrell, Chase, Conway, Delvin, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hatfield, Haugen, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles, Litzow, McAuliffe, Morton, Murray,

Nelson, Padden, Parlette, Prentice, Pridemore, Ranker, Regala, Roach, Rolfes, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Excused: Senator Pflug

SUBSTITUTE SENATE BILL NO. 6493, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 6068, by Senators Kline, Zarelli and Frockt

Providing for religious objection to autopsy.

#### MOTIONS

On motion of Senator Kline, Substitute Senate Bill No. 6068 was substituted for Senate Bill No. 6068 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Kline, the rules were suspended, Substitute Senate Bill No. 6068 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Kline, Zarelli, Prentice and Baumgartner spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6068.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6068 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 2; Absent, 0; Excused, 1.

Voting yea: Senators Baumgartner, Becker, Benton, Brown, Carrell, Chase, Conway, Delvin, Eide, Fain, Frockt, Hargrove, Harper, Hatfield, Haugen, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles, Litzow, McAuliffe, Morton, Murray, Nelson, Padden, Parlette, Prentice, Pridemore, Ranker, Regala, Roach, Rolfes, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Voting nay: Senators Ericksen and Fraser

Excused: Senator Pflug

SUBSTITUTE SENATE BILL NO. 6068, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5730, by Senator Rockefeller

Authorizing mileage-based automobile insurance. (REVISED FOR ENGROSSED: Concerning usage-based automobile insurance. ) Revised for 2nd Substitute: Concerning usage-based automobile insurance.

#### MOTION

On motion of Senator Hobbs, Second Substitute Senate Bill No. 5730 was substituted for Engrossed Senate Bill No. 5730 and

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

## MESSAGE FROM THE HOUSE

## MOTION

February 9, 2012

Senator Hobbs moved that the following amendment by Senators Hobbs and Benton be adopted:

On page 2, beginning on line 17, after "gathered" strike all material through "46.35.010" on line 18 and insert "from any recording device as defined in RCW 46.35.010, or a system, or business method that records and preserves data arising from the actual usage of a motor vehicle"

Senator Hobbs spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senators Hobbs and Benton on page 2, line 17 to Second Substitute Senate Bill No. 5730.

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

## MOTION

On motion of Senator Hobbs, the rules were suspended, Engrossed Second Substitute Senate Bill No. 5730 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Hobbs, Benton and Tom spoke in favor of passage of the bill.

Senators Carrell and Haugen spoke against passage of the bill.

Senator Roach spoke on final passage of the bill.

## MOTION

On motion of Senator Ericksen, Senator Zarelli was excused.

The President declared the question before the Senate to be the final passage of Engrossed Second Substitute Senate Bill No. 5730.

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 5730 and the bill passed the Senate by the following vote: Yeas, 35; Nays, 12; Absent, 0; Excused, 2.

Voting yea: Senators Baumgartner, Becker, Benton, Brown, Conway, Delvin, Eide, Ericksen, Fain, Frockt, Harper, Hewitt, Hill, Hobbs, Honeyford, Keiser, Kilmer, King, Kline, Kohl-Welles, Litzow, McAuliffe, Murray, Nelson, Parlette, Pridemore, Ranker, Regala, Roach, Rolfes, Schoesler, Sheldon, Shin, Swecker and Tom

Voting nay: Senators Carrell, Chase, Fraser, Hargrove, Hatfield, Haugen, Holmquist Newbry, Kastama, Morton, Padden, Prentice and Stevens

Excused: Senators Pflug and Zarelli

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5730, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## MOTION

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

MR. PRESIDENT:

The Speaker has signed:

ENGROSSED SUBSTITUTE SENATE BILL NO. 6239, and the same is herewith transmitted.

BARBARA BAKER, Chief Clerk

## MOTION

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

## SECOND READING

SENATE BILL NO. 6170, by Senators Ranker, Hargrove, King, Hatfield, Harper, Shin and Conway

Establishing the working waterfront redevelopment jobs act.

## MOTION

On motion of Senator Ranker, Substitute Senate Bill No. 6170 was substituted for Senate Bill No. 6170 and the substitute bill was placed on the second reading and read the second time.

## MOTION

Senator Ranker moved that the following amendment by Senators Ranker and Morton be adopted:

On page 2, line 23, after "regulations;" strike "and"

On page 2, line 25, after "section" insert "; and

(h) Not require preparation of a detailed statement under RCW 43.21C.030(2)(c)"

On page 3, line 4, strike "twenty-one" and insert "thirty"

On page 3, line 22, after "project" insert ":"

On page 3, line 24, after "mitigated" insert "; or a local government provides written notice to the department during the thirty day review period under subsection (4) of this section that it finds the project is inconsistent with subsection (1)(f) of this section"

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

Senator Ranker spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senators Ranker and Morton on page 2, line 23 to Substitute Senate Bill No. 6170.

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

## MOTION

On motion of Senator Ranker, the rules were suspended, Engrossed Substitute Senate Bill No. 6170 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Ranker spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 6170.

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6170 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 2; Absent, 0; Excused, 2.

Voting yea: Senators Baumgartner, Becker, Benton, Brown, Carrell, Chase, Conway, Delvin, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hatfield, Haugen, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, Kilmer, King, Kline, Kohl-Welles, Litzow, McAuliffe, Morton, Murray, Nelson, Padden, Parlette, Prentice, Pridemore, Ranker, Roach, Rolfes, Schoesler, Sheldon, Shin, Stevens, Swecker and Tom

Voting nay: Senators Kastama and Regala

Excused: Senators Pflug and Zarelli

ENGROSSED SUBSTITUTE SENATE BILL NO. 6170, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

Senator Prentice assumed the chair.

#### SECOND READING

SENATE BILL NO. 6324, by Senators Fain and Hobbs

Concerning the obligations of landlords and tenants with respect to carbon monoxide alarms and the disclosure of certain health-related information.

The measure was read the second time.

#### MOTION

On motion of Senator Fain, the rules were suspended, Senate Bill No. 6324 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

The President Pro Tempore declared the question before the Senate to be the final passage of Senate Bill No. 6324.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6324 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 1; Excused, 2.

Voting yea: Senators Baumgartner, Becker, Benton, Brown, Carrell, Chase, Conway, Delvin, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hatfield, Haugen, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles, Litzow, McAuliffe, Morton, Murray, Nelson, Padden, Parlette, Prentice, Pridemore, Ranker, Regala, Roach, Rolfes, Schoesler, Sheldon, Shin, Swecker and Tom

Absent: Senator Stevens

Excused: Senators Pflug and Zarelli

SENATE BILL NO. 6324, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MOTION

On motion of Senator Ericksen, Senator Stevens was excused.

#### SECOND READING

SENATE BILL NO. 6412, by Senators Rolfes and Harper

Assisting persons seeking individual health benefit plan coverage when their prior carrier has terminated individual coverage.

The measure was read the second time.

#### MOTION

On motion of Senator Keiser, the rules were suspended, Senate Bill No. 6412 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

The President Pro Tempore declared the question before the Senate to be the final passage of Senate Bill No. 6412.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6412 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Baumgartner, Becker, Benton, Brown, Carrell, Chase, Conway, Delvin, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hatfield, Haugen, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles, Litzow, McAuliffe, Morton, Murray, Nelson, Padden, Parlette, Prentice, Pridemore, Ranker, Regala, Roach, Rolfes, Schoesler, Sheldon, Shin, Swecker and Tom

Excused: Senators Pflug, Stevens and Zarelli

SENATE BILL NO. 6412, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5913, by Senators Prentice, Hobbs and Benton

Increasing the permissible deposit of public funds with credit unions.

The measure was read the second time.

#### MOTION

On motion of Senator Hobbs, the rules were suspended, Senate Bill No. 5913 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Hobbs spoke in favor of passage of the bill.

#### MOTION

On motion of Senator Ericksen, Senator Holmquist Newbry was excused.

The President Pro Tempore declared the question before the Senate to be the final passage of Senate Bill No. 5913.

The Secretary called the roll on the final passage of Senate Bill No. 5913 and the bill passed the Senate by the following vote: Yeas, 43; Nays, 2; Absent, 0; Excused, 4.

Voting yea: Senators Baumgartner, Becker, Benton, Brown, Carrell, Chase, Conway, Delvin, Eide, Fain, Fraser, Frockt, Hargrove, Harper, Hatfield, Haugen, Hewitt, Hill, Hobbs, Honeyford, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles, Litzow, McAuliffe, Morton, Murray, Nelson, Padden, Parlette, Prentice, Pridemore, Ranker, Regala, Roach, Rolfes, Sheldon, Shin, Swecker and Tom

Voting nay: Senators Ericksen and Schoesler

Excused: Senators Holmquist Newbry, Pflug, Stevens and Zarelli

SENATE BILL NO. 5913, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6227, by Senators Conway, Keiser, Carrell, Frockt, Pflug, Hargrove, Kline and Roach

Establishing a medicaid fraud hotline.

MOTION

On motion of Senator Conway, Substitute Senate Bill No. 6227 was substituted for Senate Bill No. 6227 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Conway moved that the following amendment by Senators Conway, Becker and Keiser be adopted:

On page 1, line 6, after "must" insert ", in conjunction with the office of the insurance commissioner,"

On page 1, beginning on line 8, after "fraud." strike all material through "hotline." on line 12 and insert "Funding for the hotline is to be provided by the office of the insurance commissioner."

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

The President Pro Tempore declared the question before the Senate to be the adoption of the amendment by Senators Conway, Becker and Keiser on page 1, line 6 to Substitute Senate Bill No. 6227.

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

MOTION

On motion of Senator Conway, the rules were suspended, Engrossed Substitute Senate Bill No. 6227 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

The President Pro Tempore declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 6227.

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6227 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Baumgartner, Becker, Benton, Brown, Carrell, Chase, Conway, Delvin, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hatfield, Haugen, Hewitt, Hill, Hobbs, Honeyford, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles, Litzow, McAuliffe, Morton, Murray, Nelson, Padden, Parlette, Prentice, Pridemore, Ranker, Regala, Roach, Rolfes, Schoesler, Sheldon, Shin, Swecker and Tom

Excused: Senators Holmquist Newbry, Pflug, Stevens and Zarelli

ENGROSSED SUBSTITUTE SENATE BILL NO. 6227, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

PARLIAMENTARY INQUIRY

Senator Benton: "On that last bill that we just passed I look through three different books to try to find it. I just wanted to read a little bit of the language on it. I was just hoping the Secretary could give us some instruction as to, are we operating on a three bill books now? Are we only operating out of two? Could you tell me which ones, where I might find the bills we actually working on and the bill that's up on the screen right now I don't find that on any order of consideration either so...was it a previous order maybe? Are we going back to a previous order?"

REPLY BY THE PRESIDENT PRO TEMPORE

President Pro Tempore: "On list number three we've been working on the bill book Wednesday, February 8, 2012 and the bill we just did was on page 52."

SECOND READING

SENATE BILL NO. 5984, by Senators Murray, Zarelli, Parlette, Kilmer, Fraser, Harper, Kohl-Welles and Chase

Concerning local government financial soundness.

MOTIONS

On motion of Senator Murray, Substitute Senate Bill No. 5984 was substituted for Senate Bill No. 5984 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Murray, the rules were suspended, Substitute Senate Bill No. 5984 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

The President Pro Tempore declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5984.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5984 and the bill passed the Senate by the following vote: Yeas, 32; Nays, 14; Absent, 0; Excused, 3.

Voting yea: Senators Brown, Chase, Conway, Delvin, Eide, Fain, Fraser, Frockt, Hargrove, Harper, Hatfield, Haugen, Hill, Hobbs, Kastama, Keiser, Kilmer, Kline, Kohl-Welles, Litzow, McAuliffe, Murray, Nelson, Parlette, Prentice, Pridemore, Ranker, Regala, Rolfes, Shin, Swecker and Tom

Voting nay: Senators Baumgartner, Becker, Benton, Carrell, Ericksen, Hewitt, Holmquist Newbry, Honeyford, King, Morton, Padden, Roach, Schoesler and Sheldon

Excused: Senators Pflug, Stevens and Zarelli

SUBSTITUTE SENATE BILL NO. 5984, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MOTION

At 6:24 p.m., on motion of Senator Eide, the Senate adjourned until 9:00 a.m. Friday, February 10, 2012.

BRAD OWEN, President of the Senate

THOMAS HOEMANN, Secretary of the Senate



**THIRTY THIRD DAY**

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MORNING SESSION

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Senate Chamber, Olympia, Friday, February 10, 2012

The Senate was called to order at 9:00 a.m. by President Owen. The Secretary called the roll and announced to the President that all Senators were present with the exception of Senators Brown, Delvin, Frockt, Haugen and Pflug.

The Sergeant at Arms Color Guard consisting of Pages Gavin Hobbs and Scott Nichols, presented the Colors. Pastor Dan Sailer Stanwood Methodist Church offered the prayer.

MOTION

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

MOTION

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

MESSAGE FROM THE HOUSE

February 9, 2012

MR. PRESIDENT:

The House has passed:

- SUBSTITUTE HOUSE BILL NO. 1753,
- SUBSTITUTE HOUSE BILL NO. 2056,
- SUBSTITUTE HOUSE BILL NO. 2252,
- HOUSE BILL NO. 2275,
- HOUSE BILL NO. 2292,
- ENGROSSED HOUSE BILL NO. 2449,
- ENGROSSED SUBSTITUTE HOUSE BILL NO. 2650,
- ENGROSSED SUBSTITUTE HOUSE BILL NO. 2664.

and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MESSAGE FROM THE HOUSE

February 9, 2012

MR. PRESIDENT:

The House has passed:

- SUBSTITUTE HOUSE BILL NO. 1852,
- SUBSTITUTE HOUSE BILL NO. 2149,
- HOUSE BILL NO. 2224,
- HOUSE BILL NO. 2244,
- HOUSE BILL NO. 2396,
- SUBSTITUTE HOUSE BILL NO. 2439.

and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MESSAGE FROM THE HOUSE

February 9, 2012

MR. PRESIDENT:

The House has passed:

- ENGROSSED SUBSTITUTE HOUSE BILL NO. 2048,
- HOUSE BILL NO. 2329,

- HOUSE BILL NO. 2339,
  - SUBSTITUTE HOUSE BILL NO. 2354,
  - HOUSE BILL NO. 2393,
  - SUBSTITUTE HOUSE BILL NO. 2422,
  - HOUSE BILL NO. 2482,
  - SUBSTITUTE HOUSE BILL NO. 2491,
  - SUBSTITUTE HOUSE BILL NO. 2492.
  - HOUSE BILL NO. 2524,
- and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MESSAGE FROM THE HOUSE

February 9, 2012

MR. PRESIDENT:

The House has passed:

- SUBSTITUTE HOUSE BILL NO. 2234,
  - SUBSTITUTE HOUSE BILL NO. 2261,
  - HOUSE BILL NO. 2287,
  - ENGROSSED SUBSTITUTE HOUSE BILL NO. 2347,
  - SUBSTITUTE HOUSE BILL NO. 2355,
  - HOUSE BILL NO. 2459,
  - HOUSE BILL NO. 2476,
  - SUBSTITUTE HOUSE BILL NO. 2541,
  - SUBSTITUTE HOUSE BILL NO. 2578,
  - SUBSTITUTE HOUSE BILL NO. 2603,
  - SUBSTITUTE HOUSE BILL NO. 2657,
  - SUBSTITUTE HOUSE BILL NO. 2658.
- and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MESSAGE FROM THE HOUSE

February 9, 2012

MR. PRESIDENT:

The House has passed:

- HOUSE BILL NO. 2356,
  - HOUSE BILL NO. 2485,
  - SUBSTITUTE HOUSE BILL NO. 2512,
  - HOUSE BILL NO. 2566,
  - SUBSTITUTE HOUSE BILL NO. 2574,
  - HOUSE BILL NO. 2595.
- and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MESSAGE FROM THE HOUSE

February 9, 2012

MR. PRESIDENT:

The House has passed:

- ENGROSSED SUBSTITUTE HOUSE BILL NO. 2363,
- ENGROSSED HOUSE BILL NO. 2368,
- HOUSE BILL NO. 2499,
- HOUSE BILL NO. 2535,
- ENGROSSED HOUSE BILL NO. 2558,
- HOUSE BILL NO. 2610,
- HOUSE BILL NO. 2639,
- HOUSE BILL NO. 2653,

HOUSE BILL NO. 2705,  
HOUSE BILL NO. 2741.  
and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

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

INTRODUCTION AND FIRST READING OF HOUSE BILLS

ESHB 1627 by House Committee on Local Government (originally sponsored by Representatives Fitzgibbon, Maxwell, Springer, Eddy, Clibborn and Tharinger)

AN ACT Relating to limiting the authority of boundary review boards to expand an annexation to twice the area of the proposed annexation; amending RCW 36.93.150; adding a new section to chapter 35.13 RCW; and adding a new section to chapter 35A.14 RCW.

Referred to Committee on Government Operations, Tribal Relations & Elections.

SHB 1775 by House Committee on Early Learning & Human Services (originally sponsored by Representatives Goodman and Kagi)

AN ACT Relating to juvenile restorative justice programs; and amending RCW 13.40.020 and 13.40.080.

Referred to Committee on Human Services & Corrections.

SHB 2191 by House Committee on Public Safety & Emergency Preparedness (originally sponsored by Representatives Rivers, Blake, Klippert, Hurst, Haler, Takko, Alexander, Hope, Harris and Reykdal)

AN ACT Relating to police dogs; amending RCW 16.08.040 and 9A.76.200; and prescribing penalties.

Referred to Committee on Judiciary.

ESHB 2223 by House Committee on Technology, Energy & Communications (originally sponsored by Representatives Takko, Morris, Armstrong and Angel)

AN ACT Relating to modifying the effective date of RCW 19.122.130 from 2011's underground utility damage prevention act; amending RCW 19.122.130; and amending 2011 c 263 s 27 (uncodified).

Referred to Committee on Energy, Natural Resources & Marine Waters.

HB 2256 by Representatives Kelley, Bailey, Kirby, Rivers, Ryu, Condotta, Buys and Stanford

AN ACT Relating to the licensing of escrow agents; and amending RCW 18.44.011 and 31.04.025.

Referred to Committee on Financial Institutions, Housing & Insurance.

SHB 2259 by House Committee on Higher Education (originally sponsored by Representatives Zeiger, Seaquist, Haler and Roberts)

AN ACT Relating to higher education reporting requirements; creating a new section; and repealing RCW 28B.10.569.

Referred to Committee on Higher Education & Workforce Development.

SHB 2270 by House Committee on Transportation (originally sponsored by Representatives Angel, Armstrong, Johnson and Finn)

AN ACT Relating to signage for automated traffic safety camera locations; amending RCW 46.63.170; and providing an effective date.

Referred to Committee on Transportation.

HB 2274 by Representatives Armstrong, Clibborn and Ormsby

AN ACT Relating to allowing registered tow truck operators to pass the costs of tolls and ferry fares to the impounded vehicle's registered owner; and amending RCW 46.55.035.

Referred to Committee on Transportation.

HB 2285 by Representatives Hunt and Appleton

AN ACT Relating to making technical corrections to campaign finance laws; amending RCW 42.17A.215; reenacting and amending RCW 42.17A.110; and repealing 2011 1st sp.s. c 43 s 448.

Referred to Committee on Government Operations, Tribal Relations & Elections.

SHB 2299 by House Committee on Transportation (originally sponsored by Representatives Warnick, Clibborn, Haigh, Armstrong, Short, Nealey, Fagan, Tharinger, Hunt, Moscoso and Jinkins)

AN ACT Relating to "4-H" special license plates; reenacting and amending RCW 46.18.200, 46.17.220, 46.68.420, and 46.18.060; adding a new section to chapter 46.04 RCW; and providing an effective date.

Referred to Committee on Transportation.

SHB 2312 by House Committee on Transportation (originally sponsored by Representatives Zeiger, Clibborn, Armstrong, Ladenburg, Hargrove, Billig, Dammeier, Orwall, Bailey, Takko, Finn, Asay, Smith, Tharinger, Kelley, Pearson, Miloscia and Moscoso)

AN ACT Relating to military service award emblems; amending RCW 46.18.295 and 46.16A.215; and providing an effective date.

Referred to Committee on Transportation.

THIRTY THIRD DAY, FEBRUARY 10, 2012

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SHB 2313 by House Committee on Higher Education (originally sponsored by Representatives Zeiger, Carlyle, Probst, Wilcox, Anderson, Haler, Fagan, Reykdal, Springer, Buys, Pollet, Wylie, Crouse, Jinkins, Moscoso and Overstreet)

SECOND READING  
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

AN ACT Relating to the meeting procedures of the boards of trustees and boards of regents of institutions of higher education; and amending RCW 28B.20.105, 28B.30.120, 28B.35.110, 28B.40.110, and 28B.50.100.

Senator Fraser moved that Gubernatorial Appointment No. 9227, Harriet Spanel, as a member of the Recreation and Conservation Funding Board, be confirmed.

Senator Fraser spoke in favor of the motion.

Referred to Committee on Higher Education & Workforce Development.

APPOINTMENT OF HARRIET SPANEL

ESHB 2314 by House Committee on Health Care & Wellness (originally sponsored by Representatives Cody and Green)

The President declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9227, Harriet Spanel as a member of the Recreation and Conservation Funding Board.

AN ACT Relating to implementing revisions to long-term care services without delaying the start of the long-term care worker minimum training or certification requirements in Initiative Measure No. 1163 beyond January 7, 2012, reducing those requirements, or, except for long-term care workers employed by community residential service businesses, exempting additional workers from those requirements; amending RCW 18.88B.010, 74.39A.009, 18.88B.021, 18.88B.041, 18.88B.031, 74.39A.074, 74.39A.076, 74.39A.331, 74.39A.351, 74.39A.341, 18.79.260, 74.39A.261, 74.39A.056, 18.20.125, 43.20A.710, 43.43.837, 18.88B.050, 74.39A.086, 74.39A.051, 18.20.270, 70.128.120, 70.128.130, 70.128.230, 74.39A.010, 74.39A.020, and 74.39A.250; amending 2012 c 1 ss 201 and 303 (uncodified); reenacting and amending RCW 74.39A.095; adding new sections to chapter 18.88B RCW; creating new sections; and declaring an emergency.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9227, Harriet Spanel as a member of the Recreation and Conservation Funding Board and the appointment was confirmed by the following vote: Yeas, 43; Nays, 0; Absent, 2; Excused, 4.

Voting yea: Senators Becker, Benton, Carrell, Chase, Conway, Eide, Ericksen, Fain, Fraser, Hargrove, Harper, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles, Litzow, McAuliffe, Morton, Murray, Nelson, Padden, Parlette, Prentice, Pridemore, Ranker, Regala, Roach, Rolfes, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Absent: Senators Brown and Frockt

Excused: Senators Baumgartner, Delvin, Haugen and Pflug

Gubernatorial Appointment No. 9227, Harriet Spanel, having received the constitutional majority was declared confirmed as a member of the Recreation and Conservation Funding Board.

Referred to Committee on Health & Long-Term Care.

MOTION

EHB 2469 by Representatives Upthegrove, Angel, Takko and Asay

On motion of Senator Eide, Senators Brown and Frockt were excused.

AN ACT Relating to boatyard storm water treatment systems; and amending RCW 90.58.355.

SECOND READING  
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Referred to Committee on Environment.

MOTION

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

Senator Fraser moved that Gubernatorial Appointment No. 9225, Phil Rockefeller, as a member of the Salmon Recovery Funding Board, be confirmed.

Senator Fraser spoke in favor of the motion.

MOTION

APPOINTMENT OF PHIL ROCKEFELLER

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

The President declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9225, Phil Rockefeller as a member of the Salmon Recovery Funding Board.

MOTION

On motion of Senator Harper, Senators Hatfield, Haugen, McAuliffe and Regala were excused.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9225, Phil Rockefeller as a member of the Salmon Recovery Funding Board and the appointment was confirmed by the following vote: Yeas, 43; Nays, 2; Absent, 0; Excused, 4.

MOTION

On motion of Senator Ericksen, Senators Baumgartner, Delvin, Pflug and Roach were excused.

Voting yea: Senators Becker, Benton, Brown, Carrell, Chase, Conway, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles, Litzow, McAuliffe, Morton, Murray, Nelson, Parlette, Prentice, Pridemore, Ranker,

Regala, Roach, Rolfes, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Voting nay: Senators Honeyford and Padden

Excused: Senators Baumgartner, Delvin, Haugen and Pflug

Gubernatorial Appointment No. 9225, Phil Rockefeller, having received the constitutional majority was declared confirmed as a member of the Salmon Recovery Funding Board.

#### SECOND READING

SENATE JOINT MEMORIAL NO. 8016, by Senators Kastama, Shin, Chase, Hatfield, Kilmer and Fraser

Encouraging the beyond the border action plan on perimeter security and economic competitiveness and the action plan on regulatory cooperation between the United States and Canada.

#### MOTIONS

On motion of Senator Kastama, Substitute Senate Joint Memorial No. 8016 was substituted for Senate Joint Memorial No. 8016 and the substitute memorial was placed on the second reading and read the second time.

On motion of Senator Kastama the rules were suspended, Substitute Senate Joint Memorial No. 8016 was advanced to third reading, the second reading considered the third and the memorial was placed on final passage.

Senators Kastama, Shin, Sheldon, Ranker, Roach and Morton spoke in favor of passage of the memorial.

Senator Ericksen spoke on final passage of the memorial.

The President declared the question before the Senate to be the final passage of Substitute Senate Joint Memorial No. 8016.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Joint Memorial No. 8016 and the memorial passed the Senate by the following vote: Yeas, 46; Nays, 1; Absent, 0; Excused, 2.

Voting yea: Senators Becker, Benton, Brown, Carrell, Chase, Conway, Delvin, Eide, Fain, Fraser, Frockt, Hargrove, Harper, Hatfield, Haugen, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles, Litzow, McAuliffe, Morton, Murray, Nelson, Padden, Parlette, Prentice, Pridemore, Ranker, Regala, Roach, Rolfes, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Voting nay: Senator Ericksen

Excused: Senators Baumgartner and Pflug

SUBSTITUTE SENATE JOINT MEMORIAL NO. 8016, having received the constitutional majority, was declared passed. There being no objection, the title of the memorial was ordered to stand as the title of the act.

#### SECOND READING

SUBSTITUTE SENATE BILL NO. 5343, by Senate Committee on Agriculture & Rural Economic Development (originally sponsored by Senators Haugen, Delvin, Hatfield, Honeyford, Becker, Shin and Schoesler)

Concerning air emissions from anaerobic digesters.

#### MOTIONS

On motion of Senator Haugen, Second Substitute Senate Bill No. 5343 was substituted for Substitute Senate Bill No. 5343 and the second substitute bill was placed on the second reading and read the second time.

On motion of Senator Haugen, the rules were suspended, Second Substitute Senate Bill No. 5343 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Haugen, Ericksen and Honeyford spoke in favor of passage of the bill.

Senator Nelson spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Second Substitute Senate Bill No. 5343.

#### ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 5343 and the bill passed the Senate by the following vote: Yeas, 41; Nays, 6; Absent, 0; Excused, 2.

Voting yea: Senators Becker, Benton, Brown, Carrell, Conway, Delvin, Eide, Ericksen, Fain, Hargrove, Harper, Hatfield, Haugen, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Kastama, Keiser, Kilmer, King, Kohl-Welles, Litzow, McAuliffe, Morton, Murray, Padden, Parlette, Pridemore, Ranker, Regala, Roach, Rolfes, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Voting nay: Senators Chase, Fraser, Frockt, Kline, Nelson and Prentice

Excused: Senators Baumgartner and Pflug

SECOND SUBSTITUTE SENATE BILL NO. 5343, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5159, by Senators Schoesler, Conway, Fain, Holmquist Newbry, Carrell, Murray, Becker, Haugen, Hobbs, Pridemore, Rockefeller, Roach, McAuliffe and Kilmer

Authorizing the transfer of service credit and contributions into the Washington state patrol retirement system by members who served as commercial vehicle enforcement officers and communications officers and then became commissioned troopers in the Washington state patrol.

The measure was read the second time.

#### MOTION

Senator Schoesler moved that the following amendment by Senators Schoesler and Conway be adopted:

On page 1, line 13, after "July" strike "1" and insert "16"

Senator Schoesler spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senators Schoesler and Conway on page 1, line 13 to Senate Bill No. 5159.

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

#### MOTION

THIRTY THIRD DAY, FEBRUARY 10, 2012

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On motion of Senator Schoesler, the rules were suspended, Engrossed Senate Bill No. 5159 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Schoesler spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Senate Bill No. 5159.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5159 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Becker, Benton, Brown, Carrell, Chase, Conway, Delvin, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hatfield, Haugen, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles, Litzow, McAuliffe, Morton, Murray, Nelson, Padden, Parlette, Prentice, Pridemore, Ranker, Regala, Roach, Rolfes, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Excused: Senators Baumgartner and Pflug

ENGROSSED SENATE BILL NO. 5159, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Murray, Senator Eide was excused.

SECOND READING

SENATE BILL NO. 6025, by Senators Kline, Padden, Eide, Becker, Shin and Tom

Eliminating the mandatory retirement provision for district judges.

MOTIONS

On motion of Senator Kline, Substitute Senate Bill No. 6025 was substituted for Senate Bill No. 6025 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Kline, the rules were suspended, Substitute Senate Bill No. 6025 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6025.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6025 and the bill passed the Senate by the following vote: Yeas, 41; Nays, 5; Absent, 0; Excused, 3.

Voting yea: Senators Becker, Brown, Carrell, Chase, Conway, Delvin, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hatfield, Haugen, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles, Litzow, McAuliffe, Morton, Murray, Nelson,

Padden, Parlette, Prentice, Pridemore, Ranker, Regala, Rolfes, Sheldon, Shin, Swecker and Tom

Voting nay: Senators Benton, Roach, Schoesler, Stevens and Zarelli

Excused: Senators Baumgartner, Eide and Pflug

SUBSTITUTE SENATE BILL NO. 6025, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Ericksen, Senator Hill was excused.

REMARKS BY THE PRESIDENT

President Owen: "Ladies and gentlemen of the Senate, there's no country in the world that is a better friend to our country than our neighbor to the north, Canada. I don't know if there is a greater friend to the State of Washington than our British Columbia Province to the north. They are our allies. They are our trading partners and allies except with this little friendly competition that we have once in a while with the great Seattle Sounders and the BC Whitecaps as well. Governor Gregoire and Premier Clark and her predecessor Campbell have worked incredibly close not to just maintain our great friendship but to break down barriers to trade and burdensome regulations and they have done a great job with that. So the President is honored to welcome Premier Clark from British Columbia to the Senate and pleased to turn the rostrum over to Her Excellency, Governor Gregoire."

REMARKS BY GOVERNOR GREGOIRE

Governor Gregoire: "Good morning and thank you to Lieutenant Governor Owen and good morning everyone. It's a pleasure for me to be here today and particular for me to introduce to you a very dear friend to the people of the great state of Washington. For the past six years, uniquely across the United States and Canada, we have had in exchange of our perspective cabinets every year and we have much to show for what have been able to do but as I have been in Canada and as I have been most particularly in British Columbia each time I have said Yes, we have a common border and some might say a common mother but most importantly what we have is an absolute most amazing friendship and that friendship has allowed us to prosper in terms of our culture, our exchange, our two-nation vacation in many respects our economies, our cultures they are our best friends here in the state of Washington. I have had a wonderful relationship with Premier Campbell, now Ambassador to England, and one year ago, approximately, Premier Clark came on. I was a bit hesitant, wondered if the relationship would be as strong, it is not just as strong, it is stronger yet. We have developed a close personal relationship. Our two cabinets continue to work together unbelievably well so I am honored and pleased today to say thank you to the people of British Columbia and to the leadership of British Columbia for being friends to people of the great state of Washington and introduce to all of you a dear friend to us and a wonderful leader of the people of British Columbia Premier Christy Clark, Premier."

REMARKS BY PREMIERE CHRISTY CLARK

Premiere Clark: "It is a great privilege to be able to address you today in your senate. I just want to take a moment to introduce to you some of the cabinet members who I brought with me. Joining us in the gallery is Minister in Environment, Terry

Lake; Minister of Energy and Mines, Rich Coleman; Minister of Justice and Attorney General, Shirley Bond; and Minister of Transportation and Infrastructure, Blair Lekstrom. The people of British Columbia are very happy today. There are six fewer politicians within our borders. I'm delighted to be and to bring my best wishes and greetings on behalf of British Columbia. As the Governor said, we enjoy a long relationship between our two jurisdictions and it is not a relationship though, it is a friendship. It's a deep and unique friendship between two jurisdictions that share a great deal more in common with each other than we do with other parts of our own countries in many cases. We've grown up together. Our kids play hockey together. We will be attending soccer games together, although I will be in a White Caps jersey. We have worked together for these last many years, particularly under the exceptional leadership of Governor Gregoire, to find common approaches on the environment, on transportation, on law enforcement and to think of our border as one of our greatest economic assets as we work together to try and put people on both sides of the border to work at great family supporting jobs. Which is, of course, why we all seek public office in the first place. I'm delighted to be here. I hope that we will continue for many, many years to grow our friendships between our two countries and our two jurisdictions. Let me just finish with this because I think that we, between Washington and British Columbia, have set an example for our countries. It is sub-national governments that create and grow national economies, its sub-national government that support families and strengthen them and the work that we do as state and provincial governments together sets a real example for our countries of where and how decisions can best be made. I'm delighted to be working with Governor Gregoire and Governor you bring a real outward-looking commitment to your state. You care very deeply, I know, for Washingtonians but you don't, you also are willing to look out at the best interest, for your constituents by looking across borders. I do want to just finish with this because I notice there are many women who have been elected to your senate here, and Governor Gregoire, I think this maybe be the first time that two women have led our jurisdictions at the same time. In Canada, on the Atlantic coast, in Newfoundland we now have a woman Premier. On our Northern coast we have a woman Premier as well on the Arctic Ocean and, of course, on the Pacific Coast I serve as Premier as well and I always say to my male colleagues, 'We're not taking over but we have you entirely surrounded.' Thank you very much. It's a great honor to be with you today, to have the opportunity to address you. I look forward at every opportunity to growing our chances to work together and build on this deep, deep friendship that we've developed. Thank you."

#### REMARKS BY THE PRESIDENT

President Owen: "Premiere Clark, before you leave I just wanted you to know that this morning, the Senate did show their strong support for President Obama and Prime Minister Harper's Beyond The Borders Initiative. We look, very much, forward to working with you, British Columbia setting an example for the rest of the border across the country on how this should be done. We've done great things already in a lot of different areas and I think this is a tremendous opportunity for us to do more. Thank you very much for being here. Thank you."

#### PERSONAL PRIVILEGE

Senator Fraser: "Thank you Mr. President. Well, it's a pleasure and honor for the Senate to welcome Premiere Clark. We know we have two different governmental systems. You have the parliamentary, we have the legislative executive so I'm so please that you are recognizing, and we are recognizing, that you

are visiting the legislative branch as well as the executive branch today along with other members from British Columbia. I think visits like this are very important and I'm glad that they are, you share that value. We share so much and if you'd been here a little earlier for the discussion on the memorial we share climate, geology, natural resources, the ocean, the big Columbia river system, we're interconnected with our economies, transportation, energy, family and friends and organizations as you noted and even military defense in a very major way. So, we share a lot of history, you know if you go back to the time of fur trappers and the early settlement, Washington could have been part of British Columbia or British Columbia could have been part of Washington. So, we've been interconnected from the get go I, myself, and my husband have traveled throughout British Columbia, and I just have to say I love the logo on your automobile license, Beautiful British Columbia because that certainly is true it's not only the natural resources but the people who are always so welcoming. So, thank you for being here."

#### PERSONAL PRIVILEGE

Senator Ericksen: "Well thank you Mr. President. As representing part of Washington state that's occasionally referred to as the southern tier of the lower mainland of the northern part of Whatcom County thank you for being here today. But I thought, to make you feel a bit more home, and since we have the Governor here today perhaps we could have a session questions for both of you, while we have you, and kind of in tribute to our parliamentary system."

#### PERSONAL PRIVILEGE

Senator Kastama: "Governor Gregoire, welcome. Premiere Clark, welcome to the senate. We understand how important this is.

Earlier today we did pass Substitute Senate Joint Memorial No. 8016 which encourages the President of the United States and Congress to engage in the negotiations with Canada to ensure that we have more of a, more efficient crossing of the borders. We are very honored that this state has been chosen as kind of the test of that particularly action. I do want to say that we recognize how important this is economically to Washington State. The PNWER region which I know your very familiar with five states, five provinces has the fourteenth largest economy in the world. By collaborating we can truly become a power house in the world. This also has somewhat of a personal interest in it too. I grew up in a very small farming community called Puyallup, which is south of Seattle. At that time we were into basically berries, rhubarb and daffodils. We have three Kiwanis Clubs in that particular small town and every time, before we start one of those meetings, we say the U. S. National Anthem and we say the Canadian National Anthem. So, I grew up with a very close relationship, a very close bond with Canada and I'm glad that we can further pursue that with this. Thank you."

#### PERSONAL PRIVILEGE

Senator Honeyford: "The Premiere spoke about our relationship, close relationships between Washington and British Columbia and I just want to inform you that some of us have more relationships than others. My grandmother was a Pattullo, and you will remember the Pattullo Bridge, of course and Duff Pattullo who was Premier in the late 1930's. My father was a graduate of UBC and I was doing a little bit of research on the Peace Arch that was built for, to express the friendship between

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the United States and Canada and I found that the land was purchased in 1912, one hundred years ago, and when I was going through some of my father's things he was a school boy in Vancouver I found a little card where he had contributed funds to help build the Peace Arch. So, welcome and thank you."

MOTION

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

PERSONAL PRIVILEGE

Senator Prentice: "Well, I would like to express my thanks for your very fine exports. One is my son-in-law. He has been married to my daughter for twenty-five years and but there's another and my son-in-law was from Surrey. There is another Surrey export and I know I'm helping your economy by buying Michael Buble CD;s for my sister and for myself. She has a full collection. I just want to thank you for these very fine exports."

MOTION

Senator Roach moved adoption of the following resolution:

SENATE RESOLUTION  
8667

By Senator Roach

WHEREAS, Autism is a developmental disability that typically appears during the first two years of life and continues through the individual's lifespan; and

WHEREAS, Autism is the fastest growing developmental disability, affecting 1 million to 1.5 million Americans, 1 in 110 babies born; and

WHEREAS, 1 in 70 boys are affected, as opposed to 1 in 375 girls; and

WHEREAS, Many children are not diagnosed until after 3 years of age, often because of lack of recognition of autism characteristics by general practitioners; and

WHEREAS, There are many different characteristics in individuals with autism - delayed or deficient communication, decreased or unresponsive social interaction, unusual reaction to normal stimuli, a lack of spontaneous or imaginative play, and behavioral challenges; and

WHEREAS, There is no known cause and no known cure, however with aggressive and continuous therapy, some individuals can learn to acclimate to their environment and mask symptoms of their disability; and

WHEREAS, Autism can create significant stress on the families of those affected by autism; and

WHEREAS, All individuals with autism should be included and regarded as valuable members of our community; and

WHEREAS, Families, caregivers, advocates, and organizations, such as the Autism Society of Washington, Northwest Autism Center, Families for Effective Autism Treatment, Autism Awareness of Washington, and the Arc of Washington State, are striving to bring about positive changes for children and adults with autism; and

WHEREAS, Through research, training, public services, support groups, advocacy, and increased awareness, we will be more understanding, inclusive, and better equipped to support the growing number of individuals with autism and their families;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate honor and support individuals with autism and acknowledge the tremendous courage that they and their families put forth every day; and

BE IT FURTHER RESOLVED, That a copy of this resolution be immediately transmitted by the Secretary of the Senate to the Honorable Christine Gregoire.

Senators Roach and Haugen spoke in favor of adoption of the resolution.

The President Pro Tempore declared the question before the Senate to be the adoption of Senate Resolution No. 8667.

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

SECOND READING

SENATE BILL NO. 6100, by Senators Hargrove and Roach

Updating the administration of the sexual assault grant programs.

MOTIONS

On motion of Senator Hargrove, Substitute Senate Bill No. 6100 was substituted for Senate Bill No. 6100 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Hargrove, the rules were suspended, Substitute Senate Bill No. 6100 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Hargrove spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6100.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6100 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Becker, Benton, Brown, Carrell, Chase, Conway, Delvin, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hatfield, Haugen, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles, Litzow, McAuliffe, Morton, Murray, Nelson, Padden, Parlette, Prentice, Pridemore, Ranker, Regala, Roach, Rolfes, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Excused: Senators Baumgartner and Pflug

SUBSTITUTE SENATE BILL NO. 6100, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 10:27 a.m., on motion of Senator Eide, the Senate was declared to be at ease subject to the call of the President.

AFTERNOON SESSION

The Senate was called to order at 1:20 p.m. by the President Pro Tempore.

MOTION

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

MESSAGE FROM THE HOUSE

February 9, 2012

MR. PRESIDENT:

The House has passed:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2197,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2229,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2301,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2331,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2335,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2344,  
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO.

2365,

ENGROSSED HOUSE BILL NO. 2509,  
ENGROSSED HOUSE BILL NO. 2513,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2545,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2582,  
ENGROSSED HOUSE BILL NO. 2602.

and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

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

MOTION

On motion of Senator Harper, Senators Brown, McAuliffe and Ranker were excused.

MOTION

On motion of Senator Ericksen, Senators Benton and Parlette were excused.

SECOND READING

SENATE BILL NO. 6350, by Senators Haugen, King, Eide, Fain and Tom

Repealing the transportation innovative partnerships act.

The measure was read the second time.

MOTION

On motion of Senator Haugen, the rules were suspended, Senate Bill No. 6350 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

MOTION

On motion of Senator Ericksen, Senator Zarelli was excused.

The President Pro Tempore declared the question before the Senate to be the final passage of Senate Bill No. 6350.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6350 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 1; Excused, 2.

Voting yea: Senators Becker, Benton, Brown, Carrell, Chase, Conway, Delvin, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hatfield, Haugen, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles, Litzow, McAuliffe, Morton, Murray, Nelson, Padden, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Absent: Senator Rolfes

Excused: Senators Baumgartner and Parlette

SENATE BILL NO. 6350, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Harper, Senator Rolfes was excused.

SECOND READING

SENATE BILL NO. 6512, by Senators Holmquist Newbry, Kastama and Morton

Regarding irrigation and rehabilitation district administration.

MOTION

On motion of Senator Holmquist Newbry, Substitute Senate Bill No. 6512 was substituted for Senate Bill No. 6512 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Holmquist Newbry moved that the following striking amendment by Senators Holmquist Newbry, Morton and Hatfield be adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 87.84.060 and 1988 c 127 s 68 are each amended to read as follows:

(1)(a) The directors of the irrigation and rehabilitation district elected before the effective date of this section shall ((be the same as of the irrigation district and)) continue to serve for the remainder of their current terms.

(b) The elections held for directors of the irrigation and rehabilitation district after the effective date of this section shall be as provided in section 2 of this act.

(2) The directors of an irrigation and rehabilitation district shall, except as provided in RCW 87.84.070, retain all power, rights, and authority heretofore granted to them or hereafter granted to them as directors of an irrigation district under any provision of this title ((87 RCW)) or any amendments thereto or any authority granted to directors of irrigation districts under any other law of the state of Washington.

(3) The irrigation and rehabilitation district shall also retain all power, rights, and authority heretofore or hereafter granted to irrigation districts under this title ((87 RCW)) or any other law or laws of the state of Washington, and use said power and authority including local improvement district provisions to further irrigation



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and rehabilitation district purposes and in addition shall have authority to rehabilitate or improve all or a portion of any inland body of water including adjacent shore lines located in the district and shall have the further power of modifying or improving any existing or planned water control structure located in the district in order to further the health, recreation, and welfare of the residents in the district.

(4) All rights held by the irrigation district to water located wholly or partially in the district including but not limited to rights granted by the department of ecology shall upon formation of the irrigation and rehabilitation district immediately vest in the irrigation and rehabilitation district and in addition all water in the newly formed district as to which the prior district had any rights shall be held by the new district for all the beneficial uses and purposes for which the irrigation and rehabilitation district is formed. The authority to impose new assessments under chapter 87.03 RCW expires January 1, 2013.

NEW SECTION. Sec. 2. A new section is added to chapter 87.84 RCW to read as follows:

(1) This section applies for elections held after the effective date of this section.

(2) A person at least eighteen years old who is a citizen of the United States and a resident of this state, and who holds title or evidence of title to assessable land in the irrigation and rehabilitation district or proposed district, is entitled to vote in the district as one ownership regardless of the size of the ownership or number of parcels owned, and is recognized as a qualified elector.

(3) Each ownership shall be represented by two votes. If there are multiple owners or joint owners of a single ownership, the owners shall decide among themselves what their two votes shall be. If the ownership is held as community property, each spouse is entitled to one vote or the spouses may vote by common agreement. Each corporation, general partnership, limited partnership, limited liability corporation, or other legal entity formed pursuant to the laws of the state of Washington or qualified to do business in the state of Washington and owning land in the district shall be recognized as an elector with two votes regardless of the size of the ownership or number of parcels owned, and is recognized as a qualified elector.

(4)(a) Ballots for elections of directors, and elections conducted under RCW 87.84.070 shall be conducted by mail and sent to all qualified electors twenty or more calendar days before the date of the election. A qualified landowner may register with the irrigation and rehabilitation district up to and through the day of the election and receive a ballot.

(b) Any elections held under this chapter shall be scheduled on the second Tuesday in December in the year of the election.

(c) All ballots must indicate that the ballots must be either mailed to the county auditor and contain a postmark on or before election day, or turned in before 5:00 p.m. on election day to the county auditor and stamped by the county auditor with the date and time received. Only ballots that are received by mail within six business days after the required postmarked date and those that are received by the county auditor with the required date and time stamp shall be counted.

(5) Ballots shall be counted at the county courthouse by employees provided by the irrigation and rehabilitation district. Ballot counting shall be under the supervision of the district secretary and board of directors of the irrigation and rehabilitation district. Ballot counting may begin at 5:00 p.m. the day of the election. Beginning six business days later at 3:00 p.m., the remaining mail-in ballots received by the county auditor shall be counted.

(6)(a) In order to receive a ballot, a qualifying elector must be preregistered with the district.

(b) To register, the person, or an authorized representative of other legal entities, must show to an employee of the district at the district office a current driver's license or other government-issued photo identification that shows the elector's date of birth.

(c) If the district office records do not show land ownership within the district, then the person or entity owning the land must provide proof of ownership to the district.

(d) Preregistration may also be done by mail if a copy of the current driver's license or other government-issued photo identification is included and if the district office records show the person satisfies the ownership requirements of this section. If ownership is not shown in the district's records, further proof may be mailed or hand delivered to the district office.

(e) Once registered, electors shall remain on the list of qualified electors unless the list showing ownership in the district received from the county assessor shows that they no longer own property in the district or otherwise fail to meet the qualifications in this section.

(f) The district shall review the ownership list provided by the county assessor before each election and notify the previously registered electors at least sixty days before an election that their status as qualified electors will be deleted unless the landowner provides sufficient documentation to show that property ownership in the district continues.

**Sec. 3.** RCW 87.84.070 and 1973 1st ex.s. c 195 s 132 are each amended to read as follows:

(1) Beginning January 1, 2013, this section provides the sole authority for an irrigation and rehabilitation district to impose assessments. Any increase to the assessment rates in effect on January 1, 2013, must comply with subsection (2) of this section.

(2)(a) The directors shall be empowered to ((specially)) assess land located in the district for benefits thereto taking as a basis the last equalized assessment for county purposes: PROVIDED, That such assessment shall not ((exceed twenty five cents per thousand dollars of assessed value upon such assessed valuation)) go into effect without securing authorization by vote of the electors of the district at an election called for that purpose. The increase in the assessed valuation per thousand dollars must be approved by a simple majority of electors casting ballots at an election in accordance with section 2 of this act, except that the provisions of section 2(4)(b) of this act do not apply. A district board may, by majority vote, decrease the level of the assessment without securing authorization by vote of the electors of the district.

(b) If a board votes to propose an increase in the level of the assessment in accordance with (a) of this subsection, it must hold a public hearing at least forty-five days before the election, then may adopt a resolution to place the matter on the ballot.

(3) The board shall give notice of such an election, ((for the time and)) in the manner and form provided for irrigation district elections. Except as otherwise provided in this chapter, the manner of conducting and voting at such an election, opening and closing polls, canvassing the votes, certifying the returns, and declaring the result shall be nearly as practicable the same as in irrigation district elections.

(4) The ((special)) assessment provided for ((herein)) in this section shall be due and payable at such times and in such amounts as designated by the district directors, which designation shall be made to the county auditor in writing, and the amount so designated shall be added to the general taxes, and entered upon the assessment rolls in his office, and collected therewith.

**Sec. 4.** RCW 87.84.071 and 1965 ex.s. c 6 s 5 are each amended to read as follows:

The ((special)) assessments provided for in RCW 87.84.070 shall be subject to and inferior to existing local improvement district assessments of any city or town which is included within the boundaries of an irrigation and rehabilitation district. The

collection of local improvement district assessments of a city or town, and the right to foreclose the same when delinquent, shall not be impaired in any manner whatsoever by subsequent ((special)) assessments of an irrigation and rehabilitation district. In the event that the county treasurer forecloses on land located within the corporate limits of a city or town for nonpayment of irrigation and rehabilitation district assessments, the certificates of sale and the deeds issued pursuant to the foreclosure proceedings shall contain a recital that the certificate of sale and/or deed is subject to outstanding local improvement district assessments of the city or town."

Senator Holmquist Newbry spoke in favor of adoption of the striking amendment.

The President Pro Tempore declared the question before the Senate to be the adoption of the striking amendment by Senators Holmquist Newbry, Morton and Hatfield to Substitute Senate Bill No. 6512.

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

#### MOTION

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

On page 1, line 2 of the title, after "administration," strike the remainder of the title and insert "amending RCW 87.84.060, 87.84.070, and 87.84.071; and adding a new section to chapter 87.84 RCW."

#### MOTION

On motion of Senator Holmquist Newbry, the rules were suspended, Engrossed Substitute Senate Bill No. 6512 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

The President Pro Tempore declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 6512.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6512 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 1; Absent, 0; Excused, 2.

Voting yea: Senators Becker, Benton, Brown, Carrell, Chase, Conway, Delvin, Eide, Ericksen, Fain, Frockt, Hargrove, Harper, Hatfield, Haugen, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles, Litzow, McAuliffe, Morton, Murray, Nelson, Padden, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rolfes, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Voting nay: Senator Fraser

Excused: Senators Baumgartner and Parlette

ENGROSSED SUBSTITUTE SENATE BILL NO. 6512, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5966, by Senators Fraser and Swecker

Establishing the office of the health care authority ombudsman.

#### MOTIONS

On motion of Senator Fraser, Substitute Senate Bill No. 5966 was substituted for Senate Bill No. 5966 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Fraser, the rules were suspended, Substitute Senate Bill No. 5966 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

The President Pro Tempore declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5966.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5966 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Becker, Benton, Brown, Carrell, Chase, Conway, Delvin, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hatfield, Haugen, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles, Litzow, McAuliffe, Morton, Murray, Nelson, Padden, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rolfes, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Excused: Senators Baumgartner and Parlette

SUBSTITUTE SENATE BILL NO. 5966, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MOTION

At 1:56 p.m., on motion of Senator Eide, the Senate was declared to be at ease subject to the call of the President.

#### EVENING SESSION

The Senate was called to order at 5:07 p.m. by President Owen.

#### SECOND READING

SENATE BILL NO. 6162, by Senators Regala, Kastama, Shin and Frockt

Concerning missing endangered persons.

The measure was read the second time.

#### MOTION

Senator Regala moved that the following striking amendment by Senators Regala and Padden be adopted:

Strike everything after the enacting clause and insert the following:

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"Sec. 1. RCW 13.60.010 and 2009 c 20 s 1 are each amended to read as follows:

(1) The Washington state patrol shall establish a missing children and endangered person clearinghouse which shall include the maintenance and operation of a toll-free, twenty-four-hour telephone hotline. The clearinghouse shall distribute information to local law enforcement agencies, school districts, the department of social and health services, and the general public regarding missing children and endangered persons. The information shall include pictures, bulletins, training sessions, reports, and biographical materials that will assist in local law enforcement efforts to locate missing children and endangered persons. The state patrol shall also maintain a regularly updated computerized link with national and other statewide missing person systems or clearinghouses, and within existing resources, shall develop and implement a plan, commonly known as an "~~(amber alert)~~ endangered missing person advisory plan," for voluntary cooperation between local, state, tribal, and other law enforcement agencies, state government agencies, radio and television stations, ~~((and))~~ cable and satellite systems, and social media pages and sites to enhance the public's ability to assist in recovering abducted children and missing endangered persons consistent with the state endangered missing person advisory plan.

(2) For the purposes of this chapter:

(a) "Child" or "children((:))" (~~as used in this chapter,~~) means an individual under eighteen years of age.

(b) "Missing endangered person" means a person believed to be in danger because of age, health, mental or physical disability, in combination with environmental or weather conditions, or is believed to be unable to return to safety without assistance.

"Sec. 2. RCW 13.60.020 and 1985 c 443 s 23 are each amended to read as follows:

Local law enforcement agencies shall file an official missing person report and enter biographical information into the state missing person computerized network within ~~((twelve))~~ six hours after notification of a missing child or endangered person is received under RCW 13.32A.050 (1)(a), ~~((3))~~ (c), or ~~((4))~~ (d), or an endangered missing person received pursuant to the state endangered missing person advisory plan. The patrol shall collect such information as will enable it to retrieve immediately the following information about a missing child or endangered person: Name, date of birth, social security number, fingerprint classification, relevant physical descriptions, and known associates and locations. Access to the preceding information shall be available to appropriate law enforcement agencies, and to parents and legal guardians, when appropriate."

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

The President declared the question before the Senate to be the adoption of the striking amendment by Senators Regala and Padden to Senate Bill No. 6162.

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

MOTION

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

On page 1, line 1 of the title, after "persons;" strike the remainder of the title and insert "and amending RCW 13.60.010 and 13.60.020."

MOTION

On motion of Senator Regala, the rules were suspended, Engrossed Senate Bill No. 6162 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Regala spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Senate Bill No. 6162.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 6162 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 2; Excused, 1.

Voting yea: Senators Becker, Benton, Brown, Carrell, Chase, Conway, Delvin, Eide, Ericksen, Fain, Fraser, Frockt, Harper, Hatfield, Haugen, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles, Litzow, McAuliffe, Morton, Murray, Nelson, Padden, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Rolfes, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Absent: Senators Hargrove and Roach

Excused: Senator Baumgartner

ENGROSSED SENATE BILL NO. 6162, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Ericksen, Senator Roach was excused.

SECOND READING

SENATE BILL NO. 5697, by Senators Hargrove and Schoesler

Addressing the minimum standards for firearms safety devices and gun safes used by certain governmental agencies that purchase, receive, possess, use, or issue firearms and government agents who receive, possess, or use a firearm issued to the agent by the agency. Revised for 1st Substitute: Requiring firearms safety devices and gun safes to meet minimum standards if purchased, used, or issued by governmental agencies and limiting the civil liability of governmental agencies and agents who provide or properly use approved firearms safety devices or gun safes.

MOTION

On motion of Senator Kline, Substitute Senate Bill No. 5697 was substituted for Senate Bill No. 5697 and the substitute bill was placed on the second reading and read the second time.

MOTION

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

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. (1)(a) If a governmental agency chooses to purchase, use, or issue a firearms safety device or gun safe, that device or safe must meet the minimum standards for gun safes and firearms safety devices as provided in subsection (2) of this section on the date of purchase.

(b) Nothing in this section shall require any governmental agency to purchase, possess, use, or issue firearms safety devices or gun safes.

(2) The devices identified by the California department of justice pursuant to title 2, sections 12087-12088.9 of the California penal code, effective July 1, 2012 meet the minimum standards for gun safes and firearms safety devices.

(3) For purposes of this section:

(a) "Firearm" means a firearm as defined in RCW 9.41.010.

(b) "Firearms safety device" means a device other than a gun safe that locks and is designed to prevent children and unauthorized users from firing a firearm. The device may be installed on a firearm, be incorporated into the design of the firearm, or prevent access to the firearm.

(c) "Governmental agency" means any department or agency of state, county, or local government.

(d) "Gun safe" means a locking container that fully contains and secures one or more firearms.

(4) A governmental agency or government agent shall not be liable for civil damages resulting directly or indirectly from the purchase, possession, or proper use of a firearms safety device or gun safe identified as appropriate for that firearm identified under subsection (2) of this section or for the purchase, possession, or proper use of a firearms safety device or gun safe identified as appropriate for that firearm that was purchased prior to July 1, 2012.

(5) A governmental agency that has purchased or issued a firearms safety device or gun safe prior to July 1, 2012, must replace any firearms safety device or gun safe or remove any requirement that a government agent use any firearms safety device or gun safe, if it is not included on the roster identified under subsection (2) of this section.

**NEW SECTION. Sec. 2.** Section 1 of this act constitutes a new chapter in Title 42 RCW."

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

The President declared the question before the Senate to be the adoption of the striking amendment by Senator Hargrove and others to Substitute Senate Bill No. 5697.

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

#### MOTION

On motion of Senator Kline, the rules were suspended, Engrossed Substitute Senate Bill No. 5697 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5697.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5697 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 1; Excused, 2.

Voting yea: Senators Becker, Benton, Brown, Carrell, Chase, Conway, Delvin, Eide, Ericksen, Fain, Fraser, Frockt, Harper, Hatfield, Haugen, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles, Litzow, McAuliffe, Morton, Murray, Nelson, Padden, Parlette,

Pflug, Prentice, Pridemore, Ranker, Regala, Rolfes, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Absent: Senator Hargrove

Excused: Senators Baumgartner and Roach

ENGROSSED SUBSTITUTE SENATE BILL NO. 5697, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 6263, by Senators Ranker, Hargrove, Delvin, Litzow, Swecker, Rolfes, Schoesler, Kilmer, Fraser, Kohl-Welles, Hobbs and Hatfield

Facilitating marine management planning.

#### MOTIONS

On motion of Senator Ranker, Second Substitute Senate Bill No. 6263 was substituted for Senate Bill No. 6263 and the second substitute bill was placed on the second reading and read the second time.

On motion of Senator Ranker, the rules were suspended, Second Substitute Senate Bill No. 6263 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

#### MOTION

On motion of Senator Harper, Senator Hargrove was excused.

The President declared the question before the Senate to be the final passage of Second Substitute Senate Bill No. 6263.

#### ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 6263 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Becker, Benton, Brown, Carrell, Chase, Conway, Delvin, Eide, Ericksen, Fain, Fraser, Frockt, Harper, Hatfield, Haugen, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles, Litzow, McAuliffe, Morton, Murray, Nelson, Padden, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Rolfes, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Excused: Senators Baumgartner, Hargrove and Roach

SECOND SUBSTITUTE SENATE BILL NO. 6263, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 6172, by Senators Benton, Hobbs, Prentice, Keiser, Fain and Chase

Revising franchise investment protection provisions.

The measure was read the second time.

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## MOTION

On motion of Senator Benton, the rules were suspended, Senate Bill No. 6172 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Benton spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 6172.

## ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6172 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Becker, Benton, Brown, Carrell, Chase, Conway, Delvin, Eide, Ericksen, Fain, Fraser, Frockt, Harper, Hatfield, Haugen, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles, Litzow, McAuliffe, Morton, Murray, Nelson, Padden, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Rolfes, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Excused: Senators Baumgartner, Hargrove and Roach

SENATE BILL NO. 6172, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SENATE BILL NO. 6421, by Senators King, Kline and Holmquist Newbry

Addressing the statement of intent to pay prevailing wages on public works. Revised for 1st Substitute: Addressing the affidavit of wages paid on public works.

## MOTIONS

On motion of Senator Kohl-Welles, Substitute Senate Bill No. 6421 was substituted for Senate Bill No. 6421 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator King, the rules were suspended, Substitute Senate Bill No. 6421 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6421.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6421 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Becker, Benton, Brown, Carrell, Chase, Conway, Delvin, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hatfield, Haugen, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles, Litzow, McAuliffe, Morton, Murray, Nelson, Padden, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala,

Rolfes, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Excused: Senators Baumgartner and Roach

SUBSTITUTE SENATE BILL NO. 6421, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SENATE BILL NO. 6147, by Senators Prentice, Pridemore, Swecker, Hargrove, Chase, Nelson and Kline

Creating a procedure for the state's retrocession of civil and criminal jurisdiction over Indian tribes and Indian country.

Revised for 1st Substitute: State jurisdiction over Indian tribes and Indian country.

## MOTION

On motion of Senator Pridemore, Substitute Senate Bill No. 6147 was substituted for Senate Bill No. 6147 and the substitute bill was placed on the second reading and read the second time.

## MOTION

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

On page 2, line 34, after "tribe in" strike "1968" and insert "1969"

On page 2, line 35, after "tribe in" strike "1971" and insert "1972"

Senator Pridemore spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Pridemore on page 2, line 34 to Substitute Senate Bill No. 6147.

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

On motion of Senator Pridemore, the rules were suspended, Engrossed Substitute Senate Bill No. 6147 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Prentice, Swecker and Pridemore spoke in favor of passage of the bill.

## MOTION

On motion of Senator Delvin, Senator Ericksen was excused.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 6147.

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6147 and the bill passed the Senate by the following vote: Yeas, 38; Nays, 8; Absent, 0; Excused, 3.

Voting yea: Senators Becker, Benton, Brown, Carrell, Chase, Conway, Delvin, Eide, Fain, Fraser, Frockt, Hargrove, Harper, Hatfield, Haugen, Hill, Hobbs, Kastama, Keiser, Kilmer, Kline, Kohl-Welles, Litzow, McAuliffe, Morton, Murray, Nelson,

Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Rolfes, Sheldon, Shin, Swecker and Tom

Voting nay: Senators Hewitt, Holmquist Newbry, Honeyford, King, Padden, Schoesler, Stevens and Zarelli

Excused: Senators Baumgartner, Ericksen and Roach

ENGROSSED SUBSTITUTE SENATE BILL NO. 6147, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced Yakama Tribal Councilman and Chair of the Law & Order Committee, Mr. Virgil Lewis Sr. "Saluskin; who was seated in the gallery.

#### SECOND READING

SENATE BILL NO. 6120, by Senators Nelson, Swecker, Harper, Hargrove, Kohl-Welles, Fraser, Kastama, Pridemore, Rolfes, Frockt, Ranker, Regala, Shin, Tom, Kline, Chase, Keiser and Conway

Concerning children's safe products.

#### MOTIONS

On motion of Senator Nelson, Second Substitute Senate Bill No. 6120 was substituted for Senate Bill No. 6120 and the second substitute bill was placed on the second reading and read the second time.

On motion of Senator Nelson, the rules were suspended, Second Substitute Senate Bill No. 6120 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Nelson spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Second Substitute Senate Bill No. 6120.

#### ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 6120 and the bill passed the Senate by the following vote: Yeas, 41; Nays, 6; Absent, 0; Excused, 2.

Voting yea: Senators Becker, Benton, Brown, Carrell, Chase, Conway, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hatfield, Haugen, Hewitt, Hill, Hobbs, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles, Litzow, McAuliffe, Murray, Nelson, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Rolfes, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Voting nay: Senators Delvin, Holmquist Newbry, Honeyford, Morton, Padden and Schoesler

Excused: Senators Baumgartner and Roach

SECOND SUBSTITUTE SENATE BILL NO. 6120, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 6315, by Senators Frockt, Kohl-Welles, Kline, Chase, Keiser, Regala and Nelson

Concerning the fair tenant screening act.

#### MOTIONS

On motion of Senator Frockt, Substitute Senate Bill No. 6315 was substituted for Senate Bill No. 6315 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Frockt, the rules were suspended, Substitute Senate Bill No. 6315 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Frockt spoke in favor of passage of the bill.

#### MOTION

On motion of Senator Delvin, Senator Ericksen was excused.

#### MOTION

On motion of Senator Nelson, Senator Pridemore was excused.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6315.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6315 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Becker, Benton, Brown, Carrell, Chase, Conway, Delvin, Eide, Fain, Fraser, Frockt, Hargrove, Harper, Hatfield, Haugen, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles, Litzow, McAuliffe, Morton, Murray, Nelson, Padden, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Rolfes, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Excused: Senators Baumgartner, Ericksen and Roach

SUBSTITUTE SENATE BILL NO. 6315, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### PERSONAL PRIVILEGE

Senator Frockt: "Thank you Mr. President. In my efforts to be brief I neglected to thank the Chairman of the Financial Institutions Committee and Senator Kohl-Welles for their assistance and help on the previous bill. I just wanted to acknowledge them. Thank you Mr. President."

#### SECOND READING

SENATE BILL NO. 6027, by Senator Honeyford

Concerning publicly owned industrial wastewater treatment facilities.

#### MOTIONS

On motion of Senator Honeyford, Substitute Senate Bill No. 6027 was substituted for Senate Bill No. 6027 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Honeyford, the rules were suspended, Substitute Senate Bill No. 6027 was advanced to third reading,

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

SENATE BILL NO. 5995, by Senators Delvin and Hewitt

Senator Honeyford spoke in favor of passage of the bill.

Authorizing urban growth area boundary modifications for industrial land. Revised for 1st Substitute: Authorizing urban growth area boundary modifications for industrial land by certain counties.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6027.

ROLL CALL

MOTIONS

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6027 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

On motion of Senator Delvin, Substitute Senate Bill No. 5995 was substituted for Senate Bill No. 5995 and the substitute bill was placed on the second reading and read the second time.

Voting yea: Senators Becker, Benton, Brown, Carrell, Chase, Conway, Delvin, Eide, Fain, Fraser, Frockt, Hargrove, Harper, Hatfield, Haugen, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles, Litzow, McAuliffe, Morton, Murray, Nelson, Padden, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Rolfes, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

On motion of Senator Delvin, the rules were suspended, Substitute Senate Bill No. 5995 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Excused: Senators Baumgartner, Ericksen and Roach  
 SUBSTITUTE SENATE BILL NO. 6027, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

Senators Delvin and Pridemore spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5995.

ROLL CALL

POINT OF INQUIRY

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5995 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Senator Nelson: "Would Senator Holmquist Newbry yield to a question? Senator Holmquist Newbry, I'm wondering when the moon is full and the skies are clear if you would take a challenge to play Quidditch."

Voting yea: Senators Becker, Benton, Brown, Carrell, Chase, Conway, Delvin, Eide, Fain, Fraser, Frockt, Hargrove, Harper, Hatfield, Haugen, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles, Litzow, McAuliffe, Morton, Murray, Nelson, Padden, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Rolfes, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Senator Holmquist Newbry: "I would very much take you up on that challenge as long as Jim Honeyford is on my team."

Excused: Senators Baumgartner, Ericksen and Roach  
 SUBSTITUTE SENATE BILL NO. 5995, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

Senator Nelson: "Then, Senator, I want you to know I am going to ask Senator Hargrove to be on my team."

Senator Holmquist Newbry: "That sounds fair."

REMARKS BY THE PRESIDENT

SECOND READING

President Owen: "Is the broom able to lift Senator Hargrove?"

SUBSTITUTE SENATE BILL NO. 5556, by Senate Committee on Labor, Commerce & Consumer Protection (originally sponsored by Senators Prentice, Fain and Keiser)

Senator Nelson: "Mr. President, we are not certain but this will be a very good test of the broom."

Concerning certain social card games in an area annexed by a city or town.

PERSONAL PRIVILEGE

The measure was read the second time.

Senator Honeyford: "Yesterday, or the day before, there was a picture taken up at the rostrum and I happen to be standing in between these two ladies and they were holding this broom and I thought it just confirmed what everybody expected."

MOTION

PARLIAMENTARY INQUIRY

Senator McAuliffe moved that the following striking amendment by Senators McAuliffe and Prentice be adopted:

Senator Fraser: "Is there a full moon tonight?"

Strike everything after the enacting clause and insert the following:

REPLY BY THE PRESIDENT

President Owen: "You asking me? I don't know!"

"Sec. 1. RCW 9.46.295 and 2011 c 134 s 1 are each amended to read as follows:

SECOND READING

(1) Any license to engage in any of the gambling activities authorized by this chapter as now exists or as hereafter amended, and issued under the authority thereof (~~shall be~~) is legal authority to engage in the gambling activities for which issued throughout the incorporated and unincorporated area of any county, except that a city located therein with respect to that city, or a county with respect

to all areas within that county except for such cities, may absolutely prohibit, but may not change the scope of license, any or all of the gambling activities for which the license was issued.

(2)(a) A city or town with a prohibition on house-banked social card game licenses that annexes an area that is within a city, town, or county that permits house-banked social card games may allow a house-banked social card game business that was licensed by the commission as of July 26, 2009, to continue operating if the city or town is authorized to impose a tax under RCW 82.14.415 and can demonstrate that the continuation of the house-banked social card game business will reduce the credit against the state sales and use tax as provided in RCW 82.14.415(7).

(b) A city or town that allowed a house-banked social card game business in an annexed area to continue operating under (a) of this subsection before July 15, 2010, ~~((shall))~~ must allow all social card game businesses in the annexed area that were operating and licensed by the commission as of January 1, 2011, to continue operating.

(c) A city or town that allows a social card game business in an annexed area to continue operating is not required to allow additional social card game businesses.

(d) A city or town with a prohibition on house-banked social card game businesses that annexes an area that is within a city, town, or county, where the annexed city, town, or county: (i) Permits house-banked social card games; and (ii) is not eligible for the tax under RCW 82.14.415, the annexing city or town may allow a house-banked social card game business that was licensed by the commission prior to January 1, 2013, to continue operating if the annexing city or town annexes all of the established urban growth area within a county for the city or town."

The President declared the question before the Senate to be the adoption of the striking amendment by Senators McAuliffe and Prentice to Substitute Senate Bill No. 5556.

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

#### MOTION

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

On page 1, line 3 of the title, after "9.46.295;" strike the remainder of the title and insert "and amending RCW 9.46.295."

#### MOTION

On motion of Senator McAuliffe, the rules were suspended, Engrossed Substitute Senate Bill No. 5556 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator McAuliffe spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5556.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5556 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 1; Absent, 0; Excused, 3.

Voting yea: Senators Becker, Benton, Brown, Carrell, Chase, Conway, Delvin, Eide, Fain, Fraser, Frockt, Hargrove, Harper, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles, Litzow,

McAuliffe, Morton, Murray, Nelson, Padden, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Rolfes, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Voting nay: Senator Haugen

Excused: Senators Baumgartner, Ericksen and Roach

ENGROSSED SUBSTITUTE SENATE BILL NO. 5556, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 6232, by Senators Kilmer, Shin, McAuliffe and Eide

Creating the office of the student achievement council.  
Revised for 2nd Substitute: Regarding higher education coordination.

#### MOTION

On motion of Senator Kilmer, Second Substitute Senate Bill No. 6232 was substituted for Senate Bill No. 6232 and the second substitute bill was placed on the second reading and read the second time.

#### MOTION

Senator Becker moved that the following amendment by Senators Becker and Hill be adopted:

On page 6, beginning on line 31, after "governor" strike "with the consent of the senate" and insert "as provided in subsection (3) of this section"

On page 7, line 8, after "(3)" insert "(a) Each of the two largest caucuses in the house of representatives and in the senate are responsible for one of the four citizens' seats on the council. Each caucus shall submit to the governor a single list of its nominees. The minimum number of nominees from each caucus shall be equal to twice the number of open seats for which the caucus is responsible. Nominees may not be legislators or employees of the state or its political subdivisions, and the caucuses may not submit the same nominee at the same time.

(b) The governor shall appoint citizen members to each seat on the council for which a caucus is responsible from the list submitted by the respective caucus.

(c) None of the four citizen members may be appointed if his or her participation in the decisions of the council could benefit his or her own financial interests or the financial interests of an entity he or she represents. A councilmember who develops such a conflict of interest must resign or be removed from the council.

(d) By June 1, 2012, the caucus must submit its list of nominees to the governor, and by July 1, 2012, the governor must appoint citizen members to the council. If any caucus does not submit its list of nominees to the governor by June 1, 2012, the governor may choose his or her own nominees for those seats.

(4)"

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

Senator Becker spoke in favor of adoption of the amendment.

Senator Kilmer spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senators Becker and Hill on page 6, line 31 to Second Substitute Senate Bill No. 6232.



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

MOTION

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

On page 7, after line 12, insert the following:

"(4) The representative appointed under subsection (2)(d) of this section must excuse himself or herself from voting on matters relating primarily to public institutions of higher education."

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

On page 8, line 13, after "director" strike "with the approval of the governor"

Senator Tom spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Tom and others on page 7, after line 12 to Second Substitute Senate Bill No. 6232.

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

MOTION

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

On page 7, line 13, after "(4)" insert "The superintendent of public instruction, or superintendent's designee, appointed under subsection (2)(e) of this section must excuse himself or herself from voting on matters relating primarily to public institutions of higher education.

(5)"

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

Senators Hill, Kilmer and Tom spoke in favor of adoption of the amendment.

Senator Benton spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Hill and others on page 7, line 13 to Second Substitute Senate Bill No. 6232.

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

MOTION

On motion of Senator Kilmer, the rules were suspended, Engrossed Second Substitute Senate Bill No. 6232 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

The President declared the question before the Senate to be the final passage of Engrossed Second Substitute Senate Bill No. 6232.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 6232 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Becker, Benton, Brown, Carrell, Chase, Conway, Delvin, Eide, Erickson, Fain, Fraser, Frockt, Hargrove, Harper, Hatfield, Haugen, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles, Litzow, McAuliffe, Morton, Murray, Nelson, Padden, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Rolfes, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Excused: Senators Baumgartner and Roach

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6232, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6423, by Senators King and Holmquist Newbry

Concerning the definition of farm vehicle.

MOTIONS

On motion of Senator King, Substitute Senate Bill No. 6423 was substituted for Senate Bill No. 6423 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator King, the rules were suspended, Substitute Senate Bill No. 6423 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator King spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6423.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6423 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Becker, Benton, Brown, Carrell, Chase, Conway, Delvin, Eide, Erickson, Fain, Fraser, Frockt, Hargrove, Harper, Hatfield, Haugen, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles, Litzow, McAuliffe, Morton, Murray, Nelson, Padden, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Rolfes, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Excused: Senators Baumgartner and Roach

SUBSTITUTE SENATE BILL NO. 6423, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6023, by Senators Swecker, Prentice, Benton, Pridemore, Schoesler, Haugen, Kilmer, Chase, Hill, Holmquist Newbry, Becker, Ranker, Erickson, Shin and Frockt

Creating the permit efficiency and accountability committee to select priority economic recovery projects for review by multiagency permitting teams.

MOTION

On motion of Senator Swecker, Second Substitute Senate Bill No. 6023 was substituted for Senate Bill No. 6023 and the second substitute bill was placed on the second reading and read the second time.

#### MOTION

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

On page 18, line 1, strike section 14 and insert:

"**NEW SECTION. Sec. 14.** Any action taken by an agency to implement the provisions of this act must be accomplished within existing resources."

Senator Swecker spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Swecker on page 18, line 1 to Second Substitute Senate Bill No. 6023.

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

#### MOTION

On motion of Senator Swecker, the rules were suspended, Engrossed Second Substitute Senate Bill No. 6023 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Swecker and Kastama spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Second Substitute Senate Bill No. 6023.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 6023 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Becker, Benton, Brown, Carrell, Chase, Conway, Delvin, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hatfield, Haugen, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles, Litzow, McAuliffe, Morton, Murray, Nelson, Padden, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Rolfes, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Excused: Senators Baumgartner and Roach

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6023, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MOTION

On motion of Senator Hatfield, Senator Hobbs was excused.

#### PERSONAL PRIVILEGE

Senator Fain: "There was a little bit of confusion about the traffic situation on Northbound 5 tonight. I just thought I'd announce that after getting off the phone with our illustrious

Transportation Secretary. Tonight, the left bound lane of north bound of Federal Way will close at 8 p.m. The second of three lanes of north bound I-5 will close at 9 p.m. The third lane will remain open. Both of those north bound lanes will reopen at 6 a.m. And, for those of us who are coming back down, tomorrow the south bound lanes are closing but they will be reopening by 7 a.m. tomorrow morning. So, again, one lane of north bound closing at 8 tonight. One lane closing at 9. One lane remaining open and the south bound lanes will be open at 7 a. m. tomorrow."

#### SECOND READING

SENATE BILL NO. 6030, by Senators Shin, Kline, Delvin and Regala

Addressing license suspension clerical errors.

The measure was read the second time.

#### MOTION

On motion of Senator Shin, the rules were suspended, Senate Bill No. 6030 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

The President declared the question before the Senate to be the final passage of Senate Bill No. 6030.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6030 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 1; Excused, 2.

Voting yea: Senators Becker, Benton, Brown, Carrell, Chase, Conway, Delvin, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hatfield, Haugen, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Kastama, Keiser, Kilmer, King, Kohl-Welles, Litzow, McAuliffe, Morton, Murray, Nelson, Padden, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Rolfes, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Absent: Senator Kline

Excused: Senators Baumgartner and Roach

SENATE BILL NO. 6030, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MOTION

On motion of Senator Eide, Senators Kline and Shin were excused.

#### SECOND READING

SENATE BILL NO. 6260, by Senators Delvin, Kohl-Welles, Regala, Roach, Conway, Carrell, Shin, Eide, Ericksen, Litzow, Chase and Stevens

Revising registration requirements and fees charged for various criminal offenses.

#### MOTION

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On motion of Senator Delvin, Substitute Senate Bill No. 6260 was substituted for Senate Bill No. 6260 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Hargrove moved that the following striking amendment by Senators Hargrove and Delvin be adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 9A.40.100 and 2011 c 111 s 1 are each amended to read as follows:

(1)(a) A person is guilty of trafficking in the first degree when:

(i) Such person:

(A) Recruits, harbors, transports, transfers, provides, obtains, or receives by any means another person knowing that force, fraud, or coercion as defined in RCW 9A.36.070 will be used to cause the person to engage in forced labor, involuntary servitude, or a commercial sex act; or

(B) Benefits financially or by receiving anything of value from participation in a venture that has engaged in acts set forth in (a)(i)(A) of this subsection; and

(ii) The acts or venture set forth in (a)(i) of this subsection:

(A) Involve committing or attempting to commit kidnapping;

(B) Involve a finding of sexual motivation under RCW 9.94A.835;

(C) Involve the illegal harvesting or sale of human organs; or

(D) Result in a death.

(b) Trafficking in the first degree is a class A felony.

(2)(a) A person is guilty of trafficking in the second degree when such person:

(i) Recruits, harbors, transports, transfers, provides, obtains, or receives by any means another person knowing that force, fraud, or coercion as defined in RCW 9A.36.070 will be used to cause the person to engage in forced labor, involuntary servitude, or a commercial sex act; or

(ii) Benefits financially or by receiving anything of value from participation in a venture that has engaged in acts set forth in (a)(i) of this subsection.

(b) Trafficking in the second degree is a class A felony.

(3)(a) A person who is either convicted or given a deferred sentence or a deferred prosecution or who has entered into a statutory or nonstatutory diversion agreement as a result of an arrest for a violation of a trafficking crime shall be assessed a three thousand dollar fee.

(b) The court shall not reduce, waive, or suspend payment of all or part of the fee assessed in this section unless it finds, on the record, that the offender does not have the ability to pay the fee.

(c) Fees assessed under this section shall be collected by the clerk of the court and remitted to the treasurer of the county where the offense occurred for deposit in the county general fund, except in cases in which the offense occurred in a city or town that provides for its own law enforcement, in which case these amounts shall be remitted to the treasurer of the city or town for deposit in the general fund of the city or town. Revenue from the fees must be used for local efforts to reduce the commercial sale of sex including, but not limited to, increasing enforcement of commercial sex laws.

(i) At least fifty percent of the revenue from fees imposed under this section must be spent on prevention, including education programs for offenders, such as john school, and rehabilitative services, such as mental health and substance abuse counseling, parenting skills, training, housing relief, education, vocational training, drop-in centers, and employment counseling.

(ii) Revenues from these fees are not subject to the distribution

requirements under RCW 3.50.100, 3.62.020, 3.62.040, 10.82.070, or 35.20.220.

Sec. 2. RCW 9A.44.128 and 2011 c 337 s 2 are each amended to read as follows:

For the purposes of RCW 9A.44.130 through 9A.44.145, 10.01.200, 43.43.540, 70.48.470, and 72.09.330, the following definitions apply:

(1) "Business day" means any day other than Saturday, Sunday, or a legal local, state, or federal holiday.

(2) "Conviction" means any adult conviction or juvenile adjudication for a sex offense or kidnapping offense.

(3) "Disqualifying offense" means a conviction for: Any offense that is a felony; a sex offense as defined in this section; a crime against children or persons as defined in RCW 43.43.830(5) and 9.94A.411(2)(a); an offense with a domestic violence designation as provided in RCW 10.99.020; permitting the commercial sexual abuse of a minor as defined in RCW 9.68A.103; or any violation of chapter 9A.88 RCW.

(4) "Employed" or "carries on a vocation" means employment that is full time or part time for a period of time exceeding fourteen days, or for an aggregate period of time exceeding thirty days during any calendar year. A person is employed or carries on a vocation whether the person's employment is financially compensated, volunteered, or for the purpose of government or educational benefit.

(5) "Fixed residence" means a building that a person lawfully and habitually uses as living quarters a majority of the week. Uses as living quarters means to conduct activities consistent with the common understanding of residing, such as sleeping; eating; keeping personal belongings; receiving mail; and paying utilities, rent, or mortgage. A nonpermanent structure including, but not limited to, a motor home, travel trailer, camper, or boat may qualify as a residence provided it is lawfully and habitually used as living quarters a majority of the week, primarily kept at one location with a physical address, and the location it is kept at is either owned or rented by the person or used by the person with the permission of the owner or renter. A shelter program may qualify as a residence provided it is a shelter program designed to provide temporary living accommodations for the homeless, provides an offender with a personally assigned living space, and the offender is permitted to store belongings in the living space.

(6) "In the community" means residing outside of confinement or incarceration for a disqualifying offense.

(7) "Institution of higher education" means any public or private institution dedicated to postsecondary education, including any college, university, community college, trade, or professional school.

(8) "Kidnapping offense" means:

(a) The crimes of kidnapping in the first degree, kidnapping in the second degree, and unlawful imprisonment, as defined in chapter 9A.40 RCW, where the victim is a minor and the offender is not the minor's parent;

(b) Any offense that is, under chapter 9A.28 RCW, a criminal attempt, criminal solicitation, or criminal conspiracy to commit an offense that is classified as a kidnapping offense under this subsection; and

(c) Any federal or out-of-state conviction for: An offense for which the person would be required to register as a kidnapping offender if residing in the state of conviction; or, if not required to register in the state of conviction, an offense that under the laws of this state would be classified as a kidnapping offense under this subsection.

(9) "Lacks a fixed residence" means the person does not have a living situation that meets the definition of a fixed residence and includes, but is not limited to, a shelter program designed to provide

temporary living accommodations for the homeless, an outdoor sleeping location, or locations where the person does not have permission to stay.

(10) "Sex offense" means:

(a) Any offense defined as a sex offense by RCW 9.94A.030;

(b) Any violation under RCW 9A.44.096 (sexual misconduct with a minor in the second degree);

(c) Any violation under RCW 9.68A.090 (communication with a minor for immoral purposes);

(d) A second or subsequent violation under RCW 9A.88.070 (promoting prostitution in the first degree) or RCW 9A.88.080 (promoting prostitution in the second degree);

(e) Any gross misdemeanor that is, under chapter 9A.28 RCW, a criminal attempt, criminal solicitation, or criminal conspiracy to commit an offense that is classified as a sex offense under RCW 9.94A.030 or this subsection;

~~((e))~~ (f) Any out-of-state conviction for an offense for which the person would be required to register as a sex offender while residing in the state of conviction; or, if not required to register in the state of conviction, an offense that under the laws of this state would be classified as a sex offense under this subsection;

~~((f))~~ (g) Any federal conviction classified as a sex offense under 42 U.S.C. Sec. 16911 (SORNA);

~~((g))~~ (h) Any military conviction for a sex offense. This includes sex offenses under the uniform code of military justice, as specified by the United States secretary of defense;

~~((h))~~ (i) Any conviction in a foreign country for a sex offense if it was obtained with sufficient safeguards for fundamental fairness and due process for the accused under guidelines or regulations established pursuant to 42 U.S.C. Sec. 16912.

(11) "School" means a public or private school regulated under Title 28A RCW or chapter 72.40 RCW.

(12) "Student" means a person who is enrolled, on a full-time or part-time basis, in any school or institution of higher education.

**Sec. 3.** RCW 9A.88.120 and 2007 c 368 s 12 are each amended to read as follows:

(1)(a) In addition to penalties set forth in RCW 9A.88.010(~~(;))~~ and 9A.88.030(~~(, and 9A.88.090)~~), a person who is either convicted or given a deferred sentence or a deferred prosecution or who has entered into a statutory or nonstatutory diversion agreement as a result of an arrest for violating RCW 9A.88.010, 9A.88.030, (~~9A.88.090~~), or comparable county or municipal ordinances shall be assessed a fifty dollar fee.

(b) In addition to penalties set forth in RCW 9A.88.090, a person who is either convicted or given a deferred sentence or a deferred prosecution or who has entered into a statutory or nonstatutory diversion agreement as a result of an arrest for violating RCW 9A.88.090 or comparable county or municipal ordinances shall be assessed a fee in the amount of:

(i) One thousand five hundred dollars for the first offense;

(ii) Two thousand five hundred dollars for the second offense;  
and

(iii) Five thousand dollars for the third and each subsequent offense.

(c) In addition to penalties set forth in RCW 9A.88.110, a person who is either convicted or given a deferred sentence or a deferred prosecution or who has entered into a statutory or nonstatutory diversion agreement as a result of an arrest for violating RCW 9A.88.110 or a comparable county or municipal ordinance shall be assessed a (~~one hundred fifty dollar~~) fee in the amount of:

(i) One thousand five hundred dollars for the first offense;

(ii) Two thousand five hundred dollars for the second offense;  
and

(iii) Five thousand dollars for the third and each subsequent offense.

~~((e))~~ (d) In addition to penalties set forth in RCW 9A.88.070 and 9A.88.080, a person who is either convicted or given a deferred sentence or a deferred prosecution or who has entered into a statutory or nonstatutory diversion agreement as a result of an arrest for violating RCW 9A.88.070, 9A.88.080, or comparable county or municipal ordinances shall be assessed a (~~three hundred dollar~~) fee in the amount of:

(i) Three thousand dollars for the first offense;

(ii) Six thousand dollars for the second offense; and

(iii) Ten thousand dollars for the third and each subsequent offense.

~~(2) (The court may not suspend payment of all or part of the fee unless it finds that the person does not have the ability to pay.~~

~~—(3))~~ When a minor has been adjudicated a juvenile offender or has entered into a statutory or nonstatutory diversion agreement for an offense which, if committed by an adult, would constitute a violation under this chapter or comparable county or municipal ordinances, the court shall assess the fee as specified under subsection (1) of this section. ~~((The court may not suspend payment of all or part of the fee unless it finds that the minor does not have the ability to pay the fee.~~

~~—(4) Any fee assessed under this section shall be collected by the clerk of the court and distributed each month to the state treasurer for deposit in the prostitution prevention and intervention account under RCW 43.63A.740 for the purpose of funding prostitution prevention and intervention activities.))~~

(3) The court shall not reduce, waive, or suspend payment of all or part of the assessed fee in this section unless it finds, on the record, that the offender does not have the ability to pay the fee.

(4) Fees assessed under this section shall be collected by the clerk of the court and remitted to the treasurer of the county where the offense occurred for deposit in the county general fund, except in cases in which the offense occurred in a city or town that provides for its own law enforcement, in which case these amounts shall be remitted to the treasurer of the city or town for deposit in the general fund of the city or town. Revenue from the fees must be used for local efforts to reduce the commercial sale of sex including, but not limited to, increasing enforcement of commercial sex laws.

(a) At least fifty percent of the revenue from fees imposed under this section must be spent on prevention, including education programs for offenders, such as john school, and rehabilitative services, such as mental health and substance abuse counseling, parenting skills, training, housing relief, education, vocational training, drop-in centers, and employment counseling.

(b) Revenues from these fees are not subject to the distribution requirements under RCW 3.50.100, 3.62.020, 3.62.040, 10.82.070, or 35.20.220.

(5) For the purposes of this section:

(a) "Statutory or nonstatutory diversion agreement" means an agreement under RCW 13.40.080 or any written agreement between a person accused of an offense listed in subsection (1) of this section and a court, county, or city prosecutor, or designee thereof, whereby the person agrees to fulfill certain conditions in lieu of prosecution.

(b) "Deferred sentence" means a sentence that will not be carried out if the defendant meets certain requirements, such as complying with the conditions of probation.

**Sec. 4.** RCW 9.68A.105 and 2010 c 289 s 15 are each amended to read as follows:

(1)(a) In addition to penalties set forth in RCW 9.68A.100, 9.68A.101, and 9.68A.102, a person who is either convicted or given a deferred sentence or a deferred prosecution or who has entered into a statutory or nonstatutory diversion agreement as a result of an arrest for violating RCW 9.68A.100, 9.68A.101, or

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9.68A.102, or a comparable county or municipal ordinance shall be assessed a five thousand dollar fee.

(b) The court may not reduce, waive, or suspend payment of all or part of the fee assessed unless it finds, on the record, that the person does not have the ability to pay.

(c) When a minor has been adjudicated a juvenile offender or has entered into a statutory or nonstatutory diversion agreement for an offense which, if committed by an adult, would constitute a violation of RCW 9.68A.100, 9.68A.101, or 9.68A.102, or a comparable county or municipal ordinance, the court shall assess the fee under (a) of this subsection. The court may not reduce, waive, or suspend payment of all or part of the fee assessed unless it finds, on the record, that the minor does not have the ability to pay the fee.

~~(2) (The fee assessed under subsection (1) of this section shall be collected by the clerk of the court and distributed each month to the state treasurer for deposit in the prostitution prevention and intervention account under RCW 43.63A.740 for the purpose of funding prostitution prevention and intervention activities.) Fees assessed under this section shall be collected by the clerk of the court and remitted to the treasurer of the county where the offense occurred for deposit in the county general fund, except in cases in which the offense occurred in a city or town that provides for its own law enforcement, in which case these amounts shall be remitted to the treasurer of the city or town for deposit in the general fund of the city or town. Revenue from the fees must be used for local efforts to reduce the commercial sale of sex including, but not limited to, increasing enforcement of commercial sex laws.~~

(a) At least fifty percent of the revenue from fees imposed under this section must be spent on prevention, including education programs for offenders, such as john school, and rehabilitative services, such as mental health and substance abuse counseling, parenting skills, training, housing relief, education, vocational training, drop-in centers, and employment counseling.

(b) Revenues from these fees are not subject to the distribution requirements under RCW 3.50.100, 3.62.020, 3.62.040, 10.82.070, or 35.20.220.

(3) For the purposes of this section:

(a) "Statutory or nonstatutory diversion agreement" means an agreement under RCW 13.40.080 or any written agreement between a person accused of an offense listed in subsection (1) of this section and a court, county or city prosecutor, or designee thereof, whereby the person agrees to fulfill certain conditions in lieu of prosecution.

(b) "Deferred sentence" means a sentence that will not be carried out if the defendant meets certain requirements, such as complying with the conditions of probation.

**Sec. 5.** RCW 3.50.100 and 2009 c 479 s 3 are each amended to read as follows:

(1) Costs in civil and criminal actions may be imposed as provided in district court. All fees, costs, fines, forfeitures and other money imposed by any municipal court for the violation of any municipal or town ordinances shall be collected by the court clerk and, together with any other noninterest revenues received by the clerk, shall be deposited with the city or town treasurer as a part of the general fund of the city or town, or deposited in such other fund of the city or town, or deposited in such other funds as may be designated by the laws of the state of Washington.

(2) Except as provided in RCW 9A.88.120 and 10.99.080, the city treasurer shall remit monthly thirty-two percent of the noninterest money received under this section, other than for parking infractions, and certain costs to the state treasurer. "Certain costs" as used in this subsection, means those costs awarded to prevailing parties in civil actions under RCW 4.84.010 or 36.18.040, or those costs awarded against convicted defendants in criminal actions under RCW 10.01.160, 10.46.190, or 36.18.040, or other similar statutes if such costs are specifically designated as costs by

the court and are awarded for the specific reimbursement of costs incurred by the state, county, city, or town in the prosecution of the case, including the fees of defense counsel. Money remitted under this subsection to the state treasurer shall be deposited in the state general fund.

(3) The balance of the noninterest money received under this section shall be retained by the city and deposited as provided by law.

(4) Penalties, fines, bail forfeitures, fees, and costs may accrue interest at the rate of twelve percent per annum, upon assignment to a collection agency. Interest may accrue only while the case is in collection status.

(5) Interest retained by the court on penalties, fines, bail forfeitures, fees, and costs shall be split twenty-five percent to the state treasurer for deposit in the state general fund, twenty-five percent to the state treasurer for deposit in the judicial information system account as provided in RCW 2.68.020, twenty-five percent to the city general fund, and twenty-five percent to the city general fund to fund local courts.

**Sec. 6.** RCW 3.62.020 and 2011 1st sp.s. c 44 s 1 are each amended to read as follows:

(1) Except as provided in subsection (4) of this section, all costs, fees, fines, forfeitures and penalties assessed and collected in whole or in part by district courts, except costs, fines, forfeitures and penalties assessed and collected, in whole or in part, because of the violation of city ordinances, shall be remitted by the clerk of the district court to the county treasurer at least monthly, together with a financial statement as required by the state auditor, noting the information necessary for crediting of such funds as required by law.

(2) Except as provided in RCW 9A.88.120, 10.99.080, and this section, the county treasurer shall remit thirty-two percent of the noninterest money received under subsection (1) of this section except certain costs to the state treasurer. "Certain costs" as used in this subsection, means those costs awarded to prevailing parties in civil actions under RCW 4.84.010 or 36.18.040, or those costs awarded against convicted defendants in criminal actions under RCW 10.01.160, 10.46.190, or 36.18.040, or other similar statutes if such costs are specifically designated as costs by the court and are awarded for the specific reimbursement of costs incurred by the state or county in the prosecution of the case, including the fees of defense counsel. With the exception of funds to be transferred to the judicial stabilization trust account under RCW 3.62.060(2), money remitted under this subsection to the state treasurer shall be deposited in the state general fund.

(3) The balance of the noninterest money received by the county treasurer under subsection (1) of this section shall be deposited in the county current expense fund. Funds deposited under this subsection that are attributable to the county's portion of a surcharge imposed under RCW 3.62.060(2) must be used to support local trial court and court-related functions.

(4) All money collected for county parking infractions shall be remitted by the clerk of the district court at least monthly, with the information required under subsection (1) of this section, to the county treasurer for deposit in the county current expense fund.

(5) Penalties, fines, bail forfeitures, fees, and costs may accrue interest at the rate of twelve percent per annum, upon assignment to a collection agency. Interest may accrue only while the case is in collection status.

(6) Interest retained by the court on penalties, fines, bail forfeitures, fees, and costs shall be split twenty-five percent to the state treasurer for deposit in the state general fund, twenty-five percent to the state treasurer for deposit in the judicial information system account as provided in RCW 2.68.020, twenty-five percent

to the county current expense fund, and twenty-five percent to the county current expense fund to fund local courts.

**Sec. 7.** RCW 3.62.040 and 2009 c 479 s 6 are each amended to read as follows:

(1) Except as provided in subsection (4) of this section, all costs, fines, forfeitures and penalties assessed and collected, in whole or in part, by district courts because of violations of city ordinances shall be remitted by the clerk of the district court at least monthly directly to the treasurer of the city wherein the violation occurred.

(2) Except as provided in RCW 9A.88.120 and 10.99.080, the city treasurer shall remit monthly thirty-two percent of the noninterest money received under this section, other than for parking infractions and certain costs, to the state treasurer. "Certain costs" as used in this subsection, means those costs awarded to prevailing parties in civil actions under RCW 4.84.010 or 36.18.040, or those costs awarded against convicted defendants in criminal actions under RCW 10.01.160, 10.46.190, or 36.18.040, or other similar statutes if such costs are specifically designated as costs by the court and are awarded for the specific reimbursement of costs incurred by the state, county, city, or town in the prosecution of the case, including the fees of defense counsel. Money remitted under this subsection to the state treasurer shall be deposited in the state general fund.

(3) The balance of the noninterest money received under this section shall be retained by the city and deposited as provided by law.

(4) All money collected for city parking infractions shall be remitted by the clerk of the district court at least monthly to the city treasurer for deposit in the city's general fund.

(5) Penalties, fines, bail forfeitures, fees, and costs may accrue interest at the rate of twelve percent per annum, upon assignment to a collection agency. Interest may accrue only while the case is in collection status.

(6) Interest retained by the court on penalties, fines, bail forfeitures, fees, and costs shall be split twenty-five percent to the state treasurer for deposit in the state general fund, twenty-five percent to the state treasurer for deposit in the judicial information system account as provided in RCW 2.68.020, twenty-five percent to the city general fund, and twenty-five percent to the city general fund to fund local courts.

**Sec. 8.** RCW 10.82.070 and 2009 c 479 s 13 are each amended to read as follows:

(1) All sums of money derived from costs, fines, penalties, and forfeitures imposed or collected, in whole or in part, by a superior court for violation of orders of injunction, mandamus and other like writs, for contempt of court, or for breach of the penal laws shall be paid in cash by the person collecting the same, within twenty days after the collection, to the county treasurer of the county in which the same have accrued.

(2) Except as provided in RCW 9A.88.120 and 10.99.080, the county treasurer shall remit monthly thirty-two percent of the money received under this section except for certain costs to the state treasurer for deposit in the state general fund and shall deposit the remainder as provided by law. "Certain costs" as used in this subsection, means those costs awarded to prevailing parties in civil actions under RCW 4.84.010 or 36.18.040, or those costs awarded against convicted defendants in criminal actions under RCW 10.01.160, 10.46.190, or 36.18.040, or other similar statutes if such costs are specifically designated as costs by the court and are awarded for the specific reimbursement of costs incurred by the state or county in the prosecution of the case, including the fees of defense counsel. Costs or assessments awarded to dedicated accounts, state or local, are not subject to this state allocation or to RCW 7.68.035.

(3) All fees, fines, forfeitures and penalties collected or assessed by a district court because of the violation of a state law shall be remitted as provided in chapter 3.62 RCW as now exists or is later amended. All fees, fines, forfeitures, and penalties collected or assessed by a superior court in cases on appeal from a lower court shall be remitted to the municipal or district court from which the cases were appealed.

**Sec. 9.** RCW 35.20.220 and 2009 c 479 s 19 are each amended to read as follows:

(1) The chief clerk, under the supervision and direction of the court administrator of the municipal court, shall have the custody and care of the books, papers and records of the court. The chief clerk or a deputy shall be present during the session of the court and has the power to swear all witnesses and jurors, administer oaths and affidavits, and take acknowledgments. The chief clerk shall keep the records of the court and shall issue all process under his or her hand and the seal of the court. The chief clerk shall do and perform all things and have the same powers pertaining to the office as the clerks of the superior courts have in their office. He or she shall receive all fines, penalties, and fees of every kind and keep a full, accurate, and detailed account of the same. The chief clerk shall on each day pay into the city treasury all money received for the city during the day previous, with a detailed account of the same, and taking the treasurer's receipt therefor.

(2) Except as provided in RCW 9A.88.120 and 10.99.080, the city treasurer shall remit monthly thirty-two percent of the noninterest money received under this section, other than for parking infractions and certain costs to the state treasurer. "Certain costs" as used in this subsection, means those costs awarded to prevailing parties in civil actions under RCW 4.84.010 or 36.18.040, or those costs awarded against convicted defendants in criminal actions under RCW 10.01.160, 10.46.190, or 36.18.040, or other similar statutes if such costs are specifically designated as costs by the court and are awarded for the specific reimbursement of costs incurred by the state, county, city, or town in the prosecution of the case, including the fees of defense counsel. Money remitted under this subsection to the state treasurer shall be deposited in the state general fund.

(3) The balance of the noninterest money received under this section shall be retained by the city and deposited as provided by law.

(4) Penalties, fines, bail forfeitures, fees, and costs may accrue interest at the rate of twelve percent per annum, upon assignment to a collection agency. Interest may accrue only while the case is in collection status.

(5) Interest retained by the court on penalties, fines, bail forfeitures, fees, and costs shall be split twenty-five percent to the state treasurer for deposit in the state general fund, twenty-five percent to the state treasurer for deposit in the judicial information system account as provided in RCW 2.68.020, twenty-five percent to the city general fund, and twenty-five percent to the city general fund to fund local courts."

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

#### MOTION

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

On page 2, line 9 of the amendment, after "fee" insert "in which case it may reduce the fee by an amount up to two-thirds of the maximum allowable fee"

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On page 6, line 29 of the amendment, after "fee" insert "in which case it may reduce the fee by an amount up to two-thirds of the maximum allowable fee"

At 7:26 p.m., on motion of Senator Eide, the Senate adjourned until 9:00 a.m. Saturday, February 11, 2012.

On page 7, line 30 of the amendment, after "pay" insert "in which case it may reduce the fee by an amount up to two-thirds of the maximum allowable fee"

BRAD OWEN, President of the Senate

On page 8, line 2 of the amendment, after "fee" insert "in which case it may reduce the fee by an amount up to two-thirds of the maximum allowable fee"

THOMAS HOEMANN, Secretary of the Senate

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

The President declared the question before the Senate to be the adoption of the amendment by Senator Hargrove and others on page 2, line 9 to the striking amendment to Substitute Senate Bill No. 6260.

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

The President declared the question before the Senate to be the adoption of the striking amendment by Senators Hargrove and Delvin as amended to Substitute Senate Bill No. 6260.

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

#### MOTION

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

On page 1, line 1 of the title, after "offenses;" strike the remainder of the title and insert "amending RCW 9A.40.100, 9A.44.128, 9A.88.120, 9.68A.105, 3.50.100, 3.62.020, 3.62.040, 10.82.070, and 35.20.220; and prescribing penalties."

#### MOTION

On motion of Senator Delvin, the rules were suspended, Engrossed Substitute Senate Bill No. 6260 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Delvin spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 6260.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6260 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Becker, Benton, Brown, Carrell, Chase, Conway, Delvin, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hatfield, Haugen, Hewitt, Hill, Hobbs, Holmquist, Newbry, Honeyford, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles, Litzow, McAuliffe, Morton, Murray, Nelson, Padden, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Rolfes, Schoesler, Sheldon, Stevens, Swecker, Tom and Zarelli

Excused: Senators Baumgartner, Roach and Shin

ENGROSSED SUBSTITUTE SENATE BILL NO. 6260, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MOTION

## THIRTY FOURTH DAY

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MORNING SESSION

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Senate Chamber, Olympia, Saturday, February 11, 2012

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

The Sergeant at Arms Color Guard consisting of Interns David Stanton and Jonathan Fowler, presented the Colors. Senator Shin offered the prayer.

## MOTION

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

## MOTION

On motion of Senator Eide, the Senate advanced to the third order of business.

MESSAGE FROM THE GOVERNOR  
 GUBERNATORIAL APPOINTMENTS

February 10, 2012

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

Philip N. Morrell, appointed January 25, 2012, for the term ending December 26, 2015, as Member of the Board of Pilotage Commissioners.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Transportation.

## MOTION

On motion of Senator Eide, the appointee listed on the Gubernatorial Appointment report was referred to the committee as designated.

## MOTION

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

## INTRODUCTION AND FIRST READING OF HOUSE BILLS

SHB 1753 by House Committee on Education (originally sponsored by Representatives Liias, Hope, Clibborn, Maxwell and Billig)

AN ACT Relating to clarifying the authority of a nurse working in a school setting; adding a new section to chapter 28A.210 RCW; and creating a new section.

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

SHB 1852 by House Committee on Local Government (originally sponsored by Representatives Kelley, McCune, Ladenburg, Kirby and Green)

AN ACT Relating to the lien for collection of sewer utility charges by counties; and amending RCW 36.94.150.

Referred to Committee on Government Operations, Tribal Relations & Elections.

ESHB 2048 by House Committee on Ways & Means (originally sponsored by Representatives Kenney, Darneille, Dunshee, Hasegawa, Green, Upthegrove, Ormsby, Haigh, McCoy, Pedersen, Ryu, Pettigrew, Ladenburg, Moscoso, Hunt, Kagi, Dickerson, Appleton, Sells, Roberts, Reykdal, Frockt, Fitzgibbon, Finn, Goodman and Rolfes)

AN ACT Relating to low-income and homeless housing assistance surcharges; amending RCW 36.22.179; adding a new section to chapter 43.185C RCW; and providing an expiration date.

Referred to Committee on Ways & Means.

SHB 2056 by House Committee on Health Care & Wellness (originally sponsored by Representatives Van De Wege, Bailey, Cody, Johnson and Warnick)

AN ACT Relating to assisted living facilities; amending RCW 18.20.030, 18.20.050, 18.20.090, 18.20.110, 18.20.115, 18.20.130, 18.20.140, 18.20.150, 18.20.160, 18.20.170, 18.20.190, 18.20.220, 18.20.230, 18.20.270, 18.20.280, 18.20.290, 18.20.300, 18.20.310, 18.20.320, 18.20.330, 18.20.340, 18.20.350, 18.20.360, 18.20.370, 18.20.380, 18.20.390, 18.20.400, 18.20.410, 18.20.420, 18.20.430, 18.20.440, 18.20.900, 18.51.010, 18.52C.020, 18.79.260, 18.100.140, 35.21.766, 35A.70.020, 43.43.832, 46.19.020, 48.43.125, 69.41.010, 69.41.085, 69.50.308, 70.79.090, 70.87.305, 70.97.060, 70.97.090, 70.122.020, 70.127.040, 70.128.030, 70.128.210, 70.129.005, 70.129.160, 71.24.025, 74.09.120, 74.15.020, 74.39A.009, 74.39A.010, 74.39A.020, 74.39A.030, 74.39A.320, 74.41.040, 74.42.055, 82.04.2908, 82.04.4264, 82.04.4337, 84.36.381, and 84.36.383; reenacting and amending RCW 18.20.010, 18.20.020, 70.38.105, 70.38.111, and 74.34.020; and creating a new section.

Referred to Committee on Health & Long-Term Care.

SHB 2149 by House Committee on Ways & Means (originally sponsored by Representatives Eddy and Kenney)

AN ACT Relating to personal property tax assessment administration, authorizing waiver of penalties and interest under specified circumstances; amending RCW 84.40.130; and declaring an emergency.

Referred to Committee on Ways & Means.

ESHB 2197 by House Committee on Judiciary (originally sponsored by Representatives Pedersen, Rodne and Eddy)



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AN ACT Relating to the Uniform Commercial Code; amending RCW 62A.1- 101, 62A.1-102, 62A.1-103, 62A.1-104, 62A.1-105, 62A.1-106, 62A.1-107, 62A.1-108, 62A.1-201, 62A.1-202, 62A.1-203, 62A.1-204, 62A.1-205, 62A.1-206, 62A.7-101, 62A.7 102, 62A.7-103, 62A.7-104, 62A.7-105, 62A.7 201, 62A.7 202, 62A.7-203, 62A.7 204, 62A.7 205, 62A.7 206, 62A.7 207, 62A.7-208, 62A.7 09, 62A.7 210, 62A.7-301, 62A.7-302, 62A.7-303, 62A.7-304, 62A.7-305, 62A.7-307, 62A.7-308, 62A.7-309, 62A.7 401, 62A.7-402, 62A.7 403, 62A.7-404, 62A.7-501, 62A.7-502, 62A.7-503, 62A.7-504, 62A.7-505, 62A.7-506, 62A.7-507, 62A.7-508, 62A.7-509, 62A.7-601, 62A.7-602, 62A.7-603, 62A.2-103, 62A.2-104, 62A.2-202, 62A.2-310, 62A.2-323, 62A.2-401, 62A.2-503, 62A.2-505, 62A.2-506, 62A.2-509, 62A.2-605, 62A.2 705, 62A.2A-103, 62A.2A 103, 62A.2A-501, 62A.2A-514, 62A.2A-518, 62A.2A-519, 62A.2A 526, 62A.2A-527, 62A.2A-528, 62A.3-103, 62A.4-104, 62A.4-210, 62A.4A-105, 62A.4A-106, 62A.4A-204, 62A.5-103, 62A.8-102, 62A.8-103, 62A.8 103, 62A.9A-102, 62A.9A 102, 62A.9A-203, 62A.9A-207, 62A.9A-208, 62A.9A-301, 62A.9A-310, 62A.9A 310, 62A.9A-312, 62A.9A-313, 62A.9A 313, 62A.9A-314, 62A.9A-317, 62A.9A 317, 62A.9A-338, 62A.9A 338, 62A.9A-601, 62A.9A 601, 62A.5-102, 62A.5-104, 62A.5-106, 62A.5-107, 62A.5-108, 62A.5-109, 62A.5-110, 62A.5-111, 62A.5-112, 62A.5-113, 62A.5-114, 62A.5-116, 62A.5-117, 62A.5-118, 62A.2-512, and 62A.9A-107; adding new sections to chapter 62A.1 RCW; adding a new section to chapter 62A.7 RCW; creating new sections; repealing RCW 62A.1-109, 62A.1-207, 62A.1-208, 62A.2-208, 62A.2A-207, and 62A.10-104; repealing 2011 c 74 s 801; providing an effective date; and providing an expiration date.

Referred to Committee on Judiciary.

HB 2224 by Representatives Nealey and Pedersen

AN ACT Relating to Washington estate tax apportionment; and amending RCW 83.110A.020.

Referred to Committee on Judiciary.

ESHB 2229 by House Committee on Health Care & Wellness (originally sponsored by Representatives Jinkins, Hasegawa, Darneille, Wylie, Cody and Roberts)

AN ACT Relating to reporting of compensation for certain hospital employees; and amending RCW 43.70.052.

Referred to Committee on Health & Long-Term Care.

SHB 2234 by House Committee on Transportation (originally sponsored by Representatives Hurst and Dahlquist)

AN ACT Relating to commercial driver's license suspension; amending RCW 46.25.090; and providing an effective date.

Referred to Committee on Transportation.

HB 2244 by Representatives Hargrove, Sullivan and Moeller

AN ACT Relating to aircraft and ultra-light operations on public or private airstrips; and reenacting and amending RCW 4.24.210.

Referred to Committee on Energy, Natural Resources & Marine Waters.

SHB 2252 by House Committee on Transportation (originally sponsored by Representative Fitzgibbon)

AN ACT Relating to proof of payment for certain transportation fares; amending RCW 35.58.580, 36.57A.230, and 81.112.220; and prescribing penalties.

Referred to Committee on Transportation.

SHB 2261 by House Committee on Judiciary (originally sponsored by Representatives Takko, Reykdal, Orcutt, Wilcox, Jinkins, Finn and Hudgins)

AN ACT Relating to charitable donations of eye glasses and hearing instruments; and adding a new section to chapter 4.24 RCW.

Referred to Committee on Health & Long-Term Care.

HB 2275 by Representatives Goodman and Armstrong

AN ACT Relating to allowing a registered tow truck operator to reimound a vehicle that has been redeemed from storage or purchased at auction and not removed from the operator's business premises; and amending RCW 46.55.035.

Referred to Committee on Transportation.

HB 2287 by Representatives Goodman, Dickerson, Kagi, Orwall, Kenney, Moeller, Kelley, Moscoso and Roberts

AN ACT Relating to providing credit towards child support obligations for veterans benefits; and amending RCW 26.18.190.

Referred to Committee on Human Services & Corrections.

HB 2292 by Representatives Maxwell, Sells, Dahlquist, Hasegawa, Hudgins, Seaquist, Springer, Pettigrew, Lytton, Clibborn, Kenney, Orwall, Carlyle, Ryu, Roberts and Santos

AN ACT Relating to the aerospace training student loan program; amending RCW 28B.122.010, 28B.122.020, 28B.122.040, 28B.122.050, and 28B.122.060; and providing an effective date.

Referred to Committee on Higher Education & Workforce Development.

ESHB 2301 by House Committee on Business & Financial Services (originally sponsored by Representatives Green, Kirby, Pettigrew, Condotta and Jinkins)

AN ACT Relating to boxing, martial arts, and wrestling; amending RCW 67.08.002, 67.08.015, 67.08.017, 67.08.050, 67.08.110, 67.08.170, and 67.08.240; and reenacting and amending RCW 67.08.090 and 67.08.100.

Referred to Committee on Labor, Commerce & Consumer Protection.

HB 2329 by Representatives Takko, Orcutt, Blake, Chandler, Stanford, Taylor and Van De Wege

AN ACT Relating to replacing encumbered state forest lands for the benefit of multiple participating counties; amending RCW 79.02.010, 79.64.100, 79.64.110, and 79.22.060; reenacting and amending RCW 43.30.385; adding new sections to chapter 79.22 RCW; and creating a new section.

Referred to Committee on Energy, Natural Resources & Marine Waters.

ESHB 2331 by House Committee on Early Learning & Human Services (originally sponsored by Representatives Dickerson, Darneille, Takko, Roberts, Pettigrew, Goodman, Jinkins, Miloscia, Ryu, Hurst and Santos)

AN ACT Relating to mandatory reporting regarding abuse or neglect; and amending RCW 26.44.030 and 26.44.080.

Referred to Committee on Human Services & Corrections.

ESHB 2335 by House Committee on Environment (originally sponsored by Representatives Short, Uptegrove and Springer)

AN ACT Relating to standards for the use of science to support public policy; adding a new section to chapter 34.05 RCW; and creating a new section.

Referred to Committee on Government Operations, Tribal Relations & Elections.

HB 2339 by Representatives Sells, Condotta, Reykdal, Taylor and Springer

AN ACT Relating to unemployment insurance benefit charging relief for part-time employers who continue to employ a claimant on a part-time basis and the claimant qualified for two consecutive claims with wages attributable to at least one employer who employed the claimant in both base years; amending RCW 50.29.021; creating a new section; and providing an effective date.

Referred to Committee on Labor, Commerce & Consumer Protection.

ESHB 2344 by House Committee on Labor & Workforce Development (originally sponsored by Representatives Angel, Sells, Condotta and Moscoso)

AN ACT Relating to not disqualifying certain corporate officers from receiving unemployment benefits; amending RCW 50.04.310; creating a new section; and providing an effective date.

Referred to Committee on Labor, Commerce & Consumer Protection.

ESHB 2347 by House Committee on Judiciary (originally sponsored by Representatives Dammeier, Kelley, Wilcox, Van De Wege, Pearson, Hurst, Zeiger, Seaquist, Rodne, Ladenburg, Hope, Green, Klippert and Moscoso)

AN ACT Relating to the possession of spring blade knives; amending RCW 9A.41.250; adding a new section to chapter 9.41 RCW; and prescribing penalties.

Referred to Committee on Judiciary.

SHB 2354 by House Committee on Public Safety & Emergency Preparedness (originally sponsored by Representatives Orwall, Asay, Hurst, Uptegrove, Armstrong, Ladenburg and Kenney)

AN ACT Relating to adding trafficking in stolen property in the first and second degrees to the six-year statute of limitations provisions; and reenacting and amending RCW 9A.04.080.

Referred to Committee on Judiciary.

SHB 2355 by House Committee on Transportation (originally sponsored by Representatives Armstrong, Clibborn, Johnson and Rivers)

AN ACT Relating to the use of alternative traction devices on tires under certain conditions; and amending RCW 46.37.420.

Referred to Committee on Transportation.

HB 2356 by Representatives Warnick, Dunshee, Haigh, Buys, Van De Wege and Tharinger

AN ACT Relating to state capital funding of health and safety improvements at agricultural fairs; and amending RCW 15.76.100, 15.76.110, and 15.76.165.

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

ESHB 2363 by House Committee on Judiciary (originally sponsored by Representatives Goodman, Kenney, Orwall, Darneille, Ryu, Roberts, Appleton, Dickerson, Ladenburg, Reykdal, Jinkins, Santos and Kagi)

AN ACT Relating to protecting victims of domestic violence and harassment; amending RCW 9A.46.040, 9A.46.080, 10.99.040, 26.09.013, 43.235.040, and 43.235.050; adding a new section to chapter 10.14 RCW; adding a new section to chapter 26.12 RCW; adding new sections to chapter 26.50 RCW; creating a new section; and prescribing penalties.

Referred to Committee on Human Services & Corrections.

E2SHB 2365 by House Committee on General Government Appropriations & Oversight (originally sponsored by Representatives Blake, Kretz, Dunshee and McCune)

AN ACT Relating to large wild carnivore conflict management; amending RCW 77.08.030, 77.36.100, 77.36.130, 77.15.160, 77.15.120, and 77.36.030; reenacting and amending RCW 77.08.010 and 77.36.010; adding new sections to chapter 77.36 RCW; adding new sections to chapter 77.15 RCW; and prescribing penalties.

Referred to Committee on Energy, Natural Resources & Marine Waters.

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EHB 2368 by Representatives Seaquist, Hasegawa, Probst, Hunt, McCoy, Sells, Appleton, Moscoso, Maxwell, Kenney, Reykdal, Fitzgibbon, Ormsby, Finn, Lytton, Upthegrove, Dickerson, Moeller, Hudgins, Ladenburg, Darneille, Kagi and Tharinger

AN ACT Relating to including a member from labor on community college boards of trustees; and amending RCW 28B.50.100.

Referred to Committee on Higher Education & Workforce Development.

HB 2393 by Representatives Rodne, Pedersen, Moscoso and Condotta

AN ACT Relating to federal new hire reporting requirements; and amending RCW 26.23.040.

Referred to Committee on Human Services & Corrections.

HB 2396 by Representatives Hudgins, Hinkle, Hunt, Sells, Zeiger, Appleton, Armstrong, Seaquist, Miloscia, Green, Blake, Ryu, Stanford, Hasegawa, Reykdal, Kenney, Kirby, Upthegrove, Jinkins, Fitzgibbon, Liias, Billig, McCoy, Dunshee, Van De Wege, Ormsby, Moeller, Probst, Goodman, Sullivan, Lytton, Haigh, Dickerson, Cody, Moscoso, Tharinger, Ladenburg, Hope, Orcutt, Maxwell and Kelley

AN ACT Relating to clarifying the number of employees within certain classifications within the consolidated technology services agency; and reenacting and amending RCW 41.06.070.

Referred to Committee on Government Operations, Tribal Relations & Elections.

SHB 2422 by House Committee on Technology, Energy & Communications (originally sponsored by Representatives Billig, Haler, Stanford, McCoy, Maxwell, Eddy, Nealey, Crouse, Probst, Liias, Parker, Van De Wege, Upthegrove, Ormsby, Kenney, Morris and Moscoso)

AN ACT Relating to aviation biofuels production; reenacting and amending RCW 43.157.010; adding a new section to chapter 43.180 RCW; adding a new section to chapter 43.333 RCW; creating a new section; and providing an expiration date.

Referred to Committee on Energy, Natural Resources & Marine Waters.

SHB 2439 by House Committee on Health Care & Wellness (originally sponsored by Representatives Green, Warnick, Cody, Harris, Kelley, Clibborn, Jinkins, Roberts and Hurst)

AN ACT Relating to exemptions from licensure as a physical therapist; and amending RCW 18.74.150.

Referred to Committee on Health & Long-Term Care.

EHB 2449 by Representatives Goodman and Pedersen

AN ACT Relating to the applicability of statutes of limitation in arbitration proceedings; and amending RCW 7.04A.090.

Referred to Committee on Judiciary.

HB 2459 by Representatives Kagi, Armstrong and Johnson

AN ACT Relating to the confiscation of commercial motor vehicle license plates when operated with a revoked registration; and amending RCW 46.32.100.

Referred to Committee on Transportation.

HB 2476 by Representatives Jinkins, Ladenburg, Armstrong, Clibborn and Hargrove

AN ACT Relating to heavy haul corridors; and amending RCW 46.44.0915.

Referred to Committee on Transportation.

HB 2482 by Representatives Kenney, Finn, Ryu, Hasegawa and Stanford

AN ACT Relating to designating innovation partnership zones; and amending RCW 43.330.270.

Referred to Committee on Economic Development, Trade & Innovation.

HB 2485 by Representatives Probst, Upthegrove and Dahlquist

AN ACT Relating to authorizing school districts to use electronic formats for warrants; and amending RCW 28A.330.080.

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

SHB 2491 by House Committee on Labor & Workforce Development (originally sponsored by Representatives Upthegrove and Orwall)

AN ACT Relating to specifying when predecessor-successor relationships do not exist for purposes of unemployment experience rating; amending RCW 50.29.062; and creating a new section.

Referred to Committee on Labor, Commerce & Consumer Protection.

SHB 2492 by House Committee on Education Appropriations & Oversight (originally sponsored by Representatives Haigh, Dammeier, Maxwell, Dahlquist, Liias, Finn and Santos)

AN ACT Relating to requiring the state board of education to provide fiscal impact statements before making rule changes; amending RCW 34.05.320; and adding a new section to chapter 28A.305 RCW.

Referred to Committee on Ways & Means.

HB 2499 by Representatives Billig, Finn, Hunt, Appleton, Hasegawa, Reykdal, Liias, Ormsby, Sells, Jinkins, Fitzgibbon, Kagi, Miloscia, Kelley, Hudgins, Roberts and Pollet

AN ACT Relating to expanding disclosure of political advertising to include advertising supporting or opposing ballot measures; and amending RCW 42.17A.320.

Referred to Committee on Government Operations, Tribal Relations & Elections.

EHB 2509 by Representatives Chandler, Bailey and Pearson

AN ACT Relating to improving workplace safety and health by enacting the blueprint for safety program; and adding a new section to chapter 49.17 RCW.

Referred to Committee on Labor, Commerce & Consumer Protection.

SHB 2512 by House Committee on Health Care & Wellness (originally sponsored by Representatives Harris, Kelley, Rivers, Appleton, Dahlquist, Cody and Buys)

AN ACT Relating to including pharmacists in the legend drug act; and reenacting and amending RCW 69.41.030.

Referred to Committee on Health & Long-Term Care.

EHB 2513 by Representatives Roberts, Condotta, Hurst, Pedersen, Buys, Ryu, Kirby and Kelley

AN ACT Relating to exempting common interest community managers from real estate broker and managing broker licensing requirements; and amending RCW 18.85.151.

Referred to Committee on Labor, Commerce & Consumer Protection.

HB 2524 by Representatives Orwall, Bailey, Hudgins, Hurst, Kenney and Kelley

AN ACT Relating to military spouses or registered domestic partners occupational licensing status during deployment or placement outside Washington state; and amending RCW 43.24.130 and 43.70.270.

Referred to Committee on Government Operations, Tribal Relations & Elections.

HB 2535 by Representatives Ladenburg, Johnson, Moscoso, Walsh, Ross, Klippert, Goodman, Nealey, Fitzgibbon, Appleton, Pollet, Green, Billig, Roberts, Kirby, Probst, Jinkins, Kagi, Lytton, Dickerson, Darneille, Santos and Kenney

AN ACT Relating to creating a juvenile gang court; adding new sections to chapter 13.40 RCW; and creating a new section.

Referred to Committee on Human Services & Corrections.

SHB 2541 by House Committee on Early Learning & Human Services (originally sponsored by Representatives

Darneille, Dickerson, Jinkins, Roberts, Appleton, Kagi and Kenney)

AN ACT Relating to sealing juvenile records; amending RCW 13.40.127; and reenacting and amending RCW 13.50.050.

Referred to Committee on Human Services & Corrections.

ESHB 2545 by House Committee on Technology, Energy & Communications (originally sponsored by Representatives Zeiger, Ladenburg, Dammeier, Seaquist, Angel, Dahlquist, Wilcox, Jinkins, McCune and Kelley)

AN ACT Relating to fuel usage by local governments; and amending RCW 43.19.648.

Referred to Committee on Energy, Natural Resources & Marine Waters.

EHB 2558 by Representative Moeller

AN ACT Relating to theater licenses; and adding a new section to chapter 66.24 RCW.

Referred to Committee on Labor, Commerce & Consumer Protection.

HB 2566 by Representatives Stanford, Takko, Blake and Hudgins

AN ACT Relating to maintenance of a surety bond for appraisal management companies; and amending RCW 18.310.040.

Referred to Committee on Labor, Commerce & Consumer Protection.

SHB 2574 by House Committee on Transportation (originally sponsored by Representatives Kristiansen and Pearson)

AN ACT Relating to special license plates with a special year tab for persons with disabilities; amending RCW 46.19.060; and providing an effective date.

Referred to Committee on Transportation.

SHB 2578 by House Committee on Health Care & Wellness (originally sponsored by Representative Moeller)

AN ACT Relating to disciplinary actions against the health professions license of the subject of a department of social and health services finding; amending RCW 18.130.050; adding a new section to chapter 18.130 RCW; and providing an effective date.

Referred to Committee on Health & Long-Term Care.

ESHB 2582 by House Committee on Health Care & Wellness (originally sponsored by Representatives Johnson, Cody, Ross, Jinkins, Green, Walsh, Hinkle, Clibborn, Liias, Kenney, Klippert, Smith, Alexander, Warnick, Fagan, Bailey, Ahern, Asay, Dahlquist, Kretz, DeBolt, Angel, Kelley, Hunt,

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Dickerson, Ladenburg, Orcutt, Zeiger, Wilcox, Finn, Wylie, Probst, Darneille, Moscoso, Kagi and Tharinger)

AN ACT Relating to state and private partnerships for managing salmonid hatcheries; and amending RCW 77.95.320.

AN ACT Relating to billing practices for health care services; adding a new section to chapter 70.01 RCW; and providing an effective date.

Referred to Committee on Energy, Natural Resources & Marine Waters.

Referred to Committee on Health & Long-Term Care.

HB 2653 by Representatives Hansen and Upthegrove

HB 2595 by Representatives Hinkle, Eddy, Warnick, Kristiansen and Angel

AN ACT Relating to correcting technical statutory cross-references in previous private infrastructure development legislation for certain provisions relating to regulatory fees for wastewater companies; amending RCW 80.04.580; and providing an effective date.

AN ACT Relating to the Washington state horse park authority; amending RCW 79A.30.030; and creating a new section.

Referred to Committee on Environment.

Referred to Committee on Government Operations, Tribal Relations & Elections.

SHB 2657 by House Committee on Health & Human Services Appropriations & Oversight (originally sponsored by Representatives Roberts, Kagi, Maxwell and Kenney)

EHB 2602 by Representatives Eddy, Springer, Takko, Carlyle and Tharinger

AN ACT Relating to adoption support expenditures; adding new sections to chapter 74.13A RCW; adding a new section to chapter 71.36 RCW; and providing an expiration date.

AN ACT Relating to a joint select committee on junior taxing districts; and creating new sections.

Referred to Committee on Human Services & Corrections.

Referred to Committee on Government Operations, Tribal Relations & Elections.

SHB 2658 by House Committee on Early Learning & Human Services (originally sponsored by Representative Kagi)

SHB 2603 by House Committee on Early Learning & Human Services (originally sponsored by Representatives Goodman, Kagi and Walsh)

AN ACT Relating to exempting qualified licensed child care providers from school district and educational service district records check requirements; and amending RCW 28A.400.303.

AN ACT Relating to juvenile offender sentencing standards; and reenacting and amending RCW 13.40.0357.

Referred to Committee on Human Services & Corrections.

Referred to Committee on Human Services & Corrections.

HB 2610 by Representatives Springer, Eddy, Goodman, Stanford, Moscoso and Kagi

ESHB 2664 by House Committee on Technology, Energy & Communications (originally sponsored by Representative Morris)

AN ACT Relating to repealing provisions governing community municipal corporations; amending RCW 35.13.015, 35.13.020, 35.13.030, 35.13.080, 35.13.090, 35.13.100, 35.13.110, and 54.04.035; repealing RCW 35.10.540, 35.14.010, 35A.14.025, 35.14.020, 35.14.030, 35.14.040, 35.14.050, and 35.14.060; and providing an effective date.

AN ACT Relating to the voluntary option to purchase qualified energy resources; and reenacting and amending RCW 19.29A.090.

Referred to Committee on Energy, Natural Resources & Marine Waters.

Referred to Committee on Government Operations, Tribal Relations & Elections.

HB 2705 by Representatives Sullivan and Kretz

HB 2639 by Representative Takko

AN ACT Relating to the consolidation of legislative support functions into an office of legislative support services; amending RCW 44.04.260 and 43.88.230; adding a new chapter to Title 44 RCW; and providing an effective date.

AN ACT Relating to improving the function of the treasurer's office in handling advance taxes and assessments; amending RCW 58.08.040; providing an effective date; and declaring an emergency.

Referred to Committee on Ways & Means.

Referred to Committee on Government Operations, Tribal Relations & Elections.

HB 2741 by Representatives Rodne, Eddy, Dammeier and Haler

ESHB 2650 by House Committee on Agriculture & Natural Resources (originally sponsored by Representatives McCune and Blake)

AN ACT Relating to health care claims against state and governmental health care providers arising out of tortious conduct; and amending RCW 4.92.100 and 4.96.020.

Referred to Committee on Judiciary.

## MOTION

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

## MOTION

On motion of Senator Eide, Senators Hargrove and Hatfield were excused.

## MOTION

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

SECOND READING  
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

## MOTION

Senator Fraser moved that Gubernatorial Appointment No. 9119, Joyce Turner, as Director of the Department of Enterprise Services, be confirmed.

Senator Fraser spoke in favor of the motion.

## MOTION

On motion of Senator Ericksen, Senators Litzow, Morton and Zarelli were excused.

## MOTION

On motion of Senator Frockt, Senators Hobbs and Keiser were excused.

## APPOINTMENT OF JOYCE TURNER

The President declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9119, Joyce Turner as Director of the Department of Enterprise Services.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9119, Joyce Turner as Director of the Department of Enterprise Services and the appointment was confirmed by the following vote: Yeas, 43; Nays, 0; Absent, 0; Excused, 6.

Voting yea: Senators Baumgartner, Becker, Benton, Brown, Carrell, Chase, Conway, Delvin, Eide, Ericksen, Fain, Fraser, Frockt, Harper, Hatfield, Haugen, Hewitt, Hill, Holmquist Newbry, Honeyford, Kastama, Kilmer, King, Kline, Kohl-Welles, McAuliffe, Murray, Nelson, Padden, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rolfes, Schoesler, Sheldon, Shin, Stevens, Swecker and Tom

Excused: Senators Hargrove, Hobbs, Keiser, Litzow, Morton and Zarelli

Gubernatorial Appointment No. 9119, Joyce Turner, having received the constitutional majority was declared confirmed as Director of the Department of Enterprise Services.

SECOND READING  
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

## MOTION

Senator Conway moved that Gubernatorial Appointment No. 9064, Robert Lenigan, as a member of the Board of Trustees, Clover Park Technical College District No. 29, be confirmed.

Senator Conway spoke in favor of the motion.

## APPOINTMENT OF ROBERT LENIGAN

The President declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9064, Robert Lenigan as a member of the Board of Trustees, Clover Park Technical College District No. 29.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9064, Robert Lenigan as a member of the Board of Trustees, Clover Park Technical College District No. 29 and the appointment was confirmed by the following vote: Yeas, 43; Nays, 1; Absent, 0; Excused, 5.

Voting yea: Senators Becker, Benton, Brown, Carrell, Chase, Conway, Delvin, Eide, Ericksen, Fain, Fraser, Frockt, Harper, Hatfield, Haugen, Hewitt, Hill, Holmquist Newbry, Honeyford, Kastama, Kilmer, King, Kline, Kohl-Welles, McAuliffe, Murray, Nelson, Padden, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rolfes, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Voting nay: Senator Baumgartner

Excused: Senators Hargrove, Hobbs, Keiser, Litzow and Morton

Gubernatorial Appointment No. 9064, Robert Lenigan, having received the constitutional majority was declared confirmed as a member of the Board of Trustees, Clover Park Technical College District No. 29.

SECOND READING  
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

## MOTION

Senator Delvin moved that Gubernatorial Appointment No. 9211, Salvador Mendoza, as a member of the Board of Trustees, Columbia Basin Community College District No. 19, be confirmed.

Senator Delvin spoke in favor of the motion.

## APPOINTMENT OF SALVADOR MENDOZA

The President declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9211, Salvador Mendoza as a member of the Board of Trustees, Columbia Basin Community College District No. 19.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9211, Salvador Mendoza as a member of the Board of Trustees, Columbia Basin Community College District No. 19 and the appointment was confirmed by the following vote: Yeas, 43; Nays, 1; Absent, 0; Excused, 5.

Voting yea: Senators Becker, Benton, Brown, Carrell, Chase, Conway, Delvin, Eide, Ericksen, Fain, Fraser, Frockt, Harper, Hatfield, Haugen, Hewitt, Hill, Holmquist Newbry, Honeyford, Kastama, Kilmer, King, Kline, Kohl-Welles, McAuliffe, Murray, Nelson, Padden, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rolfes, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Voting nay: Senator Baumgartner

Excused: Senators Hargrove, Hobbs, Keiser, Litzow and Morton

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Gubernatorial Appointment No. 9211, Salvador Mendoza, having received the constitutional majority was declared confirmed as a member of the Board of Trustees, Columbia Basin Community College District No. 19.

SECOND READING

SENATE BILL NO. 6571, by Senator Kohl-Welles

Strengthening the department of revenue's ability to collect spirits taxes imposed under RCW 82.08.150.

The measure was read the second time.

MOTION

On motion of Senator Kohl-Welles, the rules were suspended, Senate Bill No. 6571 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Kohl-Welles spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 6571.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6571 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 0; Excused, 5.

Voting yea: Senators Baumgartner, Becker, Benton, Brown, Carrell, Chase, Conway, Delvin, Eide, Ericksen, Fain, Fraser, Frockt, Harper, Hatfield, Haugen, Hewitt, Hill, Holmquist Newbry, Honeyford, Kastama, Kilmer, King, Kline, Kohl-Welles, McAuliffe, Murray, Nelson, Padden, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rolfes, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Excused: Senators Hargrove, Hobbs, Keiser, Litzow and Morton

SENATE BILL NO. 6571, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5982, by Senators Kastama, Shin, Hobbs, Harper, Eide, Kilmer, Conway, Sheldon, Haugen, Kohl-Welles, Frockt, Keiser, Fain, Tom, Chase and McAuliffe

Creating the joint center for aerospace technology innovation.

MOTIONS

On motion of Senator Kastama, Substitute Senate Bill No. 5982 was substituted for Senate Bill No. 5982 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Kastama, the rules were suspended, Substitute Senate Bill No. 5982 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Kastama spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5982.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5982 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 0; Excused, 5.

Voting yea: Senators Baumgartner, Becker, Benton, Brown, Carrell, Chase, Conway, Delvin, Eide, Ericksen, Fain, Fraser, Frockt, Harper, Hatfield, Haugen, Hewitt, Hill, Holmquist Newbry, Honeyford, Kastama, Kilmer, King, Kline, Kohl-Welles, McAuliffe, Murray, Nelson, Padden, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rolfes, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Excused: Senators Hargrove, Hobbs, Keiser, Litzow and Morton

SUBSTITUTE SENATE BILL NO. 5982, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6217, by Senators Holmquist Newbry, Pridemore, Schoesler and Delvin

Regarding irrigation district administration.

The measure was read the second time.

MOTION

Senator Holmquist Newbry moved that the following amendment by Senators Holmquist Newbry and Hatfield be adopted:

On page 3, beginning on line 1, strike all of section 4 and insert the following:

"**Sec. 4.** RCW 87.06.030 and 2004 c 215 s 4 are each amended to read as follows:

Before preparing a certificate of delinquency, the treasurer shall ((order a title search of the property for which a certificate of delinquency has been prepared to determine or verify the legal description of the property to be sold and parties in interest. In districts with two hundred thousand acres or more, the board of directors, upon receiving the certificates of delinquency may, after reviewing the amount of delinquent assessment compared to the costs of foreclosure, including but not limited to title search, court filing fees, costs of service, and attorneys' fees, determine that it is not in the best interest of the district to commence legal action to foreclose the delinquent assessment liens)) provide to the board of directors a list of properties that may be subject to foreclosure for delinquent assessments. The board of directors shall review the list of delinquent properties. After comparing the amount of the delinquent assessment with the costs of foreclosure, including but not limited to title search, court filing fees, costs of service, and attorneys' fees, the board of directors may determine that it is not in the best interest of the district to commence legal action to foreclose the delinquent assessment liens.

Nothing in this section precludes a county treasurer from proceeding with foreclosure on parcels otherwise delinquent and, in those actions, from collecting delinquent assessments due under this title."

Senator Holmquist Newbry spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senators Holmquist Newbry and Hatfield on page 3, line 1 to Senate Bill No. 6217.

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

#### MOTION

On motion of Senator Holmquist Newbry, the rules were suspended, Engrossed Senate Bill No. 6217 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Holmquist Newbry and Hatfield spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Senate Bill No. 6217.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 6217 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 0; Excused, 5.

Voting yea: Senators Baumgartner, Becker, Benton, Brown, Carrell, Chase, Conway, Delvin, Eide, Ericksen, Fain, Fraser, Frockt, Harper, Hatfield, Haugen, Hewitt, Hill, Holmquist Newbry, Honeyford, Kastama, Kilmer, King, Kline, Kohl-Welles, McAuliffe, Murray, Nelson, Padden, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rolfes, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Excused: Senators Hargrove, Hobbs, Keiser, Litzow and Morton

ENGROSSED SENATE BILL NO. 6217, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### PERSONAL PRIVILEGE

Senator Honeyford: "I would like Senator Hatfield to know that I won't hold his youth and inexperience against him and that's a line from Ronald Reagan."

#### SECOND READING

SENATE BILL NO. 6088, by Senators Pridemore, Swecker, Conway, Ranker, Shin, Keiser, Kilmer, Kline, Zarelli, Prentice, Rolfes, Eide, Fraser, Kastama, Hobbs, Kohl-Welles, Tom, Benton and Frockt

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

#### MOTIONS

On motion of Senator Pridemore, Substitute Senate Bill No. 6088 was substituted for Senate Bill No. 6088 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Pridemore, the rules were suspended, Substitute Senate Bill No. 6088 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6088.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6088 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 3; Absent, 0; Excused, 1.

Voting yea: Senators Baumgartner, Becker, Benton, Brown, Carrell, Chase, Conway, Delvin, Eide, Ericksen, Fain, Fraser, Frockt, Harper, Hatfield, Haugen, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles, Litzow, McAuliffe, Morton, Murray, Nelson, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rolfes, Sheldon, Shin, Swecker, Tom and Zarelli

Voting nay: Senators Padden, Schoesler and Stevens

Excused: Senator Hargrove

SUBSTITUTE SENATE BILL NO. 6088, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 6108, by Senators Harper and Fain

Clarifying the location at which the crime of theft of rental, leased, lease-purchased, or loaned property occurs.

The measure was read the second time.

#### MOTION

On motion of Senator Harper, the rules were suspended, Senate Bill No. 6108 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Harper and Pflug spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 6108.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6108 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Baumgartner, Becker, Benton, Brown, Carrell, Chase, Conway, Delvin, Eide, Ericksen, Fain, Fraser, Frockt, Harper, Hatfield, Haugen, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles, Litzow, McAuliffe, Morton, Murray, Nelson, Padden, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rolfes, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Excused: Senator Hargrove

SENATE BILL NO. 6108, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MOTION



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On motion of Senator Ericksen, Senator Baumgartner was excused.

SECOND READING

SENATE BILL NO. 6121, by Senators Frockt, Tom, Kastama, Shin and Kline

Requiring the office of student financial assistance to provide a financial aid counseling curriculum for institutions of higher education.

MOTIONS

On motion of Senator Frockt, Substitute Senate Bill No. 6121 was substituted for Senate Bill No. 6121 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Frockt, the rules were suspended, Substitute Senate Bill No. 6121 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Frockt spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6121.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6121 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Baumgartner, Becker, Benton, Brown, Carrell, Chase, Conway, Delvin, Eide, Ericksen, Fain, Fraser, Frockt, Harper, Hatfield, Haugen, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles, Litzow, McAuliffe, Morton, Murray, Nelson, Padden, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rolfes, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Excused: Senator Hargrove

SUBSTITUTE SENATE BILL NO. 6121, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6009, by Senators Carrell, Schoesler, Becker, Morton, Fain, Holmquist Newbry, Swecker, Delvin, Hill and Roach

Regarding ethics in public service.

MOTION

On motion of Senator Carrell, Substitute Senate Bill No. 6009 was substituted for Senate Bill No. 6009 and the substitute bill was placed on the second reading and read the second time.

MOTION

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

On page 6, after line 7, insert the following:

"Sec. 3. RCW 42.52.120 and 1997 c 318 s 1 are each amended to read as follows:

(1) No state officer or state employee may receive any thing of economic value under any contract or grant outside of his or her official duties. The prohibition in this subsection does not apply where the state officer or state employee has complied with RCW 42.52.030((2)) or each of the following conditions are met:

(a) The contract or grant is bona fide and actually performed;

(b) The performance or administration of the contract or grant is not within the course of the officer's or employee's official duties, or is not under the officer's or employee's official supervision;

(c) The performance of the contract or grant is not prohibited by RCW 42.52.040 or by applicable laws or rules governing outside employment for the officer or employee;

(d) The contract or grant is neither performed for nor compensated by any person from whom such officer or employee would be prohibited by RCW 42.52.150(4) from receiving a gift;

(e) The contract or grant is not one expressly created or authorized by the officer or employee in his or her official capacity;

(f) The contract or grant would not require unauthorized disclosure of confidential information; and

(g) The state officer or state employee has attended an ethics training approved by the appropriate ethics board within the past twenty-four months.

(2) In addition to satisfying the requirements of subsection (1) of this section, a state officer or state employee may have a beneficial interest in a grant or contract or a series of substantially identical contracts or grants with a state agency only if:

(a) The contract or grant is awarded or issued as a result of an open and competitive bidding process in which more than one bid or grant application was received; or

(b) The contract or grant is awarded or issued as a result of an open and competitive bidding or selection process in which the officer's or employee's bid or proposal was the only bid or proposal received and the officer or employee has been advised by the appropriate ethics board, before execution of the contract or grant, that the contract or grant would not be in conflict with the proper discharge of the officer's or employee's official duties; or

(c) The process for awarding the contract or issuing the grant is not open and competitive, but the officer or employee has been advised by the appropriate ethics board that the contract or grant would not be in conflict with the proper discharge of the officer's or employee's official duties.

(3) A state officer or state employee awarded a contract or issued a grant in compliance with subsection (2) of this section shall file the contract or grant with the appropriate ethics board within thirty days after the date of execution; however, if proprietary formulae, designs, drawings, or research are included in the contract or grant, the proprietary formulae, designs, drawings, or research may be deleted from the contract or grant filed with the appropriate ethics board.

(4) This section does not prevent a state officer or state employee from receiving compensation contributed from the treasury of the United States, another state, county, or municipality if the compensation is received pursuant to arrangements entered into between such state, county, municipality, or the United States and the officer's or employee's agency. This section does not prohibit a state officer or state employee from serving or performing any duties under an employment contract with a governmental entity.

(5) As used in this section, "officer" and "employee" do not include officers and employees who, in accordance with the terms of their employment or appointment, are serving without compensation from the state of Washington or are receiving from the state only reimbursement of expenses incurred or a predetermined allowance for such expenses."

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

On page 7, line 24, after "employment" strike all material through "thereafter." and insert ". Beginning January 1, 2013, every state officer and state employee shall attend an ethics training approved by the appropriate ethics board in coordination with other agency-provided training, including sexual harassment training, but no less than every three years. Every state officer and state employee subject to RCW 42.52.150(4) must be provided specialized or enhanced ethics training approved by the appropriate ethics board every three years thereafter."

Senator Carrell spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senators Carrell and Pridemore on page 6, after line 7 to Substitute Senate Bill No. 6009.

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

#### MOTION

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

On page 1, at the beginning of line 2 of the title, insert "42.52.120 and"

#### MOTION

On motion of Senator Pridemore, the rules were suspended, Engrossed Substitute Senate Bill No. 6009 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 6009.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6009 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Baumgartner, Becker, Benton, Brown, Carrell, Chase, Conway, Delvin, Eide, Ericksen, Fain, Fraser, Frockt, Harper, Hatfield, Haugen, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles, Litzow, McAuliffe, Morton, Murray, Nelson, Padden, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rolfes, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Excused: Senator Hargrove

ENGROSSED SUBSTITUTE SENATE BILL NO. 6009, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 6289, by Senators Rolfes and Kastama

Facilitating self-employment training.

The measure was read the second time.

#### MOTION

On motion of Senator Rolfes, the rules were suspended, Senate Bill No. 6289 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Rolfes and Kastama spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 6289.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6289 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Baumgartner, Becker, Benton, Brown, Carrell, Chase, Conway, Delvin, Eide, Ericksen, Fain, Fraser, Frockt, Harper, Hatfield, Haugen, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles, Litzow, McAuliffe, Morton, Murray, Nelson, Padden, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rolfes, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Excused: Senator Hargrove

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

#### SECOND READING

SENATE BILL NO. 6290, by Senators Kilmer, Swecker, Conway, Shin, Rolfes and Chase

Concerning military spouses or registered domestic partners occupational licensing status during deployment or placement outside Washington state.

The measure was read the second time.

#### MOTION

On motion of Senator Kilmer, the rules were suspended, Senate Bill No. 6290 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Kilmer spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 6290.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6290 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Baumgartner, Becker, Benton, Brown, Carrell, Chase, Conway, Delvin, Eide, Ericksen, Fain, Fraser, Frockt, Harper, Hatfield, Haugen, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles, Litzow, McAuliffe, Morton, Murray, Nelson, Padden, Parlette, Pflug, Prentice, Pridemore, Ranker,

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Regala, Roach, Rolfes, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Excused: Senator Hargrove

SENATE BILL NO. 6290, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 6371, by Senators Shin, Benton, Chase, Haugen, Kilmer, Delvin, Hatfield, Schoesler, Becker, McAuliffe and Conway

Extending the customized employment training program.

#### MOTIONS

On motion of Senator Shin, Substitute Senate Bill No. 6371 was substituted for Senate Bill No. 6371 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Shin, the rules were suspended, Substitute Senate Bill No. 6371 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Shin spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6371.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6371 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 1; Excused, 1.

Voting yea: Senators Baumgartner, Becker, Benton, Brown, Carrell, Chase, Conway, Delvin, Eide, Ericksen, Fain, Fraser, Frockt, Harper, Hatfield, Haugen, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles, Litzow, McAuliffe, Morton, Murray, Nelson, Padden, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rolfes, Schoesler, Sheldon, Shin, Stevens, Swecker and Tom

Absent: Senator Zarelli

Excused: Senator Hargrove

SUBSTITUTE SENATE BILL NO. 6371, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 6359, by Senators Eide, Kastama, Kilmer and McAuliffe

Modifying provisions related to the office of regulatory assistance.

#### MOTIONS

On motion of Senator Kastama, Substitute Senate Bill No. 6359 was substituted for Senate Bill No. 6359 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Kastama, the rules were suspended, Substitute Senate Bill No. 6359 was advanced to third reading,

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

Senator Kastama spoke in favor of passage of the bill.

#### MOTION

On motion of Senator Delvin, Senator Zarelli was excused.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6359.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6359 and the bill passed the Senate by the following vote: Yeas, 36; Nays, 12; Absent, 0; Excused, 1.

Voting yea: Senators Baumgartner, Becker, Benton, Brown, Chase, Conway, Delvin, Eide, Fain, Fraser, Frockt, Harper, Hatfield, Haugen, Hill, Hobbs, Kastama, Keiser, Kilmer, Kline, Kohl-Welles, Litzow, McAuliffe, Morton, Murray, Nelson, Pflug, Prentice, Pridemore, Ranker, Regala, Rolfes, Sheldon, Shin, Swecker and Tom

Voting nay: Senators Carrell, Ericksen, Hewitt, Holmquist Newbry, Honeyford, King, Padden, Parlette, Roach, Schoesler, Stevens and Zarelli

Excused: Senator Hargrove

SUBSTITUTE SENATE BILL NO. 6359, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5996, by Senators Schoesler, Hatfield, Haugen, Becker and Fraser

Concerning contiguous land under the current use open space property tax programs.

#### MOTIONS

On motion of Senator Hatfield, Substitute Senate Bill No. 5996 was substituted for Senate Bill No. 5996 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Hatfield, the rules were suspended, Substitute Senate Bill No. 5996 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Schoesler spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5996.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5996 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Baumgartner, Becker, Benton, Brown, Carrell, Chase, Conway, Delvin, Eide, Ericksen, Fain, Fraser, Frockt, Harper, Hatfield, Haugen, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles, Litzow, McAuliffe, Morton, Murray, Nelson, Padden, Parlette, Pflug, Prentice, Pridemore, Ranker,

Regala, Roach, Rolfes, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Excused: Senator Hargrove

SUBSTITUTE SENATE BILL NO. 5996, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 6355, by Senators Rolfes, Kastama and Chase

Concerning associate development organizations.

#### MOTION

On motion of Senator Rolfes, Substitute Senate Bill No. 6355 was substituted for Senate Bill No. 6355 and the substitute bill was placed on the second reading and read the second time.

#### MOTION

On motion of Senator Kastama, further consideration of Substitute Senate Bill No. 6355 was deferred and the bill held its place on the second reading calendar.

#### PERSONAL PRIVILEGE

Senator Ericksen: "Well thank you Mr. President. During this down time I would like to announce that my daughter's fourth grade basketball team just won the championship. They won 11-10 and my daughter Adele went off for three points this morning and of course she plays for the Business Bank Team of Whatcom County. I know all of you are very concerned about who won that championship game today but just wanted to share that with you all."

#### REPLY BY THE PRESIDENT

President Owen: "Congratulations."

#### SECOND READING

SENATE BILL NO. 6356, by Senators Rolfes, Kastama, Chase, Shin, Tom and Frockt

Concerning an interagency work group on establishing a single portal for Washington businesses.

#### MOTION

On motion of Senator Kastama, Substitute Senate Bill No. 6356 was substituted for Senate Bill No. 6356 and the substitute bill was placed on the second reading and read the second time.

#### MOTION

Senator Kastama moved that the following amendment by Senators Kastama and Zarelli be adopted:

On page 1, line 7, after "must" strike "convene an interagency work group to review business community needs and evaluate technical options for" and insert "establish"

On page 2, line 12, after "The" strike "work group must examine" and insert "chief information officer must consider"

On page 2, beginning on line 17, strike all of subsections (3) and (4) and insert the following:

"(3) The single portal for Washington businesses must be implemented by January 1, 2013."

Senator Kastama spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senators Kastama and Zarelli on page 1, line 7 to Substitute Senate Bill No. 6356.

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

#### MOTION

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

On page 1, line 1 of the title, after "Relating to" strike "an interagency work group on establishing" and insert "the establishment of"

#### MOTION

On motion of Senator Kastama, the rules were suspended, Engrossed Substitute Senate Bill No. 6356 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Kastama spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 6356.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6356 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Baumgartner, Becker, Benton, Brown, Carrell, Chase, Conway, Delvin, Eide, Ericksen, Fain, Fraser, Frockt, Harper, Hatfield, Haugen, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles, Litzow, McAuliffe, Morton, Murray, Nelson, Padden, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rolfes, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Excused: Senator Hargrove

ENGROSSED SUBSTITUTE SENATE BILL NO. 6356, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MOTION

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

#### MESSAGE FROM THE HOUSE

February 10, 2012

MR. PRESIDENT:

The House has passed:

SUBSTITUTE HOUSE BILL NO. 1253,

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SUBSTITUTE HOUSE BILL NO. 1552,  
HOUSE BILL NO. 2370,  
SUBSTITUTE HOUSE BILL NO. 2389,  
SUBSTITUTE HOUSE BILL NO. 2608,  
HOUSE BILL NO. 2643,  
SUBSTITUTE HOUSE BILL NO. 2748.  
and the same are herewith transmitted.

February 10, 2012

BARBARA BAKER, Chief Clerk

MR. PRESIDENT:

The House has passed:  
ENGROSSED HOUSE BILL NO. 2205,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2233,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2553.  
and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MESSAGE FROM THE HOUSE

MESSAGE FROM THE HOUSE

February 10, 2012

February 10, 2012

MR. PRESIDENT:

The House has passed:  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1256,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2228,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2366,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2567,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2592.  
and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MR. PRESIDENT:

The House has passed:  
SUBSTITUTE HOUSE BILL NO. 2326,  
SUBSTITUTE HOUSE BILL NO. 2349,  
SUBSTITUTE HOUSE BILL NO. 2458.  
and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MESSAGE FROM THE HOUSE

MOTION

February 10, 2012

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

MR. PRESIDENT:

The House has passed:  
SUBSTITUTE HOUSE BILL NO. 1518,  
SUBSTITUTE HOUSE BILL NO. 2010,  
HOUSE BILL NO. 2280,  
SUBSTITUTE HOUSE BILL NO. 2352,  
HOUSE BILL NO. 2456,  
SUBSTITUTE HOUSE BILL NO. 2617,  
HOUSE BILL NO. 2651,  
SUBSTITUTE HOUSE BILL NO. 2668,  
HOUSE BILL NO. 2698,  
HOUSE BILL NO. 2725.  
and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

The Senate resumed consideration of Substitute Senate Bill No. 6355 which had been deferred earlier in the day.

MOTION

Senator Baumgartner moved that the following amendment by Senators Baumgartner and Kastama be adopted:

On page 3, line 31, after "and", strike "must"  
On page 3, line 32, after "strategy.", insert "Regional associate development organizations retain their independence to address local concerns and goals."

Senator Baumgartner spoke in favor of adoption of the amendment.

MESSAGE FROM THE HOUSE

The President declared the question before the Senate to be the adoption of the amendment by Senators Baumgartner and Kastama on page 3, line 31 to Engrossed Substitute Senate Bill No. 6355.

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

MR. PRESIDENT:

The House has passed:  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1983,  
HOUSE BILL NO. 2232,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2361,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2384,  
HOUSE BILL NO. 2442,  
ENGROSSED HOUSE BILL NO. 2457,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2473,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2502,  
HOUSE BILL NO. 2523,  
SUBSTITUTE HOUSE BILL NO. 2601,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2692.  
and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

On motion of Senator Kastama, the rules were suspended, Engrossed Substitute Senate Bill No. 6355 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Kastama spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 6355.

MESSAGE FROM THE HOUSE

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6355 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 2; Excused, 1.

Voting yea: Senators Baumgartner, Becker, Brown, Carrell, Chase, Conway, Delvin, Eide, Ericksen, Fain, Fraser, Frockt, Harper, Haugen, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles, Litzow, McAuliffe, Morton, Murray, Nelson, Padden, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rolfes, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Absent: Senators Benton and Hatfield

Excused: Senator Hargrove

ENGROSSED SUBSTITUTE SENATE BILL NO. 6355, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MOTION

At 11:32 a.m., on motion of Senator Eide, the Senate was declared to be at ease subject to the call of the President.

#### AFTERNOON SESSION

The Senate was called to order at 2:56 p.m. by President Owen.

#### SECOND READING

#### CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

#### MOTION

Senator Pridemore moved that Gubernatorial Appointment No. 9246, Mark Brown, as a member of the Parks and Recreation Commission, be confirmed.

Senators Pridemore and Benton spoke in favor of passage of the motion.

#### MOTION

On motion of Senator Fain, Senator Litzow was excused.

#### MOTION

On motion of Senator Eide, Senator McAuliffe was excused.

#### MOTION

On motion of Senator Ericksen, Senator Zarelli was excused.

#### APPOINTMENT OF MARK BROWN

The President declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9246, Mark Brown as a member of the Parks and Recreation Commission.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9246, Mark Brown as a member of the Parks and Recreation Commission and the appointment was confirmed by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Baumgartner, Becker, Benton, Brown, Carrell, Chase, Conway, Delvin, Eide, Ericksen, Fain, Fraser, Frockt, Harper, Hatfield, Haugen, Hewitt, Hill, Hobbs,

Holmquist Newbry, Honeyford, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles, Morton, Murray, Nelson, Padden, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rolfes, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Excused: Senators Hargrove, Litzow and McAuliffe

Gubernatorial Appointment No. 9246, Mark Brown, having received the constitutional majority was declared confirmed as a member of the Parks and Recreation Commission.

#### SECOND READING

SENATE BILL NO. 6141, by Senators Kilmer, Tom, Shin, Kastama, Ericksen, Chase and Frockt

Creating a lifelong learning program.

The measure was read the second time.

#### MOTION

Senator Zarelli moved that the following amendment by Senators Zarelli and Kilmer be adopted:

On page 1, line 7, after "to", strike "ensure that all state citizens are provided with", and insert "promote"

On page 1, line 8, after "succeed", strike "and that no workers are abandoned in their pursuit of excellence in training and education"

On page 1, line 18, after "economy.", insert "The legislature intends that participation in the lifelong learning program is completely voluntary and in no way obligatory for employers or employees."

On page 2, line 6, after "Employers", insert "voluntarily"

On page 3, line 19, after "self-sustaining.", strike "This may include establishment of fees for participation, system fees for the administration of accounts, and set-up fees; and transactions fees for deposits and disbursements, career counseling fees, sponsorship fees, and other fees as determined appropriate by the board."

Senators Zarelli and Kilmer spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senators Zarelli and Kilmer on page 1, line 7 to Senate Bill No. 6141.

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

#### MOTION

On motion of Senator Kilmer, the rules were suspended, Engrossed Senate Bill No. 6141 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Kilmer spoke in favor of passage of the bill.

#### MOTION

On motion of Senator Ericksen, Senator Stevens was excused.

The President declared the question before the Senate to be the final passage of Engrossed Senate Bill No. 6141.

#### ROLL CALL

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The Secretary called the roll on the final passage of Engrossed Senate Bill No. 6141 and the bill passed the Senate by the following vote: Yeas, 36; Nays, 11; Absent, 0; Excused, 2.

Voting yea: Senators Baumgartner, Becker, Benton, Brown, Chase, Conway, Eide, Ericksen, Fain, Fraser, Frockt, Harper, Hatfield, Haugen, Hill, Hobbs, Kastama, Keiser, Kilmer, Kline, Kohl-Welles, Litzow, McAuliffe, Morton, Murray, Nelson, Prentice, Pridemore, Ranker, Regala, Roach, Rolfes, Sheldon, Shin, Tom and Zarelli

Voting nay: Senators Carrell, Delvin, Hewitt, Holmquist Newbry, Honeyford, King, Padden, Parlette, Pflug, Schoesler and Swecker

Excused: Senators Hargrove and Stevens

ENGROSSED SENATE BILL NO. 6141, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6138, by Senator Ericksen

Increasing the allowable maximum length for vehicles operated on public highways.

MOTIONS

On motion of Senator Ericksen, Substitute Senate Bill No. 6138 was substituted for Senate Bill No. 6138 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Ericksen, the rules were suspended, Substitute Senate Bill No. 6138 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Ericksen spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6138.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6138 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Baumgartner, Becker, Benton, Brown, Carrell, Chase, Conway, Delvin, Eide, Ericksen, Fain, Fraser, Frockt, Harper, Hatfield, Haugen, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles, Morton, Murray, Nelson, Padden, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rolfes, Schoesler, Sheldon, Shin, Swecker, Tom and Zarelli

Excused: Senators Hargrove, Litzow, McAuliffe and Stevens  
 SUBSTITUTE SENATE BILL NO. 6138, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SECOND ENGROSSED SUBSTITUTE SENATE BILL NO. 5251, by Senate Committee on Transportation (originally sponsored by Senators Haugen, Swecker, Sheldon, Hobbs and White)

Imposing an additional vehicle license fee on electric vehicles. Revised for 2nd Substitute: Concerning electric vehicle license fees.

MOTIONS

On motion of Senator Haugen, Second Substitute Senate Bill No. 5251 was substituted for Second Engrossed Substitute Senate Bill No. 5251 and the second substitute bill was placed on the second reading and read the second time.

On motion of Senator Haugen, the rules were suspended, Second Substitute Senate Bill No. 5251 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Haugen, King and Nelson spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Second Substitute Senate Bill No. 5251.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 5251 and the bill passed the Senate by the following vote: Yeas, 31; Nays, 16; Absent, 0; Excused, 2.

Voting yea: Senators Becker, Brown, Chase, Conway, Delvin, Eide, Ericksen, Fraser, Harper, Hatfield, Haugen, Hewitt, Hobbs, Honeyford, Keiser, King, Kline, Kohl-Welles, Morton, Nelson, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Rolfes, Schoesler, Shin, Swecker and Zarelli

Voting nay: Senators Baumgartner, Benton, Carrell, Fain, Frockt, Hill, Holmquist Newbry, Kastama, Kilmer, Litzow, McAuliffe, Murray, Padden, Roach, Sheldon and Tom

Excused: Senators Hargrove and Stevens

SECOND SUBSTITUTE SENATE BILL NO. 5251, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6349, by Senators Fain, Eide, Litzow, Haugen and Hill

Modifying the delivery of notifications to habitual traffic offenders.

The measure was read the second time.

MOTION

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

Senator Fain spoke in favor of passage of the bill.

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

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6349 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 1; Absent, 0; Excused, 2.

Voting yea: Senators Baumgartner, Becker, Benton, Brown, Carrell, Chase, Conway, Delvin, Ericksen, Fain, Fraser, Frockt, Harper, Hatfield, Haugen, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles, Litzow, McAuliffe, Morton, Murray, Nelson, Padden, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rolfes, Schoesler, Sheldon, Shin, Swecker, Tom and Zarelli

Voting nay: Senator Eide

Excused: Senators Hargrove and Stevens

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

#### SECOND READING

SENATE BILL NO. 6444, by Senators Haugen and Fain

Concerning eligible toll facilities.

#### MOTIONS

On motion of Senator Haugen, Substitute Senate Bill No. 6444 was substituted for Senate Bill No. 6444 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Haugen, the rules were suspended, Substitute Senate Bill No. 6444 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6444.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6444 and the bill passed the Senate by the following vote: Yeas, 42; Nays, 5; Absent, 0; Excused, 2.

Voting yea: Senators Baumgartner, Becker, Benton, Brown, Chase, Conway, Delvin, Eide, Ericksen, Fain, Fraser, Frockt, Harper, Hatfield, Haugen, Hewitt, Hill, Hobbs, Honeyford, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles, Litzow, McAuliffe, Murray, Nelson, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rolfes, Sheldon, Shin, Swecker, Tom and Zarelli

Voting nay: Senators Carrell, Holmquist Newbry, Morton, Padden and Schoesler

Excused: Senators Hargrove and Stevens

SUBSTITUTE SENATE BILL NO. 6444, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 6081, by Senators Haugen, Swecker, Ranker, King, Hatfield, Becker, Ericksen, Nelson, Regala and Shin

Authorizing counties and ferry districts operating ferries to impose a vessel replacement surcharge on ferry fares sold.

#### MOTIONS

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

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

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

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6081.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6081 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 3; Absent, 0; Excused, 2.

Voting yea: Senators Baumgartner, Becker, Benton, Brown, Chase, Conway, Delvin, Eide, Ericksen, Fain, Fraser, Frockt, Harper, Hatfield, Haugen, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles, Litzow, McAuliffe, Morton, Murray, Nelson, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Rolfes, Schoesler, Sheldon, Shin, Swecker, Tom and Zarelli

Voting nay: Senators Carrell, Padden and Roach

Excused: Senators Hargrove and Stevens

SUBSTITUTE SENATE BILL NO. 6081, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 6155, by Senators Kilmer, Carrell, Hobbs, Kastama, Regala, Fain, Conway and Keiser

Concerning the definition of debt adjusters.

The measure was read the second time.

#### MOTION

On motion of Senator Kilmer, Senate Bill No. 6155 was not substituted for Substitute Senate Bill No. 6155 and the substitute bill was not adopted.

#### MOTION

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

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 18.28.010 and 1999 c 151 s 101 are each amended to read as follows:

Unless a different meaning is plainly required by the context, the following words and phrases as hereinafter used in this chapter shall have the following meanings:

(1) "Debt adjusting" means the managing, counseling, settling, adjusting, prorating, or liquidating of the indebtedness of a debtor, or receiving funds for the purpose of distributing said funds among creditors in payment or partial payment of obligations of a debtor.

(2) "Debt adjuster", which includes any person known as a debt pooler, debt manager, debt consolidator, debt prorater, or credit



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counselor, is any person engaging in or holding himself or herself out as engaging in the business of debt adjusting for compensation. The term shall not include:

(a) Attorneys-at-law, escrow agents, accountants, broker-dealers in securities, or investment advisors in securities, while performing services solely incidental to the practice of their professions;

(b) Any person, partnership, association, or corporation doing business under and as permitted by any law of this state or of the United States relating to banks, consumer finance businesses, consumer loan companies, trust companies, mutual savings banks, savings and loan associations, building and loan associations, credit unions, crop credit associations, development credit corporations, industrial development corporations, title insurance companies, ~~((or))~~ insurance companies, or third-party account administrators;

(c) Persons who, as employees on a regular salary or wage of an employer not engaged in the business of debt adjusting, perform credit services for their employer;

(d) Public officers while acting in their official capacities and persons acting under court order;

(e) Any person while performing services incidental to the dissolution, winding up or liquidation of a partnership, corporation, or other business enterprise;

(f) Nonprofit organizations dealing exclusively with debts owing from commercial enterprises to business creditors;

(g) Nonprofit organizations engaged in debt adjusting and which do not assess against the debtor a service charge in excess of fifteen dollars per month.

(3) "Debt adjusting agency" is any partnership, corporation, or association engaging in or holding itself out as engaging in the business of debt adjusting.

(4) "Financial institution" means any person doing business under the laws of any state or the United States relating to commercial banks, bank holding companies, savings banks, savings and loan associations, trust companies, or credit unions.

(5) "Third-party account administrator" means an entity that holds or administers a dedicated bank account for fees and payments to creditors or debt collectors in connection with the renegotiation, settlement, reduction, or other alteration of the terms of payment or other terms of a debt.

**Sec. 2.** RCW 18.28.080 and 1999 c 151 s 102 are each amended to read as follows:

(1) By contract a debt adjuster may charge a reasonable fee for debt adjusting services. The total fee for debt adjusting services, including, but not limited to, any fee charged by a financial institution or a third-party account administrator, may not exceed fifteen percent of the total debt listed by the debtor on the contract. The fee retained by the debt adjuster from any one payment made by or on behalf of the debtor may not exceed fifteen percent of the payment. The debt adjuster may make an initial charge of up to twenty-five dollars which shall be considered part of the total fee. If an initial charge is made, no additional fee may be retained which will bring the total fee retained to date to more than fifteen percent of the total payments made to date. No fee whatsoever shall be applied against rent and utility payments for housing. In the event of cancellation or default on performance of the contract by the debtor prior to its successful completion, the debt adjuster may collect in addition to fees previously received, six percent of that portion of the remaining indebtedness listed on said contract which was due when the contract was entered into, but not to exceed twenty-five dollars.

(2) A debt adjuster shall not be entitled to retain any fee until notifying all creditors listed by the debtor that the debtor has engaged the debt adjuster in a program of debt adjusting.

**NEW SECTION. Sec. 3.** A new section is added to chapter 19.230 RCW to read as follows:

(1) A third-party account administrator must be licensed as a money transmitter under this chapter and comply with the following additional requirements:

(a) A debtor's funds must be held in an account at an insured financial institution;

(b) A debtor owns the funds held in the account and must be paid accrued interest on the account, if any;

(c) A third-party account administrator may not be owned or controlled by, or in any way affiliated with, a debt adjuster;

(d) A third-party account administrator may not give or accept any money or other compensation in exchange for referrals of business involving a debt adjuster;

(e) A debtor may withdraw from the service provided by a third-party account administrator at any time without penalty and must receive all funds in the account, other than funds earned by a debt adjuster in compliance with chapter 18.28 RCW, within seven business days of the debtor's request; and

(f) A contract between a third-party account administrator and a debtor must disclose in precise terms the rate and amount of all charges and fees.

(2) The legislature finds and declares that any violation of this section substantially affects the public interest and is an unfair and deceptive act or practice and unfair method of competition in the conduct of trade or commerce as set forth in RCW 19.86.020. In addition to all remedies available in chapter 19.86 RCW, a person injured by a violation of this section may bring a civil action to recover the actual damages proximately caused by a violation of this section, or one thousand dollars, whichever is greater.

(3) For purposes of this section:

(a) "Debt adjuster" has the same meaning as that term is defined in RCW 18.28.010;

(b) "Third-party account administrator" means an entity that holds or administers a dedicated bank account for fees and payments to creditors or debt collectors in connection with the renegotiation, settlement, reduction, or other alteration of the terms of payment or other terms of a debt.

**NEW SECTION. Sec. 4.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

Senators Kilmer and Benton spoke in favor of adoption of the striking amendment.

The President declared the question before the Senate to be the adoption of the striking amendment by Senator Kilmer and others to Senate Bill No. 6155.

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

MOTION

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

On page 1, line 1 of the title, after "Relating to" strike the remainder of the title and insert "third-party account administrators; amending RCW 18.28.010 and 18.28.080; and adding a new section to chapter 19.230 RCW."

MOTION

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

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

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

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 6155 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 1; Absent, 0; Excused, 2.

Voting yea: Senators Baumgartner, Becker, Benton, Brown, Carrell, Chase, Conway, Delvin, Eide, Ericksen, Fain, Fraser, Frockt, Harper, Hatfield, Haugen, Hewitt, Hill, Hobbs, Honeyford, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles, Litzow, McAuliffe, Morton, Murray, Nelson, Padden, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rolfes, Schoesler, Sheldon, Shin, Swecker, Tom and Zarelli

Voting nay: Senator Holmquist Newbry

Excused: Senators Hargrove and Stevens

ENGROSSED SENATE BILL NO. 6155, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 6465, by Senators Holmquist Newbry and Kohl-Welles

Concerning raffles exceeding five thousand dollars.

The measure was read the second time.

#### MOTION

On motion of Senator Holmquist Newbry, the rules were suspended, Senate Bill No. 6465 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Holmquist Newbry and Kohl-Welles spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 6465.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6465 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Baumgartner, Becker, Benton, Brown, Carrell, Chase, Conway, Delvin, Eide, Ericksen, Fain, Fraser, Frockt, Harper, Hatfield, Haugen, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles, Litzow, McAuliffe, Morton, Murray, Nelson, Padden, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rolfes, Schoesler, Sheldon, Shin, Swecker, Tom and Zarelli

Excused: Senators Hargrove and Stevens

SENATE BILL NO. 6465, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 6204, by Senator Hargrove

Modifying community supervision provisions.

#### MOTION

On motion of Senator Harper, Second Substitute Senate Bill No. 6204 was substituted for Senate Bill No. 6204 and the second substitute bill was placed on the second reading and read the second time.

#### MOTION

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

On page 8, line 34, after "(b)" insert "(i)"

On page 8, after line 37, insert the following:

"(ii) The state and its officers, agents, and employees may not be held criminally or civilly liable for a decision to elevate or not to elevate an offender's behavior to a high level violation process under this subsection unless the state or its officers, agents, and employees acted with reckless disregard."

Senator Harper spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Hargrove and others on page 8, line 34 to Second Substitute Senate Bill No. 6204.

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

#### MOITON

On motion of Senator Harper, the rules were suspended, Engrossed Second Substitute Senate Bill No. 6204 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Harper spoke in favor of passage of the bill.

#### POINT OF INQUIRY

Senator Benton: "Will the previous speaker or the maker of the bill yield to a question? Senator, can you tell me is there anything in this bill to reduce the Department of Corrections supervision of offenders in the community or is this really all about liability to the Department and so on? Is there anything to reduce the state's time monitoring convicted criminals in this bill?"

Senator Harper: "To my knowledge, absolutely not Senator Benton. The savings in the bill are through procedural changes, we're not reducing community supervision time."

#### MOTION

On motion of Senator Fraser, Senator Prentice was excused.

The President declared the question before the Senate to be the final passage of Engrossed Second Substitute Senate Bill No. 6204.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 6204 and the bill

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passed the Senate by the following vote: Yeas, 45; Nays, 2; Absent, 0; Excused, 2.

Voting yea: Senators Baumgartner, Becker, Brown, Carrell, Chase, Conway, Delvin, Eide, Ericksen, Fain, Fraser, Frockt, Harper, Hatfield, Haugen, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles, Litzow, McAuliffe, Morton, Murray, Nelson, Padden, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Rolfes, Schoesler, Sheldon, Shin, Swecker, Tom and Zarelli

Voting nay: Senators Benton and Roach

Excused: Senators Hargrove and Stevens

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6204, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6555, by Senators Hargrove, Shin and Roach

Providing for family assessments in cases involving child abuse or neglect.

MOTION

On motion of Senator Harper, Substitute Senate Bill No. 6555 was substituted for Senate Bill No. 6555 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Harper moved that the following amendment by Senators Harper and Stevens be adopted:

On page 11, after line 22, insert the following:

"(c) The department may not be held civilly liable for the decision to respond to an allegation of child abuse or neglect by using the family assessment track under this section unless the state or its officers, agents, or employees acted with reckless disregard."

Senator Harper spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senators Harper and Stevens on page 11, after line 22 to Substitute Senate Bill No. 6555.

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

MOTION

On motion of Senator Harper, the rules were suspended, Engrossed Substitute Senate Bill No. 6555 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 6555.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6555 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 1; Excused, 2.

Voting yea: Senators Baumgartner, Becker, Benton, Brown, Carrell, Chase, Conway, Delvin, Eide, Ericksen, Fain, Fraser, Frockt, Harper, Hatfield, Haugen, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles, Litzow, McAuliffe, Morton, Murray, Nelson, Padden, Parlette, Pflug, Pridemore, Ranker, Regala, Roach, Rolfes, Schoesler, Sheldon, Shin, Swecker, Tom and Zarelli

Absent: Senator Prentice

Excused: Senators Hargrove and Stevens

ENGROSSED SUBSTITUTE SENATE BILL NO. 6555, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Ranker, Senator Prentice was excused.

SECOND READING

SENATE BILL NO. 6187, by Senators Pflug, Harper and Frockt

Concerning claims against the state and governmental entities arising out of tortious conduct. Revised for 1st Substitute: Concerning health care claims against state and governmental health care providers arising out of tortious conduct.

MOTIONS

On motion of Senator Pflug, Substitute Senate Bill No. 6187 was substituted for Senate Bill No. 6187 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Pflug, the rules were suspended, Substitute Senate Bill No. 6187 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Pflug spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6187.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6187 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Baumgartner, Becker, Benton, Brown, Carrell, Chase, Conway, Delvin, Eide, Ericksen, Fain, Fraser, Frockt, Harper, Hatfield, Haugen, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles, Litzow, McAuliffe, Morton, Murray, Nelson, Padden, Parlette, Pflug, Pridemore, Ranker, Regala, Roach, Rolfes, Schoesler, Sheldon, Shin, Swecker, Tom and Zarelli

Excused: Senators Hargrove, Prentice and Stevens

SUBSTITUTE SENATE BILL NO. 6187, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5978, by Senators Pflug, Keiser, Frockt, Conway and Kohl-Welles

Concerning medicaid fraud.

MOTION

On motion of Senator Pflug, Substitute Senate Bill No. 5978 was substituted for Senate Bill No. 5978 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Pflug moved that the following striking amendment by Senators Pflug and Keiser be adopted:

Strike everything after the enacting clause and insert the following:

**"PART I  
WASHINGTON MEDICAID FRAUD PROVISIONS**

**NEW SECTION. Sec. 101.** The legislature intends to enact a state false claims act in order to provide this state with another tool to combat medicaid fraud. The legislature finds that between 1996 and 2009 state-initiated false claims acts resulted in over five billion dollars in total recoveries to those states. The highest recoveries in those cases were from claims relating to billing fraud, off-label marketing, and withholding safety information; these cases were primarily related to the pharmaceuticals industry and hospital networks, hospitals, and medical centers. By this act, the legislature does not intend to target a certain industry, profession, or retailer of medical equipment, or to place an undue burden on health care professionals. This act is not intended to harass health care professionals, nor is intended to be used as a tool to target actions that are related to incidental errors or clerical errors, which should not be considered fraud. The intent is to use the false claims act to root out significant areas of fraud that result in higher health care costs to this state and to use the false claims act to recover state money that could and should be used to support the medicaid program.

**Sec. 102.** RCW 74.09.210 and 2011 1st sp.s. c 15 s 15 are each amended to read as follows:

(1) No person, firm, corporation, partnership, association, agency, institution, or other legal entity, but not including an individual public assistance recipient of health care, shall, on behalf of himself or others, obtain or attempt to obtain benefits or payments under this chapter in a greater amount than that to which entitled by means of:

(a) A willful false statement;

(b) By willful misrepresentation, or by concealment of any material facts; or

(c) By other fraudulent scheme or device, including, but not limited to:

(i) Billing for services, drugs, supplies, or equipment that were unfurnished, of lower quality, or a substitution or misrepresentation of items billed; or

(ii) Repeated billing for purportedly covered items, which were not in fact so covered.

(2) Any person or entity knowingly violating any of the provisions of subsection (1) of this section shall be liable for repayment of any excess benefits or payments received, plus interest at the rate and in the manner provided in RCW 43.20B.695. Such person or other entity shall further, in addition to any other penalties provided by law, be subject to civil penalties. The ~~((secretary or))~~ director ~~((as appropriate))~~ or the attorney general may assess civil penalties in an amount not to exceed three times the amount of such

excess benefits or payments: PROVIDED, That these civil penalties shall not apply to any acts or omissions occurring prior to September 1, 1979. RCW 43.20A.215 governs notice of a civil fine assessed by the director and provides the right to an adjudicative proceeding.

(3) A criminal action need not be brought against a person for that person to be civilly liable under this section.

(4) In all administrative proceedings under this section, service, adjudicative proceedings, and judicial review of such determinations shall be in accordance with chapter 34.05 RCW, the administrative procedure act.

(5) Civil penalties shall be deposited ~~((in the general fund))~~ upon their receipt into the medicaid fraud penalty account established in section 103 of this act.

(6) The attorney general may contract with private attorneys and local governments in bringing actions under this section as necessary.

**NEW SECTION. Sec. 103.** A new section is added to chapter 74.09 RCW to read as follows:

The medicaid fraud penalty account is created in the state treasury. All receipts from civil penalties collected under RCW 74.09.210, all receipts received under judgments or settlements that originated under a filing under the federal false claims act, and all receipts received under judgments or settlements that originated under the state medicaid fraud false claims act, chapter 74.--- RCW (the new chapter created in section 215 of this act) must be deposited into the account. Moneys in the account may be spent only after appropriation and must be used only for medicaid services, fraud detection and prevention activities, recovery of improper payments, and for other medicaid fraud enforcement activities.

**NEW SECTION. Sec. 104.** A new section is added to chapter 74.09 RCW to read as follows:

(1) For the purposes of this section:

(a) "Employer" means any person, firm, corporation, partnership, association, agency, institution, or other legal entity.

(b) "Whistleblower" means an employee of an employer that obtains or attempts to obtain benefits or payments under this chapter in violation of RCW 74.09.210, who in good faith reports a violation of RCW 74.09.210 to the authority.

(c) "Workplace reprisal or retaliatory action" includes, but is not limited to: Denial of adequate staff to fulfill duties; frequent staff changes; frequent and undesirable office changes; refusal to assign meaningful work; unwarranted and unsubstantiated report of misconduct under Title 18 RCW; unwarranted and unsubstantiated letters of reprimand or unsatisfactory performance evaluations; demotion; reduction in pay; denial of promotion; suspension; dismissal; denial of employment; or a supervisor or superior behaving in or encouraging coworkers to behave in a hostile manner toward the whistleblower; or a change in the physical location of the employee's workplace or a change in the basic nature of the employee's job, if either are in opposition to the employee's expressed wish.

(2) A whistleblower who has been subjected to workplace reprisal or retaliatory action has the remedies provided under chapter 49.60 RCW. RCW 4.24.500 through 4.24.520, providing certain protection to persons who communicate to government agencies, apply to complaints made under this section. The identity of a whistleblower who complains, in good faith, to the authority about a suspected violation of RCW 74.09.210 may remain confidential if requested. The identity of the whistleblower must subsequently remain confidential unless the authority determines that the complaint was not made in good faith.

(3) This section does not prohibit an employer from exercising its authority to terminate, suspend, or discipline an employee who engages in workplace reprisal or retaliatory action against a

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whistleblower. The protections provided to whistleblowers under this chapter do not prevent an employer from: (a) Terminating, suspending, or disciplining a whistleblower for other lawful purposes; or (b) reducing the hours of employment or terminating employment as a result of the demonstrated inability to meet payroll requirements. The authority shall determine if the employer cannot meet payroll in cases where a whistleblower has been terminated or had hours of employment reduced due to the inability of a facility to meet payroll.

(4) The authority shall adopt rules to implement procedures for filing, investigation, and resolution of whistleblower complaints that are integrated with complaint procedures under this chapter. The authority shall adopt rules designed to discourage whistleblower complaints made in bad faith or for retaliatory purposes.

**NEW SECTION. Sec. 105.** A new section is added to chapter 74.09 RCW to read as follows:

The following must be medicare providers in order to be paid under the medicaid program: Providers of durable medical equipment and related supplies and providers of medical supplies and related services.

**PART II  
MEDICAID FRAUD FALSE CLAIMS ACT**

**NEW SECTION. Sec. 201.** Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter:

(1)(a) "Claim" means any request or demand made for a medicaid payment under chapter 74.09 RCW, whether under a contract or otherwise, for money or property and whether or not a government entity has title to the money or property, that:

(i) Is presented to an officer, employee, or agent of a government entity; or

(ii) Is made to a contractor, grantee, or other recipient, if the money or property is to be spent or used on the government entity's behalf or to advance a government entity program or interest, and the government entity:

(A) Provides or has provided any portion of the money or property requested or demanded; or

(B) Will reimburse such contractor, grantee, or other recipient for any portion of the money or property which is requested or demanded.

(b) A "claim" does not include requests or demands for money or property that the government entity has paid to an individual as compensation for employment or as an income subsidy with no restrictions on that individual's use of the money or property.

(2) "Custodian" means the custodian, or any deputy custodian, designated by the attorney general.

(3) "Documentary material" includes the original or any copy of any book, record, report, memorandum, paper, communication, tabulation, chart, or other document, or data compilations stored in or accessible through computer or other information retrieval systems, together with instructions and all other materials necessary to use or interpret the data compilations, and any product of discovery.

(4) "False claims act investigation" means any inquiry conducted by any false claims act investigator for the purpose of ascertaining whether any person is or has been engaged in any violation of this chapter.

(5) "False claims act investigator" means any attorney or investigator employed by the state attorney general who is charged with the duty of enforcing or carrying into effect any provision of this chapter, or any officer or employee of the state of Washington acting under the direction and supervision of the attorney or

investigator in connection with an investigation pursuant to this chapter.

(6) "Government entity" means all Washington state agencies that administer medicaid funded programs under this title.

(7)(a) "Knowing" and "knowingly" mean that a person, with respect to information:

(i) Has actual knowledge of the information;

(ii) Acts in deliberate ignorance of the truth or falsity of the information; or

(iii) Acts in reckless disregard of the truth or falsity of the information.

(b) "Knowing" and "knowingly" do not require proof of specific intent to defraud.

(8) "Material" means having a natural tendency to influence, or be capable of influencing, the payment or receipt of money or property.

(9) "Obligation" means an established duty, whether or not fixed, arising from an express or implied contractual, grantor-grantee, or licensor-licensee relationship, from a fee-based or similar relationship, from statute or rule, or from the retention of any overpayment.

(10) "Official use" means any use that is consistent with the law, and the rules and policies of the attorney general, including use in connection with: Internal attorney general memoranda and reports; communications between the attorney general and a federal, state, or local government agency, or a contractor of a federal, state, or local government agency, undertaken in furtherance of an investigation or prosecution of a case; interviews of any qui tam relator or other witness; oral examinations; depositions; preparation for and response to civil discovery requests; introduction into the record of a case or proceeding; applications, motions, memoranda, and briefs submitted to a court or other tribunal; and communications with attorney general investigators, auditors, consultants and experts, the counsel of other parties, and arbitrators or mediators, concerning an investigation, case, or proceeding.

(11) "Person" means any natural person, partnership, corporation, association, or other legal entity, including any local or political subdivision of a state.

(12) "Product of discovery" includes:

(a) The original or duplicate of any deposition, interrogatory, document, thing, result of the inspection of land or other property, examination, or admission, which is obtained by any method of discovery in any judicial or administrative proceeding of an adversarial nature;

(b) Any digest, analysis, selection, compilation, or derivation of any item listed in (a) of this subsection; and

(c) Any index or other manner of access to any item listed in (a) of this subsection.

(13) "Qui tam action" is an action brought by a person under section 205 of this act.

(14) "Qui tam relator" or "relator" is a person who brings an action under section 205 of this act.

**NEW SECTION. Sec. 202.** (1) Subject to subsections (2) and (4) of this section, a person is liable to the government entity for a civil penalty of not less than five thousand five hundred dollars and not more than eleven thousand dollars, plus three times the amount of damages which the government entity sustains because of the act of that person, if the person:

(a) Knowingly presents, or causes to be presented, a false or fraudulent claim for payment or approval;

(b) Knowingly makes, uses, or causes to be made or used, a false record or statement material to a false or fraudulent claim;

(c) Conspires to commit one or more of the violations in this subsection (1);

(d) Has possession, custody, or control of property or money used, or to be used, by the government entity and knowingly delivers, or causes to be delivered, less than all of that money or property;

(e) Is authorized to make or deliver a document certifying receipt of property used, or to be used, by the government entity and, intending to defraud the government entity, makes or delivers the receipt without completely knowing that the information on the receipt is true;

(f) Knowingly buys, or receives as a pledge of an obligation or debt, public property from an officer or employee of the government entity who lawfully may not sell or pledge property; or

(g) Knowingly makes, uses, or causes to be made or used, a false record or statement material to an obligation to pay or transmit money or property to the government entity, or knowingly conceals or knowingly and improperly avoids or decreases an obligation to pay or transmit money or property to the government entity.

(2) The court may assess not less than two times the amount of damages which the government entity sustains because of the act of a person, if the court finds that:

(a) The person committing the violation of subsection (1) of this section furnished the Washington state attorney general with all information known to him or her about the violation within thirty days after the date on which he or she first obtained the information;

(b) The person fully cooperated with any investigation by the attorney general of the violation; and

(c) At the time the person furnished the attorney general with the information about the violation, no criminal prosecution, civil action, or administrative action had commenced under this title with respect to the violation, and the person did not have actual knowledge of the existence of an investigation into the violation.

(3) A person violating this section is liable to the attorney general for the costs of a civil action brought to recover any such penalty or damages.

(4) For the purposes of determining whether an insurer has a duty to provide a defense or indemnification for an insured and if coverage may be denied if the terms of the policy exclude coverage for intentional acts, a violation of subsection (1) of this section is an intentional act.

(5) The office of the attorney general must, by rule, annually adjust the civil penalties established in subsection (1) of this section so that they are equivalent to the civil penalties provided under the federal false claims act and in accordance with the federal civil penalties inflation adjustment act of 1990.

**NEW SECTION. Sec. 203.** Any information furnished pursuant to this chapter is exempt from disclosure under the public records act, chapter 42.56 RCW, until final disposition and all court ordered seals are lifted.

**NEW SECTION. Sec. 204.** The attorney general must diligently investigate a violation under section 202 of this act. If the attorney general finds that a person has violated or is violating section 202 of this act, the attorney general may bring a civil action under this section against the person.

**NEW SECTION. Sec. 205.** (1) A person may bring a civil action for a violation of section 202 of this act for the person and for the government entity. The action may be known as a qui tam action and the person bringing the action as a qui tam relator. The action must be brought in the name of the government entity. The action may be dismissed only if the court, and the attorney general give written consent to the dismissal and their reason for consenting.

(2) A relator filing an action under this chapter must serve a copy of the complaint and written disclosure of substantially all material evidence and information the person possesses on the attorney general in electronic format. The relator must file the complaint in camera. The complaint must remain under seal for at

least sixty days, and may not be served on the defendant until the court so orders. The attorney general may elect to intervene and proceed with the action within sixty days after it receives both the complaint and the material evidence and information.

(3) The attorney general may, for good cause shown, move the court for extensions of the time during which the complaint remains under seal under subsection (2) of this section. The motions may be supported by affidavits or other submissions in camera. The defendant may not be required to respond to any complaint filed under this section until twenty days after the complaint is unsealed and served upon the defendant.

(4) If the attorney general does not proceed with the action prior to the expiration of the sixty-day period or any extensions obtained under subsection (3) of this section, then the relator has the right to conduct the action.

(5) When a person brings an action under this section, no person other than the attorney general may intervene or bring a related action based on the facts underlying the pending action.

**NEW SECTION. Sec. 206.** (1) If the attorney general proceeds with the qui tam action, the attorney general shall have the primary responsibility for prosecuting the action, and is not bound by an act of the relator. The relator has the right to continue as a party to the action, subject to the limitations set forth in subsection (2) of this section.

(2)(a) The attorney general may move to dismiss the qui tam action notwithstanding the objections of the relator if the relator has been notified by the attorney general of the filing of the motion and the court has provided the relator with an opportunity for a hearing on the motion.

(b) The attorney general may settle the action with the defendant notwithstanding the objections of the relator if the court determines, after a hearing, that the proposed settlement is fair, adequate, and reasonable under all the circumstances. Upon a showing of good cause, the hearing may be held in camera.

(c) Upon a showing by the attorney general that unrestricted participation during the course of the litigation by the relator would interfere with or unduly delay the attorney general's prosecution of the case, or would be repetitious, irrelevant, or for purposes of harassment, the court may, in its discretion, impose limitations on the relator's participation, such as:

- (i) Limiting the number of witnesses the relator may call;
- (ii) Limiting the length of the testimony of the witnesses;
- (iii) Limiting the relator's cross-examination of witnesses; or
- (iv) Otherwise limiting the participation by the relator in the litigation.

(d) Upon a showing by the defendant that unrestricted participation during the course of the litigation by the relator would be for purposes of harassment or would cause the defendant undue burden or unnecessary expense, the court may limit the participation by the relator in the litigation.

(3) If the attorney general elects not to proceed with the qui tam action, the relator has the right to conduct the action. If the attorney general so requests, the relator must serve on the attorney general copies of all pleadings filed in the action and shall supply copies of all deposition transcripts, at the attorney general's expense. When the relator proceeds with the action, the court, without limiting the status and rights of the relator, may nevertheless permit the attorney general to intervene at a later date upon a showing of good cause.

(4) Whether or not the attorney general proceeds with the qui tam action, upon a showing by the attorney general that certain actions of discovery by the relator would interfere with the attorney general's investigation or prosecution of a criminal or civil matter arising out of the same facts, the court may stay such discovery for a period of not more than sixty days. The showing must be conducted in camera. The court may extend the sixty-day period

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upon a further showing in camera that the attorney general has pursued the criminal or civil investigation or proceedings with reasonable diligence and any proposed discovery in the civil action will interfere with the ongoing criminal or civil investigation or proceedings.

(5) Notwithstanding section 205 of this act, the attorney general may elect to pursue its claim through any alternate remedy available to the state, including any administrative proceeding to determine a civil money penalty. If any alternate remedy is pursued in another proceeding, the relator has the same rights in the proceeding as the relator would have had if the action had continued under this section. Any finding of fact or conclusion of law made in the other proceeding that has become final is conclusive on all parties to an action under this section. For purposes of this subsection, a finding or conclusion is final if it has been finally determined on appeal to the appropriate court of the state of Washington, if all time for filing the appeal with respect to the finding or conclusion has expired, or if the finding or conclusion is not subject to judicial review.

**NEW SECTION. Sec. 207.** (1)(a) Subject to (b) of this subsection, if the attorney general proceeds with a qui tam action, the relator must receive at least fifteen percent but not more than twenty-five percent of the proceeds of the action or settlement of the claim, depending upon the extent to which the relator substantially contributed to the prosecution of the action.

(b) Where the action is one which the court finds to be based primarily on disclosures of specific information, other than information provided by the relator, relating to allegations or transactions in a criminal, civil, or administrative hearing, in a legislative or administrative report, hearing, audit, or investigation, or from the news media, the court may award an amount it considers appropriate, but in no case more than ten percent of the proceeds, taking into account the significance of the information and the role of the relator in advancing the case to litigation.

(c) Any payment to a relator under (a) or (b) of this subsection must be made from the proceeds. The relator must also receive an amount for reasonable expenses which the court finds to have been necessarily incurred, plus reasonable attorneys' fees and costs. All expenses, fees, and costs must be awarded against the defendant.

(2) If the attorney general does not proceed with a qui tam action, the relator shall receive an amount which the court decides is reasonable for collecting the civil penalty and damages. The amount may not be less than twenty-five percent and not more than thirty percent of the proceeds of the action or settlement and must be paid out of the proceeds. The relator must also receive an amount for reasonable expenses, which the court finds to have been necessarily incurred, plus reasonable attorneys' fees and costs. All expenses, fees, and costs must be awarded against the defendant.

(3) Whether or not the attorney general proceeds with the qui tam action, if the court finds that the action was brought by a person who planned and initiated the violation of section 202 of this act upon which the action was brought, then the court may, to the extent the court considers appropriate, reduce the share of the proceeds of the action which the person would otherwise receive under subsection (1) or (2) of this section, taking into account the role of that person in advancing the case to litigation and any relevant circumstances pertaining to the violation. If the person bringing the action is convicted of criminal conduct arising from his or her role in the violation of section 202 of this act, that person must be dismissed from the civil action and may not receive any share of the proceeds of the action. The dismissal may not prejudice the right of the state to continue the action, represented by the attorney general.

(4) If the attorney general does not proceed with the qui tam action and the relator conducts the action, the court may award to the defendant reasonable attorneys' fees and expenses if the defendant prevails in the action and the court finds that the claim of the relator

was clearly frivolous, clearly vexatious, or brought primarily for purposes of harassment.

(5) Any funds recovered that remain after calculation and distribution under subsections (1) through (3) of this section must be deposited into the medicaid fraud penalty account established in section 103 of this act.

**NEW SECTION. Sec. 208.** (1) In no event may a person bring a qui tam action which is based upon allegations or transactions which are the subject of a civil suit or an administrative civil money penalty proceeding in which the state is already a party.

(2)(a) The court must dismiss an action or claim under this section, unless opposed by the attorney general, if substantially the same allegations or transactions as alleged in the action or claim were publicly disclosed:

(i) In a state criminal, civil, or administrative hearing in which the attorney general or other governmental entity is a party;

(ii) In a legislative report, or other state report, hearing, audit, or investigation; or

(iii) By the news media; unless the action is brought by the attorney general or the relator is an original source of the information.

(b) For purposes of this section, "original source" means an individual who either (i) prior to a public disclosure under (a) of this subsection, has voluntarily disclosed to the attorney general the information on which allegations or transactions in a claim are based, or (ii) has knowledge that is independent of, and materially adds to, the publicly disclosed allegations or transactions, and who has voluntarily provided the information to the attorney general before filing an action under this section.

**NEW SECTION. Sec. 209.** (1) Any employee, contractor, or agent is entitled to all relief necessary to make that employee, contractor, or agent whole, if that employee, contractor, or agent, is discharged, demoted, suspended, threatened, harassed, or in any other manner discriminated against in the terms and conditions of employment because of lawful acts done by the employee, contractor, agent, or associated others in furtherance of an action under this chapter or other efforts to stop one or more violations of this chapter.

(2) Relief under subsection (1) of this section must include reinstatement with the same seniority status that employee, contractor, or agent would have had but for the discrimination, two times the amount of back pay, interest on the back pay, and compensation for any special damages sustained as a result of the discrimination, including litigation costs and reasonable attorneys' fees, and any and all relief available under RCW 49.60.030(2). An action under this subsection may be brought in the appropriate superior court of the state of Washington for the relief provided in this subsection.

(3) A civil action under this section may not be brought more than three years after the date when the retaliation occurred.

**NEW SECTION. Sec. 210.** (1) A subpoena requiring the attendance of a witness at a trial or hearing conducted under section 204 or 205 of this act may be served at any place in the state of Washington.

(2) A civil action under section 204 or 205 of this act may be brought at any time, without limitation after the date on which the violation of section 202 of this act is committed.

(3) If the attorney general elects to intervene and proceed with a qui tam action, the attorney general may file its own complaint or amend the complaint of a relator to clarify or add detail to the claims in which the attorney general is intervening and to add any additional claims with respect to which the attorney general contends it is entitled to relief.

(4) In any action brought under section 204 or 205 of this act, the attorney general is required to prove all essential elements of the

cause of action, including damages, by a preponderance of the evidence.

(5) Notwithstanding any other provision of law or the rules for superior court, a final judgment rendered in favor of the government entity in any criminal proceeding charging fraud or false statements, whether upon a verdict after trial or upon a plea of guilty or nolo contendere, estops the defendant from denying the essential elements of the offense in any action which involves the same transaction as in the criminal proceeding and which is brought under section 204 or 205 of this act.

**NEW SECTION. Sec. 211.** (1) Any action under section 204 or 205 of this act may be brought in the superior court in any county in which the defendant or, in the case of multiple defendants, any one defendant can be found, resides, transacts business, or in which any act proscribed by section 202 of this act occurred. The appropriate court must issue a summons as required by the superior court civil rules and service must occur at any place within the state of Washington.

(2) The superior courts have jurisdiction over any action brought under the laws of any city or county for the recovery of funds paid by a government entity if the action arises from the same transaction or occurrence as an action brought under section 204 or 205 of this act.

(3) With respect to any local government that is named as a complainant with the state in an action brought under section 205 of this act, a seal on the action ordered by the court under section 205 of this act does not preclude the attorney general or the person bringing the action from serving the complaint, any other pleadings, or the written disclosure of substantially all material evidence and information possessed by the person bringing the action on the law enforcement authorities that are authorized under the law of the local government to investigate and prosecute the action on behalf of the local government, except that the seal applies to the law enforcement authorities so served to the same extent as the seal applies to other parties in the action.

**NEW SECTION. Sec. 212.** (1)(a) Whenever the attorney general, or a designee, for purposes of this section, has reason to believe that any person may be in possession, custody, or control of any documentary material or information relevant to a false claims act investigation, the attorney general, or a designee, may, before commencing a civil proceeding under section 204 of this act or making an election under section 205 of this act, issue in writing and serve upon the person, a civil investigative demand requiring the person:

- (i) To produce the documentary material for inspection and copying;
- (ii) To answer in writing written interrogatories with respect to the documentary material or information;
- (iii) To give oral testimony concerning the documentary material or information; or
- (iv) To furnish any combination of such material, answers, or testimony.

(b) The attorney general may delegate the authority to issue civil investigative demands under this subsection (1). Whenever a civil investigative demand is an express demand for any product of discovery, the attorney general, the deputy attorney general, or an assistant attorney general must serve, in any manner authorized by this section, a copy of the demand upon the person from whom the discovery was obtained and must notify the person to whom the demand is issued of the date on which the copy was served. Any information obtained by the attorney general or a designee of the attorney general under this section may be shared with any qui tam relator if the attorney general or designee determines it is necessary as part of any false claims act investigation.

(2)(a) Each civil investigative demand issued under subsection (1) of this section must state the nature of the conduct constituting the alleged violation of this chapter which is under investigation, and the applicable provision of law alleged to be violated.

(b) If the demand is for the production of documentary material, the demand must:

(i) Describe each class of documentary material to be produced with such definiteness and certainty as to permit the material to be fairly identified;

(ii) Prescribe a return date for each class which will provide a reasonable period of time within which the material so demanded may be assembled and made available for inspection and copying; and

(iii) Identify the false claims act investigator to whom such material must be made available.

(c) If the demand is for answers to written interrogatories, the demand must:

(i) Set forth with specificity the written interrogatories to be answered;

(ii) Prescribe dates at which time answers to written interrogatories must be submitted; and

(iii) Identify the false claims law investigator to whom such answers must be submitted.

(d) If the demand is for the giving of oral testimony, the demand must:

(i) Prescribe a date, time, and place at which oral testimony must be commenced;

(ii) Identify a false claims act investigator who must conduct the examination and the custodian to whom the transcript of the examination must be submitted;

(iii) Specify that the attendance and testimony are necessary to the conduct of the investigation;

(iv) Notify the person receiving the demand of the right to be accompanied by an attorney and any other representative; and

(v) Describe the general purpose for which the demand is being issued and the general nature of the testimony, including the primary areas of inquiry, which will be taken pursuant to the demand.

(e) Any civil investigative demand issued under this section which is an express demand for any product of discovery is not due until thirty days after a copy of the demand has been served upon the person from whom the discovery was obtained.

(f) The date prescribed for the commencement of oral testimony pursuant to a civil investigative demand issued under this section may not be sooner than six days after the date on which demand is received, unless the attorney general or an assistant attorney general designated by the attorney general determines that exceptional circumstances are present which warrant the commencement of the testimony sooner.

(g) The attorney general may not authorize the issuance under this section of more than one civil investigative demand for oral testimony by the same person unless the person requests otherwise or unless the attorney general, after investigation, notifies that person in writing that an additional demand for oral testimony is necessary.

(3) A civil investigative demand issued under subsection (1) or (2) of this section may not require the production of any documentary material, the submission of any answers to written interrogatories, or the giving of any oral testimony if the material, answers, or testimony would be protected from disclosure under:

(a) The standards applicable to subpoenas or subpoenas duces tecum issued by a court to aid in a special inquiry investigation; or

(b) The standards applicable to discovery requests under the superior court civil rules, to the extent that the application of these standards to any demand is appropriate and consistent with the provisions and purposes of this section.



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(4) Any demand which is an express demand for any product of discovery supersedes any inconsistent order, rule, or provision of law, other than this section, preventing or restraining disclosure of the product of discovery to any person. Disclosure of any product of discovery pursuant to any express demand does not constitute a waiver of any right or privilege which the person making such disclosure may be entitled to invoke to resist discovery of trial preparation materials.

(5) Any civil investigative demand issued under this section may be served by a false claims act investigator, or by a commissioned law enforcement official, at any place within the state of Washington.

(6) Service of any civil investigative demand issued under (a) of this subsection or of any petition filed under subsection (25) of this section may be made upon a partnership, corporation, association, or other legal entity by:

(a) Delivering an executed copy of the demand or petition to any partner, executive officer, managing agent, or general agent of the partnership, corporation, association, or entity, or to any agent authorized by appointment or by law to receive service of process on behalf of such partnership, corporation, association, or entity;

(b) Delivering an executed copy of the demand or petition to the principal office or place of business of the partnership, corporation, association, or entity; or

(c) Depositing an executed copy of the demand or petition in the United States mail by registered or certified mail, with a return receipt requested, addressed to such partnership, corporation, association, or entity at its principal office or place of business.

(7) Service of any demand or petition may be made upon any natural person by:

(a) Delivering an executed copy of the demand or petition to the person; or

(b) Depositing an executed copy of the demand or petition in the United States mail by registered or certified mail, with a return receipt requested, addressed to the person at the person's residence or principal office or place of business.

(8) A verified return by the individual serving any civil investigative demand issued under subsection (1) or (2) of this section or any petition filed under subsection (25) of this section setting forth the manner of the service constitutes proof of the service. In the case of service by registered or certified mail, the return must be accompanied by the return post office receipt of delivery of the demand.

(9)(a) The production of documentary material in response to a civil investigative demand served under this section must be made under a sworn certificate, in the form as the demand designates, by:

(i) In the case of a natural person, the person to whom the demand is directed; or

(ii) In the case of a person other than a natural person, a person having knowledge of the facts and circumstances relating to the production and authorized to act on behalf of the person.

(b) The certificate must state that all of the documentary material required by the demand and in the possession, custody, or control of the person to whom the demand is directed has been produced and made available to the false claims act investigator identified in the demand.

(10) Any person upon whom any civil investigative demand for the production of documentary material has been served under this section shall make such material available for inspection and copying to the false claims act investigator identified in the demand at the principal place of business of the person, or at another place as the false claims act investigator and the person thereafter may agree and prescribe in writing, or as the court may direct under subsection (25) of this section. The material must be made available on the return date specified in the demand, or on a later date as the false

claims act investigator may prescribe in writing. The person may, upon written agreement between the person and the false claims act investigator, substitute copies for originals of all or any part of the material.

(11)(a) Each interrogatory in a civil investigative demand served under this section must be answered separately and fully in writing under oath and must be submitted under a sworn certificate, in the form as the demand designates, by:

(i) In the case of a natural person, the person to whom the demand is directed; or

(ii) In the case of a person other than a natural person, the person or persons responsible for answering each interrogatory.

(b) If any interrogatory is objected to, the reasons for the objection must be stated in the certificate instead of an answer. The certificate must state that all information required by the demand and in the possession, custody, control, or knowledge of the person to whom the demand is directed has been submitted. To the extent that any information is not furnished, the information must be identified and reasons set forth with particularity regarding the reasons why the information was not furnished.

(12) The examination of any person pursuant to a civil investigative demand for oral testimony served under this section must be taken before an officer authorized to administer oaths and affirmations by the laws of the state of Washington or of the place where the examination is held. The officer before whom the testimony is to be taken must put the witness on oath or affirmation and must, personally or by someone acting under the direction of the officer and in the officer's presence, record the testimony of the witness. The testimony must be recorded and must be transcribed. When the testimony is fully transcribed, the officer before whom the testimony is taken shall promptly transmit a copy of the transcript of the testimony to the custodian. This subsection does not preclude the taking of testimony by any means authorized by, and in a manner consistent with, the superior court civil rules.

(13) The false claims act investigator conducting the examination shall exclude from the place where the examination is held all persons except the person giving the testimony, the attorney for and any other representative of the person giving the testimony, the attorney general, any person who may be agreed upon by the attorney for the government and the person giving the testimony, the officer before whom the testimony is to be taken, and any stenographer taking the testimony.

(14) The oral testimony of any person taken pursuant to a civil investigative demand served under this section must be taken in the county within which such person resides, is found, or transacts business, or in another place as may be agreed upon by the false claims act investigator conducting the examination and the person.

(15) When the testimony is fully transcribed, the false claims act investigator or the officer before whom the testimony is taken must afford the witness, who may be accompanied by counsel, a reasonable opportunity to examine and read the transcript, unless the examination and reading are waived by the witness. Any changes in form or substance which the witness desires to make must be entered and identified upon the transcript by the officer or the false claims act investigator, with a statement of the reasons given by the witness for making the changes. The transcript must then be signed by the witness, unless the witness in writing waives the signing, is ill, cannot be found, or refuses to sign. If the transcript is not signed by the witness within thirty days after being afforded a reasonable opportunity to examine it, the officer or the false claims act investigator must sign it and state on the record the fact of the waiver, illness, absence of the witness, or the refusal to sign, together with the reasons given.

(16) The officer before whom the testimony is taken must certify on the transcript that the witness was sworn by the officer and

that the transcript is a true record of the testimony given by the witness, and the officer or false claims act investigator must promptly deliver the transcript, or send the transcript by registered or certified mail, to the custodian.

(17) Upon payment of reasonable charges therefor, the false claims act investigator must furnish a copy of the transcript to the witness only, except that the attorney general, the deputy attorney general, or an assistant attorney general may, for good cause, limit the witness to inspection of the official transcript of the witness' testimony.

(18)(a) Any person compelled to appear for oral testimony under a civil investigative demand issued under subsection (1) or (2) of this section may be accompanied, represented, and advised by counsel. Counsel may advise the person, in confidence, with respect to any question asked of the person. The person or counsel may object on the record to any question, in whole or in part, and must briefly state for the record the reason for the objection. An objection may be made, received, and entered upon the record when it is claimed that the person is entitled to refuse to answer the question on the grounds of any constitutional or other legal right or privilege, including the privilege against self-incrimination. The person may not otherwise object to or refuse to answer any question, and may not directly or through counsel otherwise interrupt the oral examination. If the person refuses to answer any question, a special injury proceeding petition may be filed in the superior court under subsection (25) of this section for an order compelling the person to answer the question.

(b) If the person refuses to answer any question on the grounds of the privilege against self-incrimination, the testimony of the person may be compelled in accordance with the provisions of the superior court civil rules.

(19) Any person appearing for oral testimony under a civil investigative demand issued under subsection (1) or (2) of this section is entitled to the same fees and allowances which are paid to witnesses in the superior courts.

(20) The attorney general must designate a false claims act investigator to serve as custodian of documentary material, answers to interrogatories, and transcripts of oral testimony received under this section, and must designate such additional false claims act investigators as the attorney general determines from time to time to be necessary to serve as deputies to the custodian.

(21)(a) A false claims act investigator who receives any documentary material, answers to interrogatories, or transcripts of oral testimony under this section must transmit them to the custodian. The custodian shall take physical possession of the material, answers, or transcripts and is responsible for the use made of them and for the return of documentary material under subsection (23) of this section.

(b) The custodian may cause the preparation of the copies of the documentary material, answers to interrogatories, or transcripts of oral testimony as may be required for official use by any false claims act investigator, or employee of the attorney general. The material, answers, and transcripts may be used by any authorized false claims act investigator or other officer or employee in connection with the taking of oral testimony under this section.

(c)(i) Except as otherwise provided in this subsection (21), no documentary material, answers to interrogatories, or transcripts of oral testimony, or copies thereof, while in the possession of the custodian, may be available for examination by any individual other than a false claims act investigator or other officer or employee of the attorney general authorized under (b) of this subsection.

(ii) The prohibition in (c)(i) of this subsection on the availability of material, answers, or transcripts does not apply if consent is given by the person who produced the material, answers, or transcripts, or, in the case of any product of discovery produced pursuant to an

express demand for the material, consent is given by the person from whom the discovery was obtained. Nothing in this subsection (c)(ii) is intended to prevent disclosure to the legislature, including any committee or subcommittee for use by such an agency in furtherance of its statutory responsibilities.

(d) While in the possession of the custodian and under the reasonable terms and conditions as the attorney general shall prescribe:

(i) Documentary material and answers to interrogatories must be available for examination by the person who produced the material or answers, or by a representative of that person authorized by that person to examine the material and answers; and

(ii) Transcripts of oral testimony must be available for examination by the person who produced the testimony, or by a representative of that person authorized by that person to examine the transcripts.

(22) Whenever any official has been designated to appear before any court, special inquiry judge, or state administrative judge in any case or proceeding, the custodian of any documentary material, answers to interrogatories, or transcripts of oral testimony received under this section may deliver to the official the material, answers, or transcripts for official use in connection with any case or proceeding as the official determines to be required. Upon the completion of such a case or proceeding, the official must return to the custodian any material, answers, or transcripts so delivered which have not passed into the control of any court, grand jury, or agency through introduction into the record of such a case or proceeding.

(23) If any documentary material has been produced by any person in the course of any false claims act investigation pursuant to a civil investigative demand under this section, and:

(a) Any case or proceeding before the court or special inquiry judge arising out of the investigation, or any proceeding before any administrative judge involving the material, has been completed; or

(b) No case or proceeding in which the material may be used has been commenced within a reasonable time after completion of the examination and analysis of all documentary material and other information assembled in the course of the investigation:

Then, the custodian shall, upon written request of the person who produced the material, return to the person the material, other than copies furnished to the false claims act investigator under subsection (10) of this section or made for the attorney general under subsection (21)(b) of this section, which has not passed into the control of any court, grand jury, or agency through introduction into the record of the case or proceeding.

(24)(a) In the event of the death, disability, or separation from service of the attorney general of the custodian of any documentary material, answers to interrogatories, or transcripts of oral testimony produced pursuant to civil investigative demand under this section, or in the event of the official relief of the custodian from responsibility for the custody and control of the material, answers, or transcripts, the attorney general must promptly:

(i) Designate another false claims act investigator to serve as custodian of the material, answers, or transcripts; and

(ii) Transmit in writing to the person who produced the material, answers, or testimony notice of the identity and address of the successor so designated.

(b) Any person who is designated to be a successor under this subsection (24) has, with regard to the material, answers, or transcripts, the same duties and responsibilities as were imposed by this section upon that person's predecessor in office, except that the successor may not be held responsible for any default or dereliction which occurred before that designation.

(25) Whenever any person fails to comply with any civil investigative demand issued under subsection (1) or (2) of this

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section, or whenever satisfactory copying or reproduction of any material requested in the demand cannot be done and the person refuses to surrender the material, the attorney general may file, in any superior court of the state of Washington for any county in which the person resides, is found, or transacts business, and serve upon the person a petition for an order of the court for the enforcement of the civil investigative demand.

(26)(a) Any person who has received a civil investigative demand issued under subsection (1) or (2) of this section may file, in the superior court of the state of Washington for the county within which the person resides, is found, or transacts business, and serve upon the false claims act investigator identified in the demand a petition for an order of the court to modify or set aside the demand. In the case of a petition addressed to an express demand for any product of discovery, a petition to modify or set aside the demand may be brought only in the district court of the United States for the judicial district in which the proceeding in which the discovery was obtained is or was last pending. Any petition filed under this subsection (26)(a) must be filed:

(i) Within thirty days after the date of service of the civil investigative demand, or at any time before the return date specified in the demand, whichever date is earlier; or

(ii) Within a longer period as may be prescribed in writing by any false claims act investigator identified in the demand.

(b) The petition must specify each ground upon which the petitioner relies in seeking relief under (a) of this subsection, and may be based upon any failure of the demand to comply with the provisions of this section or upon any constitutional or other legal right or privilege of the person. During the pendency of the petition in the court, the court may stay, as it deems proper, the running of the time allowed for compliance with the demand, in whole or in part, except that the person filing the petition shall comply with any portions of the demand not sought to be modified or set aside.

(27)(a) In the case of any civil investigative demand issued under subsection (1) or (2) of this section which is an express demand for any product of discovery, the person from whom the discovery was obtained may file, in the superior court of the state of Washington for the county in which the proceeding in which the discovery was obtained is or was last pending, and serve upon any false claims act investigator identified in the demand and upon the recipient of the demand, a petition for an order of the court to modify or set aside those portions of the demand requiring production of any product of discovery. Any petition under this subsection (27)(a) must be filed:

(i) Within twenty days after the date of service of the civil investigative demand, or at any time before the return date specified in the demand, whichever date is earlier; or

(ii) Within a longer period as may be prescribed in writing by any false claims act investigator identified in the demand.

(b) The petition must specify each ground upon which the petitioner relies in seeking relief under (a) of this subsection, and may be based upon any failure of the portions of the demand from which relief is sought to comply with the provisions of this section, or upon any constitutional or other legal right or privilege of the petitioner. During the pendency of the petition, the court may stay, as it deems proper, compliance with the demand and the running of the time allowed for compliance with the demand.

(28) At any time during which any custodian is in custody or control of any documentary material or answers to interrogatories produced, or transcripts of oral testimony given, by any person in compliance with any civil investigative demand issued under subsection (1) or (2) of this section, the person, and in the case of an express demand for any product of discovery, the person from whom the discovery was obtained, may file, in the superior court of the state of Washington for the county within which the office of the

custodian is situated, and serve upon the custodian, a petition for an order of the court to require the performance by the custodian of any duty imposed upon the custodian by this section.

(29) Whenever any petition is filed in any superior court of the state of Washington under this section, the court has jurisdiction to hear and determine the matter so presented, and to enter an order or orders as may be required to carry out the provisions of this section. Any final order so entered is subject to appeal under the rules of appellate procedure. Any disobedience of any final order entered under this section by any court must be punished as a contempt of the court.

(30) The superior court civil rules apply to any petition under this section, to the extent that the rules are not inconsistent with the provisions of this section.

(31) Any documentary material, answers to written interrogatories, or oral testimony provided under any civil investigative demand issued under subsection (1) or (2) of this section are exempt from disclosure under the public records act, chapter 42.56 RCW.

**NEW SECTION. Sec. 213.** Beginning November 15, 2012, and annually thereafter, the attorney general in consultation with the health care authority must report results of implementing the medicaid fraud false claims act. This report must include:

(1) The number of attorneys assigned to qui tam initiated actions;

(2) The number of cases brought by qui tam actions and indicate how many cases are brought by the attorney general and how many by the qui tam relator without attorney general participation;

(3) The results of any actions brought under subsection (2) of this section, delineated by cases brought by the attorney general and cases brought by the qui tam relator without attorney general participation; and

(4) The amount of recoveries attributable to the medicaid false claims.

**NEW SECTION. Sec. 214.** This chapter may be known and cited as the medicaid fraud false claims act.

**NEW SECTION. Sec. 215.** Sections 201 through 214 of this act constitute a new chapter in Title 74 RCW.

**NEW SECTION. Sec. 216.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

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

The President declared the question before the Senate to be the adoption of the striking amendment by Senators Pflug and Keiser to Substitute Senate Bill No. 5987.

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

MOTION

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

On page 1, line 1, after "fraud;" strike the remainder of the title and insert "amending RCW 74.09.210; adding new sections to chapter 74.09 RCW; adding a new chapter to Title 74 RCW; creating a new section; prescribing penalties; and declaring an emergency."

MOTION

On motion of Senator Pflug, the rules were suspended, Engrossed Substitute Senate Bill No. 5978 was advanced to third

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

Senators Pflug, Keiser and Conway spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5978.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5978 and the bill passed the Senate by the following vote: Yeas, 36; Nays, 11; Absent, 0; Excused, 2.

Voting yea: Senators Becker, Benton, Brown, Carrell, Chase, Conway, Eide, Fain, Fraser, Frockt, Harper, Hatfield, Haugen, Hill, Hobbs, Kastama, Keiser, Kilmer, Kline, Kohl-Welles, Litzow, McAuliffe, Murray, Nelson, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rolfes, Sheldon, Shin, Swecker, Tom and Zarelli

Voting nay: Senators Baumgartner, Delvin, Ericksen, Hewitt, Holmquist Newbry, Honeyford, King, Morton, Padden, Parlette and Schoesler

Excused: Senators Hargrove and Stevens

ENGROSSED SUBSTITUTE SENATE BILL NO. 5978, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 6462, by Senators Fraser, Carrell, Regala, Stevens, Hargrove and Shin

Concerning determination of income and resources for the purposes of eligibility for public assistance. Revised for 1st Substitute: Redefining "income" and "resource" with regard to eligibility for public assistance programs.

#### MOTION

On motion of Senator Fraser, Substitute Senate Bill No. 6462 was substituted for Senate Bill No. 6462 and the substitute bill was placed on the second reading and read the second time.

#### MOTION

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

On page 2, line 20, after "asset." insert "To the extent this subsection conflicts with federal maintenance of effort requirements, it does not apply to medicaid."

Senator Fraser spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Fraser and others on page 2, line 20 to Substitute Senate Bill No. 6462.

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

#### MOTION

On motion of Senator Fraser, the rules were suspended, Engrossed Substitute Senate Bill No. 6462 was advanced to third

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

Senator Fraser spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 6462.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6462 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Baumgartner, Becker, Benton, Brown, Carrell, Chase, Conway, Delvin, Eide, Ericksen, Fain, Fraser, Frockt, Harper, Hatfield, Haugen, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles, Litzow, McAuliffe, Morton, Murray, Nelson, Padden, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rolfes, Schoesler, Sheldon, Shin, Swecker, Tom and Zarelli

Excused: Senators Hargrove and Stevens

ENGROSSED SUBSTITUTE SENATE BILL NO. 6462, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 6386, by Senators Carrell, Becker, Zarelli, Hargrove, Delvin, Schoesler, Honeyford and Keiser

Enacting measures to reduce public assistance fraud.

#### MOTIONS

On motion of Senator Carrell, Substitute Senate Bill No. 6386 was substituted for Senate Bill No. 6386 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Carrell, the rules were suspended, Substitute Senate Bill No. 6386 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6386.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6386 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 2; Absent, 0; Excused, 2.

Voting yea: Senators Baumgartner, Becker, Benton, Brown, Carrell, Chase, Conway, Delvin, Eide, Ericksen, Fain, Fraser, Frockt, Harper, Hatfield, Haugen, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles, Litzow, McAuliffe, Morton, Murray, Padden, Parlette, Pflug, Pridemore, Ranker, Regala, Roach, Rolfes, Schoesler, Sheldon, Shin, Swecker, Tom and Zarelli

Voting nay: Senators Nelson and Prentice

Excused: Senators Hargrove and Stevens

SUBSTITUTE SENATE BILL NO. 6386, having received the constitutional majority, was declared passed. There being no

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objection, the title of the bill was ordered to stand as the title of the act.

SENATE BILL NO. 6345, by Senators Kastama, Tom, Hatfield, Rolfes, Kilmer and Hill

#### SECOND READING

Creating a commission to restructure state government.

SENATE BILL NO. 6255, by Senators Fraser, Kline, Eide, Kohl-Welles, Shin, Litzow, Chase, Stevens, Pflug, Regala, Nelson, Keiser, Roach, Conway, Holmquist Newbry and Frockt

#### MOTION

Concerning victims of human trafficking and promoting prostitution.

On motion of Senator Kastama, Substitute Senate Bill No. 6345 was substituted for Senate Bill No. 6345 and the substitute bill was placed on the second reading and read the second time.

The measure was read the second time.

#### MOTION

#### MOTION

Senator Kline moved that the following amendment by Senators Kline and Padden be adopted:

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

On page 1, at the beginning of line 9, strike "having been" and insert "being"

On page 3, line 34, after "house and" strike "put before each chamber" and insert "may not be referred to a committee. The bill must be put before each chamber for a vote on the bill according to the rules of each chamber, so long as those rules do not conflict with the provisions of this section"

On page 1, line 12, after "Documentation" strike "of the person's status as a victim of" and insert "that the actor is named as a current victim in an information or the investigative records upon which a conviction is obtained for"

#### WITHDRAWAL OF AMENDMENT

Senator Kline spoke in favor of adoption of the amendment.

On motion of Senator Kastama, the amendment by Senator Kastama on page 3, line 34 to Substitute Senate Bill No. 6345 was withdrawn.

The President declared the question before the Senate to be the adoption of the amendment by Senators Kline and Padden on page 1, line 9 to Senate Bill No. 6255.

#### MOTION

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

Senator Kastama moved that the following amendment by Senators Kastama and Murray be adopted:

#### MOTION

On motion of Senator Kline, the rules were suspended, Engrossed Senate Bill No. 6255 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

On page 3, line 34, after "house and" strike "put before each chamber" and insert "referred to the appropriate committees of the legislature. After the bill as introduced has been heard in committee, the bill as introduced must be put before each chamber for a vote on the bill"

Senators Fraser and Pflug spoke in favor of passage of the bill.

Senator Kastama spoke in favor of adoption of the amendment.

#### POINT OF INQUIRY

The President declared the question before the Senate to be the final passage of Engrossed Senate Bill No. 6255.

Senator Frockt: "Would the gentleman yield to a question? Would the bill as it comes out of committee still require two-thirds vote to be amended?"

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 6255 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Senator Kastama: "The bill as it comes out of committee are recommendations, they would go before the legislature, go before the body, and at that point, while there before the body, it would require two-thirds vote, correct, for modifications."

Voting yea: Senators Baumgartner, Becker, Benton, Brown, Carrell, Chase, Conway, Delvin, Eide, Ericksen, Fain, Fraser, Frockt, Harper, Hatfield, Haugen, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles, Litzow, McAuliffe, Morton, Murray, Nelson, Padden, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rolfes, Schoesler, Sheldon, Shin, Swecker, Tom and Zarelli

The President declared the question before the Senate to be the adoption of the amendment by Senators Kastama and Murray on page 3, line 34 to Substitute Senate Bill No. 6345.

Excused: Senators Hargrove and Stevens

ENGROSSED SENATE BILL NO. 6255, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

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

#### MOTION

#### SECOND READING

On motion of Senator Kastama, the rules were suspended, Engrossed Substitute Senate Bill No. 6345 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Kastama spoke in favor of passage of the bill. Senator Conway spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 6345.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6345 and the bill passed the Senate by the following vote: Yeas, 31; Nays, 16; Absent, 0; Excused, 2.

Voting yea: Senators Baumgartner, Becker, Benton, Brown, Chase, Fain, Fraser, Hatfield, Haugen, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Kastama, Keiser, Kilmer, King, Litzow, McAuliffe, Murray, Parlette, Regala, Roach, Rolfes, Schoesler, Sheldon, Shin, Swecker, Tom and Zarelli

Voting nay: Senators Carrell, Conway, Delvin, Eide, Ericksen, Frockt, Harper, Kline, Kohl-Welles, Morton, Nelson, Padden, Pflug, Prentice, Pridemore and Ranker

Excused: Senators Hargrove and Stevens

ENGROSSED SUBSTITUTE SENATE BILL NO. 6345, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

Senator Prentice assumed the chair.

#### SECOND READING

SUBSTITUTE SENATE BILL NO. 5366, by Senate Committee on Transportation (originally sponsored by Senators Delvin, Hewitt and Stevens)

Authorizing the use of four-wheel, all-terrain vehicles on public roadways under certain conditions. Revised for 2nd Substitute: Regulating the use of off-road vehicles in certain areas.

#### MOTION

On motion of Senator Delvin, Second Substitute Senate Bill No. 5366 was substituted for Substitute Senate Bill No. 5366 and the second substitute bill was placed on the second reading and read the second time.

#### MOTION

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

On page 9, beginning on line 33, after "is" strike "a misdemeanor with a penalty of five hundred dollars" and insert "a traffic infraction with a penalty of up to five hundred dollars"

On page 11, line 5, after "travel;" strike "and"

On page 11, beginning on line 6, after "(i)" strike all material through "(j))" on line 8 and insert "On any public lands in violation of rules and regulations of the agency administering such lands; and (j)"

Beginning on page 11, line 28, strike all of section 10

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

On page 12, beginning on line 18, after "(3)" strike all material through "(4)" on line 20

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

Senator Carrell spoke in favor of adoption of the amendment.

The President Pro Tempore declared the question before the Senate to be the adoption of the amendment by Senator Carrell on page 9, line 33 to Second Substitute Senate Bill No. 5366.

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

#### MOTION

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

On page 1, line 3 of the title, after "79A.80.010," strike "46.09.490,"

#### MOTION

On motion of Senator Delvin, the rules were suspended, Engrossed Second Substitute Senate Bill No. 5366 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

#### MOTION

On motion of Senator Ericksen, Senator Holmquist Newbry was excused.

The President Pro Tempore declared the question before the Senate to be the final passage of Engrossed Second Substitute Senate Bill No. 5366.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 5366 and the bill passed the Senate by the following vote: Yeas, 41; Nays, 5; Absent, 0; Excused, 3.

Voting yea: Senators Baumgartner, Becker, Benton, Brown, Carrell, Conway, Delvin, Eide, Ericksen, Fain, Fraser, Frockt, Harper, Hatfield, Haugen, Hewitt, Hill, Hobbs, Honeyford, Kastama, Keiser, Kilmer, King, Kohl-Welles, Litzow, McAuliffe, Morton, Murray, Padden, Parlette, Pflug, Pridemore, Ranker, Regala, Roach, Schoesler, Sheldon, Shin, Swecker, Tom and Zarelli

Voting nay: Senators Chase, Kline, Nelson, Prentice and Rolfes

Excused: Senators Hargrove, Holmquist Newbry and Stevens  
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5366, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 6472, by Senators Harper, Honeyford, Kline and Shin

Concerning disclosure of carbon monoxide alarms in real estate transactions.

#### MOTIONS

On motion of Senator Harper, Substitute Senate Bill No. 6472 was substituted for Senate Bill No. 6472 and the substitute bill was placed on the second reading and read the second time.

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On motion of Senator Harper, the rules were suspended, Substitute Senate Bill No. 6472 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Harper spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6472.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6472 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Baumgartner, Becker, Benton, Brown, Carrell, Chase, Conway, Delvin, Eide, Ericksen, Fain, Fraser, Frockt, Harper, Hatfield, Haugen, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles, Litzow, McAuliffe, Morton, Murray, Nelson, Padden, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rolfes, Schoesler, Sheldon, Shin, Swecker, Tom and Zarelli

Excused: Senators Hargrove and Stevens

SUBSTITUTE SENATE BILL NO. 6472, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 6392, by Senators Ranker, Kohl-Welles, Conway and Shin

Establishing a farm internship program.

#### MOTION

On motion of Senator Ranker, Substitute Senate Bill No. 6392 was substituted for Senate Bill No. 6392 and the substitute bill was placed on the second reading and read the second time.

#### MOTION

Senator Holmquist Newbry moved that the following amendment by Senators Holmquist Newbry and Ranker be adopted:

On page 8, after line 10, insert the following:

"**NEW SECTION, Sec. 5.** Appropriations made for the purposes of this act must be from the state general fund."

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

Senators Holmquist Newbry and Ranker spoke in favor of adoption of the amendment.

The President Pro Tempore declared the question before the Senate to be the adoption of the amendment by Senators Holmquist Newbry and Ranker on page 8, after line 10 to Substitute Senate Bill No. 6392.

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

#### MOTION

On motion of Senator Ranker, the rules were suspended, Engrossed Substitute Senate Bill No. 6392 was advanced to third

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

Senators Ranker, Holmquist Newbry, Kohl-Welles and Parlette spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 6392.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6392 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Baumgartner, Becker, Benton, Brown, Carrell, Chase, Conway, Delvin, Eide, Ericksen, Fain, Fraser, Frockt, Harper, Hatfield, Haugen, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles, Litzow, McAuliffe, Morton, Murray, Nelson, Padden, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rolfes, Schoesler, Sheldon, Shin, Swecker, Tom and Zarelli

Excused: Senators Hargrove and Stevens

ENGROSSED SUBSTITUTE SENATE BILL NO. 6392, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SUBSTITUTE SENATE BILL NO. 5576, by Senate Committee on Ways & Means (originally sponsored by Senators Kilmer, Zarelli, Tom and Shin)

Regarding capital construction and building purposes at the University of Washington and Washington State University.

#### MOTIONS

On motion of Senator Kilmer, Second Substitute Senate Bill No. 5576 was substituted for Substitute Senate Bill No. 5576 and the second substitute bill was placed on the second reading and read the second time.

On motion of Senator Kilmer, the rules were suspended, Second Substitute Senate Bill No. 5576 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

The President Pro Tempore declared the question before the Senate to be the final passage of Second Substitute Senate Bill No. 5576.

#### ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 5576 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 1; Absent, 0; Excused, 2.

Voting yea: Senators Baumgartner, Becker, Benton, Brown, Carrell, Chase, Conway, Delvin, Eide, Ericksen, Fain, Fraser, Frockt, Harper, Hatfield, Haugen, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles, Litzow, McAuliffe, Morton, Murray,

Nelson, Padden, Parlette, Prentice, Pridemore, Ranker, Regala, Roach, Rolfes, Schoesler, Sheldon, Shin, Swecker, Tom and Zarelli

Voting nay: Senator Pflug

Excused: Senators Hargrove and Stevens

SECOND SUBSTITUTE SENATE BILL NO. 5576, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MOTION

On motion of Senator Delvin, Senator Zarelli was excused.

#### SECOND READING

SENATE BILL NO. 6284, by Senators Kline, Harper, Litzow, Kohl-Welles, Keiser and Hargrove

Reforming Washington's approach to certain nonsafety civil traffic infractions by authorizing a civil collection process for unpaid traffic fines and removing the requirement for law enforcement intervention for the failure to appear and pay a traffic ticket.

#### MOTION

On motion of Senator Kline, Second Substitute Senate Bill No. 6284 was substituted for Senate Bill No. 6284 and the second substitute bill was placed on the second reading and read the second time.

#### MOTION

Senator Kline moved that the following striking amendment by Senators Kline and Pflug be adopted:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 46.63.110 and 2010 c 252 s 5 are each amended to read as follows:

(1) A person found to have committed a traffic infraction shall be assessed a monetary penalty. No penalty may exceed two hundred and fifty dollars for each offense unless authorized by this chapter or title.

(2) The monetary penalty for a violation of (a) RCW 46.55.105(2) is two hundred fifty dollars for each offense; (b) RCW 46.61.210(1) is five hundred dollars for each offense. No penalty assessed under this subsection (2) may be reduced.

(3) The supreme court shall prescribe by rule a schedule of monetary penalties for designated traffic infractions. This rule shall also specify the conditions under which local courts may exercise discretion in assessing fines and penalties for traffic infractions. The legislature respectfully requests the supreme court to adjust this schedule every two years for inflation.

(4) There shall be a penalty of twenty-five dollars for failure to respond to a notice of traffic infraction except where the infraction relates to parking as defined by local law, ordinance, regulation, or resolution or failure to pay a monetary penalty imposed pursuant to this chapter. A local legislative body may set a monetary penalty not to exceed twenty-five dollars for failure to respond to a notice of traffic infraction relating to parking as defined by local law, ordinance, regulation, or resolution. The local court, whether a municipal, police, or district court, shall impose the monetary penalty set by the local legislative body.

(5) Monetary penalties provided for in chapter 46.70 RCW which are civil in nature and penalties which may be assessed for violations of chapter 46.44 RCW relating to size, weight, and load of motor vehicles are not subject to the limitation on the amount of monetary penalties which may be imposed pursuant to this chapter.

(6) Whenever a monetary penalty, fee, cost, assessment, or other monetary obligation is imposed by a court under this chapter, it is immediately payable and is enforceable as a civil judgment under Title 6 RCW. If the court determines, in its discretion, that a person is not able to pay a monetary obligation in full, and not more than one year has passed since the later of July 1, 2005, or the date the monetary obligation initially became due and payable, the court shall enter into a payment plan with the person, unless the person has previously been granted a payment plan with respect to the same monetary obligation, or unless the person is in noncompliance of any existing or prior payment plan, in which case the court may, at its discretion, implement a payment plan. If the court has notified the department that the person has failed to pay or comply and the person has subsequently entered into a payment plan and made an initial payment, the court shall notify the department that the infraction has been adjudicated, and the department shall rescind any suspension of the person's driver's license or driver's privilege based on failure to respond to that infraction. "Payment plan," as used in this section, means a plan that requires reasonable payments based on the financial ability of the person to pay. The person may voluntarily pay an amount at any time in addition to the payments required under the payment plan.

(a) If a payment required to be made under the payment plan is delinquent or the person fails to complete a community restitution program on or before the time established under the payment plan, unless the court determines good cause therefor and adjusts the payment plan or the community restitution plan accordingly, the court ~~((shall notify the department of the person's failure to meet the conditions of the plan, and the department shall suspend the person's driver's license or driving privilege))~~ may refer the unpaid monetary penalty, fee, cost, assessment, or other monetary obligation for civil enforcement until all monetary obligations, including those imposed under subsections (3) and (4) of this section, have been paid, and court authorized community restitution has been completed, or until the ~~((department has been notified that the))~~ court has entered into a new time payment or community restitution agreement with the person. For those infractions subject to suspension under RCW 46.20.289, the court shall notify the department of the person's failure to meet the conditions of the plan, and the department shall suspend the person's driver's license or driving privileges.

(b) If a person has not entered into a payment plan with the court and has not paid the monetary obligation in full on or before the time established for payment, the court ~~((shall notify the department of the delinquency. The department shall suspend the person's driver's license or driving privilege))~~ may refer the unpaid monetary penalty, fee, cost, assessment, or other monetary obligation to a collections agency until all monetary obligations have been paid, including those imposed under subsections (3) and (4) of this section, or until the person has entered into a payment plan under this section. For those infractions subject to suspension under RCW 46.20.289, the court shall notify the department of the person's delinquency, and the department shall suspend the person's driver's license or driving privileges.

(c) If the payment plan is to be administered by the court, the court may assess the person a reasonable administrative fee to be wholly retained by the city or county with jurisdiction. The administrative fee shall not exceed ten dollars per infraction or twenty-five dollars per payment plan, whichever is less.

(d) Nothing in this section precludes a court from contracting with outside entities to administer its payment plan system. When



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outside entities are used for the administration of a payment plan, the court may assess the person a reasonable fee for such administrative services, which fee may be calculated on a periodic, percentage, or other basis.

(e) If a court authorized community restitution program for offenders is available in the jurisdiction, the court may allow conversion of all or part of the monetary obligations due under this section to court authorized community restitution in lieu of time payments if the person is unable to make reasonable time payments.

(7) In addition to any other penalties imposed under this section and not subject to the limitation of subsection (1) of this section, a person found to have committed a traffic infraction shall be assessed:

(a) A fee of five dollars per infraction. Under no circumstances shall this fee be reduced or waived. Revenue from this fee shall be forwarded to the state treasurer for deposit in the emergency medical services and trauma care system trust account under RCW 70.168.040;

(b) A fee of ten dollars per infraction. Under no circumstances shall this fee be reduced or waived. Revenue from this fee shall be forwarded to the state treasurer for deposit in the Washington auto theft prevention authority account; and

(c) A fee of two dollars per infraction. Revenue from this fee shall be forwarded to the state treasurer for deposit in the traumatic brain injury account established in RCW 74.31.060.

(8)(a) In addition to any other penalties imposed under this section and not subject to the limitation of subsection (1) of this section, a person found to have committed a traffic infraction other than of RCW 46.61.527 or 46.61.212 shall be assessed an additional penalty of twenty dollars. The court may not reduce, waive, or suspend the additional penalty unless the court finds the offender to be indigent. If a court authorized community restitution program for offenders is available in the jurisdiction, the court shall allow offenders to offset all or a part of the penalty due under this subsection (8) by participation in the court authorized community restitution program.

(b) Eight dollars and fifty cents of the additional penalty under (a) of this subsection shall be remitted to the state treasurer. The remaining revenue from the additional penalty must be remitted under chapters 2.08, 3.46, 3.50, 3.62, 10.82, and 35.20 RCW. Money remitted under this subsection to the state treasurer must be deposited in the state general fund. The balance of the revenue received by the county or city treasurer under this subsection must be deposited into the county or city current expense fund. Moneys retained by the city or county under this subsection shall constitute reimbursement for any liabilities under RCW 43.135.060.

(9) If a legal proceeding, such as garnishment, has commenced to collect any delinquent amount owed by the person for any penalty imposed by the court under this section, the court may, at its discretion, enter into a payment plan.

(10) The monetary penalty for violating RCW 46.37.395 is: (a) Two hundred fifty dollars for the first violation; (b) five hundred dollars for the second violation; and (c) seven hundred fifty dollars for each violation thereafter.

**Sec. 2.** RCW 46.20.391 and 2010 c 269 s 2 are each amended to read as follows:

(1) Any person licensed under this chapter who is convicted of an offense relating to motor vehicles for which suspension or revocation of the driver's license is mandatory, other than vehicular homicide, vehicular assault, driving while under the influence of intoxicating liquor or any drug, or being in actual physical control of a motor vehicle while under the influence of intoxicating liquor or any drug, may submit to the department an application for a temporary restricted driver's license. The department, upon receipt of the prescribed fee and upon determining that the petitioner is eligible to receive the license, may issue a temporary restricted

driver's license and may set definite restrictions as provided in RCW 46.20.394.

(2)(a) A person licensed under this chapter whose driver's license is suspended administratively due to failure to appear or pay a traffic ticket under RCW 46.20.289; a violation of the financial responsibility laws under chapter 46.29 RCW; or for multiple violations within a specified period of time under RCW 46.20.291, may apply to the department for an occupational driver's license.

(b) ((If the suspension is for failure to respond, pay, or comply with a notice of traffic infraction or conviction, the applicant must enter into a payment plan with the court.

(c)) An occupational driver's license issued to an applicant described in (a) of this subsection shall be valid for the period of the suspension or revocation.

(3) An applicant for an occupational or temporary restricted driver's license who qualifies under subsection (1) or (2) of this section is eligible to receive such license only if:

(a) Within seven years immediately preceding the date of the offense that gave rise to the present conviction or incident, the applicant has not committed vehicular homicide under RCW 46.61.520 or vehicular assault under RCW 46.61.522; and

(b) The applicant demonstrates that it is necessary for him or her to operate a motor vehicle because he or she:

(i) Is engaged in an occupation or trade that makes it essential that he or she operate a motor vehicle;

(ii) Is undergoing continuing health care or providing continuing care to another who is dependent upon the applicant;

(iii) Is enrolled in an educational institution and pursuing a course of study leading to a diploma, degree, or other certification of successful educational completion;

(iv) Is undergoing substance abuse treatment or is participating in meetings of a twelve-step group such as Alcoholics Anonymous that requires the petitioner to drive to or from the treatment or meetings;

(v) Is fulfilling court-ordered community service responsibilities;

(vi) Is in a program that assists persons who are enrolled in a WorkFirst program pursuant to chapter 74.08A RCW to become gainfully employed and the program requires a driver's license;

(vii) Is in an apprenticeship, on-the-job training, or welfare-to-work program; or

(viii) Presents evidence that he or she has applied for a position in an apprenticeship or on-the-job training program for which a driver's license is required to begin the program, provided that a license granted under this provision shall be in effect for no longer than fourteen days; and

(c) The applicant files satisfactory proof of financial responsibility under chapter 46.29 RCW; and

(d) Upon receipt of evidence that a holder of an occupational driver's license granted under this subsection is no longer enrolled in an apprenticeship or on-the-job training program, the director shall give written notice by first-class mail to the driver that the occupational driver's license shall be canceled. If at any time before the cancellation goes into effect the driver submits evidence of continued enrollment in the program, the cancellation shall be stayed. If the cancellation becomes effective, the driver may obtain, at no additional charge, a new occupational driver's license upon submittal of evidence of enrollment in another program that meets the criteria set forth in this subsection; and

(e) The department shall not issue an occupational driver's license under (b)(iv) of this subsection if the applicant is able to receive transit services sufficient to allow for the applicant's participation in the programs referenced under (b)(iv) of this subsection.

(4) A person aggrieved by the decision of the department on the application for an occupational or temporary restricted driver's license may request a hearing as provided by rule of the department.

(5) The director shall cancel an occupational or temporary restricted driver's license after receiving notice that the holder thereof has been convicted of operating a motor vehicle in violation of its restrictions, no longer meets the eligibility requirements, or has been convicted of or found to have committed a separate offense or any other act or omission that under this chapter would warrant suspension or revocation of a regular driver's license. The department must give notice of the cancellation as provided under RCW 46.20.245. A person whose occupational or temporary restricted driver's license has been canceled under this section may reapply for a new occupational or temporary restricted driver's license if he or she is otherwise qualified under this section and pays the fee required under RCW 46.20.380.

**Sec. 3.** RCW 46.20.289 and 2005 c 288 s 5 are each amended to read as follows:

The department shall suspend all driving privileges of a person when the department receives notice from a court under RCW 46.63.070(6), 46.63.110(6), or 46.64.025 that the person has failed to respond to a notice of traffic infraction for a moving violation, failed to appear at a requested hearing for a moving violation, violated a written promise to appear in court for a notice of infraction for a moving violation, or has failed to comply with the terms of a notice of traffic infraction or citation for a moving violation, or when the department receives notice from another state under Article IV of the nonresident violator compact under RCW 46.23.010 or from a jurisdiction that has entered into an agreement with the department under RCW 46.23.020, other than for a standing, stopping, or parking violation, provided that the traffic infraction or traffic offense is committed on or after July 1, 2005. A suspension under this section takes effect pursuant to the provisions of RCW 46.20.245, and remains in effect until the department has received a certificate from the court showing that the case has been adjudicated, and until the person meets the requirements of RCW 46.20.311. In the case of failure to respond to a traffic infraction issued under RCW 46.55.105, the department shall suspend all driving privileges until the person provides evidence from the court that all penalties and restitution have been paid. A suspension under this section does not take effect if, prior to the effective date of the suspension, the department receives a certificate from the court showing that the case has been adjudicated.

**NEW SECTION. Sec. 4.** A new section is added to chapter 46.20 RCW to read as follows:

The department of licensing in consultation with the administrative office of the courts must adopt and maintain rules, by November 1, 2012, in accordance with chapter 34.05 RCW that define a moving violation for the purposes of this act. "Moving violation" shall be defined pursuant to Title 46 RCW. Upon adoption of these rules, the department must provide written notice to affected parties, the chief clerk of the house of representatives, the secretary of the senate, the office of the code reviser, and others as deemed appropriate by the department.

**Sec. 5.** RCW 46.64.025 and 2006 c 270 s 4 are each amended to read as follows:

Whenever any person served with a traffic citation willfully fails to appear ~~((for a scheduled court hearing))~~ at a requested hearing for a moving violation or fails to comply with the terms of a notice of traffic citation for a moving violation, the court in which the defendant failed to appear shall promptly give notice of such fact to the department of licensing. Whenever thereafter the case in which the defendant failed to appear is adjudicated, the court hearing the case shall promptly file with the department a certificate showing that the case has been adjudicated. For the purposes of this section, "moving violation" is defined by rule pursuant to section 4 of this act.

**NEW SECTION. Sec. 6.** Except for section 4 of this act, this act takes effect June 1, 2013. If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2012, in the transportation appropriations act, this act is null and void."

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

#### MOTION

On motion of Senator Fraser, Senator Regala was excused.

The President Pro Tempore declared the question before the Senate to be the adoption of the striking amendment by Senators Kline and Pflug to Second Substitute Senate Bill No. 6284.

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

#### MOTION

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

On page 1, line 5 of the title, after "ticket;" strike the remainder of the title and insert "amending RCW 46.63.110, 46.20.391, 46.20.289, and 46.64.025; adding a new section to chapter 46.20 RCW; and providing an effective date."

#### MOTION

On motion of Senator Pflug, the rules were suspended, Engrossed Second Substitute Senate Bill No. 6284 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Pflug spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Engrossed Second Substitute Senate Bill No. 6284.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 6284 and the bill passed the Senate by the following vote: Yeas, 35; Nays, 11; Absent, 0; Excused, 3.

Voting yea: Senators Benton, Brown, Carrell, Chase, Conway, Eide, Fain, Fraser, Frockt, Harper, Hatfield, Haugen, Hewitt, Hobbs, Kastama, Keiser, Kilmer, Kline, Kohl-Welles, Litzow, McAuliffe, Morton, Murray, Nelson, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rolfes, Shin, Swecker and Tom

Voting nay: Senators Baumgartner, Becker, Delvin, Ericksen, Hill, Holmquist Newbry, Honeyford, King, Padden, Schoesler and Sheldon

Excused: Senators Hargrove, Stevens and Zarelli

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6284, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 6383, by Senators Benton, Eide, Schoesler, Kohl-Welles, Chase, Padden, Stevens, Hobbs, Pflug, Hargrove, Harper, McAuliffe, Prentice, Shin, Fraser, Fain, Hill,

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Baumgartner, Nelson, Swecker, Holmquist Newbry, Kline, Hatfield, Becker, Conway, Hewitt, King, Parlette, Ranker, Litzow, Zarelli, Ericksen, Morton and Honeyford

Regarding Washington interscholastic activities association penalties.

MOTION

On motion of Senator Benton, Substitute Senate Bill No. 6383 was substituted for Senate Bill No. 6383 and the substitute bill was placed on the second reading and read the second time.

MOTION

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

Strike everything after the enacting clause and insert the following:

**NEW SECTION. Sec. 1.** The legislature finds that the mission of the Washington interscholastic activities association is to assist member schools in operating student programs that foster achievement, respect, equity, enthusiasm, and excellence in a safe and organized environment. The legislature intends to ensure that this mission is successfully carried out so that arbitrary sanctions that result in students unfairly being denied to participate or cause students' achievements to be diminished do not occur. It is the intent of the legislature to impact the association's current processes for establishing penalties for rules violations and to redefine the scope of penalties that are permitted to be imposed. It is further the intent of the legislature to build protections into state law so that punishment, when necessary, is meted out to the appropriate party and in a proportional manner. The legislature further intends to ensure that state and local rules relating to interschool extracurricular activities be consistent with one another, promote fairness, and allow for a clear process of appeal.

**Sec. 2.** RCW 28A.600.200 and 2006 c 263 s 904 are each amended to read as follows:

Each school district board of directors is hereby granted and shall exercise the authority to control, supervise and regulate the conduct of interschool athletic activities and other interschool extracurricular activities of an athletic, cultural, social or recreational nature for students of the district. A board of directors may delegate control, supervision and regulation of any such activity to the Washington interscholastic activities association or any other voluntary nonprofit entity and compensate such entity for services provided, subject to the following conditions:

(1) The voluntary nonprofit entity shall not discriminate in connection with employment or membership upon its governing board, or otherwise in connection with any function it performs, on the basis of race, creed, national origin, sex or marital status;

(2)(a) Any rules and policies adopted and applied by the voluntary nonprofit entity ~~((which))~~ that governs student participation in any interschool activity shall be written; and

~~((3))~~ (b) Such rules and policies shall provide for notice of the reasons and a fair opportunity to contest such reasons prior to a final determination to reject a student's request to participate in or to continue in an interschool activity.

(3)(a) The association or other voluntary nonprofit entity is authorized to impose penalties for rules violations upon coaches, school district administrators, school administrators, and students, as appropriate, to punish the offending party or parties;

(b) No penalty may be imposed on a student or students unless the student or students knowingly violated the rules or unless a student gained a significant competitive advantage or materially

disadvantaged another student through a rule violation;

(c) Any penalty that is imposed for rules violations must be proportional to the offense;

(d) Any ~~((such))~~ decision resulting in a penalty shall be considered a decision of the school district conducting the activity in which the student seeks to participate or was participating and may be appealed pursuant to RCW 28A.600.205 and 28A.645.010 through 28A.645.030.

(4) The school districts, Washington interscholastic activities association districts, and leagues that participate in the interschool extracurricular activities shall not impose more severe penalties for rule violations than can be imposed by the rules of the association or the voluntary nonprofit entity.

(5) As used in this section and RCW 28A.600.205, "knowingly" means having actual knowledge of or acting with deliberate ignorance or reckless disregard for the prohibition involved.

**Sec. 3.** RCW 28A.600.205 and 2006 c 263 s 905 are each amended to read as follows:

~~((By July 1, 2006,))~~ (1)(a) The Washington interscholastic activities association shall establish a nine-person appeals committee to address appeals of noneligibility issues. The committee shall be comprised of the secretary from each of the activity districts of the Washington interscholastic activities association. The committee shall begin hearing appeals by July 1, 2006. No committee member may participate in the appeal process if the member was involved in the activity that was the basis of the appeal.

(b) Any penalty or sanction that is imposed or upheld by the appeals committee must be proportional to the offense and must be imposed upon only the offending individual or individuals, including coaches, school district administrators, school administrators, and students. However, only the Washington interscholastic activities association executive board has the authority to remove a team from postseason competition. Should a school violate a Washington interscholastic activities association rule, that violation does not automatically remove that school's team from postseason competition. Penalties levied against coaches and school programs must be considered before removing a team from postseason competition. Removal of a team from postseason competition must be the last option.

(2)(a) A decision of the appeals committee may be appealed to the executive board of the association. If a matter is appealed to the executive board, then the board shall conduct a de novo review of the matter before making a decision.

(b) Any penalty or sanction that is imposed or upheld by the executive board must be proportional to the offense and must be imposed upon only the offending individual or individuals including coaches, school district administrators, school administrators, or students. However, only the Washington interscholastic activities association executive board has the authority to remove a team from postseason competition. Should a school violate a Washington interscholastic activities association rule, that violation does not automatically remove that school's team from postseason competition. Penalties levied against coaches and school programs must be considered before removing a team from postseason competition. Removal of a team from postseason competition must be the last option.

(c) If a rule violation is reported to the association within ten days of the relevant postseason play, then the only review shall be conducted by the executive board of the Washington interscholastic activities association so that a decision can be rendered in a timely manner. The executive board must take all possible actions to render a decision before the postseason play takes place.

(3) A decision of the executive board of the association may be appealed to superior court pursuant to RCW 28A.645.010 through 28A.645.030.

**NEW SECTION. Sec. 4.** Within available resources, the Washington interscholastic activities association shall develop model rules regarding a rules violation punishment grid that is modeled after the Washington state sentencing guidelines. The rules shall outline appropriate degrees of punishment correlated with the severity of a violation of the rules. The Washington interscholastic activities association shall present its model rules to the legislature no later than December 30, 2012.

**NEW SECTION. Sec. 5.** This act may be known and cited as the Knight act."

Senator Benton spoke in favor of adoption of the amendment.

The President Pro Tempore declared the question before the Senate to be the adoption of the striking amendment by Senator Benton and others to Substitute Senate Bill No. 6383.

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

#### MOTION

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

On page 1, line 2 of the title, after "association;" strike the remainder of the title and insert "amending RCW 28A.600.200 and 28A.600.205; and creating new sections."

#### MOTION

On motion of Senator Benton, the rules were suspended, Engrossed Substitute Senate Bill No. 6383 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Benton spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 6383.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6383 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 1; Absent, 0; Excused, 3.

Voting yea: Senators Baumgartner, Becker, Benton, Brown, Carrell, Chase, Conway, Delvin, Eide, Ericksen, Fain, Fraser, Frockt, Harper, Hatfield, Haugen, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles, Litzow, McAuliffe, Morton, Murray, Nelson, Padden, Parlette, Pflug, Prentice, Ranker, Regala, Roach, Rolfes, Schoesler, Sheldon, Shin, Swecker and Tom

Voting nay: Senator Pridemore

Excused: Senators Hargrove, Stevens and Zarelli

ENGROSSED SUBSTITUTE SENATE BILL NO. 6383, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

ENGROSSED SENATE BILL NO. 5575, by Senators Hatfield, Delvin, Eide, Schoesler, Haugen, Shin, Kilmer, Hobbs, Becker, Honeyford, Conway and Sheldon

Recognizing certain biomass energy facilities as an eligible renewable resource.

#### MOTION

On motion of Senator Hatfield, Substitute Senate Bill No. 5575 was substituted for Engrossed Senate Bill No. 5575 and the substitute bill was placed on the second reading and read the second time.

#### MOTION

Senator Hatfield moved that the following striking amendment by Senators Hatfield, Delvin and Ranker be adopted:

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** (1) The legislature finds that: (a) Pulping liquors can be used to reduce harmful pollution and produce electricity and thermal energy that enables pulp and paper facilities to be highly energy efficient; (b) biomass facilities and pulp and paper mills are typically located in communities that are disproportionately affected by economic downturns; (c) mill closures have occurred throughout the state for more than a decade and the remaining ones have become all the more dependent on selling wood residuals, which are used for electricity generation, in order to sustain their economic viability; (d) employment at pulp and paper mills in the state has also declined significantly, most recently in Grays Harbor and Snohomish counties; (e) wood derived biomass is a renewable fuel for generating electricity and considered carbon-neutral under the laws of the state of Washington; and (f) using food processing residues, food waste, and yard waste to generate renewable electricity can benefit rural economies, decrease the amount of solid waste that requires disposal, and reduce greenhouse gas emissions that result from organic decay.

(2) The legislature declares that, by promoting the generation of renewable energy from biomass, particularly in economically distressed communities, it intends to ensure greater economic stability for the communities that have suffered heavy job losses and chronic unemployment.

(3) The legislature further declares that: (a) The owners of qualified biomass energy facilities that must comply with the renewable energy standards under the energy independence act of 2006, either as a matter of law or contractual obligation, should be permitted to use qualified biomass energy credits to meet their obligations; and (b) electricity that is generated by a biomass energy facility that entered commercial operation after March 31, 1999, from the combustion of organic by-products of pulping and the wood manufacturing process should be treated as an eligible renewable resource.

**Sec. 2.** RCW 19.285.030 and 2009 c 565 s 20 are each amended to read as follows:

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

(1) "Attorney general" means the Washington state office of the attorney general.

(2) "Auditor" means: (a) The Washington state auditor's office or its designee for qualifying utilities under its jurisdiction that are not investor-owned utilities; or (b) an independent auditor selected by a qualifying utility that is not under the jurisdiction of the state auditor and is not an investor-owned utility.

(3) "Commission" means the Washington state utilities and transportation commission.

(4) "Conservation" means any reduction in electric power consumption resulting from increases in the efficiency of energy use, production, or distribution.

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(5) "Cost-effective" has the same meaning as defined in RCW 80.52.030.

(6) "Council" means the Washington state apprenticeship and training council within the department of labor and industries.

(7) "Customer" means a person or entity that purchases electricity for ultimate consumption and not for resale.

(8) "Department" means the department of commerce or its successor.

(9) "Distributed generation" means an eligible renewable resource where the generation facility or any integrated cluster of such facilities has a generating capacity of not more than five megawatts.

(10) "Eligible renewable resource" means:

(a) Electricity from a generation facility powered by a renewable resource other than freshwater that commences operation after March 31, 1999, where: (i) The facility is located in the Pacific Northwest; or (ii) the electricity from the facility is delivered into Washington state on a real-time basis without shaping, storage, or integration services; ~~(or)~~

(b) Incremental electricity produced as a result of efficiency improvements completed after March 31, 1999, to hydroelectric generation projects owned by a qualifying utility and located in the Pacific Northwest or to hydroelectric generation in irrigation pipes and canals located in the Pacific Northwest, where the additional generation in either case does not result in new water diversions or impoundments; and

(c) Qualified biomass energy.

(11) "Investor-owned utility" has the same meaning as defined in RCW 19.29A.010.

(12) "Load" means the amount of kilowatt-hours of electricity delivered in the most recently completed year by a qualifying utility to its Washington retail customers.

(13) "Nonpower attributes" means all environmentally related characteristics, exclusive of energy, capacity reliability, and other electrical power service attributes, that are associated with the generation of electricity from a renewable resource, including but not limited to the facility's fuel type, geographic location, vintage, qualification as an eligible renewable resource, and avoided emissions of pollutants to the air, soil, or water, and avoided emissions of carbon dioxide and other greenhouse gases.

(14) "Pacific Northwest" has the same meaning as defined for the Bonneville power administration in section 3 of the Pacific Northwest electric power planning and conservation act (94 Stat. 2698; 16 U.S.C. Sec. 839a).

(15) "Public facility" has the same meaning as defined in RCW 39.35C.010.

(16) "Qualifying utility" means an electric utility, as the term "electric utility" is defined in RCW 19.29A.010, that serves more than twenty-five thousand customers in the state of Washington. The number of customers served may be based on data reported by a utility in form 861, "annual electric utility report," filed with the energy information administration, United States department of energy.

(17) "Renewable energy credit" means a tradable certificate of proof of at least one megawatt-hour of an eligible renewable resource where the generation facility is not powered by freshwater~~(s)~~. The certificate includes all of the nonpower attributes associated with that one megawatt-hour of electricity, and the certificate is verified by a renewable energy credit tracking system selected by the department.

(18) "Renewable resource" means: (a) Water; (b) wind; (c) solar energy; (d) geothermal energy; (e) landfill gas; (f) wave, ocean, or tidal power; (g) gas from sewage treatment facilities; (h) biodiesel fuel as defined in RCW 82.29A.135 that is not derived from crops raised on land cleared from old growth or first-growth forests where the clearing occurred after December 7, 2006; ~~(and)~~ or (i) biomass

energy ~~((based on animal waste or solid organic fuels from wood, forest, or field residues, or dedicated energy crops that do not include (i) wood pieces that have been treated with chemical preservatives such as creosote, pentachlorophenol, or copper-chrome-arsenic; (ii) black liquor by product from paper production; (iii) wood from old growth forests; or (iv) municipal solid waste))~~.

(19)(a) "Biomass energy" includes: (i) Organic by-products of pulping and the wood manufacturing process; (ii) animal manure; (iii) solid organic fuels from wood; (iv) forest or field residues; (v) untreated wooden demolition or construction debris; (vi) food waste and food processing residuals; (vii) liquors derived from algae; (viii) dedicated energy crops; and (ix) yard waste.

(b) "Biomass energy" does not include: (i) Wood pieces that have been treated with chemical preservatives such as creosote, pentachlorophenol, or copper-chrome-arsenic; (ii) wood from old growth forests; or (iii) municipal solid waste.

(20) "Qualified biomass energy" means electricity produced from a biomass energy facility that: (a) Commenced operation before March 31, 1999; (b) contributes to the qualifying utility's load; and (c) is owned either by: (i) A qualifying utility; or (ii) an industrial facility that is directly interconnected with electricity facilities that are owned by a qualifying utility and capable of carrying electricity at transmission voltage.

(21) "Rule" means rules adopted by an agency or other entity of Washington state government to carry out the intent and purposes of this chapter.

~~((20))~~ (22) "Year" means the twelve-month period commencing January 1st and ending December 31st.

**Sec. 3.** RCW 19.285.040 and 2007 c 1 s 4 are each amended to read as follows:

(1) Each qualifying utility shall pursue all available conservation that is cost-effective, reliable, and feasible.

(a) By January 1, 2010, using methodologies consistent with those used by the Pacific Northwest electric power and conservation planning council in its most recently published regional power plan, each qualifying utility shall identify its achievable cost-effective conservation potential through 2019. At least every two years thereafter, the qualifying utility shall review and update this assessment for the subsequent ten-year period.

(b) Beginning January 2010, each qualifying utility shall establish and make publicly available a biennial acquisition target for cost-effective conservation consistent with its identification of achievable opportunities in (a) of this subsection, and meet that target during the subsequent two-year period. At a minimum, each biennial target must be no lower than the qualifying utility's pro rata share for that two-year period of its cost-effective conservation potential for the subsequent ten-year period.

(c) In meeting its conservation targets, a qualifying utility may count high-efficiency cogeneration owned and used by a retail electric customer to meet its own needs. High-efficiency cogeneration is the sequential production of electricity and useful thermal energy from a common fuel source, where, under normal operating conditions, the facility has a useful thermal energy output of no less than thirty-three percent of the total energy output. The reduction in load due to high-efficiency cogeneration shall be: (i) Calculated as the ratio of the fuel chargeable to power heat rate of the cogeneration facility compared to the heat rate on a new and clean basis of a best-commercially available technology combined-cycle natural gas-fired combustion turbine; and (ii) counted towards meeting the biennial conservation target in the same manner as other conservation savings.

(d) The commission may determine if a conservation program implemented by an investor-owned utility is cost-effective based on the commission's policies and practice.

(e) The commission may rely on its standard practice for review and approval of investor-owned utility conservation targets.

(2)(a) Except as provided in (j) of this subsection, each qualifying utility shall use eligible renewable resources or acquire equivalent renewable energy credits, or ~~(a)~~ any combination of ~~(both)~~ them, to meet the following annual targets:

(i) At least three percent of its load by January 1, 2012, and each year thereafter through December 31, 2015;

(ii) At least nine percent of its load by January 1, 2016, and each year thereafter through December 31, 2019; and

(iii) At least fifteen percent of its load by January 1, 2020, and each year thereafter.

(b) A qualifying utility may count distributed generation at double the facility's electrical output if the utility: (i) Owns or has contracted for the distributed generation and the associated renewable energy credits; or (ii) has contracted to purchase the associated renewable energy credits.

(c) In meeting the annual targets in (a) of this subsection, a qualifying utility shall calculate its annual load based on the average of the utility's load for the previous two years.

(d) A qualifying utility shall be considered in compliance with an annual target in (a) of this subsection if: (i) The utility's weather-adjusted load for the previous three years on average did not increase over that time period; (ii) after December 7, 2006, the utility did not commence or renew ownership or incremental purchases of electricity from resources other than renewable resources other than on a daily spot price basis and the electricity is not offset by equivalent renewable energy credits; and (iii) the utility invested at least one percent of its total annual retail revenue requirement that year on eligible renewable resources, renewable energy credits, or a combination of both.

(e) The requirements of this section may be met for any given year with renewable energy credits produced during that year, the preceding year, or the subsequent year. Each renewable energy credit may be used only once to meet the requirements of this section.

(f) In complying with the targets established in (a) of this subsection, a qualifying utility may not count:

(i) Eligible renewable resources or distributed generation where the associated renewable energy credits are owned by a separate entity; or

(ii) Eligible renewable resources or renewable energy credits obtained for and used in an optional pricing program such as the program established in RCW 19.29A.090.

(g) Where fossil and combustible renewable resources are cofired in one generating unit located in the Pacific Northwest where the cofiring commenced after March 31, 1999, the unit shall be considered to produce eligible renewable resources in direct proportion to the percentage of the total heat value represented by the heat value of the renewable resources.

(h)(i) A qualifying utility that acquires an eligible renewable resource or renewable energy credit may count that acquisition at one and two-tenths times its base value:

(A) Where the eligible renewable resource comes from a facility that commenced operation after December 31, 2005; and

(B) Where the developer of the facility used apprenticeship programs approved by the council during facility construction.

(ii) The council shall establish minimum levels of labor hours to be met through apprenticeship programs to qualify for this extra credit.

(i) A qualifying utility shall be considered in compliance with an annual target in (a) of this subsection if events beyond the reasonable control of the utility that could not have been reasonably anticipated or ameliorated prevented it from meeting the renewable energy target. Such events include weather-related damage, mechanical failure, strikes, lockouts, and actions of a governmental

authority that adversely affect the generation, transmission, or distribution of an eligible renewable resource under contract to a qualifying utility.

(j)(i) Beginning January 1, 2016, only a qualifying utility that owns or is directly interconnected to a qualified biomass energy facility may use qualified biomass energy to meet its compliance obligation under RCW 19.285.040(2).

(ii) A qualifying utility may no longer use electricity and associated renewable energy credits from a qualified biomass energy facility if the associated industrial pulping or wood manufacturing facility ceases operation other than for purposes of maintenance or upgrade.

(k) An industrial facility that hosts a qualified biomass energy facility may only transfer or sell renewable energy credits associated with its facility to the qualifying utility with which it is directly interconnected with facilities owned by such a qualifying utility and that are capable of carrying electricity at transmission voltage. The qualifying utility may only use an amount of renewable energy credits associated with qualified biomass energy that are equivalent to the proportionate amount of its annual targets under (a)(ii) and (iii) of this subsection that was created by the load of the industrial facility. A qualifying utility that owns a qualified biomass energy facility may not transfer or sell renewable energy credits associated with qualified biomass energy to another person, entity, or qualifying utility.

(3) Utilities that become qualifying utilities after December 31, 2006, shall meet the requirements in this section on a time frame comparable in length to that provided for qualifying utilities as of December 7, 2006.

NEW SECTION. Sec. 4. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

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

The President Pro Tempore declared the question before the Senate to be the adoption of the striking amendment by Senators Hatfield, Delvin and Ranker to Substitute Senate Bill No. 5575.

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

#### MOTION

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

On page 1, line 5 of the title, after "resource;" strike the remainder of the title and insert "amending RCW 19.285.030 and 19.285.040; and creating a new section."

#### MOTION

On motion of Senator Hatfield, the rules were suspended, Engrossed Substitute Senate Bill No. 5575 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Hatfield, Delvin, Honeyford and Ranker spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5575.

#### ROLL CALL

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The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5575 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 1; Absent, 0; Excused, 3.

Voting yea: Senators Baumgartner, Becker, Benton, Brown, Carrell, Chase, Conway, Delvin, Eide, Ericksen, Fain, Fraser, Frockt, Harper, Hatfield, Haugen, Hewitt, Hobbs, Holmquist Newbry, Honeyford, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles, Litzow, McAuliffe, Morton, Murray, Nelson, Padden, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rolfes, Schoesler, Sheldon, Shin, Swecker and Tom

Voting nay: Senator Hill

Excused: Senators Hargrove, Stevens and Zarelli

ENGROSSED SUBSTITUTE SENATE BILL NO. 5575, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MOTION

At 6:09 p.m., on motion of Senator Eide, the Senate adjourned until 9:00 a.m. Monday, February 13, 2012.

BRAD OWEN, President of the Senate

THOMAS HOEMANN, Secretary of the Senate

## THIRTY SIXTH DAY

## MORNING SESSION

Senate Chamber, Olympia, Monday, February 13, 2012

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

The Sergeant at Arms Color Guard consisting of Pages Olivia McAuliffe and Mickey Cao, presented the Colors. Senator Regala offered the prayer.

## MOTION

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

## MOTION

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

## MESSAGE FROM THE HOUSE

February 11, 2012

MR. PRESIDENT:

The House has passed:

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2319,

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2337,

HOUSE BILL NO. 2474.

and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

## MESSAGE FROM THE HOUSE

February 11, 2012

MR. PRESIDENT:

The House has passed:

ENGROSSED HOUSE BILL NO. 2152,

SECOND SUBSTITUTE HOUSE BILL NO. 2170,

SECOND SUBSTITUTE HOUSE BILL NO. 2211,

SUBSTITUTE HOUSE BILL NO. 2254,

HOUSE BILL NO. 2346,

SUBSTITUTE HOUSE BILL NO. 2395,

SECOND SUBSTITUTE HOUSE BILL NO. 2452,

SUBSTITUTE HOUSE BILL NO. 2503,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2586,

SUBSTITUTE HOUSE BILL NO. 2640,

SECOND SUBSTITUTE HOUSE BILL NO. 2717,

SUBSTITUTE HOUSE BILL NO. 2736,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2747.

and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

## MESSAGE FROM THE HOUSE

February 11, 2012

MR. PRESIDENT:

The House has passed:

SUBSTITUTE HOUSE BILL NO. 2177,

HOUSE BILL NO. 2179,

SUBSTITUTE HOUSE BILL NO. 2407,

SUBSTITUTE HOUSE BILL NO. 2421.

and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

## MOTION

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

## INTRODUCTION AND FIRST READING

SB 6595 by Senators Ericksen, Stevens, Hatfield and Hobbs

AN ACT Relating to establishing volumetric taxes imposed upon liquor sales; amending RCW 82.08.150; adding a new section to chapter 82.04 RCW; and providing an effective date.

Referred to Committee on Ways & Means.

## INTRODUCTION AND FIRST READING OF HOUSE BILLS

SHB 1253 by House Committee on Judiciary (originally sponsored by Representatives Fitzgibbon, Rivers, Pedersen and Rodne)

AN ACT Relating to revising the uniform interstate family support act; amending RCW 26.21A.010, 26.21A.015, 26.21A.020, 26.21A.100, 26.21A.110, 26.21A.115, 26.21A.125, 26.21A.130, 26.21A.135, 26.21A.140, 26.21A.150, 26.21A.200, 26.21A.215, 26.21A.220, 26.21A.225, 26.21A.230, 26.21A.235, 26.21A.245, 26.21A.250, 26.21A.260, 26.21A.275, 26.21A.280, 26.21A.285, 26.21A.290, 26.21A.350, 26.21A.415, 26.21A.420, 26.21A.430, 26.21A.500, 26.21A.505, 26.21A.510, 26.21A.515, 26.21A.520, 26.21A.525, 26.21A.530, 26.21A.535, 26.21A.540, 26.21A.545, 26.21A.550, and 26.21A.570; adding new sections to chapter 26.21A RCW; repealing RCW 26.21A.105, 26.21A.145, and 26.21A.600; and providing a contingent effective date.

Referred to Committee on Human Services & Corrections.

ESHB 1256 by House Committee on Business & Financial Services (originally sponsored by Representative Appleton)

AN ACT Relating to body art, body piercing, and tattooing; amending RCW 18.300.010, 18.300.020, 18.300.030, 18.300.050, 18.300.060, 18.300.070, 18.300.090, and 18.300.130; and adding new sections to chapter 18.300 RCW.

Referred to Committee on Labor, Commerce & Consumer Protection.



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SHB 1518 by House Committee on State Government & Tribal Affairs (originally sponsored by Representatives Hunt, Reykdal and Kenney)

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

Referred to Committee on Government Operations, Tribal Relations & Elections.

SHB 1552 by House Committee on Judiciary (originally sponsored by Representative Goodman)

AN ACT Relating to garnishment; amending RCW 6.27.010, 6.27.090, 6.27.100, 6.27.340, 6.27.110, 6.27.140, 6.27.140, 6.27.150, 6.27.190, 6.27.200, 6.27.250, 6.27.330, 6.27.350, 6.27.360, 6.27.370, 2.10.180, 2.12.090, 41.20.180, 41.28.200, 41.34.080, 41.35.100, 41.37.090, 41.40.052, 41.44.240, and 43.43.310; reenacting and amending RCW 41.32.052 and 41.26.053; adding a new section to chapter 6.27 RCW; providing an effective date; and providing an expiration date.

Referred to Committee on Judiciary.

ESHB 1983 by House Committee on Public Safety & Emergency Preparedness (originally sponsored by Representatives Parker, Kenney, McCune, Hunt, Johnson, Pearson, Ryu, Fagan and Nealey)

AN ACT Relating to increasing fee assessments for prostitution and trafficking crimes and requiring sex offender registration for second and subsequent convictions of promoting prostitution in the first or second degree; amending RCW 9A.40.100, 9A.44.128, 9A.88.120, 9.68A.105, 3.50.100, 3.62.020, 3.62.040, 10.82.070, and 35.20.220; and prescribing penalties.

Referred to Committee on Human Services & Corrections.

SHB 2010 by House Committee on Business & Financial Services (originally sponsored by Representatives Kirby and Bailey)

AN ACT Relating to title insurance rate filings; amending RCW 48.03.010, 48.03.060, and 42.56.400; reenacting and amending RCW 42.56.400; adding new sections to chapter 48.29 RCW; providing an effective date; and providing an expiration date.

Referred to Committee on Financial Institutions, Housing & Insurance.

EHB 2205 by Representatives Billig, Zeiger, Fitzgibbon, Hudgins, Hunt, Green, Sells, McCoy, Maxwell, Probst, Jinkins, Pettigrew, Darneille, Eddy, Upthegrove, Hope, Ormsby, Blake, Miloscia, Hansen, Goodman, Carlyle, Kagi, Van De Wege, Pedersen, Tharinger, Kenney, Orwall, Moeller, Wylie, Appleton, Ladenburg, Lytton, Reykdal, Stanford, Pollet and Hasegawa

AN ACT Relating to voter registration for sixteen and seventeen year olds; amending RCW 29A.08.210, 29A.08.330, and 46.20.155; adding a new section to chapter 29A.08 RCW; creating a new section; and providing an effective date.

Referred to Committee on Government Operations, Tribal Relations & Elections.

ESHB 2228 by House Committee on Health Care & Wellness (originally sponsored by Representatives Jinkins, Appleton, Reykdal, Stanford, Ryu, Maxwell, Pollet, Ormsby, Cody, Upthegrove, Roberts, Kagi, Wilcox, Ladenburg and Hasegawa)

AN ACT Relating to medication access for the uninsured; adding a new chapter to Title 69 RCW; and providing an effective date.

Referred to Committee on Health & Long-Term Care.

HB 2232 by Representatives McCoy, Hunt, Morris, Haigh, Lytton, Billig, Appleton, Fitzgibbon, Eddy, Sells, Jinkins, Stanford, Hasegawa, Pollet, Ormsby, Wylie, Santos, Roberts and Miloscia

AN ACT Relating to establishing a government-to-government relationship between state government and federally recognized Indian tribes; and adding a new chapter to Title 43 RCW.

Referred to Committee on Government Operations, Tribal Relations & Elections.

ESHB 2233 by House Committee on State Government & Tribal Affairs (originally sponsored by Representatives McCoy, Hunt, Haigh, Pedersen, Appleton, Morris, Billig, Fitzgibbon, Eddy, Sells, Tharinger, Jinkins, Hasegawa, Pollet, Wylie, Upthegrove and Roberts)

AN ACT Relating to creating a procedure for the state's retrocession of civil and criminal jurisdiction over Indian tribes and Indian country; and adding new sections to chapter 37.12 RCW.

Referred to Committee on Government Operations, Tribal Relations & Elections.

HB 2280 by Representatives Moeller, Pettigrew, Blake, Clibborn, Armstrong, Goodman, Hasegawa, Fitzgibbon, Carlyle, Orcutt, Maxwell, Dickerson, Pollet, Tharinger and Pearson

AN ACT Relating to establishing a yellow dot program for motor vehicles; adding a new section to chapter 46.16A RCW; creating a new section; and providing an effective date.

Referred to Committee on Transportation.

SHB 2326 by House Committee on Environment (originally sponsored by Representatives Jinkins, Ladenburg, Darneille, Fitzgibbon, Upthegrove, Seaquist, Moscoso, Green, Kagi, Billig, Tharinger, Pollet, Wylie, Reykdal, McCoy, Eddy, Hunt and Lytton)

AN ACT Relating to protecting air quality that is impacted by high emitting solid fuel burning devices; amending RCW 70.94.473 and 70.94.477; adding a new section to chapter 70.94 RCW; and providing an expiration date.

Referred to Committee on Environment.

SHB 2349 by House Committee on Agriculture & Natural Resources (originally sponsored by Representatives Kretz, Blake, Billig, Short, Hinkle, Upthegrove, Fitzgibbon and McCune)

AN ACT Relating to the management of beavers; adding a new section to chapter 77.32 RCW; adding a new section to chapter 77.36 RCW; creating new sections; and providing an expiration date.

Referred to Committee on Energy, Natural Resources & Marine Waters.

SHB 2352 by House Committee on Higher Education (originally sponsored by Representatives Reykdal, Fitzgibbon, Zeiger, Kenney, Maxwell, Haler, Green, Jinkins, Sells, Moscoso, Ormsby, Pollet, Billig, Anderson, Probst, Lytton, Wylie, Ladenburg, Kelley, Angel and Hunt)

AN ACT Relating to institutions of higher education services and activities fees; amending RCW 28B.15.045; and creating a new section.

Referred to Committee on Higher Education & Workforce Development.

ESHB 2361 by House Committee on Business & Financial Services (originally sponsored by Representatives Kirby, Bailey, Kelley, Parker, Rivers, Buys, Blake, Hurst, Condotta and Pollet)

AN ACT Relating to usage-based automobile insurance and exempting certain usage-based insurance information from public inspection; amending RCW 48.19.040 and 42.56.400; and adding a new section to chapter 48.18 RCW.

Referred to Committee on Financial Institutions, Housing & Insurance.

ESHB 2366 by House Committee on Health Care & Wellness (originally sponsored by Representatives Orwall, Bailey, McCune, Jinkins, Upthegrove, Maxwell, Ladenburg, Kenney, Van De Wege and Darneille)

AN ACT Relating to requiring certain health professionals to complete education in suicide assessment, treatment, and management; adding a new section to chapter 43.70 RCW; and creating new sections.

Referred to Committee on Health & Long-Term Care.

HB 2370 by Representatives Billig, Jinkins, Cody, Lias, Fitzgibbon, Green, Lytton, Ryu, Moscoso, Ladenburg, Maxwell, Tharinger, Finn, Pedersen, Reykdal, Hansen, Hunt, Ormsby, Clibborn, Moeller, Kenney and Santos

AN ACT Relating to including health in the state transportation system policy goals; amending RCW 47.04.280; and creating a new section.

Referred to Committee on Transportation.

ESHB 2384 by House Committee on Business & Financial Services (originally sponsored by Representatives Hudgins,

Bailey, Kirby, Condotta, Pedersen, Ryu, Fitzgibbon, Moscoso, Stanford, Upthegrove, Billig, Lias and Ladenburg)

AN ACT Relating to personal vehicle sharing programs; adding a new chapter to Title 48 RCW; and creating a new section.

Referred to Committee on Financial Institutions, Housing & Insurance.

SHB 2389 by House Committee on Ways & Means (originally sponsored by Representative Orcutt)

AN ACT Relating to modifying the submission dates for economic and revenue forecasts; amending RCW 82.33.020; and providing an effective date.

Referred to Committee on Ways & Means.

HB 2442 by Representatives Bailey and Cody

AN ACT Relating to clarifying when evidence of insurability may be required for medicare supplement insurance policies; and amending RCW 48.66.045.

Referred to Committee on Health & Long-Term Care.

HB 2456 by Representatives Chandler, Blake and Fagan

AN ACT Relating to information regarding agriculture and livestock; and amending RCW 42.56.380.

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

EHB 2457 by Representatives Kirby and Bailey

AN ACT Relating to specialty producer licenses; amending RCW 48.120.005, 48.120.010, 48.120.015, and 48.120.020; and reenacting and amending RCW 48.17.170.

Referred to Committee on Financial Institutions, Housing & Insurance.

SHB 2458 by House Committee on Ways & Means (originally sponsored by Representatives Armstrong, Ross and Johnson)

AN ACT Relating to the existing authority to impose a sales and use tax for public facilities districts by providing flexibility in the submittal of the sales and use tax to voters by distressed public facilities districts; amending RCW 82.14.048; and declaring an emergency.

Referred to Committee on Ways & Means.

ESHB 2473 by House Committee on Health Care & Wellness (originally sponsored by Representatives Green, Hinkle, Johnson, Van De Wege, Ryu and Roberts)

AN ACT Relating to creating a medication assistant endorsement for certified nursing assistants who work in nursing homes; amending RCW 18.88A.040, 18.88A.050, 18.88A.060, 18.88A.120, 18.88A.130, 18.88A.150, and 18.130.040; reenacting and amending RCW 18.88A.020;

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adding a new section to chapter 18.88A RCW; creating new sections; and providing an effective date.

Referred to Committee on Health & Long-Term Care.

ESHB 2502 by House Committee on Ways & Means (originally sponsored by Representatives Hansen and Appleton)

AN ACT Relating to modifying exceptions to the compensating tax provisions for removal from forest land classification to more closely parallel open space property tax provisions; amending RCW 84.33.145; and reenacting and amending RCW 84.33.140.

Referred to Committee on Ways & Means.

HB 2523 by Representatives Bailey, Cody and Kirby

AN ACT Relating to insurers and insurance products; amending RCW 4.28.080, 48.05.440, 48.06.040, 48.17.010, 48.38.010, 48.38.020, 48.38.050, 48.43.310, 48.85.010, 48.85.020, 48.125.050, 48.17.380, 43.70.235, 48.20.435, 48.43.018, 48.44.215, 48.46.325, 48.43.530, 48.43.535, 48.46.030, 48.46.040, 48.41.110, and 48.43.510; reenacting and amending RCW 48.43.005 and 48.46.020; and repealing RCW 48.19.450.

Referred to Committee on Financial Institutions, Housing & Insurance.

ESHB 2553 by House Committee on Transportation (originally sponsored by Representatives Moscoso, Liias, Upthegrove, Fitzgibbon, Reykdal, Billig, Sells, Appleton, Ryu and Roberts)

AN ACT Relating to nonvoting labor members of public transportation governing bodies; and amending RCW 35.58.270, 36.57.030, and 36.57A.050.

Referred to Committee on Transportation.

ESHB 2567 by House Committee on Local Government (originally sponsored by Representative Fitzgibbon)

AN ACT Relating to authorizing an optional system of rates and charges for conservation districts; adding a new section to chapter 89.08 RCW; and declaring an emergency.

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

ESHB 2592 by House Committee on Early Learning & Human Services (originally sponsored by Representatives Roberts, Haler, Carlyle, Hinkle, Reykdal, Pettigrew, Walsh, Wylie, Kagi, Darneille, Kelley, Kenney and Tharinger)

AN ACT Relating to extended foster care services; amending RCW 74.13.680 and 13.34.267; reenacting and amending RCW 74.13.031; and creating a new section.

Referred to Committee on Ways & Means.

SHB 2601 by House Committee on Transportation (originally sponsored by Representatives Eddy, Liias, Ryu, Ladenburg and Moscoso)

AN ACT Relating to improving public transit through the creation of transit service overlay zones; amending RCW 47.80.023 and 36.70A.080; adding a new section to chapter 47.80 RCW; and creating a new section.

Referred to Committee on Transportation.

SHB 2608 by House Committee on Early Learning & Human Services (originally sponsored by Representatives Kagi, Orwall, Sullivan, Haigh, Maxwell, Kenney and Tharinger)

AN ACT Relating to adopting early learning guidelines; reenacting and amending RCW 43.215.020; and adding a new section to chapter 28A.655 RCW.

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

SHB 2617 by House Committee on Education Appropriations & Oversight (originally sponsored by Representatives Anderson and Haigh)

AN ACT Relating to school district financial insolvency; amending RCW 28A.315.025, 28A.315.065, 28A.315.095, 28A.315.195, 28A.315.205, 28A.315.215, 28A.315.225, 28A.315.265, 28A.315.285, 28A.315.305, 28A.315.315, 28A.343.040, 84.09.030, 84.52.053, 39.64.040, 28A.400.300, and 28A.645.010; adding new sections to chapter 28A.315 RCW; adding a new section to chapter 28A.405 RCW; adding a new section to chapter 41.56 RCW; adding a new section to chapter 41.59 RCW; and providing an effective date.

Referred to Committee on Ways & Means.

HB 2643 by Representatives Green, Hinkle, Dickerson, Springer, Goodman and Moeller

AN ACT Relating to purchase of care in institutions for mental diseases; and amending RCW 74.09.120.

Referred to Committee on Human Services & Corrections.

HB 2651 by Representatives Springer, Chandler, Blake, Upthegrove and Wilcox

AN ACT Relating to changing the numeric limit for bacterial contamination for industrial storm water permittees with discharges to water bodies listed as impaired to a narrative limit; amending RCW 90.48.555; and providing an expiration date.

Referred to Committee on Environment.

SHB 2668 by House Committee on Public Safety & Emergency Preparedness (originally sponsored by Representatives Hope, Hurst and Kelley)

AN ACT Relating to adopting the unanimous recommendations of the bail practices work group created in section 2, chapter 256, Laws of 2010; amending RCW 10.19.090, 10.19.100, 10.19.160, 18.185.010, 18.185.040, 18.185.070, 18.185.100, and 18.185.110; and adding a new section to chapter 10.19 RCW.

Referred to Committee on Judiciary.

ESHB 2692 by House Committee on Public Safety & Emergency Preparedness (originally sponsored by Representatives Orwall, Asay, Parker, Carlyle, Kelley, Hurst, Ormsby, Kagi, Dickerson, Upthegrove, Goodman, Pettigrew, Maxwell, Dahlquist, Dammeier, Moscoso, Pearson and Kenney)

AN ACT Relating to the reduction of the commercial sale of sex; amending RCW 9A.88.120, 9A.88.130, 3.50.100, 3.62.020, 3.62.040, 10.82.070, and 35.20.220; and prescribing penalties.

Referred to Committee on Judiciary.

HB 2698 by Representatives Kelley and Rivers

AN ACT Relating to notice given to owners of life insurance policies about alternative transactions; and amending RCW 48.102.100.

Referred to Committee on Financial Institutions, Housing & Insurance.

HB 2725 by Representative Ryu

AN ACT Relating to the agency council on coordinated transportation; amending RCW 47.06B.030, 47.06B.050, and 47.06B.901; and reenacting and amending RCW 47.06B.020.

Referred to Committee on Transportation.

SHB 2748 by House Committee on Ways & Means (originally sponsored by Representatives Fitzgibbon, Anderson and Hasegawa)

AN ACT Relating to transferring ferry and flood control zone district functions and taxing authorities to county legislative authorities in counties with a population of one million five hundred thousand or more; adding new chapters to Title 36 RCW; and providing an effective date.

Referred to Committee on Government Operations, Tribal Relations & Elections.

#### MOTION

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

#### MOTION

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

#### MOTION

On motion of Senator Ericksen, Senator Stevens was excused.

#### SECOND READING CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

#### MOTION

Senator Fraser moved that Gubernatorial Appointment No. 9264, Gretchen Sorensen, as a member of the Board of Trustees, The Evergreen State College, be confirmed.

Senator Fraser spoke in favor of the motion.

#### APPOINTMENT OF GRETCHEN SORENSEN

The President declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9264, Gretchen Sorensen as a member of the Board of Trustees, The Evergreen State College.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9264, Gretchen Sorensen as a member of the Board of Trustees, The Evergreen State College and the appointment was confirmed by the following vote: Yeas, 42; Nays, 3; Absent, 3; Excused, 1.

Voting yea: Senators Becker, Brown, Chase, Conway, Delvin, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hatfield, Haugen, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Kastama, Kilmer, King, Kohl-Welles, Litzow, McAuliffe, Morton, Murray, Nelson, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rolfes, Schoesler, Sheldon, Shin, Swecker, Tom and Zarelli

Voting nay: Senators Baumgartner, Carrell and Padden

Absent: Senators Benton, Keiser and Kline

Excused: Senator Stevens

Gubernatorial Appointment No. 9264, Gretchen Sorensen, having received the constitutional majority was declared confirmed as a member of the Board of Trustees, The Evergreen State College.

#### MOTION

On motion of Senator Ericksen, Senator Benton was excused.

#### MOTION

At 9:15 a.m., on motion of Senator Eide, the Senate was declared to be at ease subject to the call of the President.

The Senate was called to order at 10:35 a.m. by President Owen.

#### SECOND READING

SENATE BILL NO. 6218, by Senators Frockt, Chase, Kline, Harper, Pflug and Hobbs

Concerning escrow licensing requirement exceptions relating to the practice of law.

The measure was read the second time.

#### MOTION

On motion of Senator Frockt, the rules were suspended, Senate Bill No. 6218 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

The President declared the question before the Senate to be the final passage of Senate Bill No. 6218.

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## MOTIONS

## ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6218 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Baumgartner, Becker, Benton, Brown, Carrell, Chase, Conway, Delvin, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hatfield, Haugen, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles, Litzow, McAuliffe, Morton, Murray, Nelson, Padden, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rolfes, Schoesler, Sheldon, Shin, Swecker, Tom and Zarelli

Excused: Senator Stevens

SENATE BILL NO. 6218, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SENATE BILL NO. 6175, by Senators Pridemore, Swecker, Prentice, Shin, Sheldon, Kline and Chase

Establishing a government-to-government relationship between state government and federally recognized Indian tribes.

The measure was read the second time.

## MOTION

On motion of Senator Pridemore, the rules were suspended, Senate Bill No. 6175 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Pridemore spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 6175.

## ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6175 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 5; Absent, 0; Excused, 0.

Voting yea: Senators Baumgartner, Becker, Benton, Brown, Carrell, Chase, Conway, Delvin, Eide, Fain, Fraser, Frockt, Hargrove, Harper, Hatfield, Haugen, Hewitt, Hill, Hobbs, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles, Litzow, McAuliffe, Morton, Murray, Nelson, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rolfes, Schoesler, Sheldon, Shin, Swecker, Tom and Zarelli

Voting nay: Senators Ericksen, Holmquist Newbry, Honeyford, Padden and Stevens

SENATE BILL NO. 6175, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SENATE BILL NO. 6507, by Senators Hewitt, Kilmer, Swecker, Shin and Roach

Establishing the Walla Walla state veterans' home.

On motion of Senator Pridemore, Substitute Senate Bill No. 6507 was substituted for Senate Bill No. 6507 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Pridemore, the rules were suspended, Substitute Senate Bill No. 6507 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Pridemore spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6507.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6507 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 1; Absent, 0; Excused, 0.

Voting yea: Senators Baumgartner, Becker, Benton, Brown, Carrell, Chase, Conway, Delvin, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hatfield, Haugen, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Kastama, Kilmer, King, Kline, Kohl-Welles, Litzow, McAuliffe, Morton, Murray, Nelson, Padden, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rolfes, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Voting nay: Senator Keiser

SUBSTITUTE SENATE BILL NO. 6507, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SENATE BILL NO. 6295, by Senator Morton

Modifying certain exchange facilitator requirements. Revised for 1st Substitute: Modifying certain exchange facilitator requirements and penalties.

## MOTIONS

On motion of Senator Morton, Substitute Senate Bill No. 6295 was substituted for Senate Bill No. 6295 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Morton, the rules were suspended, Substitute Senate Bill No. 6295 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Morton spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6295.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6295 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Baumgartner, Becker, Benton, Brown, Carrell, Chase, Conway, Delvin, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hatfield, Haugen, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles, Litzow, McAuliffe, Morton, Murray,

Nelson, Padden, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rolfes, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

SUBSTITUTE SENATE BILL NO. 6295, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 6211, by Senators Ranker, Litzow, Fain, Hargrove, Kilmer, Hill, Nelson, Keiser and Conway

Accelerating cleanup of hazardous waste sites.

#### MOTION

On motion of Senator Ranker, Second Substitute Senate Bill No. 6211 was substituted for Senate Bill No. 6211 and the second substitute bill was placed on the second reading and read the second time.

#### MOTION

Senator Murray moved that the following amendment by Senators Murray and Ranker be adopted:

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

**"NEW SECTION. Sec. 4.** A new section is added to chapter 70.105D RCW to read as follows:

(1) The brownfield redevelopment trust fund account is created in the state treasury. All receipts from the sources identified in subsection (2) of this section may be deposited into the account. Moneys in the account may be spent only after appropriation. Expenditures from the account may be used only as identified in subsection (4) of this section.

(2) The following receipts must be deposited into the brownfield redevelopment trust fund account:

(a) Moneys appropriated by the legislature to the account for a specific redevelopment opportunity zone established under section 5 of this act or a specific brownfield renewal authority established under section 6 of this act;

(b) Moneys voluntarily deposited in the account for a specific redevelopment opportunity zone or a specific brownfield renewal authority; and

(c) Receipts from settlements or court orders that direct payment to the account for a specific redevelopment opportunity zone to resolve a person's liability or potential liability under this chapter.

(3) If a settlement or court order does not direct payment of receipts described in subsection (2)(c) of this section into the brownfield redevelopment trust fund account, then the receipts from any payment to the state must be deposited into the state toxics control account established under RCW 70.105D.070.

(4) Expenditures from the brownfield redevelopment trust fund account may only be used for the purposes of remediation and cleanup at the specific redevelopment opportunity zone or specific brownfield renewal authority for which the moneys were deposited in the account.

(5) The department shall track moneys received, interest earned, and moneys expended separately for each facility.

(6) The account must retain its interest earnings in accordance with RCW 43.84.092.

(7) The local government designating the redevelopment opportunity zone under section 5 of this act or the associated brownfield renewal authority created under section 6 of this act must be the beneficiary of the deposited moneys.

(8) All expenditures must be used to conduct remediation and cleanup consistent with a plan for the remediation and cleanup of the properties or facilities approved by the department under this chapter. All expenditures must meet the eligibility requirements for the use by local governments under the rules for remedial action grants adopted by the department under this chapter, including requirements for the expenditure of nonstate match funding.

(9) Beginning October 31, 2012, the department must provide a biennial report to the office of financial management and the legislature regarding the activity for each specific redevelopment opportunity zone or specific brownfield renewal authority for which specific legislative appropriation was provided in the previous two fiscal years.

(10) After the department determines that all remedial actions within the redevelopment opportunity zone identified in the plan approved under subsection (8) of this section are completed, including payment of all cost reasonably attributable to the remedial actions and cleanup, any remaining moneys must be transferred to the state toxics control account established under RCW 70.105D.070.

(11) If the department determines that substantial progress has not been made on the plan approved under subsection (8) of this section for a redevelopment opportunity zone or specific brownfield renewal authority for which moneys were deposited in the account within six years, or that the brownfield renewal authority is no longer a viable entity, then all remaining moneys must be transferred to the state toxics control account established under RCW 70.105D.070.

(12) The department is authorized to adopt rules to implement this section.

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

On page 15, line 35, after "been made" insert "on the plan approved under section 4 of this act"

On page 34, after line 5, insert the following:

**"Sec. 10.** RCW 43.84.092 and 2011 1st sp.s. c 16 s 6, 2011 1st sp.s. c 7 s 22, 2011 c 369 s 6, 2011 c 339 s 1, 2011 c 311 s 9, 2011 c 272 s 3, 2011 c 120 s 3, and 2011 c 83 s 7 are each reenacted and amended to read as follows:

(1) All earnings of investments of surplus balances in the state treasury shall be deposited to the treasury income account, which account is hereby established in the state treasury.

(2) The treasury income account shall be utilized to pay or receive funds associated with federal programs as required by the federal cash management improvement act of 1990. The treasury income account is subject in all respects to chapter 43.88 RCW, but no appropriation is required for refunds or allocations of interest earnings required by the cash management improvement act. Refunds of interest to the federal treasury required under the cash management improvement act fall under RCW 43.88.180 and shall not require appropriation. The office of financial management shall determine the amounts due to or from the federal government pursuant to the cash management improvement act. The office of financial management may direct transfers of funds between accounts as deemed necessary to implement the provisions of the cash management improvement act, and this subsection. Refunds or allocations shall occur prior to the distributions of earnings set forth in subsection (4) of this section.

(3) Except for the provisions of RCW 43.84.160, the treasury income account may be utilized for the payment of purchased banking services on behalf of treasury funds including, but not limited to, depository, safekeeping, and disbursement functions for the state treasury and affected state agencies. The treasury income account is subject in all respects to chapter 43.88 RCW, but no appropriation is required for payments to financial institutions.

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Payments shall occur prior to distribution of earnings set forth in subsection (4) of this section.

(4) Monthly, the state treasurer shall distribute the earnings credited to the treasury income account. The state treasurer shall credit the general fund with all the earnings credited to the treasury income account except:

(a) The following accounts and funds shall receive their proportionate share of earnings based upon each account's and fund's average daily balance for the period: The aeronautics account, the aircraft search and rescue account, the brownfield redevelopment trust fund account, the budget stabilization account, the capital vessel replacement account, the capitol building construction account, the Cedar River channel construction and operation account, the Central Washington University capital projects account, the charitable, educational, penal and reformatory institutions account, the cleanup settlement account, the Columbia river basin water supply development account, the Columbia river basin taxable bond water supply development account, the Columbia river basin water supply revenue recovery account, the common school construction fund, the county arterial preservation account, the county criminal justice assistance account, the county sales and use tax equalization account, the deferred compensation administrative account, the deferred compensation principal account, the department of licensing services account, the department of retirement systems expense account, the developmental disabilities community trust account, the drinking water assistance account, the drinking water assistance administrative account, the drinking water assistance repayment account, the Eastern Washington University capital projects account, the Interstate 405 express toll lanes operations account, the education construction fund, the education legacy trust account, the election account, the energy freedom account, the energy recovery act account, the essential rail assistance account, The Evergreen State College capital projects account, the federal forest revolving account, the ferry bond retirement fund, the freight congestion relief account, the freight mobility investment account, the freight mobility multimodal account, the grade crossing protective fund, the public health services account, the health system capacity account, the high capacity transportation account, the state higher education construction account, the higher education construction account, the highway bond retirement fund, the highway infrastructure account, the highway safety account, the high occupancy toll lanes operations account, the hospital safety net assessment fund, the industrial insurance premium refund account, the judges' retirement account, the judicial retirement administrative account, the judicial retirement principal account, the local leasehold excise tax account, the local real estate excise tax account, the local sales and use tax account, the marine resources stewardship trust account, the medical aid account, the mobile home park relocation fund, the motor vehicle fund, the motorcycle safety education account, the multiagency permitting team account, the multimodal transportation account, the municipal criminal justice assistance account, the municipal sales and use tax equalization account, the natural resources deposit account, the oyster reserve land account, the pension funding stabilization account, the perpetual surveillance and maintenance account, the public employees' retirement system plan 1 account, the public employees' retirement system combined plan 2 and plan 3 account, the public facilities construction loan revolving account beginning July 1, 2004, the public health supplemental account, the public transportation systems account, the public works assistance account, the Puget Sound capital construction account, the Puget Sound ferry operations account, the Puyallup tribal settlement account, the real estate appraiser commission account, the recreational vehicle account, the regional mobility grant program account, the resource management cost account, the rural

arterial trust account, the rural mobility grant program account, the rural Washington loan fund, the site closure account, the skilled nursing facility safety net trust fund, the small city pavement and sidewalk account, the special category C account, the special wildlife account, the state employees' insurance account, the state employees' insurance reserve account, the state investment board expense account, the state investment board commingled trust fund accounts, the state patrol highway account, the state route number 520 civil penalties account, the state route number 520 corridor account, the state wildlife account, the supplemental pension account, the Tacoma Narrows toll bridge account, the teachers' retirement system plan 1 account, the teachers' retirement system combined plan 2 and plan 3 account, the tobacco prevention and control account, the tobacco settlement account, the transportation 2003 account (nickel account), the transportation equipment fund, the transportation fund, the transportation improvement account, the transportation improvement board bond retirement account, the transportation infrastructure account, the transportation partnership account, the traumatic brain injury account, the tuition recovery trust fund, the University of Washington bond retirement fund, the University of Washington building account, the volunteer firefighters' and reserve officers' relief and pension principal fund, the volunteer firefighters' and reserve officers' administrative fund, the Washington judicial retirement system account, the Washington law enforcement officers' and firefighters' system plan 1 retirement account, the Washington law enforcement officers' and firefighters' system plan 2 retirement account, the Washington public safety employees' plan 2 retirement account, the Washington school employees' retirement system combined plan 2 and 3 account, the Washington state economic development commission account, the Washington state health insurance pool account, the Washington state patrol retirement account, the Washington State University building account, the Washington State University bond retirement fund, the water pollution control revolving fund, and the Western Washington University capital projects account. Earnings derived from investing balances of the agricultural permanent fund, the normal school permanent fund, the permanent common school fund, the scientific permanent fund, and the state university permanent fund shall be allocated to their respective beneficiary accounts.

(b) Any state agency that has independent authority over accounts or funds not statutorily required to be held in the state treasury that deposits funds into a fund or account in the state treasury pursuant to an agreement with the office of the state treasurer shall receive its proportionate share of earnings based upon each account's or fund's average daily balance for the period.

(5) In conformance with Article II, section 37 of the state Constitution, no treasury accounts or funds shall be allocated earnings without the specific affirmative directive of this section."

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

Senator Murray spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senators Murray and Ranker on page 14, after line 14 to Second Substitute Senate Bill No. 6211.

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

#### POINT OF INQUIRY

Senator Delvin: "Would Senator Murray yield to a question? Just having seen this amendment on the desk I'm trying to figure, so, is it totally appropriated from the general fund and

not any other account like MOTCA [Model Toxics Control Account] or anything like that?"

Senator Murray: "Thank you Senator Delvin. The bill as it came to Ways & Means actually establish an ongoing finance or funding source. In Ways & Means we took that out. In this amendment we add the account back in but we make it subject to appropriations in the budget."

#### MOTION

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

On page 1, line 3 of the title, after "70.105D.070" insert "and 43.84.092"

#### MOTION

On motion of Senator Ranker, the rules were suspended, Engrossed Second Substitute Senate Bill No. 6211 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

The President declared the question before the Senate to be the final passage of Engrossed Second Substitute Senate Bill No. 6211.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 6211 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Baumgartner, Becker, Benton, Brown, Carrell, Chase, Conway, Delvin, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hatfield, Haugen, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles, Litzow, McAuliffe, Morton, Murray, Nelson, Padden, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rolfes, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6211, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 6486, by Senators Kohl-Welles, Conway, Chase, Keiser, Harper, Prentice, Nelson, Pridemore, Kline, Murray and Frockt

Granting collective bargaining for postdoctoral researchers at certain state universities.

#### MOTION

On motion of Senator Kohl-Welles, Substitute Senate Bill No. 6486 was substituted for Senate Bill No. 6486 and the substitute bill was placed on the second reading and read the second time.

#### MOTION

Senator Kohl-Welles moved that the following striking amendment by Senator Kohl-Welles and others be adopted:

Strike everything after the enacting clause and insert the following:

" **NEW SECTION. Sec. 1.** A new section is added to chapter 41.56 RCW to read as follows:

In addition to the entities listed in RCW 41.56.020, this chapter applies to postdoctoral and clinical employees as excluded in RCW 41.76 at the University of Washington and at Washington State University."

Senator Kohl-Welles spoke in favor of adoption of the striking amendment.

The President declared the question before the Senate to be the adoption of the striking amendment by Senator Kohl-Welles and others to Substitute Senate Bill No. 6486.

The motion by Senator Kohl-Welles carried and the striking amendment was adopted by voice vote.

#### MOTION

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

On page 1, line 2 of the title, after "universities;", strike "amending RCW 41.76.005;"

#### MOTION

On motion of Senator Kohl-Welles, the rules were suspended, Engrossed Substitute Senate Bill No. 6486 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Kohl-Welles and Conway spoke in favor of passage of the bill.

Senators Schoesler and Holmquist Newbry spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 6486.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6486 and the bill passed the Senate by the following vote: Yeas, 26; Nays, 23; Absent, 0; Excused, 0.

Voting yea: Senators Brown, Chase, Conway, Eide, Fraser, Frockt, Hargrove, Harper, Hatfield, Haugen, Hobbs, Kastama, Keiser, Kilmer, Kline, Kohl-Welles, McAuliffe, Murray, Nelson, Prentice, Pridemore, Ranker, Regala, Rolfes, Shin and Tom

Voting nay: Senators Baumgartner, Becker, Benton, Carrell, Delvin, Ericksen, Fain, Hewitt, Hill, Holmquist Newbry, Honeyford, King, Litzow, Morton, Padden, Parlette, Pflug, Roach, Schoesler, Sheldon, Stevens, Swecker and Zarelli

ENGROSSED SUBSTITUTE SENATE BILL NO. 6486, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MOTION

On motion of Senator Eide, Engrossed Substitute Senate Bill No. 6486 was immediately transmitted to the House of Representatives.



MOTION

At 11:19 a.m., on motion of Senator Eide, the Senate was declared to be at ease subject to the call of the President.

AFTERNOON SESSION

The Senate was called to order at 1:12 p.m. by President Owen.

SECOND READING

SENATE BILL NO. 6340, by Senators Sheldon, King, Haugen, McAuliffe and Schoesler

Authorizing registered tow truck operators to carry passengers in a vehicle attached to a flatbed tow truck under certain situations.

The measure was read the second time.

MOTION

On motion of Senator Sheldon, the rules were suspended, Senate Bill No. 6340 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

MOTION

On motion of Senator Harper, Senators Hobbs, Kastama and Tom were excused.

MOTION

On motion of Senator Ericksen, Senators Benton, Roach, Stevens, Swecker and Zarelli were excused.

The President declared the question before the Senate to be the final passage of Senate Bill No. 6340.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6340 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 1; Excused, 3.

Voting yea: Senators Baumgartner, Becker, Benton, Brown, Carrell, Chase, Conway, Delvin, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hatfield, Haugen, Hewitt, Hill, Holmquist Newbry, Honeyford, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles, Litzow, McAuliffe, Morton, Murray, Nelson, Padden, Parlette, Pflug, Prentice, Ranker, Regala, Roach, Rolfes, Schoesler, Sheldon, Shin, Tom and Zarelli

Absent: Senator Pridemore

Excused: Senators Hobbs, Stevens and Swecker

SENATE BILL NO. 6340, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Harper, Senator Pridemore was excused.

SECOND READING

SENATE BILL NO. 6312, by Senators Haugen, Hobbs, Honeyford, Hatfield, Hargrove and Shin

Promoting job creation by ensuring access to human domestic water for home construction.

MOTION

On motion of Senator Hatfield, Substitute Senate Bill No. 6312 was substituted for Senate Bill No. 6312 and the substitute bill was placed on the second reading and read the second time.

MOTION

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

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. (1) The legislature finds that the water resources act of 1971, chapter 90.54 RCW, contains a list of water policy fundamentals that are to guide the state's water management agency in adopting basin rules to allocate the water resources of the state. In effect since 1971, the unprioritized list of water policy fundamentals include: (a) The allocation of water among potential uses and users is to be based on securing the maximum net benefits to the state; and (b) that adequate supplies of water are to be preserved and protected to satisfy domestic needs. The legislature finds that ready access to sufficient water to fulfill domestic needs has been and continues to be a fundamental public value. The legislature finds that some basin rules adopted or amended after 2006 for areas in the state with moderate to heavy rainfall do not provide adequate water to fulfill the directive of providing adequate water to satisfy domestic needs in rural areas, and instead constrain water use more restrictively than in other basins with similar conditions and levels of precipitation.

(2) Further, the legislature finds that state and local governments have established and funded a vast array of environmental and habitat improvement and acquisition programs and that these programs can and should provide environmental, habitat, and instream flow benefits where needed. The legislature acknowledges that the availability of state and local funding for these environmental and habitat programs is dependent on the tax revenues generated by the home construction industry and that available funding has dropped as home construction has declined dramatically in recent years.

(3) The purpose of this legislation is to promote reasonable use by the public of the public's water to ensure that sufficient water to serve essential domestic needs be readily available for homes in rural areas where public water service is not readily available. An additional purpose of this legislation is to encourage jobs in, and stimulus to, the home construction industry, in order to produce revenues to support state and local governmental programs and services, including environmental and habitat improvements funded by state and local governments.

(4) The legislature finds that the Columbia river basin water supply program, chapter 90.90 RCW, has provided a successful model to addressing the needs of both instream and out-of-stream water needs in that basin. It is the intent of the legislature to establish a similar approach to addressing water supply needs in rural areas within the Skagit river basin.

(5) For the reasons stated in this section, the intent of the legislature is for this act to be remedial in nature and apply

retroactively and prospectively to basin rules adopted or amended under chapters 90.22 and 90.54 RCW after January 1, 2006, for the Skagit river basin. It is also the intent of the legislature for this act to allow people in rural areas in the Skagit river basin to move forward with construction of their homes in a manner that is sufficiently protective of instream resources and water right holders. It is also the intent of the legislature to provide funding for more coordinated and effective mechanism to protect and, where possible, enhance impacts to stream flows for fish.

**Sec. 2.** RCW 90.54.120 and 1971 ex.s. c 225 s 13 are each amended to read as follows:

For the purposes of this chapter, unless the context is clearly to the contrary, the following definitions shall be used:

(1) "Department" means department of ecology.

(2) "Domestic water use" means potable water to satisfy the needs of a household, including water used for drinking, bathing, sanitary purposes, cooking, laundering, watering a lawn and noncommercial garden, care of household pets, and other incidental uses.

(3) "Skagit river basin" means water resource inventory areas numbers 3 and 4 established under chapter 173-500 WAC.

(4) "Utilize" or "utilization" shall not only mean use of water for such long recognized consumptive or nonconsumptive beneficial purposes as domestic, stock watering, industrial, commercial, agricultural, irrigation, hydroelectric power production, thermal power production, mining, recreational, maintenance of wildlife and fishlife purposes, but includes the retention of water in lakes and streams for the protection of environmental, scenic, aesthetic and related purposes, upon which economic values have not been placed historically and are difficult to quantify.

**Sec. 3.** RCW 90.54.020 and 2007 c 445 s 8 are each amended to read as follows:

Utilization and management of the waters of the state shall be guided by the following general declaration of fundamentals:

(1) Uses of water for domestic, stock watering, industrial, commercial, agricultural, irrigation, hydroelectric power production, mining, fish and wildlife maintenance and enhancement, recreational, and thermal power production purposes, and preservation of environmental and aesthetic values, and all other uses compatible with the enjoyment of the public waters of the state, are declared to be beneficial.

(2) Allocation of waters among potential uses and users shall be based generally on the securing of the maximum net benefits for the people of the state. Maximum net benefits shall constitute total benefits less costs including opportunities lost.

(3) The quality of the natural environment shall be protected and, where possible, enhanced as follows:

(a) Perennial rivers and streams of the state shall be retained with base flows necessary to provide for preservation of wildlife, fish, scenic, aesthetic and other environmental values, and navigational values. Lakes and ponds shall be retained substantially in their natural condition. Withdrawals of water which would conflict therewith shall be authorized only in those situations where it is clear that overriding considerations of the public interest will be served.

(b) Waters of the state shall be of high quality. Regardless of the quality of the waters of the state, all wastes and other materials and substances proposed for entry into said waters shall be provided with all known, available, and reasonable methods of treatment prior to entry. Notwithstanding that standards of quality established for the waters of the state would not be violated, wastes and other materials and substances shall not be allowed to enter such waters which will reduce the existing quality thereof, except in those situations where it is clear that overriding considerations of the public interest will be served. Technology-based effluent

limitations or standards for discharges for municipal water treatment plants located on the Chehalis, Columbia, Cowlitz, Lewis, or Skagit river shall be adjusted to reflect credit for substances removed from the plant intake water if:

(i) The municipality demonstrates that the intake water is drawn from the same body of water into which the discharge is made; and

(ii) The municipality demonstrates that no violation of receiving water quality standards or appreciable environmental degradation will result.

(4) The development of multipurpose water storage facilities shall be a high priority for programs of water allocation, planning, management, and efficiency. The department, other state agencies, ~~and local governments~~~~(-and planning units formed under section 107 or 108 of this act)~~ shall evaluate the potential for the development of new storage projects and the benefits and effects of storage in reducing damage to stream banks and property, increasing the use of land, providing water for municipal, industrial, agricultural, power generation, and other beneficial uses, and improving stream flow regimes for fisheries and other instream uses.

(5)(a) Adequate and safe supplies of water shall be preserved and protected in potable condition to satisfy ~~(human)~~ domestic water use needs.

(b) Rules adopted by the department under this chapter for the Skagit river basin may not constrain new groundwater withdrawals for domestic uses to less than three hundred fifty gallons per day per dwelling unit, if the dwelling utilizes an on-site septic system and a water supply from a public water system cannot be provided pursuant to RCW 43.20.260.

(6) Multiple-purpose impoundment structures are to be preferred over single-purpose structures. Due regard shall be given to means and methods for protection of fishery resources in the planning for and construction of water impoundment structures and other artificial obstructions.

(7) Federal, state, and local governments, individuals, corporations, groups, and other entities shall be encouraged to carry out practices of conservation as they relate to the use of the waters of the state. The department may list or quantify by water resource inventory area the instream flow, groundwater recharge, and fish habitat improvements that result from investments by federal, state, and local governments in tax-supported programs. The department may apply for funding from state and federal sources for projects and activities that enhance flow and habitat conditions in rivers and streams to address areas of concern including those that arise from the use of water authorized under subsection (5)(b) of this section.

(8)(a) Funding provided to the department's water acquisition program to offset impacts to stream flows in rural areas, including those that result from subsection (5)(b) of this section, must be used to protect, and where possible enhance, instream flows in rural areas by acquiring water rights, incentivizing water conservation, and low impact development practices, and promoting any other instream flow enhancement projects, including but not limited to collection, retention, and release of rainwater, constructing ponds, wetlands, and other water impoundments, and storm water infiltration.

(b) The department shall permanently dedicate water developed or acquired for the purposes in (a) of this subsection to the state's trust water rights program, chapter 90.42 RCW. The department shall give preference to instream flow improvement proposals in the Skagit river basin.

(9) In addition to traditional development approaches, improved water use efficiency, conservation, and use of reclaimed water shall be emphasized in the management of the state's water resources and in some cases will be a potential new source of water with which to meet future needs throughout the state. Use of reclaimed water shall be encouraged through state and local

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planning and programs with incentives for state financial assistance recognizing programs and plans that encourage the use of conservation and reclaimed water use, and state agencies shall continue to review and reduce regulatory barriers and streamline permitting for the use of reclaimed water where appropriate.

~~((8))~~ (10) Development of water supply systems, whether publicly or privately owned, which provide water to the public generally in regional areas within the state shall be encouraged. Development of water supply systems for multiple domestic use which will not serve the public generally shall be discouraged where water supplies are available from water systems serving the public.

~~((9-Full))~~ (11) Proper and pragmatic recognition shall be given in the administration of water allocation and use programs to the natural interrelationships of surface and groundwaters including: (a) Providing recognition for the recharge of groundwaters by home septic systems for indoor water uses; and (b) providing recognition that there are widely varying degrees of potential impact to surface water from groundwater withdrawals that are generally less than a one-to-one ratio depending on a number of factors including, but not limited to, the geology and porosity of underground formations, well depth, withdrawing water from deeper aquifers rather than shallow aquifers, distance of the well from surface water bodies, season of use, rainfall, and temperature.

~~((10))~~ (12) Expressions of the public interest will be sought at all stages of water planning and allocation discussions.

~~((11))~~ (13) Water management programs, including but not limited to, water quality, flood control, drainage, erosion control and storm runoff are deemed to be in the public interest.

**Sec. 4.** RCW 90.54.050 and 1997 c 439 s 2 and 1997 c 32 s 3 are each reenacted and amended to read as follows:

(1)(a) In conjunction with the programs provided for in RCW 90.54.040(1), whenever it appears necessary to the director in carrying out the policy of this chapter, the department may by rule adopted pursuant to chapter 34.05 RCW:

~~((1))~~ (i) Reserve and set aside waters for beneficial utilization in the future, and

~~((2))~~ (ii) When sufficient information and data are lacking to allow for the making of sound decisions, withdraw various waters of the state from additional appropriations until such data and information are available.

(b) In reserving and setting aside water in accordance with (a)(i) of this subsection, and in withdrawing waters of the state from additional appropriation under this title, any action under this section shall be consistent with the directive in RCW 90.54.020(5)(b). Before proposing the adoption of rules to withdraw waters of the state from additional appropriation, the department shall consult with the standing committees of the house of representatives and the senate having jurisdiction over water resource management issues.

(2) Prior to the adoption of a rule under this section, the department shall conduct a public hearing in each county in which waters relating to the rule are located. The public hearing shall be preceded by a notice placed in a newspaper of general circulation published within each of said counties. Rules adopted hereunder shall be subject to review in accordance with the provisions of RCW 34.05.240.

**NEW SECTION. Sec. 5.** A new section is added to chapter 90.44 RCW to read as follows:

(1) Each parcel of property that is located within the Skagit river basin is entitled to a withdrawal of public groundwater for domestic uses in an amount not less than three hundred fifty gallons per day per dwelling unit, if the dwelling utilizes an on-site septic system and a water supply from a public water system cannot be provided pursuant to RCW 43.20.260, and, to the extent it is regularly used

beneficially, shall be entitled to a right equal to that established by a permit issued under the provisions of this chapter.

(2) Nothing in chapter . . . , Laws of 2012 (this act) is intended to alter, limit, impair, or amend the ability to withdraw water otherwise allowed under the exemption provided in RCW 90.44.050.

**NEW SECTION. Sec. 6.** A new section is added to chapter 90.54 RCW to read as follows:

(1) Each parcel of property that is located within the Skagit river basin is entitled to a withdrawal of public groundwater for domestic uses in an amount not less than three hundred fifty gallons per day per dwelling unit, if the dwelling utilizes an on-site septic system and a water supply from a public water system cannot be provided pursuant to RCW 43.20.260, and, to the extent it is regularly used beneficially, shall be entitled to a right equal to that established by a permit issued under the provisions of chapter 90.44 RCW.

(2) Nothing in chapter . . . , Laws of 2012 (this act) is intended to alter, limit, impair, or amend the ability to withdraw water otherwise allowed under the exemption provided in RCW 90.44.050.

**Sec. 7.** RCW 19.27.097 and 2010 c 271 s 302 are each amended to read as follows:

(1)(a) Each applicant for a building permit of a building necessitating potable water shall provide evidence of an adequate water supply for the intended use of the building. Evidence may be in the form of a water right permit from the department of ecology, a letter from an approved water purveyor stating the ability to provide water, or another form sufficient to verify the existence of an adequate water supply. In addition to other authorities, the county or city may impose conditions on building permits requiring connection to an existing public water system where the existing system is willing and able to provide safe and reliable potable water to the applicant with reasonable economy and efficiency. An application for a water right shall not be sufficient proof of an adequate water supply.

(b) For building permits in the Skagit river basin, for single-family dwellings that will utilize an on-site septic system and where water supply from a public water system cannot be provided pursuant to RCW 43.20.260, the applicant satisfies the requirement to show that water is legally available by submitting a signed declaration of intent to comply with RCW 90.54.020(5)(b). In addition, the local jurisdiction may require proof that water is physically available and that it meets applicable drinking water quality standards.

(2) Within counties not required or not choosing to plan pursuant to RCW 36.70A.040, the county and the state may mutually determine those areas in the county in which the requirements of subsection (1) of this section shall not apply. The departments of health and ecology shall coordinate on the implementation of this section. Should the county and the state fail to mutually determine those areas to be designated pursuant to this subsection, the county may petition the department of ~~(general administration)~~ enterprise services to mediate or, if necessary, make the determination.

(3) Buildings that do not need potable water facilities are exempt from the provisions of this section. The department of ecology, after consultation with local governments, may adopt rules to implement this section, which may recognize differences between high-growth and low-growth counties.

**NEW SECTION. Sec. 8.** Sections 3(5) and 4(3) of this act apply retroactively to January 1, 2001, as well as prospectively."

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

MOTION

On motion of Senator Holmquist Newbry, Senator Ericksen was excused.

The President declared the question before the Senate to be the adoption of the striking amendment by Senator Haugen and others to Substitute Senate Bill No. 6312.

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

#### MOTION

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

On page 1, at the beginning of line 2 of the title, strike the remainder of the title and insert "domestic water for home construction; amending RCW 90.54.120, 90.54.020, and 19.27.097; reenacting and amending RCW 90.54.050; adding a new section to chapter 90.44 RCW; adding a new section to chapter 90.54 RCW; and creating new sections."

#### MOTION

On motion of Senator Haugen, the rules were suspended, Engrossed Substitute Senate Bill No. 6312 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Haugen spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 6312.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6312 and the bill passed the Senate by the following vote: Yeas, 39; Nays, 7; Absent, 0; Excused, 3.

Voting yea: Senators Baumgartner, Becker, Benton, Brown, Carrell, Chase, Conway, Delvin, Eide, Fain, Fraser, Frockt, Hargrove, Hatfield, Haugen, Hewitt, Hill, Hobbs, Honeyford, Kastama, Kilmer, King, Kline, Litzow, McAuliffe, Morton, Padden, Parlette, Pflug, Prentice, Ranker, Regala, Roach, Schoesler, Sheldon, Shin, Swecker, Tom and Zarelli

Voting nay: Senators Harper, Holmquist Newbry, Keiser, Kohl-Welles, Murray, Nelson and Rolfes

Excused: Senators Ericksen, Pridemore and Stevens

ENGROSSED SUBSTITUTE SENATE BILL NO. 6312, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 6566, by Senators Litzow and Hobbs

Adjusting when a judgment lien on real property commences.

The measure was read the second time.

#### MOTION

On motion of Senator Litzow, the rules were suspended, Senate Bill No. 6566 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Litzow spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 6566.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6566 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Baumgartner, Becker, Benton, Brown, Carrell, Chase, Conway, Delvin, Eide, Fain, Fraser, Frockt, Hargrove, Harper, Hatfield, Haugen, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles, Litzow, McAuliffe, Morton, Murray, Nelson, Padden, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rolfes, Schoesler, Sheldon, Shin, Swecker, Tom and Zarelli

Excused: Senators Ericksen and Stevens

SENATE BILL NO. 6566, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 6079, by Senators Schoesler, Fraser, Kohl-Welles, Carrell, Murray and Shin

Exempting officers and employees of the Washington state institute for public policy from state civil service law.

The measure was read the second time.

#### MOTION

On motion of Senator Schoesler, the rules were suspended, Senate Bill No. 6079 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Schoesler and Fraser spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 6079.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6079 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 1; Excused, 1.

Voting yea: Senators Baumgartner, Becker, Benton, Brown, Carrell, Chase, Conway, Delvin, Eide, Ericksen, Fain, Fraser, Frockt, Harper, Hatfield, Haugen, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles, Litzow, McAuliffe, Morton, Murray, Nelson, Padden, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rolfes, Schoesler, Sheldon, Shin, Swecker, Tom and Zarelli

Absent: Senator Hargrove

Excused: Senator Stevens

SENATE BILL NO. 6079, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MOTION

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On motion of Senator Harper, Senator Hargrove was excused.

Senator Kilmer spoke in favor of passage of the bill.

## SECOND READING

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6468.

SENATE BILL NO. 5217, by Senators Shin, White, Nelson, Sheldon, Murray, Delvin, Rockefeller, Harper, Kline, Keiser, Conway, Chase, Eide and Fraser

## ROLL CALL

Allowing appointment of student members on the boards of trustees of community colleges.

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6468 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 2; Absent, 0; Excused, 1.

## MOTIONS

On motion of Senator Shin, Substitute Senate Bill No. 5217 was substituted for Senate Bill No. 5217 and the substitute bill was placed on the second reading and read the second time.

Voting yea: Senators Baumgartner, Becker, Benton, Brown, Carrell, Conway, Delvin, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hatfield, Haugen, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles, Litzow, McAuliffe, Morton, Murray, Padden, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rolfes, Schoesler, Sheldon, Shin, Swecker, Tom and Zarelli

On motion of Senator Shin, the rules were suspended, Substitute Senate Bill No. 5217 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Voting nay: Senators Chase and Nelson  
Excused: Senator Stevens

Senator Shin spoke in favor of passage of the bill.

SUBSTITUTE SENATE BILL NO. 6468, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5217.

## ROLL CALL

## SECOND READING

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5217 and the bill passed the Senate by the following vote: Yeas, 32; Nays, 15; Absent, 0; Excused, 2.

SENATE JOINT RESOLUTION NO. 8223, by Senators Kilmer, Schoesler, Tom, Murray, Harper, Conway, Shin and McAuliffe

Voting yea: Senators Baumgartner, Benton, Brown, Carrell, Chase, Conway, Eide, Fain, Fraser, Frockt, Harper, Hatfield, Haugen, Hobbs, Kastama, Keiser, Kilmer, Kline, Kohl-Welles, Litzow, McAuliffe, Murray, Nelson, Prentice, Pridemore, Ranker, Regala, Roach, Rolfes, Sheldon, Shin and Tom

Amending the Constitution to provide clear authority to state research universities to invest funds as authorized by law, including investment in stocks or bonds issued by any company.

The measure was read the second time.

Voting nay: Senators Becker, Delvin, Ericksen, Hewitt, Hill, Holmquist Newbry, Honeyford, King, Morton, Padden, Parlette, Pflug, Schoesler, Swecker and Zarelli

## MOTION

Excused: Senators Hargrove and Stevens

SUBSTITUTE SENATE BILL NO. 5217, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

On motion of Senator Kilmer, the rules were suspended, Senate Joint Resolution No. 8223 was advanced to third reading, the second reading considered the third and the resolution was placed on final passage.

Senator Kilmer spoke in favor of passage of the resolution.

## SECOND READING

## MOTION

SENATE BILL NO. 6468, by Senators Kilmer, Schoesler, Tom, Murray, Harper, Conway and Shin

On motion of Senator Swecker, Senator Parlette was excused.

Requiring state research universities to adopt policies governing investment of university funds, consistent with the uniform prudent management of institutional funds act, and requiring annual investment performance reports. Revised for 1st Substitute: Requiring state research universities to adopt policies governing investment of university funds.

The President declared the question before the Senate to be the final passage of Senate Joint Resolution No. 8223.

## ROLL CALL

## MOTIONS

On motion of Senator Kilmer, Substitute Senate Bill No. 6468 was substituted for Senate Bill No. 6468 and the substitute bill was placed on the second reading and read the second time.

The Secretary called the roll on the final passage of Senate Joint Resolution No. 8223 and the resolution passed the Senate by the following vote: Yeas, 45; Nays, 2; Absent, 0; Excused, 2.

On motion of Senator Kilmer, the rules were suspended, Substitute Senate Bill No. 6468 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Voting yea: Senators Becker, Benton, Brown, Carrell, Chase, Conway, Delvin, Eide, Fain, Fraser, Frockt, Hargrove, Harper, Hatfield, Haugen, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles, Litzow, McAuliffe, Morton, Murray, Nelson, Padden, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rolfes, Schoesler, Sheldon, Shin, Swecker, Tom and Zarelli

Voting nay: Senators Baumgartner and Ericksen

Excused: Senators Parlette and Stevens  
 SENATE JOINT RESOLUTION NO. 8223, having received the constitutional majority, was declared passed.

#### SECOND READING

SENATE BILL NO. 6109, by Senators Pridemore, Swecker and Prentice

Exempting video and audio recordings of closed executive session meetings from public inspection and copying.

The measure was read the second time.

#### MOTION

On motion of Senator Pridemore, the rules were suspended, Senate Bill No. 6109 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Pridemore and Pflug spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 6109.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6109 and the bill passed the Senate by the following vote: Yeas, 39; Nays, 9; Absent, 0; Excused, 1.

Voting yea: Senators Becker, Benton, Brown, Carrell, Chase, Conway, Delvin, Eide, Fain, Fraser, Frockt, Hargrove, Haugen, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles, Litzow, McAuliffe, Murray, Nelson, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Schoesler, Shin, Swecker and Tom

Voting nay: Senators Baumgartner, Ericksen, Harper, Hatfield, Morton, Padden, Rolfes, Sheldon and Zarelli

Excused: Senator Stevens

SENATE BILL NO. 6109, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 6385, by Senators Parlette, Fraser, Morton, Ranker and Shin

Extending the tenure of the habitat and recreation lands coordinating group.

The measure was read the second time.

#### MOTION

On motion of Senator Parlette, the rules were suspended, Senate Bill No. 6385 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

The President declared the question before the Senate to be the final passage of Senate Bill No. 6385.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6385 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 3; Absent, 0; Excused, 1.

Voting yea: Senators Baumgartner, Becker, Benton, Brown, Carrell, Chase, Conway, Delvin, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hatfield, Haugen, Hewitt, Hill, Hobbs, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles, Litzow, McAuliffe, Morton, Murray, Nelson, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rolfes, Schoesler, Sheldon, Shin, Swecker, Tom and Zarelli

Voting nay: Senators Holmquist Newbry, Honeyford and Padden

Excused: Senator Stevens

SENATE BILL NO. 6385, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 6494, by Senators Hargrove, Stevens, Regala and Carrell

Improving truancy procedures by changing the applicability of mandatory truancy petition filing provisions to children under seventeen years of age, requiring initial petitions to contain information about the child's academic status, prohibiting issuance of a bench warrant at an initial truancy status hearing, and modifying school district reporting requirements after the court assumes jurisdiction in a truancy case.

#### MOTIONS

On motion of Senator Regala, Substitute Senate Bill No. 6494 was substituted for Senate Bill No. 6494 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Regala, the rules were suspended, Substitute Senate Bill No. 6494 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Hargrove and Morton spoke in favor of passage of the bill.

Senator Carrell spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6494.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6494 and the bill passed the Senate by the following vote: Yeas, 31; Nays, 17; Absent, 0; Excused, 1.

Voting yea: Senators Brown, Conway, Eide, Ericksen, Fraser, Frockt, Hargrove, Harper, Hatfield, Haugen, Hewitt, Hobbs, Kastama, Keiser, Kilmer, King, Kline, McAuliffe, Morton, Murray, Nelson, Parlette, Pflug, Pridemore, Ranker, Regala, Rolfes, Sheldon, Shin, Swecker and Tom

Voting nay: Senators Baumgartner, Becker, Benton, Carrell, Chase, Delvin, Fain, Hill, Holmquist Newbry, Honeyford, Kohl-Welles, Litzow, Padden, Prentice, Roach, Schoesler and Zarelli

Excused: Senator Stevens

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SUBSTITUTE SENATE BILL NO. 6494, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Harper, Senator Brown was excused.

SECOND READING

SENATE BILL NO. 5620, by Senators Becker, Keiser and Parlette

Requiring the certification of dental anesthesia assistants.

MOTION

On motion of Senator Becker, Second Substitute Senate Bill No. 5620 was substituted for Senate Bill No. 5620 and the second substitute bill was placed on the second reading and read the second time.

MOTION

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

On page 3, line 10, after "infusion" insert "only to maintain or keep the line patent or open"

On page 3, line 16, after "(c)" insert "Adjust the rate of intravenous fluids infusion beyond a keep open rate;

(d)"

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

Senator Becker spoke in favor of adoption of the amendment.

MOTION

On motion of Senator Fraser, Senator Prentice was excused.

The President declared the question before the Senate to be the adoption of the amendment by Senators Becker and Keiser on page 3, line 10 to Second Substitute Senate Bill No. 5620.

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

MOTION

On motion of Senator Becker, the rules were suspended, Engrossed Second Substitute Senate Bill No. 5620 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

The President declared the question before the Senate to be the final passage of Engrossed Second Substitute Senate Bill No. 5620.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 5620 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 2; Absent, 0; Excused, 1.

Voting yea: Senators Baumgartner, Becker, Benton, Brown, Carrell, Chase, Conway, Delvin, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hatfield, Haugen, Hewitt, Hill, Hobbs, Honeyford, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles, Litzow, McAuliffe, Morton, Murray, Nelson, Padden, Parlette, Pflug, Pridemore, Ranker, Regala, Roach, Rolfes, Schoesler, Sheldon, Shin, Swecker, Tom and Zarelli

Voting nay: Senators Holmquist Newbry and Stevens

Excused: Senator Prentice

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5620, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5631, by Senators Swecker, Hatfield, Haugen and Shin

Concerning miscellaneous provisions regulated by the department of agriculture. Revised for 1st Substitute: Removing obsolete provisions in statutes administered by the department of agriculture.

MOTIONS

On motion of Senator Swecker, Substitute Senate Bill No. 5631 was substituted for Senate Bill No. 5631 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Swecker, the rules were suspended, Substitute Senate Bill No. 5631 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Swecker spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5631.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5631 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Baumgartner, Becker, Benton, Brown, Carrell, Chase, Conway, Delvin, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hatfield, Haugen, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles, Litzow, McAuliffe, Morton, Murray, Nelson, Padden, Parlette, Pflug, Pridemore, Ranker, Regala, Roach, Rolfes, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Excused: Senator Prentice

SUBSTITUTE SENATE BILL NO. 5631, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6240, by Senators Regala, Hargrove, Kline, Carrell and Harper

Modifying provisions relating to orders of disposition for juveniles.

## MOTIONS

On motion of Senator Regala, Substitute Senate Bill No. 6240 was substituted for Senate Bill No. 6240 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Regala, the rules were suspended, Substitute Senate Bill No. 6240 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6240.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6240 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Baumgartner, Becker, Benton, Brown, Carrell, Chase, Conway, Delvin, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hatfield, Haugen, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles, Litzow, McAuliffe, Morton, Murray, Nelson, Padden, Parlette, Pflug, Pridemore, Ranker, Regala, Roach, Rolfes, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Excused: Senator Prentice

SUBSTITUTE SENATE BILL NO. 6240, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SENATE BILL NO. 6455, by Senators Haugen and Shin

Addressing transportation revenue. Revised for 1st Substitute: Concerning transportation revenue.

## MOTION

On motion of Senator Haugen, Substitute Senate Bill No. 6455 was substituted for Senate Bill No. 6455 and the substitute bill was placed on the second reading and read the second time.

## MOTION

Senator Benton moved that the following amendment by Senators Benton and Sheldon be adopted:

On page 1, after line 12, insert the following:

"**Sec. 2.** RCW 46.16A.200 and 2011 c 171 s 46 are each amended to read as follows:

(1) **Design.** All license plates may be obtained by the director from the metal working plant of a state correctional facility or from any source in accordance with existing state of Washington purchasing procedures. License plates:

(a) May vary in background, color, and design;

(b) Must be legible and clearly identifiable as a Washington state license plate;

(c) Must designate the name of the state of Washington without abbreviation;

(d) Must be treated with fully reflectorized materials designed to increase visibility and legibility at night;

(e) Must be of a size and color and show the registration period as determined by the director; and

(f) Before July 1, 2010, may display a symbol or artwork approved by the former special license plate review board and the legislature. Beginning July 1, 2010, special license plate series approved by the department and enacted into law by the legislature may display a symbol or artwork approved by the department.

(2) **Exceptions to reflectorized materials.** License plates issued before January 1, 1968, are not required to be treated with reflectorized materials.

(3) **Dealer license plates.** License plates issued to a dealer must contain an indication that the license plates have been issued to a vehicle dealer.

(4)(a) **Furnished.** The director shall furnish to all persons making satisfactory application for a vehicle registration:

(i) Two identical license plates each containing the license plate number; or

(ii) One license plate if the vehicle is a trailer, semitrailer, camper, moped, collector vehicle, horseless carriage, or motorcycle.

(b) The director may adopt types of license plates to be used as long as the license plates are legible.

(5)(a) **Display.** License plates must be:

(i) Attached conspicuously at the front and rear of each vehicle if two license plates have been issued;

(ii) Attached to the rear of the vehicle if one license plate has been issued;

(iii) Kept clean and be able to be plainly seen and read at all times; and

(iv) Attached in a horizontal position at a distance of not more than four feet from the ground.

(b) The Washington state patrol may grant exceptions to this subsection if the body construction of the vehicle makes compliance with this section impossible.

(6) **Change of license classification.** A person who has altered a vehicle that makes the current license plate or plates invalid for the vehicle's use shall:

(a) Surrender the current license plate or plates to the department, county auditor or other agent, or subagent appointed by the director;

(b) Apply for a new license plate or plates; and

(c) Pay a change of classification fee required under RCW 46.17.310.

(7) **Unlawful acts.** It is unlawful to:

(a) Display a license plate or plates on the front or rear of any vehicle that were not issued by the director for the vehicle;

(b) Display a license plate or plates on any vehicle that have been changed, altered, or disfigured, or have become illegible;

(c) Use holders, frames, or other materials that change, alter, or make a license plate or plates illegible. License plate frames may be used on license plates only if the frames do not obscure license tabs or identifying letters or numbers on the plates and the license plates can be plainly seen and read at all times;

(d) Operate a vehicle unless a valid license plate or plates are attached as required under this section;

(e) Transfer a license plate or plates issued under this chapter between two or more vehicles without first making application to transfer the license plates. A violation of this subsection (7)(e) is a traffic infraction subject to a fine not to exceed five hundred dollars. Any law enforcement agency that determines that a license plate or plates have been transferred between two or more vehicles shall confiscate the license plate or plates and return them to the department for nullification along with full details of the reasons for confiscation. Each vehicle identified in the transfer will be issued a new license plate or plates upon application by the owner or owners and the payment of full fees and taxes; or



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(f) Fail, neglect, or refuse to endorse the registration certificate and deliver the license plate or plates to the purchaser or transferee of the vehicle, except as authorized under this section.

(8) **Transfer.** (a) Standard issue license plates follow the vehicle when ownership of the vehicle changes unless the registered owner wishes to retain the license plates and transfer them to a replacement vehicle of the same use. A registered owner wishing to keep standard issue license plates shall pay the license plate transfer fee required under RCW 46.17.200(1)(c) when applying for license plate transfer.

(b) Special license plates and personalized license plates may be treated in the same manner as described in (a) of this subsection unless otherwise limited by law.

(c) License plates issued to the state or any county, city, town, school district, or other political subdivision entitled to exemption as provided by law may be treated in the same manner as described in (a) of this subsection.

(9) **Replacement.** (a) An owner or the owner's authorized representative shall apply for a replacement license plate or plates if the current license plate or plates assigned to the vehicle have been lost, defaced, or destroyed, or if one or both plates have become so illegible or are in such a condition as to be difficult to distinguish. An owner or the owner's authorized representative may apply for a replacement license plate or plates at any time the owner chooses.

(b) The application for a replacement license plate or plates must:

- (i) Be on a form furnished or approved by the director; and
- (ii) Be accompanied by the fee required under RCW 46.17.200(1)(a).

(c) The department shall not require the payment of any fee to replace a license plate or plates for vehicles owned, rented, or leased by foreign countries or international bodies to which the United States government is a signatory by treaty.

~~(10) **Periodic replacement.** License plates must be replaced periodically to ensure maximum legibility and reflectivity. The department shall:~~

~~(a) Use empirical studies documenting the longevity of the reflective materials used to make license plates;~~

~~(b) Determine how frequently license plates must be replaced; and~~

~~(c) Offer to owners the option of retaining the current license plate number when obtaining replacement license plates for the fee required in RCW 46.17.200(1)(b).~~

~~(11) **Periodic replacement Exceptions.** The following license plates are not required to be periodically replaced as required in subsection (10) of this section:~~

~~(a) Horseless carriage license plates issued under RCW 46.18.255 before January 1, 1987;~~

~~(b) Congressional Medal of Honor license plates issued under RCW 46.18.230;~~

~~(c) License plates for commercial motor vehicles with a gross weight greater than twenty six thousand pounds.~~

~~(12)) **Rules.** The department may adopt rules to implement this section.~~

~~((13)) (11) **Tabs or emblems.** The director may issue tabs or emblems to be attached to license plates or elsewhere on the vehicle to signify initial registration and renewals. Renewals become effective when tabs or emblems have been issued and properly displayed on license plates."~~

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

On page 2, beginning on line 12, after "(b)" strike all material through "(c)" on line 18 and insert "(A license plate retention fee, as required under RCW 46.16A.200(10)(a)(iii), of twenty dollars if the owner wishes to retain the current license plate number upon license

plate replacement, unless the owner or type of vehicle is exempt from payment. The twenty dollar fee must be deposited in the multimodal transportation account created in RCW 47.66.070.

(c)))"

On page 2, at the beginning of line 23, strike "(d)" and insert "(((13)) (c))"

On page 1, line 1 of the title, after "46.17.100," insert "46.16A.200,"

Senator Benton spoke in favor of adoption of the amendment. Senator Haugen spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senators Benton and Sheldon on page 1, after line 12 to Substitute Senate Bill No. 6455.

The motion by Senator Benton failed and the amendment was not adopted by a rising vote.

MOTION

Senator Haugen moved that the following amendment by Senators Haugen and King be adopted:

On page 2, after line 35, insert the following:

"**Sec. 3.** RCW 46.20.293 and 2007 c 424 s 1 are each amended to read as follows:

The department is authorized to provide juvenile courts with the department's record of traffic charges compiled under RCW 46.52.101 and 13.50.200, against any minor upon the request of any state juvenile court or duly authorized officer of any juvenile court of this state. Further, the department is authorized to provide any juvenile court with any requested service which the department can reasonably perform which is not inconsistent with its legal authority which substantially aids juvenile courts in handling traffic cases and which promotes highway safety.

The department is authorized to furnish to the parent, parents, or guardian of any person under eighteen years of age who is not emancipated from such parent, parents, or guardian, the department records of traffic charges compiled against the person and shall collect for the copy a fee of ~~((ten))~~ fifteen dollars, fifty percent of which must be deposited in the highway safety fund and fifty percent of which must be deposited according to RCW 46.68.038.

**Sec. 4.** RCW 46.29.050 and 2010 c 8 s 9028 are each amended to read as follows:

(1) The department shall upon request furnish any person or his or her attorney a certified abstract of his or her driving record, which abstract shall include enumeration of any motor vehicle accidents in which such person has been involved. Such abstract shall (a) indicate the total number of vehicles involved, whether the vehicles were legally parked or moving, and whether the vehicles were occupied at the time of the accident; and (b) contain reference to any convictions of the person for violation of the motor vehicle laws as reported to the department, reference to any findings that the person has committed a traffic infraction which have been reported to the department, and a record of any vehicles registered in the name of the person. The department shall collect for each abstract the sum of ~~((ten))~~ fifteen dollars, fifty percent of which shall be deposited in the highway safety fund and fifty percent of which must be deposited according to RCW 46.68.038.

(2) The department shall upon request furnish any person who may have been injured in person or property by any motor vehicle, with an abstract of all information of record in the department pertaining to the evidence of the ability of any driver or owner of any motor vehicle to respond in damages. The department shall collect for each abstract the sum of ~~((ten))~~ fifteen dollars, fifty percent of which shall be deposited in the highway safety fund and

fifty percent of which must be deposited according to RCW 46.68.038."

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

Senator Haugen spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senators Haugen and King on page 2, after line 35 to Substitute Senate Bill No. 6455.

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

#### MOTION

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

On page 1, line 2 of the title, after "46.17.200," insert "46.20.293, 46.29.050,"

#### MOTION

On motion of Senator Haugen, the rules were suspended, Engrossed Substitute Senate Bill No. 6455 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Haugen spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 6455.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6455 and the bill passed the Senate by the following vote: Yeas, 31; Nays, 18; Absent, 0; Excused, 0.

Voting yea: Senators Brown, Chase, Conway, Delvin, Eide, Fain, Fraser, Frockt, Hargrove, Harper, Hatfield, Haugen, Hobbs, Kastama, Keiser, Kilmer, Kline, Kohl-Welles, Litzow, McAuliffe, Murray, Nelson, Pflug, Prentice, Pridemore, Ranker, Regala, Rolfes, Shin, Swecker and Tom

Voting nay: Senators Baumgartner, Becker, Benton, Carrell, Ericksen, Hewitt, Hill, Holmquist Newbry, Honeyford, King, Morton, Padden, Parlette, Roach, Schoesler, Sheldon, Stevens and Zarelli

ENGROSSED SUBSTITUTE SENATE BILL NO. 6455, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MOTION

On motion of Senator Ericksen, Senator Stevens was excused.

#### SECOND READING

SENATE BILL NO. 6582, by Senators Haugen, Eide, Hobbs, Ranker and Shin

Concerning local transportation revenue options.

#### MOTION

On motion of Senator Haugen, Substitute Senate Bill No. 6582 was substituted for Senate Bill No. 6582 and the substitute bill was placed on the second reading and read the second time.

#### MOTION

Senator Hill moved that the following amendment by Senators Hill and Sheldon be adopted:

On page 1, after line 4, strike all of section 1

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

On page 6, after line 25, strike all of sections 5 and 6

Correct any internal references accordingly.

On page 1, beginning on line 2 of the title, after "RCW" strike all material through "36.73.015" on line 3 and insert "36.73.040 and 82.80.010"

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

Senator Haugen spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senators Hill and Sheldon on page 1, after line 4 to Substitute Senate Bill No. 6582.

The motion by Senator Hill failed and the amendment was not adopted by a rising vote.

#### MOTION

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

On page 4, line 14, after "schedules in" strike "RCW 82.44.035" and insert "section 8 of this act"

On page 8, after line 34, insert the following:

#### "POLICIES AND PURPOSES

NEW SECTION. **Sec. 7.** If politicians impose a vehicle tax based on the value of the vehicle, vehicle owners have a right to a valuation schedule based on the vehicle's purchase price and not the manufacturer's suggested retail price.

#### **THE RIGHT TO HAVE VEHICLE TAXES BASED ON PURCHASE PRICE, NOT THE MANUFACTURER'S SUGGESTED RETAIL PRICE**

NEW SECTION. **Sec. 8.** A new section is added to chapter 82.44 RCW to read as follows:

(1)(a) A motor vehicle excise tax must be calculated in an honest and accurate way. For the purpose of determining any motor vehicle excise tax otherwise authorized by law, any taxing district imposing a motor vehicle excise tax must set a vehicle's taxable value by using the depreciation schedule set forth in this section. The taxable value equals the product of a percentage based on a vehicle's year of service, as provided in subsection (2) of this section, and the latest purchase price of the vehicle. The purchase price for the first year of service must be determined by the bill of sale provided by buyer and seller, subject to the exemptions, exceptions, and definitions provided by this section, and must be affirmed by declaration by both parties.

(b) The legislature intends that this section is to ensure an honest and accurate calculation of the tax. It is further the intent of the legislature that this section, when combined with the appeal process in RCW 82.44.065, will ensure that vehicle owners are taxed fairly.

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(2) For the purpose of determining the tax under this chapter, the value of a truck-type power or trailing unit, or motor vehicle, including a passenger vehicle, motorcycle, motor home, sport-utility vehicle, or light-duty truck must be the latest purchase price of the vehicle, excluding applicable federal excise taxes, state and local sales or use taxes, transportation or shipping costs, or preparatory or delivery costs, multiplied by the following percentage based on year of service of the vehicle since its most recent sale. The year the vehicle is offered for sale as a new vehicle must be considered the first year of service.

YEAR OF SERVICE	PERCENTAGE
1	100
2	75
3	55
4	40
5	25
6	10
7 and over	5

(3) The reissuance of title and registration for a truck-type power or trailing unit or motor vehicle, including a passenger vehicle, motorcycle, motor home, sport-utility vehicle, or light-duty truck because of the installation of body or special equipment must be treated as a sale, and the latest purchase price of the truck-type power or trailing unit or motor vehicle, including a passenger vehicle, motorcycle, motor home, sport-utility vehicle, or light-duty truck at that time, as determined by the department from such information as may be available, must be considered its base value.

(4) If the purchase price is unavailable or otherwise unascertainable or the reissuance of title and registration is the result of a gift or inheritance, the department shall determine a value equivalent to the latest purchase price by using any information that may be available, including any guidebook, report, or compendium of recognized standing in the automotive industry or the selling price and year of sale of the vehicle. The department may use an appraisal by the county assessor. In valuing a vehicle for which the current value or selling price is not indicative of the value of similar vehicles of the same year and model, the department must establish a value that more closely represents the average value of similar vehicles of the same year and model.

(5) For purposes of this chapter, "value" excludes value attributable to modifications of a motor vehicle and equipment that are designed to facilitate the use or operation of the motor vehicle by a person with a disability.

**NEW SECTION. Sec. 9.** RCW 82.44.035 (Valuation of vehicles) and 2010 c 161 s 910 & 2006 c 318 s 1 are each repealed.

**Sec. 10.** RCW 82.44.065 and 2010 c 161 s 912 are each amended to read as follows:

(1) If the department determines a value for a vehicle ~~((equivalent to a manufacturer's base suggested retail price))~~ under section 2 of this act or the value of a truck or trailer under ~~((RCW 82.44.035))~~ section 2 of this act, any person who pays a locally imposed tax for that vehicle may appeal the valuation to the department under chapter 34.05 RCW. If the taxpayer is successful on appeal, the department ~~((shall))~~ must refund the excess tax in the manner provided in RCW 82.44.120.

(2) The legislature intends for this section to ensure an honest and accurate calculation of the tax."

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

Senator Haugen spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Ericksen on page 4, line 14 to Substitute Senate Bill No. 6582.

The motion by Senator Ericksen carried and the amendment was adopted by a rising vote.

MOTION

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

On page 1, line 2 of the title, after "82.80.010," strike the remainder of the title and insert "82.80.140, and 82.44.065; reenacting and amending RCW 36.73.015; adding a new section to chapter 82.80 RCW; adding a new section to chapter 82.44 RCW; creating a new section; and repealing RCW 82.44.035."

MOTION

Senator Hill moved that the following amendment by Senators Hill and Sheldon be adopted:

On page 5, line 4, after "section" strike "~~((:))~~; (a) Any" and insert ", any"

On page 5, beginning on line 11, after "county" strike all material through "city" on line 17

On page 5, line 24, after "county" strike all material through "city"

On page 5, at the beginning of line 37, strike "city"

On page 6, line 5, after "~~((shall))~~" strike "or city"

On page 6, line 22, after "county" strike "or city"

Senator Hill spoke in favor of adoption of the amendment.

Senator Haugen spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senators Hill and Sheldon on page 5, line 4 to Substitute Senate Bill No. 6582.

The motion by Senator Hill carried and the amendment was adopted by a rising vote.

MOTION

On motion of Senator Haugen, the rules were suspended, Engrossed Substitute Senate Bill No. 6582 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Haugen, Eide and Swecker spoke in favor of passage of the bill.

Senators Benton, Sheldon and Carrell spoke against passage of the bill.

POINT OF ORDER

Senator Benton: "I believe the member is impugning other members. I think everybody here has read the bill."

REPLY BY THE PRESIDENT

President Owen: "That might be a stretch."

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

Senator Ericksen spoke on final passage of the bill.  
Senators Pflug and Roach spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 6582.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6582 and the bill passed the Senate by the following vote: Yeas, 25; Nays, 24; Absent, 0; Excused, 0.

Voting yea: Senators Brown, Chase, Conway, Eide, Fraser, Frockt, Hargrove, Harper, Hatfield, Haugen, Hobbs, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Murray, Nelson, Prentice, Pridemore, Ranker, Regala, Rolfes, Shin and Swecker

Voting nay: Senators Baumgartner, Becker, Benton, Carrell, Delvin, Ericksen, Fain, Hewitt, Hill, Holmquist Newbry, Honeyford, Kilmer, King, Litzow, Morton, Padden, Parlette, Pflug, Roach, Schoesler, Sheldon, Stevens, Tom and Zarelli

ENGROSSED SUBSTITUTE SENATE BILL NO. 6582, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5412, by Senators Keiser, Kohl-Welles, Kline, Roach, Conway, Hobbs and Chase

Providing remedies for whistleblowers in the conveyance work industry.

#### MOTIONS

On motion of Senator Conway, Substitute Senate Bill No. 5412 was substituted for Senate Bill No. 5412 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Conway, the rules were suspended, Substitute Senate Bill No. 5412 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Conway, Keiser and Kohl-Welles spoke in favor of passage of the bill.

Senators Holmquist Newbry and Honeyford spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5412.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5412 and the bill passed the Senate by the following vote: Yeas, 30; Nays, 19; Absent, 0; Excused, 0.

Voting yea: Senators Baumgartner, Brown, Chase, Conway, Eide, Fain, Fraser, Frockt, Hargrove, Harper, Haugen, Hobbs, Kastama, Keiser, Kilmer, Kline, Kohl-Welles, Litzow, McAuliffe, Murray, Nelson, Pflug, Prentice, Pridemore, Ranker, Regala, Rolfes, Sheldon, Shin and Tom

Voting nay: Senators Becker, Benton, Carrell, Delvin, Ericksen, Hatfield, Hewitt, Hill, Holmquist Newbry, Honeyford, King, Morton, Padden, Parlette, Roach, Schoesler, Stevens, Swecker and Zarelli

SUBSTITUTE SENATE BILL NO. 5412, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MOTION

At 3:47 p.m., on motion of Senator Eide, the Senate was declared to be at ease subject to the call of the President.

#### EVENING SESSION

The Senate was called to order at 5:50 p.m. by President Owen.

#### SECOND READING

SENATE BILL NO. 6150, by Senators Haugen, King, Eide, Hobbs, Shin and Chase

Authorizing the implementation of a facial recognition matching system for drivers' licenses, permits, and identicards. Revised for 1st Substitute: Concerning the administration of a facial recognition matching system and related processes applicable to drivers' licenses, permits, and identicards.

#### MOTION

On motion of Senator Haugen, Substitute Senate Bill No. 6150 was substituted for Senate Bill No. 6150 and the substitute bill was placed on the second reading and read the second time.

#### MOTION

Senator Benton moved that the following amendment by Senators Benton, Roach and Zarelli be adopted:

Beginning on page 1, line 8, strike all of sections 1 through 3

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

On page 9, line 28, after "**Sec. 10.**" strike "Sections 4 through 9 of this act take" and insert "This act takes"

On page 1, line 3 of the title, after "identicards;" strike the remainder of the title and insert "amending RCW 46.20.049, 46.20.117, 46.20.120, 46.20.161, 46.20.181, and 46.20.505; and providing an effective date."

Senators Benton and Zarelli spoke in favor of adoption of the amendment.

Senator Haugen spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senators Benton, Roach and Zarelli on page 1, line 8 to Substitute Senate Bill No. 6150.

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

#### MOTION

Senator Haugen moved that the following amendment by Senators Haugen, Hargrove and King be adopted:

On page 2, line 31, after "system" strike "to the public or any governmental entity" and insert "((to the public or any governmental entity))"

On page 2, line 33, after "(b)" insert "to law enforcement."

Senator Haugen spoke in favor of adoption of the amendment.

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The President declared the question before the Senate to be the adoption of the amendment by Senators Haugen, Hargrove and King on page 2, line 31 to Substitute Senate Bill No. 6150.

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

MOTION

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

On page 2, line 32, after "order," strike "or"

On page 2, line 33, after "(b)" insert "upon request by any state, federal, or local law enforcement agency or agency which provides public benefits; or (c)"

WITHDRAWAL OF AMENDMENT

On motion of Senator Carrell, the amendment by Senator Carrell on page 2, line 32 to Substitute Senate Bill No. 6150 was withdrawn.

MOTION

Senator Benton moved that the following amendment by Senators Benton and Zarelli be adopted:

On page 3, line 4, after "to" insert ": (a) Verify the accuracy of the facial recognition system by requiring applicants for a new or renewal driver's license, permit, or identicard to also verify their identity using a valid social security number or confirmation of lawful presence of the applicant through the systematic alien verification for entitlements program administered by the United States citizenship and immigration services. If the social security number or the lawful presence of the applicant cannot be verified, the application must be denied; and (b)"

POINT OF ORDER

Senator Haugen: "Thank you Mr. President. This amendment is outside the scope and object of the underlying bill. The bill authorizes DOL to administratively operate facial recognition matching systems. It extends the period of time for the driver's license valid. It increases the fees and supports the license systems. The amendment creates a new eligibility criteria for license applicants by requiring a person to submit documents from the Federal immigration authorities to the DOT's and therefore is outside the specific purpose or object of the underlying bill. In short, the underlying bill is about DOL administrative process after a person has applied for a driver's license. It has nothing to do with eligibility criteria for license. Identify does not equal legal presence."

Senator Benton spoke against the point of order.

MOTION

On motion of Senator Eide, further consideration of Substitute Senate Bill No. 6150 was deferred and the bill held its place on the second reading calendar.

SECOND READING

SENATE BILL NO. 6046, by Senators Prentice, Delvin, Conway, Kohl-Welles, King, Shin and Chase

Addressing the powers and duties of the gambling commission.

The measure was read the second time.

MOTION

On motion of Senator Prentice, the rules were suspended, Senate Bill No. 6046 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Prentice spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 6046.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6046 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Baumgartner, Becker, Benton, Brown, Carrell, Chase, Conway, Delvin, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hatfield, Haugen, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles, Litzow, McAuliffe, Morton, Murray, Nelson, Padden, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rolfes, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

SENATE BILL NO. 6046, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

Senator Prentice assumed the chair.

SECOND READING

SENATE BILL NO. 6010, by Senators Carrell, Roach, Becker, Conway, Schoesler, Regala, Delvin, Stevens and Shin

Concerning worker safety at state hospitals.

MOTION

On motion of Senator Carrell, Substitute Senate Bill No. 6010 was substituted for Senate Bill No. 6010 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Honeyford moved that the following amendment by Senators Honeyford, Carrell and Hargrove be adopted:

On page 2, after line 19 insert the following:

"NEW SECTION. **Sec. 3.** A new section is added to chapter 10.77 RCW to read as follows:

(1) A state hospital may administer antipsychotic medication without consent to an individual who is committed under this chapter as criminally insane by following the same procedures applicable to the administration of antipsychotic medication without consent to a civilly committed patient under RCW 71.05.217, except for the following:

(a) The maximum period during which the court may authorize the administration of medication without consent under a single involuntary medication petition shall be the time remaining on the individual's current order of commitment or one hundred eighty days, whichever is shorter; and

(b) A petition for involuntary medication may be filed in either the superior court of the county that ordered the commitment or the superior court of the county in which the individual is receiving treatment, provided that a copy of any order that is entered must be provided to the superior court of the county that ordered the commitment following the hearing. The superior court of the county of commitment shall retain exclusive jurisdiction over all hearings concerning the release of the patient.

(2) The state has a compelling interest in providing antipsychotic medication to a patient who has been committed as criminally insane when refusal of antipsychotic medication would result in a likelihood of serious harm or substantial deterioration or substantially prolong the length of involuntary commitment and there is no less intrusive course of treatment than medication in the best interest of the patient."

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

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

The President Pro Tempore declared the question before the Senate to be the adoption of the amendment by Senators Honeyford, Carrell and Hargrove on page 2, after line 19 to Substitute Senate Bill No. 6010.

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

#### MOTION

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

On page 1, line 1 of the title after "Relating to" strike the remainder of the title and insert "State hospitals; amending RCW 9A.36.100; adding a new section to chapter 70.48 RCW; and adding a new section to chapter 10.77 RCW.

#### MOTION

On motion of Senator Carrell, the rules were suspended, Engrossed Substitute Senate Bill No. 6010 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

The President Pro Tempore declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 6010.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6010 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 1; Absent, 0; Excused, 0.

Voting yea: Senators Baumgartner, Becker, Benton, Brown, Carrell, Chase, Conway, Delvin, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hatfield, Haugen, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles, Litzow, McAuliffe, Morton, Murray, Nelson, Padden, Parlette, Pflug, Pridemore, Ranker, Regala, Roach, Rolfes, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Voting nay: Senator Prentice

ENGROSSED SUBSTITUTE SENATE BILL NO. 6010, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5190, by Senators Hobbs, Swecker, Shin and Roach

Authorizing persons designated by the decedent to direct disposition, if the decedent died while serving on active duty in any branch of the United States armed forces, United States reserve forces, or national guard.

#### MOTIONS

On motion of Senator Hobbs, Substitute Senate Bill No. 5190 was substituted for Senate Bill No. 5190 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Hobbs, the rules were suspended, Substitute Senate Bill No. 5190 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Hobbs spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5190.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5190 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 1; Excused, 0.

Voting yea: Senators Baumgartner, Becker, Brown, Carrell, Chase, Conway, Delvin, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hatfield, Haugen, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles, Litzow, McAuliffe, Morton, Murray, Nelson, Padden, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rolfes, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Absent: Senator Benton

SUBSTITUTE SENATE BILL NO. 5190, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MOTION

On motion of Senator Ericksen, Senator Benton was excused.

#### SECOND READING

SUBSTITUTE SENATE BILL NO. 5553, by Senate Committee on Government Operations, Tribal Relations & Elections (originally sponsored by Senators Roach, Pridemore and Chase)

Requiring public agencies, special purpose districts, and municipalities to post certain information on their web sites.

#### MOTIONS

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On motion of Senator Roach, Second Substitute Senate Bill No. 5553 was substituted for Substitute Senate Bill No. 5553 and the second substitute bill was placed on the second reading and read the second time.

On motion of Senator Roach, the rules were suspended, Second Substitute Senate Bill No. 5553 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Roach spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Second Substitute Senate Bill No. 5553.

#### ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 5553 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Baumgartner, Becker, Brown, Carrell, Chase, Conway, Delvin, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hatfield, Haugen, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles, Litzow, McAuliffe, Morton, Murray, Nelson, Padden, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rolfes, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Excused: Senator Benton

SECOND SUBSTITUTE SENATE BILL NO. 5553, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5997, by Senator Hargrove

Regarding the Olympic natural resources center.

#### MOTIONS

On motion of Senator Hargrove, Substitute Senate Bill No. 5997 was substituted for Senate Bill No. 5997 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Hargrove, the rules were suspended, Substitute Senate Bill No. 5997 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Hargrove spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5997.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5997 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Baumgartner, Becker, Benton, Brown, Carrell, Chase, Conway, Delvin, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hatfield, Haugen, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles, Litzow, McAuliffe, Morton, Murray, Nelson, Padden, Parlette, Pflug, Prentice, Pridemore, Ranker,

Regala, Roach, Rolfes, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

SUBSTITUTE SENATE BILL NO. 5997, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

The President assumed the chair.

#### SECOND READING

SENATE BILL NO. 6133, by Senators Conway, Roach, Kohl-Welles, Nelson, Kline and Keiser

Requiring training for eligibility for certain electrician certifications.

The measure was read the second time.

#### MOTION

On motion of Senator Conway, the rules were suspended, Senate Bill No. 6133 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Conway, Kohl-Welles and Keiser spoke in favor of passage of the bill.

Senators King, Holmquist Newbry, Becker, Shin and Honeyford spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 6133.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6133 and the bill passed the Senate by the following vote: Yeas, 25; Nays, 24; Absent, 0; Excused, 0.

Voting yea: Senators Brown, Chase, Conway, Eide, Fraser, Frockt, Hargrove, Harper, Hatfield, Hobbs, Kastama, Keiser, Kilmer, Kline, Kohl-Welles, McAuliffe, Murray, Nelson, Prentice, Pridemore, Ranker, Regala, Roach, Rolfes and Shin

Voting nay: Senators Baumgartner, Becker, Benton, Carrell, Delvin, Ericksen, Fain, Haugen, Hewitt, Hill, Holmquist Newbry, Honeyford, King, Litzow, Morton, Padden, Parlette, Pflug, Schoesler, Sheldon, Stevens, Swecker, Tom and Zarelli

SENATE BILL NO. 6133, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MOTION

On motion of Senator Eide, Senate Bill No. 6133 was immediately transmitted to the House of Representatives on a rising vote.

#### RULING BY THE PRESIDENT

President Owen: "In ruling on the Point of Order raised by Senator Haugen as to whether amendment 114 to Substitute Senate Bill No. 6150 fits within the scope and object of the underlying bill, the President finds and rules as follows:

Substitute Senate Bill No. 6150 sets forth a program for use of facial recognition software in the area of drivers licenses, permits, and identicards. It addresses the management of the facial

recognition system, and provides for various fee increases related to those cards. It does not alter the statutory provisions for proving identity currently in statute.

The amendment by Sen. Benton introduces a new element: the use of a person's lawful presence to verify whether that person is eligible for a new or renewal card. This additional element of proving one's identity is not part of the underlying bill, nor is it an aspect of administering the facial recognition system.

Accordingly, Sen. Benton's amendment is outside the scope and object of the underlying bill, and Sen. Haugen's point of order is well taken."

The Senate resumed consideration of Substitute Senate Bill No. 6150 which had been deferred earlier in the day.

#### MOTION

Senator Benton moved that the following amendment by Senators Benton and Zarelli be adopted:

On page 3, line 19, after "system" insert "by: (a) Confirming that the applicant has a valid social security number; or (b) verifying the lawful presence of the applicant through the systematic alien verification for entitlements program administered by the United States citizenship and immigration services. If the lawful presence and identity of the applicant cannot be verified, the application must be denied"

Senator Benton spoke in favor of adoption of the amendment.

#### POINT OF ORDER

Senator Haugen: "This amendment is also outside of the scope and object of the underlying bill for the very reasons that I gave on the other one."

#### RULING BY THE PRESIDENT

President Owen: "For the reasons that amendment 114 is outside the scope and object of Substitute Senate Bill No. 6150, amendment 113 is also outside the bill's scope and object. Senator Haugen's point is well taken."

#### MOTION

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

Beginning on page 3, line 26, strike all of sections 3 through 10

On page 1, line 3 of the title, after "identicards;" strike the remainder of the title and insert "amending RCW 46.20.037; and adding a new section to chapter 46.04 RCW.

#### WITHDRAWAL OF AMENDMENT

On motion of Senator Benton, the amendment by Senators Benton and Carrell on page 1, line 3 to Substitute Senate Bill No. 6150 was withdrawn.

#### MOTION

Senator Haugen moved that the following amendment by Senators Haugen and King be adopted:

On page 1, line 1 of the title, after "Relating to" strike all material through "identicards" on line 3 and insert "supporting the driver's license, permit, and identicard system, including the administration of a facial recognition matching system"

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

The President declared the question before the Senate to be the adoption of the amendment by Senators Haugen and King on page 1, line 1 to Substitute Senate Bill No. 6150.

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

#### POINT OF ORDER

Senator Benton: "I rise for a point of order concerning rule 31. Rule 31 of the Senate Rules allows for any member of the senate to rise and ask that a question be divided. If after division of the question there is substantive portion still left to be voted on by the body. Therefore, Mr. President, under the provisions of Rule 31 of the Washington State Senate I demand the question be divided."

#### REMARKS BY THE PRESIDENT

President Owen: "Senator Benton, the motion before the Senate right now is a motion to suspend the rules and go to third reading and final passage. Your motion to divide the bill if it is even in order, would take place, could take place in the third reading. Are you trying to effect the motion to suspend the rules and go to third reading?"

#### POINT OF ORDER

Senator Benton: "Mr. President, I have no objection to bumping the bill to third reading."

#### REPLY BY THE PRESIDENT

President Owen: "Then let us dispose of that motion first."

#### MOTION

On motion of Senator Haugen, the rules were suspended, Engrossed Substitute Senate Bill No. 6150 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

#### RULING BY THE PRESIDENT

President Owen: "The President finds that in 2010 the President ruled on exactly this question and we have determined based on your rules, Reeds Rules and the Presidents previous ruling that a bill may not be divided into separate parts for individual consideration. Therefore your point is not well taken and the bill may not be divided."

#### PARLIAMENTARY INQUIRY

Senator Eide: "Just want to make sure that we are on third reading and final passage?"

#### REMARKS BY THE PRESIDENT

President Owen: "We are on third reading and final passage. The President will take the liberty of suggesting that if you wish to have further explanation that you refer to the rule and I will have Mike and Keith reference what that rule is, I mean that ruling was. It is to the point, exactly, of this discussion and how I



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had ruled in the past. Ok? Senator Eide, we are on third reading and final passage.”

SENATE JOINT RESOLUTION NO. 8222, by Senators Kastama, Tom, Rolfes, Hobbs, Hatfield, Regala, Hill, Haugen and Litzow

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 6150.

Requiring six-year balanced budgets.

Senator Haugen spoke in favor of passage of the bill.  
Senator Zarelli spoke on final passage of the bill.

The measure was read the second time.

MOTION

MOTION

On motion of Senator Hatfield, Senator Murray was excused.

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

ROLL CALL

Beginning on page 1, line 1, strike all material through "state." on page 2, line 17 and insert the following:

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6150 and the bill passed the Senate by the following vote: Yeas, 29; Nays, 19; Absent, 0; Excused, 1.

"BE IT RESOLVED, BY THE SENATE AND HOUSE OF REPRESENTATIVES OF THE STATE OF WASHINGTON, IN LEGISLATIVE SESSION ASSEMBLED:

Voting yea: Senators Brown, Chase, Conway, Eide, Fain, Fraser, Frockt, Hargrove, Harper, Hatfield, Haugen, Hobbs, Kastama, Keiser, Kilmer, Kline, Kohl-Welles, Litzow, McAuliffe, Nelson, Pflug, Prentice, Pridemore, Ranker, Regala, Rolfes, Shin, Swecker and Tom

THAT, At the next general election to be held in this state the secretary of state shall submit to the qualified voters of the state for their approval and ratification, or rejection, an amendment to Article VII of the Constitution of the state of Washington by adding a new section to read as follows:

Voting nay: Senators Baumgartner, Becker, Benton, Carrell, Delvin, Ericksen, Hewitt, Hill, Holmquist Newbry, Honeyford, King, Morton, Padden, Parlette, Roach, Schoesler, Sheldon, Stevens and Zarelli

Article VII, section . . . (1) For the 2014 fiscal year or any subsequent fiscal year, the legislature may not present to the governor for consideration, nor may the governor sign into law, an appropriations bill that would appropriate from the general fund for that fiscal year a total amount that, when combined with all appropriations from the general fund for that fiscal year made as of the date of the appropriation bill's passage and the amount of any general fund moneys to be transferred to the budget stabilization account pursuant to Article VII, section 12 of this Constitution, exceeds the prior fund balance and any general fund revenues for that fiscal year as estimated by the economic and revenue forecast council or successor entity as of the date of the budget bill's passage.

Excused: Senator Murray

ENGROSSED SUBSTITUTE SENATE BILL NO. 6150, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

(2) For the 2014 fiscal year or any subsequent fiscal year, the legislature may not present to the governor for consideration, nor may the governor sign into law, an appropriations bill that would require for any of the subsequent three fiscal years general fund appropriations necessary to maintain estimated program and service levels either funded in that appropriations bill or mandated by other state law, of a total amount that, when combined with all projected appropriations from the general fund for that fiscal year and the amount of any general fund moneys projected to be transferred to the budget stabilization account pursuant to Article VII, section 12 of this Constitution, exceeds prior fund balances and general fund revenues for that fiscal year as estimated by the economic and revenue forecast council or successor entity as of the date of the budget bill's passage.

MOTION

On motion of Senator Eide, Engrossed Substitute Senate Bill No. 6150 was immediately transmitted to the House of Representatives.

(3) The requirements of subsection (2) of this section do not apply in a fiscal year in which money is withdrawn and appropriated from the budget stabilization account.

POINT OF ORDER

Senator Benton: “Thank you Mr. President. Rule number 34 of the Senate allows any member to protest an action of the senate as long as that member gives the Secretary forty-eight, notice within forty-eight hours of that action. I hereby give notice to the Secretary that I protest the action of the senate on the previous bill.”

BE IT FURTHER RESOLVED, That the secretary of state shall cause notice of the foregoing constitutional amendment to be published at least four times during the four weeks next preceding the election in every legal newspaper in the state.”

RULE 34 PROTEST REGARDING SUBSTITUTE SENATE BILL NO. 6150

“I protest the procedure surrounding the Senate floor action on Engrossed Substitute Senate Bill No. 6150. I was in support of a majority of the bill. However, a separate and distinct portion of the bill raised fees, to which I was adamantly opposed. I offered an amendment to separate the issues, but the amendment was rejected. I also made a point of order under Rule 31 to divide the question, but the point was ruled out of order. In the end, I was forced to vote against Engrossed Substitute Senate Bill No. 6150 even though I supported a large portion of it.”

Senators Zarelli and Kastama spoke in favor of adoption of the amendment.

SENATOR BENTON, 17<sup>TH</sup> LEGISLATIVE DISTRICT

The President declared the question before the Senate to be the adoption of the amendment by Senator Zarelli and others on page 1, line 1 to Senate Joint Resolution No. 8222.

SECOND READING

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

MOTION

On motion of Senator Kastama, the rules were suspended, Engrossed Senate Joint Resolution No. 8222 was advanced to third reading, the second reading considered the third and the resolution was placed on final passage.

Senator Kastama spoke in favor of passage of the resolution. Senator Frockt spoke against the resolution.

The President declared the question before the Senate to be the final passage of Engrossed Senate Joint Resolution No. 8222.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Joint Resolution No. 8222 and the resolution passed the Senate by the following vote: Yeas, 36; Nays, 12; Absent, 0; Excused, 1.

Voting yea: Senators Baumgartner, Becker, Benton, Brown, Carrell, Chase, Delvin, Ericksen, Fain, Hargrove, Harper, Hatfield, Haugen, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Kastama, Kilmer, King, Litzow, Morton, Padden, Parlette, Pflug, Regala, Roach, Rolfes, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Voting nay: Senators Conway, Eide, Fraser, Frockt, Keiser, Kline, Kohl-Welles, McAuliffe, Nelson, Prentice, Pridemore and Ranker

Excused: Senator Murray

ENGROSSED SENATE JOINT RESOLUTION NO. 8222, having received the constitutional two-thirds, was declared passed.

#### SECOND READING

SENATE BILL NO. 6140, by Senators Kilmer, Becker, King, Regala, Conway, Shin and Chase

Concerning local economic development financing.

#### MOTIONS

On motion of Senator Kilmer, Second Substitute Senate Bill No. 6140 was substituted for Senate Bill No. 6140 and the second substitute bill was placed on the second reading and read the second time.

On motion of Senator Kilmer, the rules were suspended, Second Substitute Senate Bill No. 6140 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Kilmer spoke in favor of passage of the bill.

Senator Baumgartner spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Second Substitute Senate Bill No. 6140.

#### ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 6140 and the bill passed the Senate by the following vote: Yeas, 34; Nays, 14; Absent, 0; Excused, 1.

Voting yea: Senators Becker, Brown, Chase, Conway, Delvin, Eide, Fain, Fraser, Frockt, Hargrove, Harper, Hatfield, Haugen, Hewitt, Hobbs, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles, Litzow, McAuliffe, Morton, Nelson, Prentice, Pridemore, Ranker, Regala, Rolfes, Sheldon, Shin, Tom and Zarelli

Voting nay: Senators Baumgartner, Benton, Carrell, Ericksen, Hill, Holmquist Newbry, Honeyford, Padden, Parlette, Pflug, Roach, Schoesler, Stevens and Swecker

Excused: Senator Murray

SECOND SUBSTITUTE SENATE BILL NO. 6140, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 6165, by Senators Hargrove, Swecker, Ranker, Pridemore, Nelson, Rolfes and Shin

Creating flexible conservation futures taxing districts.  
Revised for 2nd Substitute: Authorizing flexible conservation futures taxing districts.

#### MOTIONS

On motion of Senator Hargrove, Second Substitute Senate Bill No. 6165 was substituted for Senate Bill No. 6165 and the second substitute bill was placed on the second reading and read the second time.

On motion of Senator Hargrove, the rules were suspended, Second Substitute Senate Bill No. 6165 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Hargrove spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Second Substitute Senate Bill No. 6165.

#### ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 6165 and the bill passed the Senate by the following vote: Yeas, 31; Nays, 17; Absent, 0; Excused, 1.

Voting yea: Senators Becker, Brown, Chase, Conway, Eide, Fain, Fraser, Frockt, Hargrove, Harper, Hatfield, Haugen, Hewitt, Hobbs, Kastama, Keiser, Kilmer, Kline, Kohl-Welles, Litzow, McAuliffe, Morton, Nelson, Prentice, Pridemore, Ranker, Regala, Rolfes, Shin, Swecker and Tom

Voting nay: Senators Baumgartner, Benton, Carrell, Delvin, Ericksen, Hill, Holmquist Newbry, Honeyford, King, Padden, Parlette, Pflug, Roach, Schoesler, Sheldon, Stevens and Zarelli

Excused: Senator Murray

SECOND SUBSTITUTE SENATE BILL NO. 6165, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5661, by Senators Nelson, Pridemore, Swecker, White, Morton and Fain

Regarding derelict fishing gear.

The measure was read the second time.

#### MOTION

Senator Ranker moved that the following amendment by Senators Ranker and Nelson be adopted:

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On page 3, line 6, after "within" strike "forty-eight" and insert "~~((forty-eight))~~ twenty-four"

Senator Ranker spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senators Ranker and Nelson on page 3, line 6 to Senate Bill No. 5661.

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

#### MOTION

On motion of Senator Nelson, the rules were suspended, Engrossed Senate Bill No. 5661 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Nelson spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Senate Bill No. 5661.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5661 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 1; Absent, 0; Excused, 1.

Voting yea: Senators Baumgartner, Becker, Benton, Brown, Carrell, Chase, Conway, Delvin, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hatfield, Haugen, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles, Litzow, McAuliffe, Morton, Nelson, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rolfes, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Voting nay: Senator Padden

Excused: Senator Murray

ENGROSSED SENATE BILL NO. 5661, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MOTION

At 8:00 p.m., on motion of Senator Eide, the Senate adjourned until 9:00 a.m. Tuesday, February 14, 2012.

BRAD OWEN, President of the Senate

THOMAS HOEMANN, Secretary of the Senate

**THIRTY SEVENTH DAY****MORNING SESSION**

Senate Chamber, Olympia, Tuesday, February 14, 2012

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

The Sergeant at Arms Color Guard consisting of Pages Forest Barnett and Zachary Watkins, presented the Colors. Bishop Greg Rickel of the Olympia Diocese Office Episcopal Church in Western Washington offered the prayer.

**MOTION**

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

**MOTION**

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

**MESSAGE FROM THE HOUSE**

February 13, 2012

MR. PRESIDENT:

The House has passed:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1508,  
ENGROSSED THIRD SUBSTITUTE HOUSE BILL NO.  
1860,  
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO.  
2253,  
HOUSE BILL NO. 2488,  
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO.  
2536,  
HOUSE BILL NO. 2604,  
SUBSTITUTE HOUSE BILL NO. 2615,  
HOUSE BILL NO. 2624,  
HOUSE BILL NO. 2697,  
HOUSE BILL NO. 2738,  
SUBSTITUTE HOUSE BILL NO. 2757.

and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

**MESSAGE FROM THE HOUSE**

February 13, 2012

MR. PRESIDENT:

The House has passed:

SUBSTITUTE HOUSE BILL NO. 1556,  
SUBSTITUTE HOUSE BILL NO. 2176,  
SECOND SUBSTITUTE HOUSE BILL NO. 2216,  
HOUSE BILL NO. 2405,  
SECOND SUBSTITUTE HOUSE BILL NO. 2443,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2614,  
SUBSTITUTE HOUSE BILL NO. 2673,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2722,  
HOUSE BILL NO. 2758,

and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

**MESSAGE FROM THE HOUSE**

February 13, 2012

MR. PRESIDENT:

The House has passed:

SECOND SUBSTITUTE HOUSE BILL NO. 2156,  
SUBSTITUTE HOUSE BILL NO. 2239,  
SUBSTITUTE HOUSE BILL NO. 2263,  
SUBSTITUTE HOUSE BILL NO. 2648.  
and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

**MESSAGE FROM THE HOUSE**

February 13, 2012

MR. PRESIDENT:

The House has passed:

HOUSE BILL NO. 2240,  
SUBSTITUTE HOUSE BILL NO. 2272,  
SECOND SUBSTITUTE HOUSE BILL NO. 2289,  
SUBSTITUTE HOUSE BILL NO. 2296,  
SUBSTITUTE HOUSE BILL NO. 2297,  
SUBSTITUTE HOUSE BILL NO. 2375,  
HOUSE BILL NO. 2400,  
HOUSE BILL NO. 2401,  
SUBSTITUTE HOUSE BILL NO. 2416,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2570,  
SUBSTITUTE HOUSE BILL NO. 2605,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2669.  
and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

**MESSAGE FROM THE HOUSE**

February 13, 2012

MR. PRESIDENT:

The House has passed:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2302,  
HOUSE BILL NO. 2304,  
HOUSE BILL NO. 2353,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2372,  
SUBSTITUTE HOUSE BILL NO. 2590,  
SUBSTITUTE HOUSE BILL NO. 2733,  
HOUSE BILL NO. 2735.

and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

**MOTION**

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

**INTRODUCTION AND FIRST READING**

THIRTY SEVENTH DAY, FEBRUARY 14, 2012

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SB 6596 by Senators Kastama, Hill, Hatfield, Holmquist Newbry, Tom, Fain, Hobbs, Litzow, Shin, Swecker, Sheldon, Padden, Chase, Morton, Honeyford, Kilmer, Murray, Rolfes, Haugen and Roach

AN ACT Relating to a balanced state budget; adding a new section to chapter 43.88 RCW; and providing for submission of this act to a vote of the people.

Referred to Committee on Ways & Means.

SB 6597 by Senators Keiser, Tom, Fain, Kastama, Murray and Schoesler

AN ACT Relating to the sale of works of art in the state art collection; and adding new sections to chapter 43.46 RCW.

Referred to Committee on Ways & Means.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

EHB 2152 by Representatives Angel, Takko, Dammeier, Rivers, Kristiansen, Springer, Buys, Tharinger and Liias

AN ACT Relating to timelines associated with plats; amending RCW 58.17.140 and 58.17.170; and repealing 2010 c 79 s 3 (uncodified).

Referred to Committee on Government Operations, Tribal Relations & Elections.

2SHB 2170 by House Committee on Education Appropriations & Oversight (originally sponsored by Representatives Probst, Rivers, Hansen, Sells, Jinkins, Ryu, Ladenburg, Tharinger, Warnick, Maxwell, McCoy, Goodman, Springer, Appleton, Kenney, Roberts, Kirby, Green, Wylie, Ormsby and Orwall)

AN ACT Relating to encouraging multiple career pathways through information, exploration, planning, and program coordination; amending RCW 28A.230.097, 28C.18.060, 28B.76.526, 28C.18.162, 28C.18.164, 28C.18.166, 28B.92.030, 28B.92.084, 28A.700.060, 28A.600.045, 28A.230.090, 28A.230.010, and 28A.230.130; amending 2009 c 238 s 11 (uncodified); reenacting and amending RCW 28A.600.160; adding a new section to chapter 28A.320 RCW; adding a new section to chapter 28A.230 RCW; adding a new section to chapter 28A.410 RCW; adding a new section to chapter 28B.10 RCW; adding a new chapter to Title 28C RCW; creating new sections; recodifying RCW 28A.700.060; and providing an effective date.

Referred to Committee on Ways & Means.

SHB 2177 by House Committee on Public Safety & Emergency Preparedness (originally sponsored by Representatives Ladenburg, Dammeier, Jinkins, Zeiger, Darneille, Dahlquist, Seaquist, Angel, Kelley, Wilcox, Hurst, McCune, Kirby, Appleton, Green, Ryu, Warnick and Finn)

AN ACT Relating to protecting children from sexual exploitation; amending RCW 9.68A.001; and adding new sections to chapter 9.68A RCW.

Referred to Committee on Judiciary.

HB 2179 by Representatives Morris, Lytton and Kenney

AN ACT Relating to objections to liquor licenses by local governments; and amending RCW 66.24.010.

Referred to Committee on Labor, Commerce & Consumer Protection.

2SHB 2211 by House Committee on Health & Human Services Appropriations & Oversight (originally sponsored by Representatives Orwall, Ormsby, Uptegrove and Hunt)

AN ACT Relating to adoptees' access to information, including original birth certificates; amending RCW 26.33.330, 26.33.340, 26.33.345, and 26.33.020; and adding a new section to chapter 26.33 RCW.

Referred to Committee on Human Services & Corrections.

SHB 2254 by House Committee on Ways & Means (originally sponsored by Representatives Carlyle, Kagi, Reykdal, Darneille, Maxwell, Jinkins, Pedersen, Seaquist, Roberts, Dickerson and Kenney)

AN ACT Relating to improving outcomes for youth in and alumni of foster care; amending RCW 28B.117.010, 28B.117.020, 28B.117.040, 28B.117.070, 28B.118.010, 28A.150.510, 28A.300.525, and 28B.117.901; adding a new section to chapter 74.13 RCW; adding a new section to chapter 28A.320 RCW; adding a new section to chapter 28A.300 RCW; creating new sections; providing an effective date; and providing an expiration date.

Referred to Committee on Ways & Means.

E2SHB 2319 by House Committee on Ways & Means (originally sponsored by Representatives Cody, Jinkins and Ormsby)

AN ACT Relating to furthering state implementation of the health benefit exchange and related provisions of the affordable care act; amending RCW 43.71.010, 43.71.020, 43.71.030, 43.71.060, 48.42.010, 48.42.020, and 41.05.021; reenacting and amending RCW 48.43.005 and 41.05.011; adding new sections to chapter 48.43 RCW; adding new sections to chapter 43.71 RCW; adding a new section to chapter 70.47 RCW; adding new sections to chapter 48.41 RCW; adding a new section to chapter 41.04 RCW; adding a new section to chapter 43.01 RCW; adding a new section to chapter 43.03 RCW; creating new sections; providing an expiration date; and declaring an emergency.

Referred to Committee on Health & Long-Term Care.

E2SHB 2337 by House Committee on Ways & Means (originally sponsored by Representatives Carlyle, Orwall, Sullivan, Maxwell, Lytton, Zeiger, Reykdal, Pettigrew, Liias, Dammeier, Fitzgibbon, Pedersen, Hunt and Hudgins)

AN ACT Relating to open educational resources in K-12 education; adding a new section to chapter 28A.300 RCW; creating a new section; and providing an expiration date.

Referred to Committee on Ways & Means.

HB 2346 by Representatives Walsh, Reykdal, Pearson, Hurst, Kristiansen, Nealey, McCune, Appleton, Orwall, Moscoso, Goodman, DeBolt, Rivers, Shea, Armstrong, Maxwell, Johnson, Springer, Darneille, Sells, Fitzgibbon, Eddy, Angel, Upthegrove, Kelley, Ryu, Stanford, Hudgins, Seaquist and Ormsby

AN ACT Relating to removing the requirement that correctional officers of the department of corrections purchase uniforms from correctional industries; reenacting and amending RCW 43.19.534 and 72.09.100; and creating a new section.

Referred to Committee on Ways & Means.

SHB 2395 by House Committee on Labor & Workforce Development (originally sponsored by Representatives Sells, Reykdal, Upthegrove, Ryu, Moscoso, Ormsby, Hasegawa, Fitzgibbon, Hudgins, Darneille, Cody, Kenney, Santos, Roberts, Green, Miloscia, Pettigrew, Dickerson, Moeller, Appleton, Liias, Jinkins, Dunshee, Van De Wege, Goodman, Orwall, Hunt, Wylie, Billig and Probst)

AN ACT Relating to drayage truck operators; adding a new section to chapter 49.12 RCW; adding a new section to chapter 49.17 RCW; adding a new section to chapter 49.46 RCW; adding a new section to chapter 49.48 RCW; adding a new section to chapter 49.60 RCW; adding a new section to chapter 50.04 RCW; and creating new sections.

Referred to Committee on Labor, Commerce & Consumer Protection.

SHB 2407 by House Committee on State Government & Tribal Affairs (originally sponsored by Representatives Roberts, Green, Ormsby, Reykdal, Moeller, Upthegrove and Maxwell)

AN ACT Relating to claims resolution structured settlement agreements; amending RCW 51.04.063; and reenacting and amending RCW 42.56.230.

Referred to Committee on Labor, Commerce & Consumer Protection.

SHB 2421 by House Committee on Judiciary (originally sponsored by Representatives Orwall, Rodne, Ladenburg, Upthegrove, Tharinger, Maxwell, Kelley, Kenney, Kagi, Moscoso and Jinkins)

AN ACT Relating to modifying the foreclosure fairness act; amending RCW 61.24.031, 61.24.160, 61.24.163, 61.24.169, 61.24.174, 61.24.030, 61.24.040, and 61.24.172; adding a new section to chapter 61.24 RCW; and declaring an emergency.

Referred to Committee on Financial Institutions, Housing & Insurance.

2SHB 2452 by House Committee on Ways & Means (originally sponsored by Representatives Wylie, Alexander, Kenney, Haigh, Hunt, Hudgins, Harris, McCoy, Ryu, Hasegawa, Springer, Billig, Maxwell, Upthegrove and Ormsby)

AN ACT Relating to centralizing the authority and responsibility for the development, process, and oversight of state procurement of goods and services; amending RCW 43.19.005, 43.19.725, and 43.19.727; adding a new chapter to Title 39 RCW; recodifying RCW 43.19.1932, 43.19.530, 43.19.534, 43.19.535, 43.19.536, 43.19.538, 43.19.539, 43.19.700, 43.19.702, 43.19.704, 43.19.797, and 39.29.052; repealing RCW 39.29.003, 39.29.006, 39.29.008, 39.29.009, 39.29.011, 39.29.016, 39.29.018, 39.29.020, 39.29.025, 39.29.040, 39.29.050, 39.29.055, 39.29.065, 39.29.068, 39.29.075, 39.29.080, 39.29.090, 39.29.100, 39.29.110, 39.29.120, 39.29.130, 39.29.900, 43.19.180, 43.19.185, 43.19.190, 43.19.1901, 43.19.1905, 43.19.19052, 43.19.1906, 43.19.1908, 43.19.1911, 43.19.1913, 43.19.1914, 43.19.1915, 43.19.1937, 43.19.1939, and 43.19.200; and providing an effective date.

Referred to Committee on Government Operations, Tribal Relations & Elections.

HB 2474 by Representatives Springer, Van De Wege and Fitzgibbon

AN ACT Relating to adjusting voting requirements for the renewal of emergency medical service levies; and amending RCW 84.52.069.

Referred to Committee on Ways & Means.

SHB 2503 by House Committee on Higher Education (originally sponsored by Representatives Hansen, McCoy, Moscoso, Appleton, Kelley, Springer, Green, Van De Wege, Finn, Hudgins and Maxwell)

AN ACT Relating to early registration at institutions of higher education for eligible veterans and national guard members; adding a new section to chapter 28B.15 RCW; and providing an expiration date.

Referred to Committee on Higher Education & Workforce Development.

ESHB 2586 by House Committee on Ways & Means (originally sponsored by Representatives Kagi, Maxwell, Ladenburg, Dammeier, Kenney and Tharinger)

AN ACT Relating to phasing-in statewide implementation of the Washington kindergarten inventory of developing skills; amending RCW 28A.150.315; adding a new section to chapter 28A.655 RCW; and creating a new section.

Referred to Committee on Ways & Means.

SHB 2640 by House Committee on Community & Economic Development & Housing (originally sponsored by Representatives Smith, Kenney, Warnick, Finn, Walsh, Orcutt and Kelley)

AN ACT Relating to emphasizing cost-effectiveness in the housing trust fund; amending RCW 43.185A.050; and reenacting and amending RCW 43.185.070.

Referred to Committee on Financial Institutions, Housing & Insurance.

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2SHB 2717 by House Committee on Education Appropriations & Oversight (originally sponsored by Representatives Seaquist and Pollet)

AN ACT Relating to creating innovations in higher education; and creating new sections.

Referred to Committee on Higher Education & Workforce Development.

SHB 2736 by House Committee on Transportation (originally sponsored by Representative Hansen)

AN ACT Relating to commercial vehicle regulations for texting while driving and flags on projecting loads; amending RCW 46.25.010, 46.61.668, and 46.37.140; and prescribing penalties.

Referred to Committee on Transportation.

ESHB 2747 by House Committee on Capital Budget (originally sponsored by Representative Hansen)

AN ACT Relating to modifying the use of funds in the fire service training account; and amending RCW 43.43.944.

Referred to Committee on Ways & Means.

PERSONAL PRIVILEGE

Senator Fain: "If the Lieutenant Governor gives you food, can you eat it on the floor?"

REPLY BY THE PRESIDENT

President Owen: "Senator Fain, you are a rookie here and so most of the members are aware that on Valentine's Day Linda, the previous day, works her tail off to provide you with those wonderful chocolate chip cookies that Senator Baumgartner is wolfing down right now and on this day and this day, only-unless there are Girl Scout cookies involved, you may eat the cookies on the floor."

PERSONAL PRIVILEGE

Senator Honeyford: "Well, thank you. I wanted to extend my thanks to your lovely wife for working in the kitchen over the hot stove and baking these cookies for us. Thank you very much. I do believe we need a constitutional amendment so that, whenever you leave this position, that that will be one of the duties of the Lieutenant Governor. Thank you."

REPLY BY THE PRESIDENT

President Owen: "Well, let's just make sure that I come back and we won't have to worry about it."

MOTION

On motion of Senator Eide, all measures listed on the Introduction and First Reading report were referred to the committees as designated with the exception of Senate Bill No. 6597 which was referred to the Committee on Ways & Means.

MOTION TO LIMIT DEBATE

Senator Eide: "Mr. President, I move that the members of the Senate be allowed to speak but once on each question before the Senate, that such speech be limited to three minutes and that members be prohibited from yielding their time, however, the maker of a motion shall be allowed to open and close debate. This motion shall be in effect through February 14, 2012."

The President declared the question before the Senate to be the motion by Senator Eide to limit debate.

The motion by Senator Eide carried and debate was limited through February 14, 2012 by voice vote.

MOTION

At 9:16 a.m., on motion of Senator Eide, the Senate was declared to be at ease subject to the call of the President.

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced a delegation representing Ukraine including regional and city administrative leaders, Ms. Iryna Boyarynov, Mr. Oleksandr Dekhyarchuk, Ms. Natalia Skrypchenko and Mr. Roman Soltis and Deputy Head of the Executive Office; Ms. Oksana Huyda, legislative borough member and incoming Director of Social Services for parliament; and Mr. Bohdan Yarema of the US Peace Corps in the Ukraine who were present in the gallery. Participates in the Open World Program organized by Congress and administered by the Library of Congress, the delegation was hosted by the Interagency Committee of State Employed Women (ICSEW) and the Office of the Governor. The visit marks the first time Olympia has been selected by the Library of Congress as a host community in the thirteen year history of the Open World Program.

The Senate was called to order at 9:22 a.m. by President Owen.

MOTION

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

SECOND READING

SENATE BILL NO. 6180, by Senators Swecker, Nelson and Sheldon

Reducing costs and inefficiencies in elections.

MOTION

On motion of Senator Swecker, Substitute Senate Bill No. 6180 was substituted for Senate Bill No. 6180 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Nelson moved that the following amendment by Senators Nelson and Swecker be adopted:

On page 7, line 35, after "argument;" insert "and"

On page 8, beginning on line 3, after "measure;" strike all material through "~~((H))~~" on line 5 and insert the following:

"~~((10))~~ The full text of the measure; ~~((H))~~"

On page 10, line 5, after "(4)" strike all material through "by" and insert "~~(The text of each measure accompanied by)~~ For each ballot measure,"

On page 15, after line 26, insert the following:

**"NEW SECTION. Sec. 20.** Sections 8 and 10 of this act take effect January 1, 2013."

Renumber the remaining section consecutively.

On page 15, line 27, after "**Sec. 20.**" strike "This" and insert "Except for sections 8 and 10 of this act, this"

On page 1, line 6, after "29A.52.011;" insert "providing an effective date;"

Senator Nelson spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senators Nelson and Swecker on page 7, line 35 to Substitute Senate Bill No. 6180.

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

#### MOTION

On motion of Senator Delvin, Senators Carrell, Ericksen and Pflug were excused.

#### MOTION

On motion of Senator Swecker, the rules were suspended, Engrossed Substitute Senate Bill No. 6180 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Swecker and Pridemore spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 6180.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6180 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 1; Excused, 1.

Voting yea: Senators Baumgartner, Becker, Benton, Brown, Chase, Conway, Delvin, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hatfield, Haugen, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles, Litzow, McAuliffe, Morton, Murray, Nelson, Padden, Parlette, Pflug, Prentice, Pridemore, Regala, Roach, Rolfes, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Absent: Senator Ranker

Excused: Senator Carrell

ENGROSSED SUBSTITUTE SENATE BILL NO. 6180, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MOTION

On motion of Senator Harper, Senator Ranker was excused.

#### SECOND READING

SENATE BILL NO. 6445, by Senator Pridemore

Concerning the Interstate 5 Columbia river crossing project.

#### MOTION

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

#### MOTION

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

On page 2, line 15, after "bridges." insert "Tolls may not be charged for travel on any portion of Interstate 205."

Senators King, Pridemore and Benton spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator King and others on page 2, line 15 to Substitute Senate Bill No. 6445.

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

#### MOTION

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

On page 2, after line 16, insert the following:

"(3) Tolls may not be imposed on the Columbia river crossing project as authorized under subsection (2) of this section without the approval of a majority of the voters in Clark county voting on a proposition at a general or special election. The proposition must include a specific description of the project and the proposed range of tolls being considered by the tolling authority to raise revenue to fund the Columbia river crossing project."

Senator Benton spoke in favor of adoption of the amendment.

Senator Pridemore spoke against adoption of the amendment.

#### WITHDRAWAL OF AMENDMENT

On motion of Senator Benton, the amendment by Senator Benton and others on page 2, line 16 to Substitute Senate Bill No. 6445 was withdrawn.

#### MOTION

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

On page 2, after line 16, insert the following:

"(3) Tolls may not be imposed on the Columbia river crossing project as authorized under subsection (2) of this section without the approval, on a proposition at a general or special election, of a majority of the voters within two of the three following counties: Clark, Skamania, and Cowlitz. The proposition must include a specific description of the project and the proposed range of tolls being considered by the tolling authority to raise revenue to fund the Columbia river crossing project."

Senator Honeyford spoke in favor of adoption of the amendment.

#### WITHDRAWAL OF AMENDMENT



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On motion of Senator Honeyford, the amendment by Senator Honeyford and Benton on page 2, line 16 to Substitute Senate Bill No. 6445 was withdrawn.

#### MOTION

Senator Benton moved that the following amendment by Senator Benton, King and Zarelli be adopted:

On page 2, line 16, after "RCW 47.56.820." insert "The total cost of the Columbia river crossing project may not exceed three billion four hundred thirteen million dollars. The Washington state contribution to the project may not exceed thirty-three percent of the total cost of the project. When setting the toll rates for the Columbia river crossing project, the tolling authority may not set the rates at a level that would cause the total amount of revenue generated by the tolls to exceed one-half of the total state contribution to the project."

Senator Benton spoke in favor of adoption of the amendment.

#### WITHDRAWAL OF AMENDMENT

On motion of Senator Benton, the amendment by Senators Benton, King and Zarelli on page 2, line 16 to Substitute Senate Bill No. 6445 was withdrawn.

#### MOTION

Senator Benton moved that the following amendment by Senators Zarelli and Haugen be adopted:

On page 2, line 16, after "RCW 47.56.820.", insert:

"The total cost of the Columbia river crossing project may not exceed three billion four hundred thirteen million dollars."

Senators Benton and Pridemore spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senators Zarelli and Haugen page 2, line 16 to Substitute Senate Bill No. 6445.

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

#### MOTION

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

On page 7, after line 27, insert the following:

"NEW SECTION. Sec. 7. A new section is added to chapter 47.56 RCW under the subchapter heading "toll facilities created after July 1, 2008" to read as follows:

(1) The Columbia river crossing project citizen advisory committee is hereby created. The governor shall appoint nine members to the committee. The advisory committee members must be current Washington residents and shall be appointed proportionately, to the extent practicable, from those areas from which the majority of the trips originate on the bridge according to the latest traffic analysis by the department. Appointees must also be able to demonstrate that they are or will be toll-paying commuters on regular basis.

(2) The Columbia river crossing project citizen advisory committee shall serve in an advisory capacity to the tolling authority, or toll rate setting entity that may be created under an agreement pursuant to section 4 of this act, on all matters related to the imposition of tolls including, but not limited to: (a) the feasibility of providing discounts to frequent users, electronic transponder users, senior citizens, or students; (b) the tradeoff of lower tolls versus the early

retirement of debt; and (c) a consideration of variable, or time of day pricing.

(3) No toll charge may be imposed or modified unless the citizen advisory committee has been given at least twenty days to review and comment on any proposed toll charge schedule. In setting toll rates, the tolling authority, or toll rate setting entity that may be created under an agreement pursuant to section 4 of this act, shall give consideration to any recommendations of the citizen advisory committee."

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

On page 1, line ... of the title, after "...", insert "..."

Senator Benton spoke in favor of adoption of the amendment.

#### WITHDRAWAL OF AMENDMENT

On motion of Senator Benton, the amendment by Senator Benton on page 7, line 27 to Substitute Senate Bill No. 6445 was withdrawn.

#### MOTION

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

On page 7, line 32, after "has" insert "(a) signed a full funding grant agreement with the federal transit administration for the project, and (b)"

Senator Benton spoke in favor of adoption of the amendment.

#### WITHDRAWAL OF AMENDMENT

On motion of Senator Benton, the amendment by Senator Benton on page 7, line 32 to Substitute Senate Bill No. 6445 was withdrawn.

#### MOTION

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

Senator Pridemore spoke in favor of passage of the bill.

Senator Benton spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 6445.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6445 and the bill passed the Senate by the following vote: Yeas, 33; Nays, 15; Absent, 0; Excused, 1.

Voting yea: Senators Brown, Chase, Conway, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hatfield, Haugen, Hewitt, Hobbs, Kastama, Keiser, Kilmer, Kline, Kohl-Welles, Litzow, McAuliffe, Murray, Nelson, Pflug, Prentice, Pridemore, Ranker, Regala, Rolfes, Sheldon, Shin, Swecker and Tom

Voting nay: Senators Baumgartner, Becker, Benton, Delvin, Hill, Holmquist Newbry, Honeyford, King, Morton, Padden, Parlette, Roach, Schoesler, Stevens and Zarelli

Excused: Senator Carrell

ENGROSSED SUBSTITUTE SENATE BILL NO. 6445, having received the constitutional majority, was declared passed.

There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 6135, by Senators Hargrove, Swecker, Rolfes, Delvin, Regala, Ranker, Shin and Fraser

Regarding enforcement of fish and wildlife violations.

#### MOTIONS

On motion of Senator Hargrove, Substitute Senate Bill No. 6135 was substituted for Senate Bill No. 6135 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Hargrove, the rules were suspended, Substitute Senate Bill No. 6135 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Hargrove and Morton spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6135.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6135 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 2; Absent, 0; Excused, 1.

Voting yea: Senators Baumgartner, Becker, Benton, Brown, Chase, Conway, Delvin, Eide, Fain, Fraser, Frockt, Hargrove, Harper, Hatfield, Haugen, Hewitt, Hill, Hobbs, Honeyford, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles, Litzow, McAuliffe, Morton, Murray, Nelson, Padden, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rolfes, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Voting nay: Senators Ericksen and Holmquist Newbry

Excused: Senator Carrell

SUBSTITUTE SENATE BILL NO. 6135, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MOTION

On motion of Senator Harper, Senators Brown and Hobbs were excused.

#### SECOND READING

SENATE BILL NO. 6075, by Senators Carrell and Harper

Removing the notice requirement when an attorney or private investigator requests vehicle owner information. Revised for 1st Substitute: Addressing the disclosure of vehicle owner information.

#### MOTIONS

On motion of Senator Haugen, Substitute Senate Bill No. 6075 was substituted for Senate Bill No. 6075 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator King, the rules were suspended, Substitute Senate Bill No. 6075 was advanced to third reading,

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

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

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6075.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6075 and the bill passed the Senate by the following vote: Yeas, 42; Nays, 5; Absent, 0; Excused, 2.

Voting yea: Senators Becker, Benton, Chase, Conway, Delvin, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hatfield, Haugen, Hewitt, Hill, Hobbs, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles, Litzow, McAuliffe, Morton, Murray, Nelson, Padden, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Rolfes, Schoesler, Sheldon, Shin, Swecker, Tom and Zarelli

Voting nay: Senators Baumgartner, Holmquist Newbry, Honeyford, Roach and Stevens

Excused: Senators Brown and Carrell

SUBSTITUTE SENATE BILL NO. 6075, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 6403, by Senator Regala

Removing financial barriers to persons seeking vulnerable adult protection orders.

#### MOTIONS

On motion of Senator Regala, Substitute Senate Bill No. 6403 was substituted for Senate Bill No. 6403 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Regala, the rules were suspended, Substitute Senate Bill No. 6403 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Regala spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6403.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6403 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Baumgartner, Becker, Benton, Chase, Conway, Delvin, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hatfield, Haugen, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles, Litzow, McAuliffe, Morton, Murray, Nelson, Padden, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rolfes, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Excused: Senators Brown and Carrell

SUBSTITUTE SENATE BILL NO. 6403, having received the constitutional majority, was declared passed. There being no

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objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 6328, by Senators Conway, Hargrove, Regala, Harper, Stevens and McAuliffe

Creating a retired active license for mental health professionals. Revised for 1st Substitute: Authorizing creation of a retired active license for mental health professionals.

#### MOTIONS

On motion of Senator Conway, Substitute Senate Bill No. 6328 was substituted for Senate Bill No. 6328 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Conway, the rules were suspended, Substitute Senate Bill No. 6328 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Conway spoke in favor of passage of the bill.

#### MOTION

On motion of Senator Delvin, Senator Padden was excused.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6328.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6328 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 1; Absent, 0; Excused, 3.

Voting yea: Senators Baumgartner, Becker, Benton, Chase, Conway, Delvin, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hatfield, Haugen, Hewitt, Hill, Hobbs, Honeyford, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles, Litzow, McAuliffe, Morton, Murray, Nelson, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rolfes, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Voting nay: Senator Holmquist Newbry

Excused: Senators Brown, Carrell and Padden

SUBSTITUTE SENATE BILL NO. 6328, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 6414, by Senator Ranker

Authorizing advisory opinions regarding whether an electric generation project or conservation resource qualifies to meet a target under RCW 19.285.040. Revised for 1st Substitute: Creating a review process to determine whether a proposed electric generation project or conservation resource qualifies to meet a target under RCW 19.285.040.

#### MOTIONS

On motion of Senator Ranker, Substitute Senate Bill No. 6414 was substituted for Senate Bill No. 6414 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Ranker, the rules were suspended, Substitute Senate Bill No. 6414 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6414.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6414 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Baumgartner, Becker, Benton, Brown, Chase, Conway, Delvin, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hatfield, Haugen, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles, Litzow, McAuliffe, Morton, Murray, Nelson, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rolfes, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Excused: Senators Carrell and Padden

SUBSTITUTE SENATE BILL NO. 6414, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MOTION

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

#### THIRD READING

SUBSTITUTE SENATE BILL NO. 5154, by Senate Committee on Judiciary (originally sponsored by Senators Harper, Kline, Pflug, Hobbs, Ericksen, Rockefeller, Nelson and Roach).

Modifying vehicle prowling provisions.

The bill was read on Third Reading.

#### MOTION

On motion of Senator Eide, the rules were suspended and Substitute Senate Bill No. 5154 was returned to second reading for the purpose of amendment.

#### SECOND READING

SUBSTITUTE SENATE BILL NO. 5154, by Senate Committee on Judiciary (originally sponsored by Senators Harper, Kline, Pflug, Hobbs, Ericksen, Rockefeller, Nelson and Roach)

Modifying vehicle prowling provisions.

The measure was read the second time.

#### MOTION

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

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 9A.52.100 and 2011 c 336 s 376 are each amended to read as follows:

(1) A person is guilty of vehicle prowling in the second degree if, with intent to commit a crime against a person or property therein, he or she enters or remains unlawfully in a vehicle other than a motor home, as defined in RCW 46.04.305, or a vessel equipped for propulsion by mechanical means or by sail which has a cabin equipped with permanently installed sleeping quarters or cooking facilities.

(2) Except as provided in subsection (3) of this section, vehicle prowling in the second degree is a gross misdemeanor.

(3) Vehicle prowling in the second degree is a class C felony upon a third or subsequent conviction of vehicle prowling in the second degree.

**Sec. 2.** RCW 9.94A.515 and 2010 c 289 s 11 and 2010 c 227 s 9 are each reenacted and amended to read as follows:

TABLE 2

CRIMES INCLUDED WITHIN  
EACH SERIOUSNESS LEVEL

XVI	Aggravated Murder 1 (RCW 10.95.020)	9A.44.100(1)(a)
XV	Homicide by abuse (RCW 9A.32.055)	Kidnapping 1 (RCW 9A.40.020)
	Malicious explosion 1 (RCW 70.74.280(1))	Leading Organized Crime (RCW 9A.82.060(1)(a))
	Murder 1 (RCW 9A.32.030)	Malicious explosion 3 (RCW 70.74.280(3))
XIV	Murder 2 (RCW 9A.32.050)	Sexually Violent Predator Escape (RCW 9A.76.115)
	Trafficking 1 (RCW 9A.40.100(1))	IX Abandonment of Dependent Person 1 (RCW 9A.42.060)
XIII	Malicious explosion 2 (RCW 70.74.280(2))	Assault of a Child 2 (RCW 9A.36.130)
	Malicious placement of an explosive 1 (RCW 70.74.270(1))	Explosive devices prohibited (RCW 70.74.180)
XII	Assault 1 (RCW 9A.36.011)	Hit and Run--Death (RCW 46.52.020(4)(a))
	Assault of a Child 1 (RCW 9A.36.120)	Homicide by Watercraft, by being under the influence of intoxicating liquor or any drug (RCW 79A.60.050)
	Malicious placement of an imitation device 1 (RCW 70.74.272(1)(a))	Inciting Criminal Profiteering (RCW 9A.82.060(1)(b))
	Promoting Commercial Sexual Abuse of a Minor (RCW 9.68A.101)	Malicious placement of an explosive 2 (RCW 70.74.270(2))
	Rape 1 (RCW 9A.44.040)	Robbery 1 (RCW 9A.56.200)
	Rape of a Child 1 (RCW 9A.44.073)	Sexual Exploitation (RCW 9.68A.040)
	Trafficking 2 (RCW 9A.40.100(2))	Vehicular Homicide, by being under the influence of intoxicating liquor or any drug (RCW 46.61.520)
XI	Manslaughter 1 (RCW 9A.32.060)	VIII Arson 1 (RCW 9A.48.020)
	Rape 2 (RCW 9A.44.050)	Commercial Sexual Abuse of a Minor (RCW 9.68A.100)
	Rape of a Child 2 (RCW 9A.44.076)	Homicide by Watercraft, by the operation of any vessel in a reckless manner (RCW 79A.60.050)
X	Child Molestation 1 (RCW 9A.44.083)	Manslaughter 2 (RCW 9A.32.070)
	Criminal Mistreatment 1 (RCW 9A.42.020)	Promoting Prostitution 1 (RCW 9A.88.070)
	Indecent Liberties (with forcible compulsion) (RCW	Theft of Ammonia (RCW 69.55.010)
		Vehicular Homicide, by the operation of any vehicle in a reckless manner (RCW 46.61.520)
		VII Burglary 1 (RCW 9A.52.020)
		Child Molestation 2 (RCW 9A.44.086)
		Civil Disorder Training (RCW 9A.48.120)
		Dealing in depictions of minor engaged in sexually explicit conduct 1 (RCW 9.68A.050(1))
		Drive-by Shooting (RCW 9A.36.045)
		Homicide by Watercraft, by disregard for the safety of others (RCW 79A.60.050)

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- Indecent Liberties (without forcible compulsion) (RCW 9A.44.100(1)(b) and (c))
- Introducing Contraband 1 (RCW 9A.76.140)
- Malicious placement of an explosive 3 (RCW 70.74.270(3))
- Negligently Causing Death By Use of a Signal Preemption Device (RCW 46.37.675)
- Sending, bringing into state depictions of minor engaged in sexually explicit conduct 1 (RCW 9.68A.060(1))
- Unlawful Possession of a Firearm in the first degree (RCW 9.41.040(1))
- Use of a Machine Gun in Commission of a Felony (RCW 9.41.225)
- Vehicular Homicide, by disregard for the safety of others (RCW 46.61.520)
- VI Bail Jumping with Murder 1 (RCW 9A.76.170(3)(a))
- Bribery (RCW 9A.68.010)
- Incest 1 (RCW 9A.64.020(1))
- Intimidating a Judge (RCW 9A.72.160)
- Intimidating a Juror/Witness (RCW 9A.72.110, 9A.72.130)
- Malicious placement of an imitation device 2 (RCW 70.74.272(1)(b))
- Possession of Depictions of a Minor Engaged in Sexually Explicit Conduct 1 (RCW 9.68A.070(1))
- Rape of a Child 3 (RCW 9A.44.079)
- Theft of a Firearm (RCW 9A.56.300)
- Unlawful Storage of Ammonia (RCW 69.55.020)
- V Abandonment of Dependent Person 2 (RCW 9A.42.070)
- Advancing money or property for extortionate extension of credit (RCW 9A.82.030)
- Bail Jumping with class A Felony (RCW 9A.76.170(3)(b))
- Child Molestation 3 (RCW 9A.44.089)
- Criminal Mistreatment 2 (RCW 9A.42.030)
- Custodial Sexual Misconduct 1 (RCW 9A.44.160)
- Dealing in Depictions of Minor Engaged in Sexually Explicit Conduct 2 (RCW 9.68A.050(2))
- Domestic Violence Court Order Violation (RCW 10.99.040, 10.99.050, 26.09.300, 26.10.220, 26.26.138, 26.50.110, 26.52.070, or 74.34.145)
- Driving While Under the Influence (RCW 46.61.502(6))
- Extortion 1 (RCW 9A.56.120)
- Extortionate Extension of Credit (RCW 9A.82.020)
- Extortionate Means to Collect Extensions of Credit (RCW 9A.82.040)
- Incest 2 (RCW 9A.64.020(2))
- Kidnapping 2 (RCW 9A.40.030)
- Perjury 1 (RCW 9A.72.020)
- Persistent prison misbehavior (RCW 9.94.070)
- Physical Control of a Vehicle While Under the Influence (RCW 46.61.504(6))
- Possession of a Stolen Firearm (RCW 9A.56.310)
- Rape 3 (RCW 9A.44.060)
- Rendering Criminal Assistance 1 (RCW 9A.76.070)
- Sending, Bringing into State Depictions of Minor Engaged in Sexually Explicit Conduct 2 (RCW 9.68A.060(2))
- Sexual Misconduct with a Minor 1 (RCW 9A.44.093)
- Sexually Violating Human Remains (RCW 9A.44.105)
- Stalking (RCW 9A.46.110)
- Taking Motor Vehicle Without Permission 1 (RCW 9A.56.070)
- Vehicle Prowling 2 (third or subsequent offense) (RCW 9A.52.100(3))
- IV Arson 2 (RCW 9A.48.030)
- Assault 2 (RCW 9A.36.021)
- Assault 3 (of a Peace Officer with a Projectile Stun Gun) (RCW 9A.36.031(1)(h))
- Assault by Watercraft (RCW 79A.60.060)
- Bribing a Witness/Bribe Received by Witness (RCW 9A.72.090, 9A.72.100)
- Cheating 1 (RCW 9.46.1961)
- Commercial Bribery (RCW 9A.68.060)
- Counterfeiting (RCW 9.16.035(4))
- Endangerment with a Controlled Substance (RCW 9A.42.100)
- Escape 1 (RCW 9A.76.110)
- Hit and Run--Injury (RCW 46.52.020(4)(b))
- Hit and Run with Vessel--Injury Accident (RCW 79A.60.200(3))

- Identity Theft 1 (RCW 9.35.020(2))
- Indecent Exposure to Person Under Age Fourteen (subsequent sex offense) (RCW 9A.88.010)
- Influencing Outcome of Sporting Event (RCW 9A.82.070)
- Malicious Harassment (RCW 9A.36.080)
- Possession of Depictions of a Minor Engaged in Sexually Explicit Conduct 2 (RCW 9.68(~~FA~~))  
A.070(2))
- Residential Burglary (RCW 9A.52.025)
- Robbery 2 (RCW 9A.56.210)
- Theft of Livestock 1 (RCW 9A.56.080)
- Threats to Bomb (RCW 9.61.160)
- Trafficking in Stolen Property 1 (RCW 9A.82.050)
- Unlawful factoring of a credit card or payment card transaction (RCW 9A.56.290(4)(b))
- Unlawful transaction of health coverage as a health care service contractor (RCW 48.44.016(3))
- Unlawful transaction of health coverage as a health maintenance organization (RCW 48.46.033(3))
- Unlawful transaction of insurance business (RCW 48.15.023(3))
- Unlicensed practice as an insurance professional (RCW 48.17.063(2))
- Use of Proceeds of Criminal Profiteering (RCW 9A.82.080 (1) and (2))
- Vehicular Assault, by being under the influence of intoxicating liquor or any drug, or by the operation or driving of a vehicle in a reckless manner (RCW 46.61.522)
- Viewing of Depictions of a Minor Engaged in Sexually Explicit Conduct 1 (RCW 9.68A.075(1))
- Willful Failure to Return from Furlough (RCW 72.66.060)
- III Animal Cruelty 1 (Sexual Conduct or Contact) (RCW 16.52.205(3))
- Assault 3 (Except Assault 3 of a Peace Officer With a Projectile Stun Gun) (RCW 9A.36.031 except subsection (1)(h))
- Assault of a Child 3 (RCW 9A.36.140)
- Bail Jumping with class B or C Felony (RCW 9A.76.170(3)(c))
- Burglary 2 (RCW 9A.52.030)
- Communication with a Minor for Immoral Purposes (RCW 9.68A.090)
- Criminal Gang Intimidation (RCW 9A.46.120)
- Custodial Assault (RCW 9A.36.100)
- Cyberstalking (subsequent conviction or threat of death) (RCW 9.61.260(3))
- Escape 2 (RCW 9A.76.120)
- Extortion 2 (RCW 9A.56.130)
- Harassment (RCW 9A.46.020)
- Intimidating a Public Servant (RCW 9A.76.180)
- Introducing Contraband 2 (RCW 9A.76.150)
- Malicious Injury to Railroad Property (RCW 81.60.070)
- Mortgage Fraud (RCW 19.144.080)
- Negligently Causing Substantial Bodily Harm By Use of a Signal Preemption Device (RCW 46.37.674)
- Organized Retail Theft 1 (RCW 9A.56.350(2))
- Perjury 2 (RCW 9A.72.030)
- Possession of Incendiary Device (RCW 9.40.120)
- Possession of Machine Gun or Short-Barreled Shotgun or Rifle (RCW 9.41.190)
- Promoting Prostitution 2 (RCW 9A.88.080)
- Retail Theft with Extenuating Circumstances 1 (RCW 9A.56.360(2))
- Securities Act violation (RCW 21.20.400)
- Tampering with a Witness (RCW 9A.72.120)
- Telephone Harassment (subsequent conviction or threat of death) (RCW 9.61.230(2))
- Theft of Livestock 2 (RCW 9A.56.083)
- Theft with the Intent to Resell 1 (RCW 9A.56.340(2))
- Trafficking in Stolen Property 2 (RCW 9A.82.055)
- Unlawful Imprisonment (RCW 9A.40.040)
- Unlawful possession of firearm in the second degree (RCW 9.41.040(2))
- Vehicular Assault, by the operation or driving of a vehicle with disregard for the safety of others (RCW 46.61.522)
- Willful Failure to Return from Work Release (RCW 72.65.070)
- II Computer Trespass 1 (RCW 9A.52.110)

Counterfeiting (RCW 9.16.035(3))

Theft 2 (RCW 9A.56.040)

Escape from Community Custody  
(RCW 72.09.310)

Theft of Rental, Leased, or Lease-purchased  
Property (valued at two  
hundred fifty dollars or more but  
less than one thousand five  
hundred dollars) (RCW  
9A.56.096(5)(b))

Failure to Register as a Sex Offender  
(second or subsequent offense)  
(RCW 9A.44.130(11)(a))

Health Care False Claims (RCW  
48.80.030)

Transaction of insurance business  
beyond the scope of licensure  
(RCW 48.17.063)

Identity Theft 2 (RCW 9.35.020(3))

Improperly Obtaining Financial  
Information (RCW 9.35.010)

Unlawful Issuance of Checks or Drafts  
(RCW 9A.56.060)

Malicious Mischief 1 (RCW  
9A.48.070)

Unlawful Possession of Fictitious  
Identification (RCW 9A.56.320)

Organized Retail Theft 2 (RCW  
9A.56.350(3))

Unlawful Possession of Instruments of  
Financial Fraud (RCW 9A.56.320)

Possession of Stolen Property 1 (RCW  
9A.56.150)

Unlawful Possession of Payment  
Instruments (RCW 9A.56.320)

Possession of a Stolen Vehicle (RCW  
9A.56.068)

Unlawful Possession of a Personal  
Identification Device (RCW  
9A.56.320)

Retail Theft with Extenuating  
Circumstances 2 (RCW  
9A.56.360(3))

Unlawful Production of Payment  
Instruments (RCW 9A.56.320)

Theft 1 (RCW 9A.56.030)

Unlawful Trafficking in Food Stamps  
(RCW 9.91.142)

Theft of a Motor Vehicle (RCW  
9A.56.065)

Unlawful Use of Food Stamps (RCW  
9.91.144)

Theft of Rental, Leased, or Lease-purchased  
Property (valued at one  
thousand five hundred dollars or  
more) (RCW 9A.56.096(5)(a))

Vehicle Prowling 1 (RCW 9A.52.095)"

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

Theft with the Intent to Resell 2 (RCW  
9A.56.340(3))

The President declared the question before the Senate to be the adoption of the striking amendment by Senator Kline to Substitute Senate Bill No. 5154.

Trafficking in Insurance Claims (RCW  
48.30A.015)

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

Unlawful factoring of a credit card or  
payment card transaction (RCW  
9A.56.290(4)(a))

MOTION

Unlawful Practice of Law (RCW  
2.48.180)

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

Unlicensed Practice of a Profession or  
Business (RCW 18.130.190(7))

On page 1, line 1 of the title, after "prowling;" strike the remainder of the title and insert "amending RCW 9A.52.100; reenacting and amending RCW 9.94A.515; and prescribing penalties."

Voyeurism (RCW 9A.44.115)

MOTION

I Attempting to Elude a Pursuing Police  
Vehicle (RCW 46.61.024)

On motion of Senator Harper, the rules were suspended, Engrossed Substitute Senate Bill No. 5154 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

False Verification for Welfare (RCW  
74.08.055)

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

Forgery (RCW 9A.60.020)

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5154.

Fraudulent Creation or Revocation of a  
Mental Health Advance Directive  
(RCW 9A.60.060)

ROLL CALL

Malicious Mischief 2 (RCW  
9A.48.080)

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5154 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Mineral Trespass (RCW 78.44.330)

Possession of Stolen Property 2 (RCW  
9A.56.160)

Reckless Burning 1 (RCW 9A.48.040)

Taking Motor Vehicle Without  
Permission 2 (RCW 9A.56.075)

Voting yea: Senators Baumgartner, Becker, Benton, Brown, Chase, Conway, Delvin, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hatfield, Haugen, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles, Litzow, McAuliffe, Morton, Murray, Nelson, Padden, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rolfes, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Excused: Senator Carrell

ENGROSSED SUBSTITUTE SENATE BILL NO. 5154, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MOTION

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

#### SECOND READING

SENATE BILL NO. 6440, by Senators Parlette, Keiser and Becker

Providing health care purchasing options for individuals and small employers.

The measure was read the second time.

#### MOTION

On motion of Senator Parlette, the rules were suspended, Senate Bill No. 6440 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

The President declared the question before the Senate to be the final passage of Senate Bill No. 6440.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6440 and the bill passed the Senate by the following vote: Yeas, 41; Nays, 7; Absent, 0; Excused, 1.

Voting yea: Senators Baumgartner, Becker, Brown, Conway, Delvin, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hatfield, Haugen, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Kastama, Keiser, Kilmer, King, Kohl-Welles, Litzow, McAuliffe, Morton, Murray, Padden, Parlette, Pflug, Pridemore, Ranker, Regala, Roach, Rolfes, Schoesler, Sheldon, Shin, Tom and Zarelli

Voting nay: Senators Benton, Chase, Kline, Nelson, Prentice, Stevens and Swecker

Excused: Senator Carrell

SENATE BILL NO. 6440, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### STATEMENT FOR THE JOURNAL

Earlier today, given the large volume of bills being run on the floor, I inadvertently voted 'No' on Senate Bill No. 6440 which would allow the state to explore options for selling insurance

across state lines. I intended to vote 'Yes' and would like the journal to reflect my intent.

SENATOR STEVENS, 39TH LEGISLATIVE DISTRICT

#### STATEMENT FOR THE JOURNAL

It was my intention to vote in favor of Senate Bill No. 6440. However, there was significant confusion at the moment of the roll call and when the situation is not clear, I default to a 'no' position. I regret this and if we had more time to sort out the confusion I would have cast a 'yes' vote on the bill.

SENATOR BENTON, 17TH LEGISLATIVE DISTRICT

#### SECOND READING

SENATE BILL NO. 5981, by Senators Schoesler, Hatfield and Honeyford

Changing seed dealer license fees.

The measure was read the second time.

#### MOTION

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

Senator Schoesler spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5981.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5981 and the bill passed the Senate by the following vote: Yeas, 40; Nays, 7; Absent, 1; Excused, 1.

Voting yea: Senators Becker, Brown, Chase, Conway, Delvin, Eide, Fain, Fraser, Frockt, Hargrove, Harper, Hatfield, Haugen, Hewitt, Hill, Hobbs, Honeyford, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles, Litzow, McAuliffe, Morton, Murray, Nelson, Parlette, Prentice, Pridemore, Ranker, Regala, Rolfes, Schoesler, Sheldon, Shin, Swecker, Tom and Zarelli

Voting nay: Senators Baumgartner, Benton, Ericksen, Holmquist Newbry, Padden, Roach and Stevens

Absent: Senator Pflug

Excused: Senator Carrell

SENATE BILL NO. 5981, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 6208, by Senators Schoesler and Hatfield

Regarding license fees under the warehouse act.

#### MOTIONS

On motion of Senator Schoesler, Substitute Senate Bill No. 6208 was substituted for Senate Bill No. 6208 and the substitute bill was placed on the second reading and read the second time.



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

Senator Schoesler spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6208.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6208 and the bill passed the Senate by the following vote: Yeas, 38; Nays, 10; Absent, 0; Excused, 1.

Voting yea: Senators Becker, Brown, Chase, Conway, Delvin, Eide, Fain, Fraser, Frockt, Hargrove, Harper, Hatfield, Haugen, Hewitt, Hill, Hobbs, Honeyford, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles, Litzow, McAuliffe, Murray, Nelson, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Rolfes, Schoesler, Shin, Swecker and Tom

Voting nay: Senators Baumgartner, Benton, Ericksen, Holmquist Newbry, Morton, Padden, Roach, Sheldon, Stevens and Zarelli

Excused: Senator Carrell

SUBSTITUTE SENATE BILL NO. 6208, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## MOTION

On motion of Senator Ericksen, Senator Zarelli was excused.

## SECOND READING

SENATE BILL NO. 6574, by Senators Kohl-Welles, Frockt and Kline

Authorizing certain cities in which stadium and exhibition centers are located to impose admissions taxes in limited circumstances.

## MOTIONS

On motion of Senator Kohl-Welles, Substitute Senate Bill No. 6574 was substituted for Senate Bill No. 6574 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Kohl-Welles, the rules were suspended, Substitute Senate Bill No. 6574 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Kohl-Welles spoke in favor of passage of the bill.

## POINT OF INQUIRY

Senator Benton: "Will the gentle lady from the Thirty-Sixth yield to a friendly question? I just want to know is there any kind of a sunset clause? Does this end at some point, when the Huskies go back to their own stadium? Does this law go away?"

Senator Kohl-Welles: "Yes, it does. It's only for the 2012 football season."

## MOTION

On motion of Senator Harper, Senator Prentice was excused.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6574.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6574 and the bill passed the Senate by the following vote: Yeas, 36; Nays, 11; Absent, 0; Excused, 2.

Voting yea: Senators Brown, Chase, Conway, Delvin, Eide, Fain, Fraser, Frockt, Hargrove, Harper, Hatfield, Haugen, Hewitt, Hobbs, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles, Litzow, McAuliffe, Murray, Nelson, Padden, Parlette, Prentice, Pridemore, Ranker, Regala, Rolfes, Schoesler, Sheldon, Shin, Swecker and Tom

Voting nay: Senators Baumgartner, Becker, Benton, Ericksen, Hill, Holmquist Newbry, Honeyford, Morton, Pflug, Roach and Stevens

Excused: Senators Carrell and Zarelli

SUBSTITUTE SENATE BILL NO. 6574, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## STATEMENT FOR THE JOURNAL

I inadvertently voted 'Yes' on Senate Bill No. 6574. I had intended to vote 'No' as I did in committee.

SENATOR PADDEN, 4<sup>TH</sup> LEGISLATIVE DISTRICT

## SECOND READING

SENATE BILL NO. 6005, by Senators Carrell, Delvin, Fain, Sheldon, Hill and Benton

Exempting certain vehicles from the written estimate requirement for auto repair facilities.

## MOTIONS

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

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

Senators Delvin and Kohl-Welles spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6005.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6005 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Baumgartner, Becker, Benton, Brown, Chase, Conway, Delvin, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hatfield, Haugen, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles, Litzow, McAuliffe, Morton, Murray,

Nelson, Padden, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rolfes, Schoesler, Sheldon, Shin, Stevens, Swecker and Tom

Excused: Senators Carrell and Zarelli

SUBSTITUTE SENATE BILL NO. 6005, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MOTION

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

#### THIRD READING

SECOND SUBSTITUTE SENATE BILL NO. 5539, by Senate Committee on Ways & Means (originally sponsored by Senators Kohl-Welles, Prentice, White, Kilmer, Brown and McAuliffe).

Concerning Washington's motion picture competitiveness.

The bill was read on Third Reading.

#### MOTION

On motion of Senator Eide, the rules were suspended and Second Substitute Senate Bill No. 5539 was returned to second reading for the purpose of amendment.

#### SECOND READING

SECOND SUBSTITUTE SENATE BILL NO. 5539, by Senate Committee on Ways & Means (originally sponsored by Senators Kohl-Welles, Prentice, White, Kilmer, Brown and McAuliffe)

Concerning Washington's motion picture competitiveness.

The measure was read the second time.

#### MOTION

Senator Kohl-Welles moved that the following amendment by Senators Kohl-Welles and Holmquist Newbry be adopted:

On page 8, line 34, after "1," strike "2011" and insert "2012"

Senator Kohl-Welles spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senators Kohl-Welles and Holmquist Newbry on page 8, line 34 to Second Substitute Senate Bill No. 5539.

The motion by Senator Kohl-Welles carried and the amendment was adopted by voice vote.

#### MOTION

On motion of Senator Kohl-Welles, the rules were suspended, Engrossed Second Substitute Senate Bill No. 5539 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Kohl-Welles spoke in favor of passage of the bill.

#### POINT OF INQUIRY

Senator Holmquist Newbry: "Would the good lady from the Thirty-Sixth yield to a question? How do we know that a film maker has spent funds in Washington and created jobs for Washington residents?"

Senator Kohl-Welles: "Once a film is completed the film maker has to submit detailed extensive documentation to Washington Film works Board and this includes documents showing that workers are in fact Washington residents. It also has to include receipts from purchases of goods and services within our state. These documents are thoroughly reviewed by an accountant to determine that all the expenses claimed toward the incentive are indeed allowable. A film maker will receive the incentive only on the allowable expenses as determined by the accountant. Often this is less money than authorized from the original application. The difference between the actual amount and the authorized amount is then put back in the funds available to provide incentives to other film makers to come to our state."

Senators Holmquist Newbry, Chase, Sheldon and Benton spoke in favor of passage of the bill

Senators Tom, Kastama and Honeyford spoke against passage of the bill.

#### MOTION

On motion of Senator Ericksen, Senator Baumgartner was excused.

The President declared the question before the Senate to be the final passage of Engrossed Second Substitute Senate Bill No. 5539.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 5539 and the bill passed the Senate by the following vote: Yeas, 40; Nays, 8; Absent, 0; Excused, 1.

Voting yea: Senators Baumgartner, Becker, Benton, Brown, Chase, Conway, Delvin, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hatfield, Haugen, Hewitt, Hobbs, Holmquist Newbry, Keiser, Kilmer, King, Kline, Kohl-Welles, Litzow, McAuliffe, Morton, Murray, Nelson, Padden, Prentice, Pridemore, Ranker, Roach, Rolfes, Sheldon, Shin, Stevens, Swecker and Zarelli

Voting nay: Senators Hill, Honeyford, Kastama, Parlette, Pflug, Regala, Schoesler and Tom

Excused: Senator Carrell

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5539, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MOTION

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

#### SECOND READING

SENATE BILL NO. 6492, by Senators Hargrove, Stevens and Regala

Improving timeliness, efficiency, and accountability of forensic resource utilization associated with competency to stand trial.

MOTIONS

On motion of Senator Hargrove, Substitute Senate Bill No. 6492 was substituted for Senate Bill No. 6492 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Hargrove, the rules were suspended, Substitute Senate Bill No. 6492 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

MOTION

On motion of Senator Harper, Senator Prentice was excused.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6492.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6492 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Baumgartner, Becker, Benton, Brown, Chase, Conway, Delvin, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hatfield, Haugen, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles, Litzow, McAuliffe, Morton, Murray, Nelson, Padden, Parlette, Pflug, Pridemore, Ranker, Regala, Roach, Rolfes, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Excused: Senators Carrell and Prentice

SUBSTITUTE SENATE BILL NO. 6492, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6123, by Senators Hatfield, Sheldon, Swecker, Hargrove, Carrell, Conway, Becker, King, Benton, Delvin, Fain, Ericksen, Ranker, Honeyford, Schoesler, Pridemore, Roach, Stevens and Chase

Creating "National Rifle Association" special license plates.

MOTIONS

On motion of Senator Hatfield, Substitute Senate Bill No. 6123 was substituted for Senate Bill No. 6123 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Hatfield, the rules were suspended, Substitute Senate Bill No. 6123 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Hatfield, King, Roach, Ericksen, Benton, Prentice, Becker and Chase spoke in favor of passage of the bill.

Senator Kline spoke against passage of the bill.

MOTION

On motion of Senator Kilmer, Senator Prentice was excused.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6123.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6123 and the bill passed the Senate by the following vote: Yeas, 36; Nays, 13; Absent, 0; Excused, 0.

Voting yea: Senators Baumgartner, Becker, Benton, Carrell, Conway, Delvin, Eide, Ericksen, Fain, Hargrove, Harper, Hatfield, Haugen, Hewitt, Hill, Hobbs, Honeyford, Kastama, Kilmer, King, Kohl-Welles, Litzow, Morton, Padden, Parlette, Pflug, Prentice, Pridemore, Ranker, Roach, Schoesler, Sheldon, Stevens, Swecker, Tom and Zarelli

Voting nay: Senators Brown, Chase, Fraser, Frockt, Holmquist Newbry, Keiser, Kline, McAuliffe, Murray, Nelson, Regala, Rolfes and Shin

SUBSTITUTE SENATE BILL NO. 6123, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5990, by Senators Haugen, King and Eide

Creating state flower special license plates.

MOTION

On motion of Senator Haugen, Substitute Senate Bill No. 5990 was substituted for Senate Bill No. 5990 and the substitute bill was placed on the second reading and read the second time.

MOTION

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

On page 6, line 27, after "other" strike "organizations' efforts to preserve native plants" and insert "qualified nonprofit organizations' efforts to preserve rhododendrons"

Senator Haugen spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senators Haugen and Keiser on page 6, line 27 to Substitute Senate Bill No. 5990.

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

MOTION

On motion of Senator Haugen, the rules were suspended, Engrossed Substitute Senate Bill No. 5990 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

MOTION

On motion of Senator Harper, Senator Brown was excused.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5990.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5990 and the bill passed the Senate by the following vote: Yeas, 40; Nays, 8; Absent, 0; Excused, 1.

Voting yea: Senators Baumgartner, Becker, Benton, Carrell, Conway, Delvin, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hatfield, Haugen, Hewitt, Hill, Hobbs, Honeyford, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles, Litzow, Morton, Nelson, Padden, Parlette, Pflug, Prentice, Pridemore, Roach, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Voting nay: Senators Chase, Holmquist Newbry, McAuliffe, Murray, Ranker, Regala, Rolfes and Schoesler

Excused: Senator Brown

ENGROSSED SUBSTITUTE SENATE BILL NO. 5990, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5766, by Senators Roach and Pridemore

Addressing fire protection district commissioners.

#### MOTIONS

On motion of Senator Roach, Substitute Senate Bill No. 5766 was substituted for Senate Bill No. 5766 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Roach, the rules were suspended, Substitute Senate Bill No. 5766 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Roach spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5766.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5766 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 1; Excused, 1.

Voting yea: Senators Baumgartner, Becker, Benton, Carrell, Chase, Conway, Delvin, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hatfield, Haugen, Hill, Hobbs, Holmquist Newbry, Honeyford, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles, Litzow, McAuliffe, Morton, Murray, Nelson, Padden, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rolfes, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Absent: Senator Hewitt

Excused: Senator Brown

SUBSTITUTE SENATE BILL NO. 5766, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 6365, by Senators Hatfield, Swecker, Prentice, Holmquist Newbry, Pridemore, Haugen, Hobbs, Parlette and Shin

Waiving and clarifying certain requirements for port district small public works projects.

#### MOTIONS

On motion of Senator Hatfield, Substitute Senate Bill No. 6365 was substituted for Senate Bill No. 6365 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Hatfield, the rules were suspended, Substitute Senate Bill No. 6365 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Hatfield spoke in favor of passage of the bill.

#### MOTION

On motion of Senator Ericksen, Senator Hewitt was excused.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6365.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6365 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 2; Absent, 0; Excused, 2.

Voting yea: Senators Baumgartner, Becker, Carrell, Chase, Conway, Delvin, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hatfield, Haugen, Hill, Hobbs, Holmquist Newbry, Honeyford, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles, Litzow, McAuliffe, Morton, Murray, Nelson, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rolfes, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Voting nay: Senators Benton and Padden

Excused: Senators Brown and Hewitt

SUBSTITUTE SENATE BILL NO. 6365, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 6477, by Senators Conway, Holmquist Newbry and Kohl-Welles

Concerning spirits sampling in former contract liquor stores.

#### MOTION

On motion of Senator Kohl-Welles, Substitute Senate Bill No. 6477 was substituted for Senate Bill No. 6477 and the substitute bill was placed on the second reading and read the second time.

#### MOTION

Senator Kohl-Welles moved that the following striking amendment by Senator Kohl-Welles and others be adopted:

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Strike everything after the enacting clause and insert the following:

**"Sec. 1.** RCW 66.12.240 and 2009 c 361 s 1 are each amended to read as follows:

(1) Nothing in this title applies to or prevents a day spa, wedding boutique, or art gallery from offering or supplying without charge wine or beer by the individual glass to a customer for consumption on the premises. However, the customer must be at least twenty-one years of age and may only be offered one glass of wine or beer, and wine or beer served or consumed shall be purchased from a Washington state licensed retailer or a Washington state liquor store or agency at full retail price. A day spa, wedding boutique, or art gallery offering wine or beer without charge may not advertise the service of complimentary wine or beer and may not sell wine or beer in any manner. If the wine or beer is offered by a day spa that provides massages, the wine or beer may not be offered to the customers until the massage is completed. Any employee involved in the service of wine or beer must complete a board-approved limited alcohol server training program.

(2) For the purposes of this section:

(a) "Art gallery" means a room or building devoted to the exhibition and/or sale of the works of art.

(b) "Wedding boutique" means a business primarily engaged in the sale of wedding merchandise.

**NEW SECTION. Sec. 2.** A new section is added to chapter 66.20 RCW to read as follows:

(1) There shall be a permit known as a day spa permit to allow the holder to offer or supply without charge wine or beer by the individual glass to a customer for consumption on the premises. The customer must be at least twenty-one years of age and may only be offered one glass of wine or beer, and wine or beer served or consumed shall be purchased from a Washington state licensed retailer. A day spa offering wine or beer without charge may not advertise the service of complimentary wine or beer and may not sell wine or beer in any manner. If the wine or beer is offered by a day spa that provides massages, the wine or beer may not be offered to the customers until the massage is completed.

(2) For the purposes of this section, "day spa" means a business that offers at least three of the following beauty services: Shampooing, cutting, styling, or dyeing hair, manicures, pedicures, facials, massages, and the use of body toning equipment.

(3) The annual fee for this permit is one hundred twenty-five dollars.

**NEW SECTION. Sec. 3.** A new section is added to chapter 66.24 RCW to read as follows:

(1) There shall be a license to be designated as a senior center license. This shall be a license issued to a nonprofit organization whose primary service is providing recreational and social activities for seniors on the licensed premises. This license shall permit the licensee to sell spirits by the individual glass, including mixed drinks and cocktails mixed on the premises only, beer and wine, at retail for consumption on the premises.

(2) To qualify for this license, the applicant entity must:

(a) Be a nonprofit organization under chapter 24.03 RCW;

(b) Be open at times and durations established by the board; and

(c) Provide limited food service as defined by the board.

(3) All alcohol servers must have a valid mandatory alcohol server training permit.

(4) The board shall adopt rules to implement this section.

(5) The annual fee for this license shall be seven hundred twenty dollars.

**Sec. 4.** RCW 66.20.300 and 2011 c 325 s 5 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout RCW 66.20.310 through 66.20.350.

(1) "Alcohol" has the same meaning as "liquor" in RCW 66.04.010.

(2) "Alcohol server" means any person who as part of his or her employment participates in the sale or service of alcoholic beverages for on-premise consumption at a retail licensed premise as a regular requirement of his or her employment, and includes those persons eighteen years of age or older permitted by the liquor laws of this state to serve alcoholic beverages with meals.

(3) "Board" means the Washington state liquor control board.

(4) "Training entity" means any liquor licensee associations, independent contractors, private persons, and private or public schools, that have been certified by the board.

(5) "Retail licensed premises" means any:

(a) Premises licensed to sell alcohol by the glass or by the drink, or in original containers primarily for consumption on the premises as authorized by RCW 66.24.320, 66.24.330, 66.24.350, 66.24.400, 66.24.425, 66.24.450, 66.24.570, ~~((and))~~ 66.24.610, and section 3 of this act;

(b) Distillery licensed pursuant to RCW 66.24.140 that is authorized to serve samples of its own production;

(c) Facility established by a domestic winery for serving and selling wine pursuant to RCW 66.24.170(4); and

(d) Grocery store licensed under RCW 66.24.360, but only with respect to employees whose duties include serving during tasting activities under RCW 66.24.363.

**Sec. 5.** RCW 66.20.310 and 2011 c 325 s 4 are each amended to read as follows:

(1)(a) There shall be an alcohol server permit, known as a class 12 permit, for a manager or bartender selling or mixing alcohol, spirits, wines, or beer for consumption at an on-premises licensed facility.

(b) There shall be an alcohol server permit, known as a class 13 permit, for a person who only serves alcohol, spirits, wines, or beer for consumption at an on-premises licensed facility.

(c) As provided by rule by the board, a class 13 permit holder may be allowed to act as a bartender without holding a class 12 permit.

(2)(a) Effective January 1, 1997, except as provided in (d) of this subsection, every alcohol server employed, under contract or otherwise, at a retail licensed premise shall be issued a class 12 or class 13 permit.

(b) Every class 12 and class 13 permit issued shall be issued in the name of the applicant and no other person may use the permit of another permit holder. The holder shall present the permit upon request to inspection by a representative of the board or a peace officer. The class 12 or class 13 permit shall be valid for employment at any retail licensed premises described in (a) of this subsection.

(c) Except as provided in (d) of this subsection, no licensee holding a license as authorized by RCW 66.24.320, 66.24.330, 66.24.350, 66.24.400, 66.24.425, 66.24.450, 66.24.570, 66.24.600, ~~((and))~~ 66.24.610, and section 3 of this act may employ or accept the services of any person without the person first having a valid class 12 or class 13 permit.

(d) Within sixty days of initial employment, every person whose duties include the compounding, sale, service, or handling of liquor shall have a class 12 or class 13 permit.

(e) No person may perform duties that include the sale or service of alcoholic beverages on a retail licensed premises without possessing a valid alcohol server permit.

(3) A permit issued by a training entity under this section is valid for employment at any retail licensed premises described in subsection (2)(a) of this section for a period of five years unless suspended by the board.

(4) The board may suspend or revoke an existing permit if any of the following occur:

(a) The applicant or permittee has been convicted of violating any of the state or local intoxicating liquor laws of this state or has been convicted at any time of a felony; or

(b) The permittee has performed or permitted any act that constitutes a violation of this title or of any rule of the board.

(5) The suspension or revocation of a permit under this section does not relieve a licensee from responsibility for any act of the employee or agent while employed upon the retail licensed premises. The board may, as appropriate, revoke or suspend either the permit of the employee who committed the violation or the license of the licensee upon whose premises the violation occurred, or both the permit and the license.

(6)(a) After January 1, 1997, it is a violation of this title for any retail licensee or agent of a retail licensee as described in subsection (2)(a) of this section to employ in the sale or service of alcoholic beverages, any person who does not have a valid alcohol server permit or whose permit has been revoked, suspended, or denied.

(b) It is a violation of this title for a person whose alcohol server permit has been denied, suspended, or revoked to accept employment in the sale or service of alcoholic beverages.

(7) Grocery stores licensed under RCW 66.24.360, the primary commercial activity of which is the sale of grocery products and for which the sale and service of beer and wine for on-premises consumption with food is incidental to the primary business, and employees of such establishments, are exempt from RCW 66.20.300 through 66.20.350, except for employees whose duties include serving during tasting activities under RCW 66.24.363.

**Sec. 6.** RCW 66.24.440 and 2011 c 325 s 3 are each amended to read as follows:

Each spirits, beer, and wine restaurant, spirits, beer, and wine private club, hotel, spirits, beer, and wine nightclub, sports entertainment facility (~~licensee, and~~), VIP airport lounge, and senior center licensee shall be entitled to purchase any spirituous liquor items salable under such license from the board at a discount of not less than fifteen percent from the retail price fixed by the board, together with all taxes.

**Sec. 7.** RCW 66.28.310 and 2011 c 119 s 101 and 2011 c 66 s 3 are each reenacted and amended to read as follows:

(1)(a) Nothing in RCW 66.28.305 prohibits an industry member from providing retailers branded promotional items which are of nominal value, singly or in the aggregate. Such items include but are not limited to: Trays, lighters, blotters, postcards, pencils, coasters, menu cards, meal checks, napkins, clocks, mugs, glasses, bottles or can openers, corkscrews, matches, printed recipes, shirts, hats, visors, and other similar items. Branded promotional items:

(i) Must be used exclusively by the retailer or its employees in a manner consistent with its license;

(ii) Must bear imprinted advertising matter of the industry member only, except imprinted advertising matter of the industry member can include the logo of a professional sports team which the industry member is licensed to use;

(iii) May be provided by industry members only to retailers and their employees and may not be provided by or through retailers or their employees to retail customers; and

(iv) May not be targeted to or appeal principally to youth.

(b) An industry member is not obligated to provide any such branded promotional items, and a retailer may not require an industry member to provide such branded promotional items as a condition for selling any alcohol to the retailer.

(c) Any industry member or retailer or any other person asserting that the provision of branded promotional items as allowed in (a) of this subsection has resulted or is more likely than not to result in undue influence or an adverse impact on public health and safety, or

is otherwise inconsistent with the criteria in (a) of this subsection may file a complaint with the board. Upon receipt of a complaint the board may conduct such investigation as it deems appropriate in the circumstances. If the investigation reveals the provision of branded promotional items has resulted in or is more likely than not to result in undue influence or has resulted or is more likely than not to result in an adverse impact on public health and safety or is otherwise inconsistent with (a) of this subsection the board may issue an administrative violation notice to the industry member, to the retailer, or both. The recipient of the administrative violation notice may request a hearing under chapter 34.05 RCW.

(2) Nothing in RCW 66.28.305 prohibits:

(a) An industry member from providing to a special occasion licensee and a special occasion licensee from receiving services for:

(i) Installation of draft beer dispensing equipment or advertising;

(ii) Advertising, pouring, or dispensing of beer or wine at a beer or wine tasting exhibition or judging event; or

(iii) Pouring or dispensing of spirits by a licensed domestic distiller or the accredited representative of a distiller, manufacturer, importer, or distributor of spirituous liquor licensed under RCW 66.24.310; or

(b) Special occasion licensees from paying for beer or wine immediately following the end of the special occasion event; or

(c) Wineries or breweries that are participating in a special occasion event from paying reasonable booth fees to the special occasion licensee.

(3) Nothing in RCW 66.28.305 prohibits industry members from performing, and retailers from accepting the service of building, rotating, and restocking displays and stockroom inventories; rotating and rearranging can and bottle displays of their own products; providing point of sale material and brand signs; pricing case goods of their own brands; and performing such similar business services consistent with board rules, or personal services as described in subsection (5) of this section.

(4) Nothing in RCW 66.28.305 prohibits:

(a) Industry members from listing on their internet web sites information related to retailers who sell or promote their products, including direct links to the retailers' internet web sites; and

(b) Retailers from listing on their internet web sites information related to industry members whose products those retailers sell or promote, including direct links to the industry members' web sites; or

(c) Industry members and retailers from producing, jointly or together with regional, state, or local industry associations, brochures and materials promoting tourism in Washington state which contain information regarding retail licensees, industry members, and their products.

(5) Nothing in RCW 66.28.305 prohibits the performance of personal services offered from time to time by a domestic winery or certificate of approval holder to retailers when the personal services are (a) conducted at a licensed premises, and (b) intended to inform, educate, or enhance customers' knowledge or experience of the manufacturer's products. The performance of personal services may include participation and pouring, bottle signing events, and other similar informational or educational activities at the premises of a retailer holding a spirits, beer, and wine restaurant license, a wine and/or beer restaurant license, a specialty wine shop license, a special occasion license, a grocery store license with a tasting endorsement, or a private club license. A domestic winery or certificate of approval holder is not obligated to perform any such personal services, and a retail licensee may not require a domestic winery or certificate of approval holder to conduct any personal service as a condition for selling any alcohol to the retail licensee, or as a condition for including any product of the domestic winery or

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certificate of approval holder in any tasting conducted by the licensee. Except as provided in RCW 66.28.150, the cost of sampling may not be borne, directly or indirectly, by any domestic winery or certificate of approval holder or any distributor. Nothing in this section prohibits wineries, breweries, microbreweries, certificate of approval holders, and retail licensees from identifying the producers on private labels authorized under RCW 66.24.400, 66.24.425, ~~((and))~~ 66.24.450, 66.24.360, and 66.24.371.

(6) Nothing in RCW 66.28.305 prohibits an industry member from entering into an arrangement with any holder of a sports entertainment facility license or an affiliated business for brand advertising at the licensed facility or promoting events held at the sports entertainment facility as authorized under RCW 66.24.570.

(7) Nothing in RCW 66.28.305 prohibits the performance of personal services offered from time to time by a domestic brewery, microbrewery, or beer certificate of approval holder to grocery store licensees with a tasting endorsement when the personal services are (a) conducted at a licensed premises in conjunction with a tasting event, and (b) intended to inform, educate, or enhance customers' knowledge or experience of the manufacturer's products. The performance of personal services may include participation and pouring, bottle signing events, and other similar informational or educational activities. A domestic brewery, microbrewery, or beer certificate of approval holder is not obligated to perform any such personal services, and a grocery store licensee may not require the performance of any personal service as a condition for including any product in any tasting conducted by the licensee.

(8) Nothing in RCW 66.28.305 prohibits an arrangement between a domestic winery and a restaurant licensed under RCW 66.24.320 or 66.24.400 to waive a corkage fee.

(9) Nothing in this section prohibits professional sports teams who hold a retail liquor license or their agents from accepting bona fide liquor advertising from manufacturers, importers, distributors, or their agents for use in the sporting arena. Professional sports teams who hold a retail liquor license or their agents may license the manufacturer, importer, distributor, or their agents to use the name and trademarks of the professional sports team in their advertising and promotions, under the following conditions:

(a) Such advertising must be paid for by said manufacturer, importer, distributor, or their agent at the published advertising rate or at a reasonable fair market value.

(b) Such advertising may carry with it no express or implied offer on the part of the manufacturer, importer, distributor, or their agent, or promise on the part of the retail licensee whose operation is directly or indirectly part of the sporting arena, to stock or list any particular brand of liquor to the total or partial exclusion of any other brand.

**NEW SECTION. Sec. 8.** A new section is added to chapter 66.16 RCW to read as follows:

(1) The liquor control board must allow spirits sampling in former contract liquor stores for the purpose of promoting spirits products. Stores may apply for an endorsement to offer spirits tastings under this section.

(a) No store may hold more than one spirits sampling per week.

(b) The locations shall be approved by the board. Before the board determines which stores will be eligible to participate, it shall give:

(i) Due consideration to the location of the store with respect to the proximity of places of worship, schools, and public institutions;

(ii) Due consideration to motor vehicle accident data in the proximity of the store; and

(iii) Written notice by certified mail of the proposed spirits sampling to places of worship, schools, and public institutions within five hundred feet of the store proposed to offer spirits sampling.

(c) Sampling must be conducted under the following conditions:

(i) Sampling may take place only in an area of a store in which access to persons under twenty-one years of age is prohibited;

(ii) Samples may be provided free of charge;

(iii) Only persons twenty-one years of age or over may sample spirits;

(iv) Each sample must be one-quarter ounce or less, with no more than one ounce of samples provided per person per day;

(v) Tasting activities are subject to RCW 66.28.305 and 66.28.040 and the cost of sampling may not be borne, directly or indirectly, by any liquor manufacturer, importer, or distributor;

(vi) Any person involved in the serving of such samples must have completed a mandatory alcohol server training program;

(vii) No person who is apparently intoxicated may sample spirits;

(viii) The product provided for sampling must be available for sale at the store where the sampling occurs at the time of the sampling; and

(ix) Customers must remain on the store premise while consuming samples.

(d) The liquor control board may prohibit sampling at a location that is within the boundaries of an alcohol impact area recognized by resolution of the board if the board finds that the sampling activities at the location are having an adverse effect on the reduction of chronic public inebriation in the area.

(e) A store may advertise a tasting event only within the store, on a store web site, in-store newsletters and flyers, and via e-mail and mail to customers who have requested notice of events. Advertising under this subsection may not be targeted to or appeal principally to youth.

(f) All other criteria must be determined by the board.

(2) The liquor control board may adopt rules to implement this section.

(3) For the purposes of this section, "store" means a former contract liquor store premises as of May 31, 2012.

(4)(a) If a store is found to have committed a public safety violation in conjunction with tasting activities, the board may suspend the licensee's tasting endorsement and not reissue the endorsement for up to two years from the date of the violation. If mitigating circumstances exist, the board may offer a monetary penalty in lieu of suspension during a settlement conference.

(b) RCW 66.08.150 applies to the suspension or revocation of an endorsement.

**Sec. 9.** RCW 66.24.363 and 2010 c 141 s 1 are each amended to read as follows:

(1) A grocery store licensed under RCW 66.24.360 may apply for an endorsement to offer beer and wine tasting under this section.

(2) To be issued an endorsement, a licensee must meet the following criteria:

(a) The licensee has retail sales of grocery products for off-premises consumption that are more than fifty percent of the licensee's gross sales or the licensee is a membership organization that requires members to be at least eighteen years of age;

(b) The licensee operates a fully enclosed retail area encompassing at least nine thousand square feet, except that the board may issue an endorsement to a licensee with a retail area encompassing less than nine thousand square feet if the board determines that no licensee in the community the licensee serves meets the square footage requirement and the licensee meets operational requirements established by the board by rule; and

(c) The licensee has not had more than one public safety violation within the past two years.

(3) A tasting must be conducted under the following conditions:

(a) Each sample must be two ounces or less, up to a total of four ounces, per customer during any one visit to the premises;

(b) No more than one sample of the same product offering of beer or wine may be provided to a customer during any one visit to the premises;

(c) The licensee must have food available for the tasting participants;

(d) Customers must remain in the service area while consuming samples; and

(e) The service area and facilities must be located within the licensee's fully enclosed retail area and must be of a size and design such that the licensee can observe and control persons in the area to ensure that persons under twenty-one years of age and apparently intoxicated persons cannot possess or consume alcohol.

(4) Employees of licensees whose duties include serving during tasting activities under this section must hold a class 12 alcohol server permit.

(5) Tasting activities under this section are subject to RCW 66.28.305 and 66.28.040 and the cost of sampling may not be borne, directly or indirectly, by any liquor manufacturer, importer, or distributor.

(6) A licensee may advertise a tasting event only within the store, on a store web site, in store newsletters and flyers, and via e-mail and mail to customers who have requested notice of events. Advertising under this subsection may not be targeted to or appeal principally to youth.

(7)(a) If a licensee is found to have committed a public safety violation in conjunction with tasting activities, the board may suspend the licensee's tasting endorsement and not reissue the endorsement for up to two years from the date of the violation. If mitigating circumstances exist, the board may offer a monetary penalty in lieu of suspension during a settlement conference.

(b) The board may revoke an endorsement granted to a licensee that is located within the boundaries of an alcohol impact area recognized by resolution of the board if the board finds that the tasting activities by the licensee are having an adverse effect on the reduction of chronic public inebriation in the area.

(c) RCW 66.08.150 applies to the suspension or revocation of an endorsement.

(8) The board may establish additional requirements under this section to assure that persons under twenty-one years of age and apparently intoxicated persons cannot possess or consume alcohol.

(9) Upon request the board may adjust the gross sales percentage in subsection (2)(a) of this section at the discretion of the board.

(10) The annual fee for the endorsement is two hundred dollars. The board shall review the fee annually and may increase the fee by rule to a level sufficient to defray the cost of administration and enforcement of the endorsement, except that the board may not increase the fee by more than ten percent annually.

~~((10))~~ (11) The board must adopt rules to implement this section."

Senators Kohl-Welles and King spoke in favor of adoption of the striking amendment.

The President declared the question before the Senate to be the adoption of the striking amendment by Senator Kohl-Welles and others to Substitute Senate Bill No. 6477.

The motion by Senator Kohl-Welles carried and the striking amendment was adopted by voice vote.

#### MOTION

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

On page 1, line 1 of the title, after "Relating to" strike the remainder of the title and insert "liquor licensing, sales, and tasting; amending RCW 66.12.240, 66.20.300, 66.20.310, 66.24.440, and 66.24.363; reenacting and amending RCW 66.28.310; adding a new section to chapter 66.20 RCW; adding a new section to chapter 66.24 RCW; and adding a new section to chapter 66.16 RCW."

#### MOTION

On motion of Senator Kohl-Welles, the rules were suspended, Engrossed Substitute Senate Bill No. 6477 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Conway spoke in favor of passage of the bill.

Senator Holmquist Newbry spoke on final passage of the bill.

#### MOTION

On motion of Senator Delvin, Senator Benton was excused.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 6477.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6477 and the bill passed the Senate by the following vote: Yeas, 34; Nays, 13; Absent, 0; Excused, 2.

Voting yea: Senators Baumgartner, Carrell, Chase, Conway, Delvin, Eide, Ericksen, Fain, Frockt, Harper, Hatfield, Hewitt, Hill, Hobbs, Honeyford, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles, Litzow, McAuliffe, Murray, Nelson, Pflug, Pridemore, Ranker, Regala, Rolfes, Schoesler, Swecker, Tom and Zarelli

Voting nay: Senators Becker, Fraser, Hargrove, Haugen, Holmquist Newbry, Morton, Padden, Parlette, Prentice, Roach, Sheldon, Shin and Stevens

Excused: Senators Benton and Brown

ENGROSSED SUBSTITUTE SENATE BILL NO. 6477, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MOTION

At 12:27 a.m., on motion of Senator Eide, the Senate was declared to be at ease subject to the call of the President.

#### AFTERNOON SESSION

The Senate was called to order at 2:00 p.m. by the President Pro Tempore.

#### MOTION

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

#### MESSAGE FROM THE HOUSE

February 14, 2012

MR. PRESIDENT:  
The House has passed:



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ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2238,

MOTION

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2265,

On motion of Senator Ericksen, Senator Stevens was excused.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2330,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2341,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2571,  
ENGROSSED HOUSE BILL NO. 2671,  
ENGROSSED HOUSE BILL NO. 2771.

SECOND READING

and the same are herewith transmitted.

SENATE BILL NO. 6280, by Senators Carrell, Swecker, Conway, Holmquist Newbry and Parlette

BARBARA BAKER, Chief Clerk

Concerning robberies of pharmacies. Revised for 1st Substitute: Concerning crimes against pharmacies.

MOTION

MOTION

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

On motion of Senator Carrell, Substitute Senate Bill No. 6280 was substituted for Senate Bill No. 6280 and the substitute bill was placed on the second reading and read the second time.

MOTION

MOTION

On motion of Senator Ericksen, Senator Zarelli was excused.

SECOND READING

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

SENATE BILL NO. 6325, by Senators Holmquist Newbry, Kohl-Welles and Tom

Strike everything after the enacting clause and insert the following:

Exempting common interest community managers from real estate broker and managing broker licensing requirements.

**"NEW SECTION. Sec. 1.** A new section is added to chapter 9.94A RCW to read as follows:

In a criminal case where:

MOTIONS

On motion of Senator Holmquist Newbry, Substitute Senate Bill No. 6325 was substituted for Senate Bill No. 6325 and the substitute bill was placed on the second reading and read the second time.

(1) The defendant has been convicted of robbery in the first degree or robbery in the second degree; and

On motion of Senator Holmquist Newbry, the rules were suspended, Substitute Senate Bill No. 6325 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

(2) There has been a special allegation pleaded and proven beyond a reasonable doubt that the defendant committed a robbery of a pharmacy as defined in RCW 18.64.011(21); the court shall make a finding of fact of the special allegation, or if a jury is had, the jury shall, if it finds the defendant guilty, also find a special verdict as to the special allegation.

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

**Sec. 2.** RCW 9.94A.533 and 2011 c 293 s 9 are each amended to read as follows:

The President Pro Tempore declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6325.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6325 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 1; Excused, 1.

(1) The provisions of this section apply to the standard sentence ranges determined by RCW 9.94A.510 or 9.94A.517.

Voting yea: Senators Baumgartner, Becker, Benton, Brown, Carrell, Chase, Conway, Delvin, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hatfield, Haugen, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles, Litzow, McAuliffe, Morton, Murray, Nelson, Padden, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rolfes, Schoesler, Sheldon, Shin, Swecker and Tom

(2) For persons convicted of the anticipatory offenses of criminal attempt, solicitation, or conspiracy under chapter 9A.28 RCW, the standard sentence range is determined by locating the sentencing grid sentence range defined by the appropriate offender score and the seriousness level of the completed crime, and multiplying the range by seventy-five percent.

Absent: Senator Stevens

Excused: Senator Zarelli

SUBSTITUTE SENATE BILL NO. 6325, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

(3) The following additional times shall be added to the standard sentence range for felony crimes committed after July 23, 1995, if the offender or an accomplice was armed with a firearm as defined in RCW 9.41.010 and the offender is being sentenced for one of the crimes listed in this subsection as eligible for any firearm enhancements based on the classification of the completed felony crime. If the offender is being sentenced for more than one offense, the firearm enhancement or enhancements must be added to the total period of confinement for all offenses, regardless of which underlying offense is subject to a firearm enhancement. If the offender or an accomplice was armed with a firearm as defined in RCW 9.41.010 and the offender is being sentenced for an anticipatory offense under chapter 9A.28 RCW to commit one of the crimes listed in this subsection as eligible for any firearm enhancements, the following additional times shall be added to the standard sentence range determined under subsection (2) of this section based on the felony crime of conviction as classified under RCW 9A.28.020:

(a) Five years for any felony defined under any law as a class A felony or with a statutory maximum sentence of at least twenty years, or both, and not covered under (f) of this subsection;

(b) Three years for any felony defined under any law as a class B felony or with a statutory maximum sentence of ten years, or both, and not covered under (f) of this subsection;

(c) Eighteen months for any felony defined under any law as a class C felony or with a statutory maximum sentence of five years, or both, and not covered under (f) of this subsection;

(d) If the offender is being sentenced for any firearm enhancements under (a), (b), and/or (c) of this subsection and the offender has previously been sentenced for any deadly weapon enhancements after July 23, 1995, under (a), (b), and/or (c) of this subsection or subsection (4)(a), (b), and/or (c) of this section, or both, all firearm enhancements under this subsection shall be twice the amount of the enhancement listed;

(e) Notwithstanding any other provision of law, all firearm enhancements under this section are mandatory, shall be served in total confinement, and shall run consecutively to all other sentencing provisions, including other firearm or deadly weapon enhancements, for all offenses sentenced under this chapter. However, whether or not a mandatory minimum term has expired, an offender serving a sentence under this subsection may be granted an extraordinary medical placement when authorized under RCW 9.94A.728(3);

(f) The firearm enhancements in this section shall apply to all felony crimes except the following: Possession of a machine gun, possessing a stolen firearm, drive-by shooting, theft of a firearm, unlawful possession of a firearm in the first and second degree, and use of a machine gun in a felony;

(g) If the standard sentence range under this section exceeds the statutory maximum sentence for the offense, the statutory maximum sentence shall be the presumptive sentence unless the offender is a persistent offender. If the addition of a firearm enhancement increases the sentence so that it would exceed the statutory maximum for the offense, the portion of the sentence representing the enhancement may not be reduced.

(4) The following additional times shall be added to the standard sentence range for felony crimes committed after July 23, 1995, if the offender or an accomplice was armed with a deadly weapon other than a firearm as defined in RCW 9.41.010 and the offender is being sentenced for one of the crimes listed in this subsection as eligible for any deadly weapon enhancements based on the classification of the completed felony crime. If the offender is being sentenced for more than one offense, the deadly weapon enhancement or enhancements must be added to the total period of confinement for all offenses, regardless of which underlying offense is subject to a deadly weapon enhancement. If the offender or an accomplice was armed with a deadly weapon other than a firearm as defined in RCW 9.41.010 and the offender is being sentenced for an anticipatory offense under chapter 9A.28 RCW to commit one of the crimes listed in this subsection as eligible for any deadly weapon enhancements, the following additional times shall be added to the standard sentence range determined under subsection (2) of this section based on the felony crime of conviction as classified under RCW 9A.28.020:

(a) Two years for any felony defined under any law as a class A felony or with a statutory maximum sentence of at least twenty years, or both, and not covered under (f) of this subsection;

(b) One year for any felony defined under any law as a class B felony or with a statutory maximum sentence of ten years, or both, and not covered under (f) of this subsection;

(c) Six months for any felony defined under any law as a class C felony or with a statutory maximum sentence of five years, or both, and not covered under (f) of this subsection;

(d) If the offender is being sentenced under (a), (b), and/or (c) of this subsection for any deadly weapon enhancements and the offender has previously been sentenced for any deadly weapon enhancements after July 23, 1995, under (a), (b), and/or (c) of this subsection or subsection (3)(a), (b), and/or (c) of this section, or both, all deadly weapon enhancements under this subsection shall be twice the amount of the enhancement listed;

(e) Notwithstanding any other provision of law, all deadly weapon enhancements under this section are mandatory, shall be served in total confinement, and shall run consecutively to all other sentencing provisions, including other firearm or deadly weapon enhancements, for all offenses sentenced under this chapter. However, whether or not a mandatory minimum term has expired, an offender serving a sentence under this subsection may be granted an extraordinary medical placement when authorized under RCW 9.94A.728(3);

(f) The deadly weapon enhancements in this section shall apply to all felony crimes except the following: Possession of a machine gun, possessing a stolen firearm, drive-by shooting, theft of a firearm, unlawful possession of a firearm in the first and second degree, and use of a machine gun in a felony;

(g) If the standard sentence range under this section exceeds the statutory maximum sentence for the offense, the statutory maximum sentence shall be the presumptive sentence unless the offender is a persistent offender. If the addition of a deadly weapon enhancement increases the sentence so that it would exceed the statutory maximum for the offense, the portion of the sentence representing the enhancement may not be reduced.

(5) The following additional times shall be added to the standard sentence range if the offender or an accomplice committed the offense while in a county jail or state correctional facility and the offender is being sentenced for one of the crimes listed in this subsection. If the offender or an accomplice committed one of the crimes listed in this subsection while in a county jail or state correctional facility, and the offender is being sentenced for an anticipatory offense under chapter 9A.28 RCW to commit one of the crimes listed in this subsection, the following additional times shall be added to the standard sentence range determined under subsection (2) of this section:

(a) Eighteen months for offenses committed under RCW 69.50.401(2) (a) or (b) or 69.50.410;

(b) Fifteen months for offenses committed under RCW 69.50.401(2) (c), (d), or (e);

(c) Twelve months for offenses committed under RCW 69.50.4013.

For the purposes of this subsection, all of the real property of a state correctional facility or county jail shall be deemed to be part of that facility or county jail.

(6) An additional twenty-four months shall be added to the standard sentence range for any ranked offense involving a violation of chapter 69.50 RCW if the offense was also a violation of RCW 69.50.435 or 9.94A.827. All enhancements under this subsection shall run consecutively to all other sentencing provisions, for all offenses sentenced under this chapter.

(7) An additional two years shall be added to the standard sentence range for vehicular homicide committed while under the influence of intoxicating liquor or any drug as defined by RCW 46.61.502 for each prior offense as defined in RCW 46.61.5055. All enhancements under this subsection shall be mandatory, shall be served in total confinement, and shall run consecutively to all other sentencing provisions.

(8)(a) The following additional times shall be added to the standard sentence range for felony crimes committed on or after July 1, 2006, if the offense was committed with sexual motivation, as that term is defined in RCW 9.94A.030. If the offender is being

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sentenced for more than one offense, the sexual motivation enhancement must be added to the total period of total confinement for all offenses, regardless of which underlying offense is subject to a sexual motivation enhancement. If the offender committed the offense with sexual motivation and the offender is being sentenced for an anticipatory offense under chapter 9A.28 RCW, the following additional times shall be added to the standard sentence range determined under subsection (2) of this section based on the felony crime of conviction as classified under RCW 9A.28.020:

(i) Two years for any felony defined under the law as a class A felony or with a statutory maximum sentence of at least twenty years, or both;

(ii) Eighteen months for any felony defined under any law as a class B felony or with a statutory maximum sentence of ten years, or both;

(iii) One year for any felony defined under any law as a class C felony or with a statutory maximum sentence of five years, or both;

(iv) If the offender is being sentenced for any sexual motivation enhancements under (a)(i), (ii), and/or (iii) of this subsection and the offender has previously been sentenced for any sexual motivation enhancements on or after July 1, 2006, under (a)(i), (ii), and/or (iii) of this subsection, all sexual motivation enhancements under this subsection shall be twice the amount of the enhancement listed;

(b) Notwithstanding any other provision of law, all sexual motivation enhancements under this subsection are mandatory, shall be served in total confinement, and shall run consecutively to all other sentencing provisions, including other sexual motivation enhancements, for all offenses sentenced under this chapter. However, whether or not a mandatory minimum term has expired, an offender serving a sentence under this subsection may be granted an extraordinary medical placement when authorized under RCW 9.94A.728(3);

(c) The sexual motivation enhancements in this subsection apply to all felony crimes;

(d) If the standard sentence range under this subsection exceeds the statutory maximum sentence for the offense, the statutory maximum sentence shall be the presumptive sentence unless the offender is a persistent offender. If the addition of a sexual motivation enhancement increases the sentence so that it would exceed the statutory maximum for the offense, the portion of the sentence representing the enhancement may not be reduced;

(e) The portion of the total confinement sentence which the offender must serve under this subsection shall be calculated before any earned early release time is credited to the offender;

(f) Nothing in this subsection prevents a sentencing court from imposing a sentence outside the standard sentence range pursuant to RCW 9.94A.535.

(9) An additional one-year enhancement shall be added to the standard sentence range for the felony crimes of RCW 9A.44.073, 9A.44.076, 9A.44.079, 9A.44.083, 9A.44.086, or 9A.44.089 committed on or after July 22, 2007, if the offender engaged, agreed, or offered to engage the victim in the sexual conduct in return for a fee. If the offender is being sentenced for more than one offense, the one-year enhancement must be added to the total period of total confinement for all offenses, regardless of which underlying offense is subject to the enhancement. If the offender is being sentenced for an anticipatory offense for the felony crimes of RCW 9A.44.073, 9A.44.076, 9A.44.079, 9A.44.083, 9A.44.086, or 9A.44.089, and the offender attempted, solicited another, or conspired to engage, agree, or offer to engage the victim in the sexual conduct in return for a fee, an additional one-year enhancement shall be added to the standard sentence range determined under subsection (2) of this section. For purposes of this subsection, "sexual conduct" means sexual intercourse or sexual contact, both as defined in chapter 9A.44 RCW.

(10)(a) For a person age eighteen or older convicted of any criminal street gang-related felony offense for which the person compensated, threatened, or solicited a minor in order to involve the minor in the commission of the felony offense, the standard sentence range is determined by locating the sentencing grid sentence range defined by the appropriate offender score and the seriousness level of the completed crime, and multiplying the range by one hundred twenty-five percent. If the standard sentence range under this subsection exceeds the statutory maximum sentence for the offense, the statutory maximum sentence is the presumptive sentence unless the offender is a persistent offender.

(b) This subsection does not apply to any criminal street gang-related felony offense for which involving a minor in the commission of the felony offense is an element of the offense.

(c) The increased penalty specified in (a) of this subsection is unavailable in the event that the prosecution gives notice that it will seek an exceptional sentence based on an aggravating factor under RCW 9.94A.535.

(11) An additional twelve months and one day shall be added to the standard sentence range for a conviction of attempting to elude a police vehicle as defined by RCW 46.61.024, if the conviction included a finding by special allegation of endangering one or more persons under RCW 9.94A.834.

(12) An additional twelve months shall be added to the standard sentence range for an offense that is also a violation of RCW 9.94A.831.

(13) An additional twelve months shall be added to the standard sentence range for an offense that is also a violation of section 1 of this act."

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

The President Pro Tempore declared the question before the Senate to be the adoption of the striking amendment by Senators Hargrove and Carrell to Substitute Senate Bill No. 6280.

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

MOTION

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

On page 1, line 1 of the title, after "pharmacies;" strike the remainder of the title and insert "amending RCW 9.94A.533; and adding a new section to chapter 9.94A RCW."

MOTION

On motion of Senator Carrell, the rules were suspended, Engrossed Substitute Senate Bill No. 6280 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

The President Pro Tempore declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 6280.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6280 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Baumgartner, Becker, Benton, Brown, Carrell, Chase, Conway, Delvin, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hatfield, Haugen, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles, Litzow, McAuliffe, Morton, Murray, Nelson, Padden, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rolfes, Schoesler, Sheldon, Shin, Stevens, Swecker and Tom

Excused: Senator Zarelli

ENGROSSED SUBSTITUTE SENATE BILL NO. 6280, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SENATE BILL NO. 6589, by Senators Kastama and Tom

Requiring a direct patient-provider primary care practice services option for public employees.

The measure was read the second time.

## MOTION

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

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 41.05.065 and 2011 1st sp.s. c 8 s 1 are each amended to read as follows:

(1) The board shall study all matters connected with the provision of health care coverage, life insurance, liability insurance, accidental death and dismemberment insurance, and disability income insurance or any of, or a combination of, the enumerated types of insurance for employees and their dependents on the best basis possible with relation both to the welfare of the employees and to the state. However, liability insurance shall not be made available to dependents.

(2) The board shall develop employee benefit plans that include comprehensive health care benefits for employees. In developing these plans, the board shall consider the following elements:

(a) Methods of maximizing cost containment while ensuring access to quality health care;

(b) Development of provider arrangements that encourage cost containment and ensure access to quality care, including but not limited to prepaid delivery systems and prospective payment methods;

(c) Wellness incentives that focus on proven strategies, such as smoking cessation, injury and accident prevention, reduction of alcohol misuse, appropriate weight reduction, exercise, automobile and motorcycle safety, blood cholesterol reduction, and nutrition education;

(d) Utilization review procedures including, but not limited to a cost-efficient method for prior authorization of services, hospital inpatient length of stay review, requirements for use of outpatient surgeries and second opinions for surgeries, review of invoices or claims submitted by service providers, and performance audit of providers;

(e) Effective coordination of benefits; and

(f) Minimum standards for insuring entities.

(3) To maintain the comprehensive nature of employee health care benefits, benefits provided to employees shall be substantially equivalent to the state employees' health benefits plan in effect on

January 1, 1993. Nothing in this subsection shall prohibit changes or increases in employee point-of-service payments or employee premium payments for benefits or the administration of a high deductible health plan in conjunction with a health savings account. This subsection does not prohibit the board from offering a plan incorporating primary care services through a direct patient-provider primary care practice as provided in subsection (6) of this section. The board may establish employee eligibility criteria which are not substantially equivalent to employee eligibility criteria in effect on January 1, 1993.

(4) Except if bargained for under chapter 41.80 RCW, the board shall design benefits and determine the terms and conditions of employee and retired employee participation and coverage, including establishment of eligibility criteria subject to the requirements of this chapter. Employer groups obtaining benefits through contractual agreement with the authority for employees defined in RCW 41.05.011(6) (a) through (d) may contractually agree with the authority to benefits eligibility criteria which differs from that determined by the board. The eligibility criteria established by the board shall be no more restrictive than the following:

(a) Except as provided in (b) through (e) of this subsection, an employee is eligible for benefits from the date of employment if the employing agency anticipates he or she will work an average of at least eighty hours per month and for at least eight hours in each month for more than six consecutive months. An employee determined ineligible for benefits at the beginning of his or her employment shall become eligible in the following circumstances:

(i) An employee who works an average of at least eighty hours per month and for at least eight hours in each month and whose anticipated duration of employment is revised from less than or equal to six consecutive months to more than six consecutive months becomes eligible when the revision is made.

(ii) An employee who works an average of at least eighty hours per month over a period of six consecutive months and for at least eight hours in each of those six consecutive months becomes eligible at the first of the month following the six-month averaging period.

(b) A seasonal employee is eligible for benefits from the date of employment if the employing agency anticipates that he or she will work an average of at least eighty hours per month and for at least eight hours in each month of the season. A seasonal employee determined ineligible at the beginning of his or her employment who works an average of at least half-time, as defined by the board, per month over a period of six consecutive months and at least eight hours in each of those six consecutive months becomes eligible at the first of the month following the six-month averaging period. A benefits-eligible seasonal employee who works a season of less than nine months shall not be eligible for the employer contribution during the off season, but may continue enrollment in benefits during the off season by self-paying for the benefits. A benefits-eligible seasonal employee who works a season of nine months or more is eligible for the employer contribution through the off season following each season worked.

(c) Faculty are eligible as follows:

(i) Faculty who the employing agency anticipates will work half-time or more for the entire instructional year or equivalent nine-month period are eligible for benefits from the date of employment. Eligibility shall continue until the beginning of the first full month of the next instructional year, unless the employment relationship is terminated, in which case eligibility shall cease the first month following the notice of termination or the effective date of the termination, whichever is later.

(ii) Faculty who the employing agency anticipates will not work for the entire instructional year or equivalent nine-month period are eligible for benefits at the beginning of the second consecutive

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quarter or semester of employment in which he or she is anticipated to work, or has actually worked, half-time or more. Such an employee shall continue to receive uninterrupted employer contributions for benefits if the employee works at least half-time in a quarter or semester. Faculty who the employing agency anticipates will not work for the entire instructional year or equivalent nine-month period, but who actually work half-time or more throughout the entire instructional year, are eligible for summer or off-quarter coverage. Faculty who have met the criteria of this subsection (4)(c)(ii), who work at least two quarters of the academic year with an average academic year workload of half-time or more for three quarters of the academic year, and who have worked an average of half-time or more in each of the two preceding academic years shall continue to receive uninterrupted employer contributions for benefits if he or she works at least half-time in a quarter or semester or works two quarters of the academic year with an average academic workload each academic year of half-time or more for three quarters. Eligibility under this section ceases immediately if this criteria is not met.

(iii) Faculty may establish or maintain eligibility for benefits by working for more than one institution of higher education. When faculty work for more than one institution of higher education, those institutions shall prorate the employer contribution costs, or if eligibility is reached through one institution, that institution will pay the full employer contribution. Faculty working for more than one institution must alert his or her employers to his or her potential eligibility in order to establish eligibility.

(iv) The employing agency must provide written notice to faculty who are potentially eligible for benefits under this subsection (4)(c) of their potential eligibility.

(v) To be eligible for maintenance of benefits through averaging under (c)(ii) of this subsection, faculty must provide written notification to his or her employing agency or agencies of his or her potential eligibility.

(d) A legislator is eligible for benefits on the date his or her term begins. All other elected and full-time appointed officials of the legislative and executive branches of state government are eligible for benefits on the date his or her term begins or they take the oath of office, whichever occurs first.

(e) A justice of the supreme court and judges of the court of appeals and the superior courts become eligible for benefits on the date he or she takes the oath of office.

(f) Except as provided in (c)(i) and (ii) of this subsection, eligibility ceases for any employee the first of the month following termination of the employment relationship.

(g) In determining eligibility under this section, the employing agency may disregard training hours, standby hours, or temporary changes in work hours as determined by the authority under this section.

(h) Insurance coverage for all eligible employees begins on the first day of the month following the date when eligibility for benefits is established. If the date eligibility is established is the first working day of a month, insurance coverage begins on that date.

(i) Eligibility for an employee whose work circumstances are described by more than one of the eligibility categories in (a) through (e) of this subsection shall be determined solely by the criteria of the category that most closely describes the employee's work circumstances.

(j) Except for an employee eligible for benefits under (b) or (c)(ii) of this subsection, an employee who has established eligibility for benefits under this section shall remain eligible for benefits each month in which he or she is in pay status for eight or more hours, if (i) he or she remains in a benefits-eligible position and (ii) leave from the benefits-eligible position is approved by the employing agency. A benefits-eligible seasonal employee is eligible for the

employer contribution in any month of his or her season in which he or she is in pay status eight or more hours during that month. Eligibility ends if these conditions are not met, the employment relationship is terminated, or the employee voluntarily transfers to a noneligible position.

(k) For the purposes of this subsection:

(i) "Academic year" means summer, fall, winter, and spring quarters or semesters;

(ii) "Half-time" means one-half of the full-time academic workload as determined by each institution, except that half-time for community and technical college faculty employees shall have the same meaning as "part-time" under RCW 28B.50.489;

(iii) "Benefits-eligible position" shall be defined by the board.

(5) The board may authorize premium contributions for an employee and the employee's dependents in a manner that encourages the use of cost-efficient managed health care systems.

(6)(a)(i) For any open enrollment period following August 24, 2011, the board shall offer a health savings account option for employees that conforms to section 223, Part VII of subchapter B of chapter 1 of the internal revenue code of 1986. The board shall comply with all applicable federal standards related to the establishment of health savings accounts.

(ii) As a pilot project, during the 2013 and 2014 plan years the board shall offer employees enrolled in a self-insured health plan the option to receive primary care services from a direct patient-provider primary care practice as provided in chapter 48.150 RCW. For any member enrolled in the option offered under this subsection (6)(a)(ii), the direct fee under RCW 48.150.010 shall be paid by the member's health plan at no additional cost to the member. For any plan year, the option offered under this subsection (6)(a)(ii) shall be limited by the board to enrollees who utilized at least twice the median value of care for a member during the first nine months of the prior plan year, except that a member who is already enrolled in the option may remain enrolled in subsequent years if the option is offered by the board. The board shall negotiate a direct fee that reflects the intensity of such care. Additionally, enrollment in the option offered under this subsection (6)(a)(ii) shall be limited to no more than two thousand members living in King and Pierce counties. The board shall use best efforts to inform and educate prospective plan enrollees on the existence and benefits of the option offered under this subsection (6)(a)(ii). These efforts shall include, but not be limited to, an invitation to direct patient-provider primary care practices eligible to participate in any plan offered under this subsection to participate in open enrollment meetings and other beneficiary communication methods. No later than November 1, 2014, the board shall submit a report to the legislature on the direct practice option offered under this subsection, describing the impact of the option on plan costs and the health of the members enrolled in the option.

(b) By November 30, 2015, and each year thereafter, the authority shall submit a report to the relevant legislative policy and fiscal committees that includes the following:

(i) Public employees' benefits board health plan cost and service utilization trends for the previous three years, in total and for each health plan offered to employees;

(ii) For each health plan offered to employees, the number and percentage of employees and dependents enrolled in the plan, and the age and gender demographics of enrollees in each plan;

(iii) Any impact of enrollment in alternatives to the most comprehensive plan, including the high deductible health plan with a health savings account, upon the cost of health benefits for those employees who have chosen to remain enrolled in the most comprehensive plan.

(7) Notwithstanding any other provision of this chapter, for any open enrollment period following August 24, 2011, the board shall

offer a high deductible health plan in conjunction with a health savings account developed under subsection (6) of this section.

(8) Employees shall choose participation in one of the health care benefit plans developed by the board and may be permitted to waive coverage under terms and conditions established by the board.

(9) The board shall review plans proposed by insuring entities that desire to offer property insurance and/or accident and casualty insurance to state employees through payroll deduction. The board may approve any such plan for payroll deduction by insuring entities holding a valid certificate of authority in the state of Washington and which the board determines to be in the best interests of employees and the state. The board shall adopt rules setting forth criteria by which it shall evaluate the plans.

(10) Before January 1, 1998, the public employees' benefits board shall make available one or more fully insured long-term care insurance plans that comply with the requirements of chapter 48.84 RCW. Such programs shall be made available to eligible employees, retired employees, and retired school employees as well as eligible dependents which, for the purpose of this section, includes the parents of the employee or retiree and the parents of the spouse of the employee or retiree. Employees of local governments, political subdivisions, and tribal governments not otherwise enrolled in the public employees' benefits board sponsored medical programs may enroll under terms and conditions established by the administrator, if it does not jeopardize the financial viability of the public employees' benefits board's long-term care offering.

(a) Participation of eligible employees or retired employees and retired school employees in any long-term care insurance plan made available by the public employees' benefits board is voluntary and shall not be subject to binding arbitration under chapter 41.56 RCW. Participation is subject to reasonable underwriting guidelines and eligibility rules established by the public employees' benefits board and the health care authority.

(b) The employee, retired employee, and retired school employee are solely responsible for the payment of the premium rates developed by the health care authority. The health care authority is authorized to charge a reasonable administrative fee in addition to the premium charged by the long-term care insurer, which shall include the health care authority's cost of administration, marketing, and consumer education materials prepared by the health care authority and the office of the insurance commissioner.

(c) To the extent administratively possible, the state shall establish an automatic payroll or pension deduction system for the payment of the long-term care insurance premiums.

(d) The public employees' benefits board and the health care authority shall establish a technical advisory committee to provide advice in the development of the benefit design and establishment of underwriting guidelines and eligibility rules. The committee shall also advise the board and authority on effective and cost-effective ways to market and distribute the long-term care product. The technical advisory committee shall be comprised, at a minimum, of representatives of the office of the insurance commissioner, providers of long-term care services, licensed insurance agents with expertise in long-term care insurance, employees, retired employees, retired school employees, and other interested parties determined to be appropriate by the board.

(e) The health care authority shall offer employees, retired employees, and retired school employees the option of purchasing long-term care insurance through licensed agents or brokers appointed by the long-term care insurer. The authority, in consultation with the public employees' benefits board, shall establish marketing procedures and may consider all premium components as a part of the contract negotiations with the long-term care insurer.

(f) In developing the long-term care insurance benefit designs, the public employees' benefits board shall include an alternative plan of care benefit, including adult day services, as approved by the office of the insurance commissioner.

(g) The health care authority, with the cooperation of the office of the insurance commissioner, shall develop a consumer education program for the eligible employees, retired employees, and retired school employees designed to provide education on the potential need for long-term care, methods of financing long-term care, and the availability of long-term care insurance products including the products offered by the board.

(11) The board may establish penalties to be imposed by the authority when the eligibility determinations of an employing agency fail to comply with the criteria under this chapter.

**Sec. 2.** RCW 48.150.010 and 2009 c 552 s 1 are each reenacted and amended to read as follows:

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

(1) "Direct agreement" means a written agreement entered into between a direct practice and an individual direct patient, or the parent or legal guardian of the direct patient or a family of direct patients, whereby the direct practice charges a direct fee as consideration for being available to provide and providing primary care services to the individual direct patient. "Direct agreement" also means an agreement entered into by a direct practice to provide primary care services to members enrolled in the option offered under RCW 41.05.065(6)(a)(ii) in exchange for a direct fee. A direct agreement must (a) describe the specific health care services the direct practice will provide; and (b) be terminable at will upon written notice by the direct patient.

(2) "Direct fee" means a fee charged by a direct practice as consideration for being available to provide and providing primary care services as specified in a direct agreement.

(3) "Direct patient" means a person who is party to a direct agreement and is entitled to receive primary care services under the direct agreement from the direct practice.

(4) "Direct patient-provider primary care practice" and "direct practice" means a provider, group, or entity that meets the following criteria in (a), (b), (c), and (d) of this subsection:

(a)(i) A health care provider who furnishes primary care services through a direct agreement;

(ii) A group of health care providers who furnish primary care services through a direct agreement; or

(iii) An entity that sponsors, employs, or is otherwise affiliated with a group of health care providers who furnish only primary care services through a direct agreement, which entity is wholly owned by the group of health care providers or is a nonprofit corporation exempt from taxation under section 501(c)(3) of the internal revenue code, and is not otherwise regulated as a health care service contractor, health maintenance organization, or disability insurer under Title 48 RCW. Such entity is not prohibited from sponsoring, employing, or being otherwise affiliated with other types of health care providers not engaged in a direct practice;

(b) Enters into direct agreements with direct patients or parents or legal guardians of direct patients;

(c) Does not accept payment for health care services provided to direct patients from any entity subject to regulation under Title 48 RCW or plans administered under chapter 41.05, 70.47, or 70.47A RCW, except for direct fees paid on behalf of direct patients enrolled in the option offered under RCW 41.05.065(6)(a)(ii); and

(d) Does not provide, in consideration for the direct fee, services, procedures, or supplies such as prescription drugs, hospitalization costs, major surgery, dialysis, high level radiology (CT, MRI, PET scans or invasive radiology), rehabilitation services, procedures

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requiring general anesthesia, or similar advanced procedures, services, or supplies.

MOTION

(5) "Health care provider" or "provider" means a person regulated under Title 18 RCW or chapter 70.127 RCW to practice health or health-related services or otherwise practicing health care services in this state consistent with state law.

(6) "Health carrier" or "carrier" has the same meaning as in RCW 48.43.005.

(7) "Network" means the group of participating providers and facilities providing health care services to a particular health carrier's health plan or to plans administered under chapter 41.05, 70.47, or 70.47A RCW.

(8) "Primary care" means routine health care services, including screening, assessment, diagnosis, and treatment for the purpose of promotion of health, and detection and management of disease or injury.

**Sec. 3.** RCW 48.150.030 and 2007 c 267 s 5 are each amended to read as follows:

(1) A direct practice must charge a direct fee on a monthly basis. The fee must represent the total amount due for all primary care services specified in the direct agreement and may be paid by the direct patient or on his or her behalf by others.

(2) A direct practice must:

(a) Maintain appropriate accounts and provide data regarding payments made and services received to direct patients upon request; and

(b) Either:

(i) Bill patients at the end of each monthly period; or

(ii) If the patient pays the monthly fee in advance, promptly refund to the direct patient all unearned direct fees following receipt of written notice of termination of the direct agreement from the direct patient. The amount of the direct fee considered earned shall be a proration of the monthly fee as of the date the notice of termination is received.

(3) If the patient chooses to pay more than one monthly direct fee in advance, the funds must be held in a trust account and paid to the direct practice as earned at the end of each month. Any unearned direct fees held in trust following receipt of termination of the direct agreement shall be promptly refunded to the direct patient. The amount of the direct fee earned shall be a proration of the monthly fee for the then current month as of the date the notice of termination is received.

(4) The direct fee schedule applying to an existing direct patient may not be increased over the annual negotiated amount more frequently than annually. A direct practice shall provide advance notice to existing patients of any change within the fee schedule applying to those existing direct patients. A direct practice shall provide at least sixty days' advance notice of any change in the fee.

(5) A direct practice must designate a contact person to receive and address any patient complaints.

(6) Direct fees for comparable services within a direct practice shall not vary from patient to patient based on health status or sex. Direct fees paid on behalf of direct patients enrolled in the option offered under RCW 41.05.065(6)(a)(ii) in which enrollment is limited to enrollees who utilize substantially more health care services than average may vary to reflect the intensity of services used.

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

The President Pro Tempore declared the question before the Senate to be the adoption of the striking amendment by Senator Brown to Senate Bill No. 6589.

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

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

On page 1, line 2 of the title, after "employees;" strike the remainder of the title and insert "amending RCW 41.05.065 and 48.150.030; and reenacting and amending RCW 48.150.010."

MOTION

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

Senators Kastama, Keiser and Becker spoke in favor of passage of the bill.

Senator Pflug spoke on final passage of the bill.

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

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 6589 and the bill passed the Senate by the following vote: Yeas, 41; Nays, 8; Absent, 0; Excused, 0.

Voting yea: Senators Baumgartner, Becker, Benton, Brown, Carrell, Chase, Conway, Delvin, Ericksen, Fain, Frockt, Hargrove, Harper, Hatfield, Haugen, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Kastama, Keiser, Kilmer, King, Litzow, Morton, Murray, Padden, Parlette, Prentice, Pridemore, Regala, Roach, Rolfes, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Voting nay: Senators Eide, Fraser, Kline, Kohl-Welles, McAuliffe, Nelson, Pflug and Ranker

ENGROSSED SENATE BILL NO. 6589, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6470, by Senators McAuliffe and Chase

Authorizing benefit charges for the enhancement of fire protection services.

MOTION

On motion of Senator McAuliffe, Substitute Senate Bill No. 6470 was substituted for Senate Bill No. 6470 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Delvin moved that the following amendment by Senators Delvin and McAuliffe be adopted:

On page 2, line 6, after "35.82.210" insert ", 84.36.030(3)"

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

Senators Delvin and McAuliffe spoke in favor of adoption of the amendment.

The President Pro Tempore declared the question before the Senate to be the adoption of the amendment by Senators Delvin

and McAuliffe on page 2, line 6 to Substitute Senate Bill No. 6470.

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

#### MOTION

On motion of Senator McAuliffe, the rules were suspended, Engrossed Substitute Senate Bill No. 6470 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator McAuliffe spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 6470.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6470 and the bill passed the Senate by the following vote: Yeas, 34; Nays, 15; Absent, 0; Excused, 0.

Voting yea: Senators Brown, Chase, Conway, Delvin, Eide, Fain, Fraser, Frockt, Hargrove, Harper, Hatfield, Haugen, Hewitt, Hill, Hobbs, Kastama, Keiser, Kilmer, Kline, Kohl-Welles, Litzow, McAuliffe, Morton, Murray, Nelson, Prentice, Pridemore, Ranker, Regala, Rolfes, Sheldon, Shin, Swecker and Tom

Voting nay: Senators Baumgartner, Becker, Benton, Carrell, Ericksen, Holmquist Newbry, Honeyford, King, Padden, Parlette, Pflug, Roach, Schoesler, Stevens and Zarelli

ENGROSSED SUBSTITUTE SENATE BILL NO. 6470, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 6167, by Senators Kohl-Welles, Padden, Roach and Chase

Regarding criminal identification system information for entities providing emergency shelter, interim housing, or transitional housing. Revised for 1st Substitute: Regarding dissemination of criminal identification system information.

#### MOTIONS

On motion of Senator Kohl-Welles, Substitute Senate Bill No. 6167 was substituted for Senate Bill No. 6167 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Kohl-Welles, the rules were suspended, Substitute Senate Bill No. 6167 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Kohl-Welles and Padden spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6167.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6167 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 2; Absent, 0; Excused, 0.

Voting yea: Senators Baumgartner, Becker, Benton, Brown, Carrell, Chase, Conway, Delvin, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hatfield, Haugen, Hewitt, Hill, Hobbs, Honeyford, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles, Litzow, McAuliffe, Morton, Murray, Nelson, Padden, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rolfes, Schoesler, Sheldon, Shin, Swecker, Tom and Zarelli

Voting nay: Senators Holmquist Newbry and Stevens

SUBSTITUTE SENATE BILL NO. 6167, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

The President assumed the chair.

#### SECOND READING

SENATE BILL NO. 6523, by Senators Honeyford and Fraser

Concerning resident curators of state properties.

The measure was read the second time.

#### MOTION

On motion of Senator Honeyford, the rules were suspended, Senate Bill No. 6523 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

The President declared the question before the Senate to be the final passage of Senate Bill No. 6523.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6523 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Baumgartner, Becker, Benton, Brown, Carrell, Chase, Conway, Delvin, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hatfield, Haugen, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles, Litzow, McAuliffe, Morton, Murray, Nelson, Padden, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rolfes, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

SENATE BILL NO. 6523, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5381, by Senators Prentice and Regala

Adjusting voting requirements for emergency medical service levies. Revised for 1st Substitute: Adjusting voting requirements for the renewal of emergency medical service levies.

#### MOTIONS



On motion of Senator Prentice, Substitute Senate Bill No. 5381 was substituted for Senate Bill No. 5381 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Prentice, the rules were suspended, Substitute Senate Bill No. 5381 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Prentice spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5381.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5381 and the bill passed the Senate by the following vote: Yeas, 32; Nays, 17; Absent, 0; Excused, 0.

Voting yea: Senators Brown, Chase, Conway, Delvin, Eide, Fain, Fraser, Frockt, Hargrove, Harper, Hatfield, Haugen, Hill, Hobbs, Kastama, Keiser, Kilmer, Kline, Kohl-Welles, Litzow, McAuliffe, Murray, Nelson, Prentice, Pridemore, Ranker, Regala, Rolfes, Sheldon, Shin, Swecker and Tom

Voting nay: Senators Baumgartner, Becker, Benton, Carrell, Ericksen, Hewitt, Holmquist Newbry, Honeyford, King, Morton, Padden, Parlette, Pflug, Roach, Schoesler, Stevens and Zarelli

SUBSTITUTE SENATE BILL NO. 5381, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5991, by Senators Kohl-Welles, Carrell, Tom, Hill, Hargrove, Conway, Haugen, Fraser, Litzow, Kline, Fain, Roach and Frockt

Extending mandatory child abuse reporting requirements to specified employees of institutions of higher education.

MOTION

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

MOTION

Senator Kohl-Welles moved that the following striking amendment by Senator Kohl-Welles and others be adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 26.44.030 and 2009 c 480 s 1 are each amended to read as follows:

(1)(a) When any practitioner, county coroner or medical examiner, law enforcement officer, professional school personnel, registered or licensed nurse, social service counselor, psychologist, pharmacist, employee of the department of early learning, licensed or certified child care providers or their employees, employee of the department, juvenile probation officer, placement and liaison specialist, responsible living skills program staff, HOPE center staff, or state family and children's ombudsman or any volunteer in the ombudsman's office has reasonable cause to believe that a child has suffered abuse or neglect, he or she shall report such incident, or

cause a report to be made, to the proper law enforcement agency or to the department as provided in RCW 26.44.040.

(b) When any person, in his or her official supervisory capacity with a nonprofit or for-profit organization, has reasonable cause to believe that a child has suffered abuse or neglect caused by a person over whom he or she regularly exercises supervisory authority, he or she shall report such incident, or cause a report to be made, to the proper law enforcement agency, provided that the person alleged to have caused the abuse or neglect is employed by, contracted by, or volunteers with the organization and coaches, trains, educates, or counsels a child or children or regularly has unsupervised access to a child or children as part of the employment, contract, or voluntary service. No one shall be required to report under this section when he or she obtains the information solely as a result of a privileged communication as provided in RCW 5.60.060.

Nothing in this subsection (1)(b) shall limit a person's duty to report under (a) of this subsection.

For the purposes of this subsection, the following definitions apply:

(i) "Official supervisory capacity" means a position, status, or role created, recognized, or designated by any nonprofit or for-profit organization, either for financial gain or without financial gain, whose scope includes, but is not limited to, overseeing, directing, or managing another person who is employed by, contracted by, or volunteers with the nonprofit or for-profit organization.

(ii) "Regularly exercises supervisory authority" means to act in his or her official supervisory capacity on an ongoing or continuing basis with regards to a particular person.

(c) The reporting requirement also applies to department of corrections personnel who, in the course of their employment, observe offenders or the children with whom the offenders are in contact. If, as a result of observations or information received in the course of his or her employment, any department of corrections personnel has reasonable cause to believe that a child has suffered abuse or neglect, he or she shall report the incident, or cause a report to be made, to the proper law enforcement agency or to the department as provided in RCW 26.44.040.

(d) The reporting requirement shall also apply to any adult who has reasonable cause to believe that a child who resides with them, has suffered severe abuse, and is able or capable of making a report. For the purposes of this subsection, "severe abuse" means any of the following: Any single act of abuse that causes physical trauma of sufficient severity that, if left untreated, could cause death; any single act of sexual abuse that causes significant bleeding, deep bruising, or significant external or internal swelling; or more than one act of physical abuse, each of which causes bleeding, deep bruising, significant external or internal swelling, bone fracture, or unconsciousness.

(e) The reporting requirement also applies to guardians ad litem, including court-appointed special advocates, appointed under Titles 11, 13, and 26 RCW, who in the course of their representation of children in these actions have reasonable cause to believe a child has been abused or neglected.

(f) The reporting requirement in (a) of this subsection also applies to administrative and academic or athletic department employees, including student employees, of institutions of higher education, as defined in RCW 28B.10.016, and of private institutions of higher education.

(g) The report must be made at the first opportunity, but in no case longer than forty-eight hours after there is reasonable cause to believe that the child has suffered abuse or neglect. The report must include the identity of the accused if known.

(2) The reporting requirement of subsection (1) of this section does not apply to the discovery of abuse or neglect that occurred during childhood if it is discovered after the child has become an adult. However, if there is reasonable cause to believe other children are or

may be at risk of abuse or neglect by the accused, the reporting requirement of subsection (1) of this section does apply.

(3) Any other person who has reasonable cause to believe that a child has suffered abuse or neglect may report such incident to the proper law enforcement agency or to the department of social and health services as provided in RCW 26.44.040.

(4) The department, upon receiving a report of an incident of alleged abuse or neglect pursuant to this chapter, involving a child who has died or has had physical injury or injuries inflicted upon him or her other than by accidental means or who has been subjected to alleged sexual abuse, shall report such incident to the proper law enforcement agency. In emergency cases, where the child's welfare is endangered, the department shall notify the proper law enforcement agency within twenty-four hours after a report is received by the department. In all other cases, the department shall notify the law enforcement agency within seventy-two hours after a report is received by the department. If the department makes an oral report, a written report must also be made to the proper law enforcement agency within five days thereafter.

(5) Any law enforcement agency receiving a report of an incident of alleged abuse or neglect pursuant to this chapter, involving a child who has died or has had physical injury or injuries inflicted upon him or her other than by accidental means, or who has been subjected to alleged sexual abuse, shall report such incident in writing as provided in RCW 26.44.040 to the proper county prosecutor or city attorney for appropriate action whenever the law enforcement agency's investigation reveals that a crime may have been committed. The law enforcement agency shall also notify the department of all reports received and the law enforcement agency's disposition of them. In emergency cases, where the child's welfare is endangered, the law enforcement agency shall notify the department within twenty-four hours. In all other cases, the law enforcement agency shall notify the department within seventy-two hours after a report is received by the law enforcement agency.

(6) Any county prosecutor or city attorney receiving a report under subsection (5) of this section shall notify the victim, any persons the victim requests, and the local office of the department, of the decision to charge or decline to charge a crime, within five days of making the decision.

(7) The department may conduct ongoing case planning and consultation with those persons or agencies required to report under this section, with consultants designated by the department, and with designated representatives of Washington Indian tribes if the client information exchanged is pertinent to cases currently receiving child protective services. Upon request, the department shall conduct such planning and consultation with those persons required to report under this section if the department determines it is in the best interests of the child. Information considered privileged by statute and not directly related to reports required by this section must not be divulged without a valid written waiver of the privilege.

(8) Any case referred to the department by a physician licensed under chapter 18.57 or 18.71 RCW on the basis of an expert medical opinion that child abuse, neglect, or sexual assault has occurred and that the child's safety will be seriously endangered if returned home, the department shall file a dependency petition unless a second licensed physician of the parents' choice believes that such expert medical opinion is incorrect. If the parents fail to designate a second physician, the department may make the selection. If a physician finds that a child has suffered abuse or neglect but that such abuse or neglect does not constitute imminent danger to the child's health or safety, and the department agrees with the physician's assessment, the child may be left in the parents' home while the department proceeds with reasonable efforts to remedy parenting deficiencies.

(9) Persons or agencies exchanging information under subsection (7) of this section shall not further disseminate or release the information except as authorized by state or federal statute. Violation of this subsection is a misdemeanor.

(10) Upon receiving a report of alleged abuse or neglect, the department shall make reasonable efforts to learn the name, address, and telephone number of each person making a report of abuse or neglect under this section. The department shall provide assurances of appropriate confidentiality of the identification of persons reporting under this section. If the department is unable to learn the information required under this subsection, the department shall only investigate cases in which:

(a) The department believes there is a serious threat of substantial harm to the child;

(b) The report indicates conduct involving a criminal offense that has, or is about to occur, in which the child is the victim; or

(c) The department has a prior founded report of abuse or neglect with regard to a member of the household that is within three years of receipt of the referral.

(11)(a) For reports of alleged abuse or neglect that are accepted for investigation by the department, the investigation shall be conducted within time frames established by the department in rule. In no case shall the investigation extend longer than ninety days from the date the report is received, unless the investigation is being conducted under a written protocol pursuant to RCW 26.44.180 and a law enforcement agency or prosecuting attorney has determined that a longer investigation period is necessary. At the completion of the investigation, the department shall make a finding that the report of child abuse or neglect is founded or unfounded.

(b) If a court in a civil or criminal proceeding, considering the same facts or circumstances as are contained in the report being investigated by the department, makes a judicial finding by a preponderance of the evidence or higher that the subject of the pending investigation has abused or neglected the child, the department shall adopt the finding in its investigation.

(12) In conducting an investigation of alleged abuse or neglect, the department or law enforcement agency:

(a) May interview children. The interviews may be conducted on school premises, at day-care facilities, at the child's home, or at other suitable locations outside of the presence of parents. Parental notification of the interview must occur at the earliest possible point in the investigation that will not jeopardize the safety or protection of the child or the course of the investigation. Prior to commencing the interview the department or law enforcement agency shall determine whether the child wishes a third party to be present for the interview and, if so, shall make reasonable efforts to accommodate the child's wishes. Unless the child objects, the department or law enforcement agency shall make reasonable efforts to include a third party in any interview so long as the presence of the third party will not jeopardize the course of the investigation; and

(b) Shall have access to all relevant records of the child in the possession of mandated reporters and their employees.

(13) If a report of alleged abuse or neglect is founded and constitutes the third founded report received by the department within the last twelve months involving the same child or family, the department shall promptly notify the office of the family and children's ombudsman of the contents of the report. The department shall also notify the ombudsman of the disposition of the report.

(14) In investigating and responding to allegations of child abuse and neglect, the department may conduct background checks as authorized by state and federal law.

(15) The department shall maintain investigation records and conduct timely and periodic reviews of all founded cases of abuse and neglect. The department shall maintain a log of screened-out nonabusive cases.

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ROLL CALL

(16) The department shall use a risk assessment process when investigating alleged child abuse and neglect referrals. The department shall present the risk factors at all hearings in which the placement of a dependent child is an issue. Substance abuse must be a risk factor. The department shall, within funds appropriated for this purpose, offer enhanced community-based services to persons who are determined not to require further state intervention.

(17) Upon receipt of a report of alleged abuse or neglect the law enforcement agency may arrange to interview the person making the report and any collateral sources to determine if any malice is involved in the reporting.

(18) Upon receiving a report of alleged abuse or neglect involving a child under the court's jurisdiction under chapter 13.34 RCW, the department shall promptly notify the child's guardian ad litem of the report's contents. The department shall also notify the guardian ad litem of the disposition of the report. For purposes of this subsection, "guardian ad litem" has the meaning provided in RCW 13.34.030.

**NEW SECTION. Sec. 2.** A new section is added to chapter 28B.10 RCW to read as follows:

(1)(a) All employees of institutions of higher education, not considered academic or athletic department employees, who have reasonable cause to believe a child has suffered abuse or neglect, must report such abuse or neglect immediately to the appropriate administrator or supervisor, as designated by the institution. The administrator or supervisor to whom the report was made, if not already a mandatory reporter under RCW 26.44.030, must report the abuse or neglect within forty-eight hours to a mandatory reporter designated by the institution for this purpose.

(b) For purposes of this section, "child" has the same meaning as in RCW 26.44.020(2).

(c) For purposes of this section, "abuse or neglect" has the same meaning as in RCW 26.44.020(1).

(2) Institutions of higher education must ensure that the employees covered by the provisions of RCW 26.44.030 and subsection (1)(a) of this section have knowledge of their reporting responsibilities through whatever means are most likely to succeed in providing this information to affected employees."

Senator Kohl-Welles spoke in favor of adoption of the striking amendment.

The President declared the question before the Senate to be the adoption of the striking amendment by Senator Kohl-Welles and others to Substitute Senate Bill No. 5991.

The motion by Senator Kohl-Welles carried and the striking amendment was adopted by voice vote.

MOTION

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

On page 1, line 1 of the title, after "neglect;" strike the remainder of the title and insert "amending RCW 26.44.030; and adding a new section to chapter 28B.10 RCW."

MOTION

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

Senator Kohl-Welles spoke in favor of passage of the bill.

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

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5991 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Baumgartner, Becker, Benton, Brown, Carrell, Chase, Conway, Delvin, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hatfield, Haugen, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles, Litzow, McAuliffe, Morton, Murray, Nelson, Padden, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rolfes, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

ENGROSSED SUBSTITUTE SENATE BILL NO. 5991, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6215, by Senators Frockt, Kline, Nelson, Kohl-Welles and Conway

Establishing an optional transportation benefit district rebate program for low-income individuals.

The measure was read the second time.

MOTION

Senator King moved that the following striking amendment by Senators King and Frockt be adopted:

Strike everything after the enacting clause and insert the following:

**Sec. 1.** RCW 36.73.015 and 2010 c 251 s 2 and 2010 c 105 s 1 are each reenacted and amended to read as follows:

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

(1) "City" means a city or town.

(2) "District" means a transportation benefit district created under this chapter.

(3) "Low-income" means household income that is at or below forty-five percent of the median household income, adjusted for household size, for the district in which the fees, taxes, or tolls were imposed.

(4) "Rebate program" means an optional program established by a transportation benefit district that includes a city with a population of five hundred thousand persons or more for the purpose of providing rebates to low-income individuals for fees, taxes, and/or tolls imposed by such transportation benefit district for: (a) Vehicle fees imposed under RCW 36.73.040(3)(b); (b) sales and use taxes imposed under RCW 36.73.040(3)(a); and/or (c) tolls imposed under RCW 36.73.040(3)(d).

(5) "Supplemental transportation improvement" or "supplemental improvement" means any project, work, or undertaking to provide public transportation service, in addition to a district's existing or planned voter-approved transportation improvements, proposed by a participating city member of the district under RCW 36.73.180.

((4)) (6) "Transportation improvement" means a project contained in the transportation plan of the state, a regional transportation planning organization, city, county, or eligible jurisdiction as identified in RCW 36.73.020(2). A project may include investment in new or existing highways of statewide significance,

principal arterials of regional significance, high capacity transportation, public transportation, and other transportation projects and programs of regional or statewide significance including transportation demand management. Projects may also include the operation, preservation, and maintenance of these facilities or programs.

**NEW SECTION. Sec. 2.** A new section is added to chapter 36.73 RCW to read as follows:

(1) A district that: (a) includes a city with a population of five hundred thousand persons or more; and (b) imposes a vehicle fee under RCW 36.73.040(3)(b), sales and use taxes under RCW 36.73.040(3)(a), or tolls under RCW 36.73.040(3)(d), may establish a rebate program for the purposes of providing rebates of up to forty percent of the actual fee, tax, or toll paid by a low-income individual.

(2) Funds collected from a vehicle fee under RCW 36.73.040(3)(b), sales and use tax under RCW 36.73.040(3)(a) or tolls under RCW 36.73.040(3)(d) may be used for a rebate program established under this section.

(3) A district that establishes a rebate program is responsible for the development and administration of the program and all functions and costs associated with the rebate program.

(4) A district that establishes a rebate program under this section must report back to the legislature two years after the program takes effect. The report must include, but is not limited to, a detailed description of the structure of the program, the average rebate, the total amount of rebates issued, and the number of people that received rebates.

**Sec. 3.** RCW 36.73.065 and 2007 c 329 s 1 are each amended to read as follows:

(1) Except as provided in subsection (4) of this section, taxes, fees, charges, and tolls may not be imposed by a district without approval of a majority of the voters in the district voting on a proposition at a general or special election. The proposition must include a specific description of: (a) The transportation improvement or improvements proposed by the district; (b) any rebate program proposed to be established under section 3 of this act; and (c) the proposed taxes, fees, charges, and the range of tolls imposed by the district to raise revenue to fund the improvement or improvements or rebate program, as applicable.

(2) Voter approval under this section ~~((shall))~~ must be accorded substantial weight regarding the validity of a transportation improvement as defined in RCW 36.73.015.

(3) A district may not increase any taxes, fees, charges, or range of tolls imposed or change a rebate program under this chapter once the taxes, fees, charges, ~~((or))~~ tolls, or rebate program takes effect, unless authorized by the district voters pursuant to RCW 36.73.160.

(4)(a) A district that includes all the territory within the boundaries of the jurisdiction, or jurisdictions, establishing the district may impose by a majority vote of the governing board of the district the following fees and charges:

(i) Up to twenty dollars of the vehicle fee authorized in RCW 82.80.140; or

(ii) A fee or charge in accordance with RCW 36.73.120.

(b) The vehicle fee authorized in (a) of this subsection may only be imposed for a passenger-only ferry transportation improvement if the vehicle fee is first approved by a majority of the voters within the jurisdiction of the district.

(c)(i) A district solely comprised of a city or cities shall not impose the fees or charges identified in (a) of this subsection within one hundred eighty days after July 22, 2007, unless the county in which the city or cities reside, by resolution, declares that it will not impose the fees or charges identified in (a) of this subsection within the one hundred eighty-day period; or

(ii) A district solely comprised of a city or cities identified in RCW 36.73.020(6)(b) ~~((shall))~~ may not impose the fees or charges until after May 22, 2008, unless the county in which the city or cities reside, by resolution, declares that it will not impose the fees or charges identified in (a) of this subsection through May 22, 2008.

(5) If the interlocal agreement in RCW 82.80.140(2)(a) cannot be reached, a district that includes only the unincorporated territory of a county may impose by a majority vote of the governing body of the district up to twenty dollars of the vehicle fee authorized in RCW 82.80.140."

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

The President declared the question before the Senate to be the adoption of the striking amendment by Senators King and Frockt to Senate Bill No. 6215.

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

#### MOTION

On motion of Senator Frockt, the rules were suspended, Engrossed Senate Bill No. 6215 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Frockt, King and Murray spoke in favor of passage of the bill.

Senators Zarelli and Benton spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Senate Bill No. 6215.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 6215 and the bill passed the Senate by the following vote: Yeas, 29; Nays, 20; Absent, 0; Excused, 0.

Voting yea: Senators Brown, Chase, Conway, Eide, Fain, Fraser, Frockt, Hargrove, Harper, Hatfield, Haugen, Hobbs, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles, Litzow, McAuliffe, Murray, Nelson, Prentice, Pridemore, Ranker, Regala, Rolfes, Shin and Tom

Voting nay: Senators Baumgartner, Becker, Benton, Carrell, Delvin, Ericksen, Hewitt, Hill, Holmquist Newbry, Honeyford, Morton, Padden, Parlette, Pflug, Roach, Schoesler, Sheldon, Stevens, Swecker and Zarelli

ENGROSSED SENATE BILL NO. 6215, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 6508, by Senator Pridemore

Authorizing waivers from certain DSHS overpayment recovery efforts.

#### MOTIONS

On motion of Senator Pridemore, Substitute Senate Bill No. 6508 was substituted for Senate Bill No. 6508 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Pridemore, the rules were suspended, Substitute Senate Bill No. 6508 was advanced to third reading,

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

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

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6508.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6508 and the bill passed the Senate by the following vote: Yeas, 31; Nays, 18; Absent, 0; Excused, 0.

Voting yea: Senators Baumgartner, Brown, Chase, Conway, Eide, Fraser, Frockt, Hargrove, Harper, Hatfield, Haugen, Hobbs, Kastama, Keiser, Kilmer, Kline, Kohl-Welles, Litzow, McAuliffe, Morton, Murray, Nelson, Pflug, Prentice, Pridemore, Ranker, Regala, Rolfes, Shin, Stevens and Tom

Voting nay: Senators Becker, Benton, Carrell, Delvin, Ericksen, Fain, Hewitt, Hill, Holmquist Newbry, Honeyford, King, Padden, Parlette, Roach, Schoesler, Sheldon, Swecker and Zarelli

SUBSTITUTE SENATE BILL NO. 6508, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5895, by Senator Murray

Relating to education. Revised for 1st Substitute: Regarding certificated employee evaluations.

MOTION

On motion of Senator Eide, Substitute Senate Bill No. 5895 was substituted for Senate Bill No. 5895 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Eide moved that the following striking amendment by Senator McAuliffe and others be adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 28A.405.100 and 2010 c 235 s 202 are each amended to read as follows:

(1)(a) Except as provided in subsection (2) of this section, the superintendent of public instruction shall establish and may amend from time to time minimum criteria for the evaluation of the professional performance capabilities and development of certificated classroom teachers and certificated support personnel. For classroom teachers the criteria shall be developed in the following categories: Instructional skill; classroom management, professional preparation and scholarship; effort toward improvement when needed; the handling of student discipline and attendant problems; and interest in teaching pupils and knowledge of subject matter.

(b) Every board of directors shall, in accordance with procedure provided in RCW 41.59.010 through 41.59.170, 41.59.910, and 41.59.920, establish evaluative criteria and procedures for all certificated classroom teachers and certificated support personnel. The evaluative criteria must contain as a minimum the criteria established by the superintendent of public instruction pursuant to

this section and must be prepared within six months following adoption of the superintendent of public instruction's minimum criteria. The district must certify to the superintendent of public instruction that evaluative criteria have been so prepared by the district.

(2)(a) Pursuant to the implementation schedule established in subsection (7)(~~(b)~~) (c) of this section, every board of directors shall, in accordance with procedures provided in RCW 41.59.010 through 41.59.170, 41.59.910, and 41.59.920, establish revised evaluative criteria and a four-level rating system for all certificated classroom teachers.

(b) The minimum criteria shall include: (i) Centering instruction on high expectations for student achievement; (ii) demonstrating effective teaching practices; (iii) recognizing individual student learning needs and developing strategies to address those needs; (iv) providing clear and intentional focus on subject matter content and curriculum; (v) fostering and managing a safe, positive learning environment; (vi) using multiple student data elements to modify instruction and improve student learning; (vii) communicating and collaborating with parents and ~~(the)~~ the school community; and (viii) exhibiting collaborative and collegial practices focused on improving instructional practice and student learning. Student growth data must be a substantial factor in evaluating the summative performance of certificated classroom teachers for at least three of the evaluation criteria listed in this subsection.

(c) The four-level rating system used to evaluate the certificated classroom teacher must describe performance along a continuum that indicates the extent to which the criteria have been met or exceeded. ~~(When)~~ The summative performance ratings shall be as follows: Level 1 - unsatisfactory; level 2 - basic; level 3 - proficient; and level 4 - distinguished. A classroom teacher shall receive one of the four summative performance ratings for each of the minimum criteria in (b) of this subsection and one of the four summative performance ratings for the evaluation as a whole, which shall be the comprehensive summative evaluation performance rating. By December 1, 2012, the superintendent of public instruction must adopt rules prescribing a common method for calculating the comprehensive summative evaluation performance rating for each of the preferred instructional frameworks, including for a focused evaluation under subsection (12) of this section, giving appropriate weight to the indicators evaluated under each criteria and maximizing rater agreement among the frameworks.

(d) By December 1, 2012, the superintendent of public instruction shall adopt rules that provide descriptors for each of the summative performance ratings, based on the development work of pilot school districts under subsection (7) of this section. Any subsequent changes to the descriptors by the superintendent may only be made following consultation with a group broadly reflective of the parties represented in subsection (7)(a) of this section.

(e) By September 1, 2012, the superintendent of public instruction shall identify up to three preferred instructional frameworks that support the revised evaluation system. The instructional frameworks shall be research-based and establish definitions or rubrics for each of the four summative performance ratings for each evaluation criteria. Each school district must adopt one of the preferred instructional frameworks and post the selection on the district's web site. The superintendent of public instruction shall establish a process for approving minor modifications or adaptations to a preferred instructional framework that may be proposed by a school district.

(f) Student growth data(~~(-if available and)~~) that is relevant to the teacher and subject matter(~~(-is referenced)~~) must be a factor in the evaluation process (~~(#)~~) and must be based on multiple measures that can include classroom-based, school-based, district-based, and

state-based tools. Student growth data elements may include the teacher's performance as a member of a grade-level, subject matter, or other instructional team within a school when the use of this data is relevant and appropriate. Student growth data elements may also include the teacher's performance as a member of the overall instructional team of a school when use of this data is relevant and appropriate. As used in this subsection, "student growth" means the change in student achievement between two points in time.

(g) Student input may also be included in the evaluation process.

(3)(a) Except as provided in subsection ~~((10))~~ (11) of this section, it shall be the responsibility of a principal or his or her designee to evaluate all certificated personnel in his or her school. During each school year all classroom teachers and certificated support personnel shall be observed for the purposes of evaluation at least twice in the performance of their assigned duties. Total observation time for each employee for each school year shall be not less than sixty minutes. An employee in the third year of provisional status as defined in RCW 28A.405.220 shall be observed at least three times in the performance of his or her duties and the total observation time for the school year shall not be less than ninety minutes. Following each observation, or series of observations, the principal or other evaluator shall promptly document the results of the observation in writing, and shall provide the employee with a copy thereof within three days after such report is prepared. New employees shall be observed at least once for a total observation time of thirty minutes during the first ninety calendar days of their employment period.

(b) As used in this subsection and subsection (4) of this section, "employees" means classroom teachers and certificated support personnel except where otherwise specified.

(4)(a) At any time after October 15th, an employee whose work is not judged satisfactory based on district evaluation criteria shall be notified in writing of the specific areas of deficiencies along with a reasonable program for improvement. For classroom teachers who have been transitioned to the revised evaluation system pursuant to the district implementation schedule adopted under subsection (7)(c) of this section, the following comprehensive summative evaluation performance ratings based on the evaluation criteria in subsection (2)(b) of this section mean a classroom teacher's work is not judged satisfactory:

(i) Level 1; or

(ii) Level 2 if the classroom teacher is a continuing contract employee under RCW 28A.405.210 with more than five years of teaching experience and if the level 2 comprehensive summative evaluation performance rating has been received for two consecutive years or for two years within a consecutive three-year time period.

(b) During the period of probation, the employee may not be transferred from the supervision of the original evaluator. Improvement of performance or probable cause for nonrenewal must occur and be documented by the original evaluator before any consideration of a request for transfer or reassignment as contemplated by either the individual or the school district. A probationary period of sixty school days shall be established. Days may be added if deemed necessary to complete a program for improvement and evaluate the probationer's performance, as long as the probationary period is concluded before May 15th of the same school year. The probationary period may be extended into the following school year if the probationer has five or more years of teaching experience and has a comprehensive summative evaluation performance rating as of May 15th of less than level 2. The establishment of a probationary period does not adversely affect the contract status of an employee within the meaning of RCW 28A.405.300. The purpose of the probationary period is to give the

employee opportunity to demonstrate improvements in his or her areas of deficiency. The establishment of the probationary period and the giving of the notice to the employee of deficiency shall be by the school district superintendent and need not be submitted to the board of directors for approval. During the probationary period the evaluator shall meet with the employee at least twice monthly to supervise and make a written evaluation of the progress, if any, made by the employee. The evaluator may authorize one additional certificated employee to evaluate the probationer and to aid the employee in improving his or her areas of deficiency~~((;))~~. Should the evaluator not authorize such additional evaluator, the probationer may request that an additional certificated employee evaluator become part of the probationary process and this request must be implemented by including an additional experienced evaluator assigned by the educational service district in which the school district is located and selected from a list of evaluation specialists compiled by the educational service district. Such additional certificated employee shall be immune from any civil liability that might otherwise be incurred or imposed with regard to the good faith performance of such evaluation. If a procedural error occurs in the implementation of a program for improvement, the error does not invalidate the probationer's plan for improvement or evaluation activities unless the error materially affects the effectiveness of the plan or the ability to evaluate the probationer's performance. The probationer ~~((may))~~ must be removed from probation if he or she has demonstrated improvement to the satisfaction of the ~~((principal))~~ evaluator in those areas specifically detailed in his or her initial notice of deficiency and subsequently detailed in his or her ~~((improvement))~~ program for improvement. A classroom teacher who has been transitioned to the revised evaluation system pursuant to the district implementation schedule adopted under subsection (7)(c) of this section must be removed from probation if he or she has demonstrated improvement that results in a new comprehensive summative evaluation performance rating of level 2 or above for a provisional employee or a continuing contract employee with five or fewer years of experience, or of level 3 or above for a continuing contract employee with more than five years of experience. Lack of necessary improvement during the established probationary period, as specifically documented in writing with notification to the probationer ~~((and shall))~~ constitutes grounds for a finding of probable cause under RCW 28A.405.300 or 28A.405.210.

~~((b))~~ (c) When a continuing contract employee with five or more years of experience receives a comprehensive summative evaluation performance rating below level 2 for two consecutive years, the school district shall, within ten days of the completion of the second summative comprehensive evaluation or May 15th, whichever occurs first, implement the employee notification of discharge as provided in RCW 28A.405.300.

(d) Immediately following the completion of a probationary period that does not produce performance changes detailed in the initial notice of deficiencies and ~~((improvement))~~ program for improvement, the employee may be removed from his or her assignment and placed into an alternative assignment for the remainder of the school year. In the case of a classroom teacher who has been transitioned to the revised evaluation system pursuant to the district implementation schedule adopted under subsection (7)(c) of this section, the teacher may be removed from his or her assignment and placed into an alternative assignment for the remainder of the school year immediately following the completion of a probationary period that does not result in the required comprehensive summative evaluation performance ratings specified in (b) of this subsection. This reassignment may not displace another employee nor may it adversely affect the probationary employee's compensation or benefits for the remainder of the

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employee's contract year. If such reassignment is not possible, the district may, at its option, place the employee on paid leave for the balance of the contract term.

(5) Every board of directors shall establish evaluative criteria and procedures for all superintendents, principals, and other administrators. It shall be the responsibility of the district superintendent or his or her designee to evaluate all administrators. Except as provided in subsection (6) of this section, such evaluation shall be based on the administrative position job description. Such criteria, when applicable, shall include at least the following categories: Knowledge of, experience in, and training in recognizing good professional performance, capabilities and development; school administration and management; school finance; professional preparation and scholarship; effort toward improvement when needed; interest in pupils, employees, patrons and subjects taught in school; leadership; and ability and performance of evaluation of school personnel.

(6)(a) Pursuant to the implementation schedule established by subsection (7)(b) of this section, every board of directors shall establish revised evaluative criteria and a four-level rating system for principals.

(b) The minimum criteria shall include: (i) Creating a school culture that promotes the ongoing improvement of learning and teaching for students and staff; (ii) demonstrating commitment to closing the achievement gap; (iii) providing for school safety; (iv) leading the development, implementation, and evaluation of a data-driven plan for increasing student achievement, including the use of multiple student data elements; (v) assisting instructional staff with alignment of curriculum, instruction, and assessment with state and local district learning goals; (vi) monitoring, assisting, and evaluating effective instruction and assessment practices; (vii) managing both staff and fiscal resources to support student achievement and legal responsibilities; and (viii) partnering with the school community to promote student learning. Student growth data must be a substantial factor in evaluating the summative performance of the principal for at least three of the evaluation criteria listed in this subsection.

(c) The four-level rating system used to evaluate the principal must describe performance along a continuum that indicates the extent to which the criteria have been met or exceeded. ~~(When available,)~~ The summative performance ratings shall be as follows: Level 1 -unsatisfactory; level 2 - basic; level 3 - proficient; and level 4 -distinguished. A principal shall receive one of the four summative performance ratings for each of the minimum criteria in (b) of this subsection and one of the four summative performance ratings for the evaluation as a whole, which shall be the comprehensive summative evaluation performance rating.

(d) By December 1, 2012, the superintendent of public instruction shall adopt rules that provide descriptors for each of the summative performance ratings, based on the development work of pilot school districts under subsection (7) of this section. Any subsequent changes to the descriptors by the superintendent may only be made following consultation with a group broadly reflective of the parties represented in subsection (7)(a) of this section.

(e) By September 1, 2012, the superintendent of public instruction shall identify up to three preferred leadership frameworks that support the revised evaluation system. The leadership frameworks shall be research-based and establish definitions or rubrics for each of the four performance ratings for each evaluation criteria. Each school district shall adopt one of the preferred leadership frameworks and post the selection on the district's web site. The superintendent of public instruction shall establish a process for approving minor modifications or adaptations to a preferred leadership framework that may be proposed by a school district.

~~(f) Student growth data that is ((referenced))~~ relevant to the principal must be a factor in the evaluation process and must be based on multiple measures that can include classroom-based, school-based, district-based, and state-based tools. As used in this subsection, "student growth" means the change in student achievement between two points in time.

(g) Input from building staff may also be included in the evaluation process.

(h) For principals who have been transitioned to the revised evaluation system pursuant to the district implementation schedule adopted under subsection (7)(c) of this section, the following comprehensive summative evaluation performance ratings mean a principal's work is not judged satisfactory:

(i) Level 1; or

(ii) Level 2 if the principal has more than five years of experience in the principal role and if the level 2 comprehensive summative evaluation performance rating has been received for two consecutive years or for two years within a consecutive three-year time period.

(7)(a) The superintendent of public instruction, in collaboration with state associations representing teachers, principals, administrators, school board members, and parents, to be known as the steering committee, shall create models for implementing the evaluation system criteria, student growth tools, professional development programs, and evaluator training for certificated classroom teachers and principals. Human resources specialists, professional development experts, and assessment experts must also be consulted. Due to the diversity of teaching assignments and the many developmental levels of students, classroom teachers and principals must be prominently represented in this work. The models must be available for use in the 2011-12 school year.

(b) A new certificated classroom teacher evaluation system that implements the provisions of subsection (2) of this section and a new principal evaluation system that implements the provisions of subsection (6) of this section shall be phased-in beginning with the 2010-11 school year by districts identified in ~~((e))~~ (d) of this subsection and implemented in all school districts beginning with the 2013-14 school year.

(c) Each school district board of directors shall adopt a schedule for implementation of the revised evaluation systems that transitions a portion of classroom teachers and principals in the district to the revised evaluation systems each year beginning no later than the 2013-14 school year, until all classroom teachers and principals are being evaluated under the revised evaluation systems no later than the 2015-16 school year. A school district is not precluded from completing the transition of all classroom teachers and principals to the revised evaluation systems before the 2015-16 school year. The schedule adopted under this subsection (7)(c) must provide that the following employees are transitioned to the revised evaluation systems beginning in the 2013-14 school year:

(i) Classroom teachers who are provisional employees under RCW 28A.405.220;

(ii) Classroom teachers who are on probation under subsection (4) of this section;

(iii) Principals in the first three consecutive school years of employment as a principal;

(iv) Principals whose work is not judged satisfactory in their most recent evaluation; and

(v) Principals previously employed as a principal by another school district in the state of Washington for three or more consecutive school years and in the first full year as a principal in the school district.

(d) A set of school districts shall be selected by the superintendent of public instruction to participate in a collaborative process resulting in the development and piloting of new certificated

classroom teacher and principal evaluation systems during the 2010-11 and 2011-12 school years. These school districts must be selected based on: (i) The agreement of the local associations representing classroom teachers and principals to collaborate with the district in this developmental work and (ii) the agreement to participate in the full range of development and implementation activities, including: Development of rubrics for the evaluation criteria and ratings in subsections (2) and (6) of this section; identification of or development of appropriate multiple measures of student growth in subsections (2) and (6) of this section; development of appropriate evaluation system forms; participation in professional development for principals and classroom teachers regarding the content of the new evaluation system; participation in evaluator training; and participation in activities to evaluate the effectiveness of the new systems and support programs. The school districts must submit to the office of the superintendent of public instruction data that is used in evaluations and all district-collected student achievement, aptitude, and growth data regardless of whether the data is used in evaluations. If the data is not available electronically, the district may submit it in nonelectronic form. The superintendent of public instruction must analyze the districts' use of student data in evaluations, including examining the extent that student data is not used or is underutilized. The superintendent of public instruction must also consult with participating districts and stakeholders, recommend appropriate changes, and address statewide implementation issues. The superintendent of public instruction shall report evaluation system implementation status, evaluation data, and recommendations to appropriate committees of the legislature and governor by July 1, 2011, and at the conclusion of the development phase by July 1, 2012. In the July 1, 2011, report, the superintendent shall include recommendations for whether a single statewide evaluation model should be adopted, whether modified versions developed by school districts should be subject to state approval, and what the criteria would be for determining if a school district's evaluation model meets or exceeds a statewide model. The report shall also identify challenges posed by requiring a state approval process.

(e)(i) The steering committee in subsection (7)(a) of this section and the pilot school districts in subsection (7)(d) of this section shall continue to examine implementation issues and refine tools for the new certificated classroom teacher evaluation system in subsection (2) of this section and the new principal evaluation system in subsection (6) of this section during the 2013-14 through 2015-16 implementation phase.

(ii) Particular attention shall be given to the following issues:

(A) Developing a report for the legislature and governor, due by December 1, 2013, of best practices and recommendations regarding how teacher and principal evaluations and other appropriate elements shall inform school district human resource and personnel practices. The legislature and governor are provided the opportunity to review the report and recommendations during the 2014 legislative session;

(B) Taking the new teacher and principal evaluation systems to scale and the use of best practices for statewide implementation;

(C) Providing guidance regarding the use of student growth data to assure it is used responsibly and with integrity;

(D) Refining evaluation system management tools, professional development programs, and evaluator training programs with an emphasis on developing rater reliability;

(E) Reviewing emerging research regarding teacher and principal evaluation systems and the development and implementation of evaluation systems in other states;

(F) Reviewing the impact that variable demographic characteristics of students and schools have on the objectivity, reliability, validity, and availability of student growth data; and

(G) Developing recommendations regarding how teacher evaluations could inform state policies regarding the criteria for a teacher to obtain continuing contract status under RCW 28A.405.210. In developing these recommendations the experiences of school districts and teachers during the evaluation transition phase must be considered. Recommendations must be reported by July 1, 2016, to the legislature and the governor.

(iii) To support the tasks in (e)(ii) of this subsection, the superintendent of public instruction may contract with an independent research organization with expertise in educator evaluations and knowledge of the revised evaluation systems being implemented under this section.

(iv) The superintendent of public instruction shall monitor the statewide implementation of revised teacher and principal evaluation systems using data reported under RCW 28A.150.230 as well as periodic input from focus groups of administrators, principals, and teachers.

(v) The superintendent of public instruction shall submit reports detailing findings, emergent issues or trends, recommendations from the steering committee, and pilot school districts, and other recommendations, to enhance implementation and continuous improvement of the revised evaluation systems to appropriate committees of the legislature and the governor beginning July 1, 2013, and each July 1st thereafter for each year of the school district implementation transition period concluding with a report on December 1, 2016.

(8)(a) Beginning with the 2015-16 school year, evaluation results for certificated classroom teachers and principals must be used as one of multiple factors in making human resource and personnel decisions. Human resource decisions include, but are not limited to: Staff assignment, including the consideration of an agreement to an assignment by an appropriate teacher, principal, and superintendent; and reduction in force. Nothing in this section limits the ability to collectively bargain how the multiple factors shall be used in making human resource or personnel decisions, with the exception that evaluation results must be a factor.

(b) The office of the superintendent of public instruction must report to the legislature and the governor regarding the school district implementation of the provisions of (a) of this subsection by December 1, 2017.

(9) Each certificated classroom teacher and certificated support personnel shall have the opportunity for confidential conferences with his or her immediate supervisor on no less than two occasions in each school year. Such confidential conference shall have as its sole purpose the aiding of the administrator in his or her assessment of the employee's professional performance.

~~((9))~~ (10) The failure of any evaluator to evaluate or supervise or cause the evaluation or supervision of certificated classroom teachers and certificated support personnel or administrators in accordance with this section, as now or hereafter amended, when it is his or her specific assigned or delegated responsibility to do so, shall be sufficient cause for the nonrenewal of any such evaluator's contract under RCW 28A.405.210, or the discharge of such evaluator under RCW 28A.405.300.

~~((10))~~ (11) After a certificated classroom teacher or certificated support personnel has four years of satisfactory evaluations under subsection (1) of this section ~~((or has received one of the two top ratings for four years under subsection (2) of this section))~~, a school district may use a short form of evaluation, a locally bargained evaluation emphasizing professional growth, an evaluation under subsection (1) or (2) of this section, or any combination thereof. The short form of evaluation shall include either a thirty minute observation during the school year with a written summary or a final annual written evaluation based on the criteria in subsection (1) or (2) of this section and based on at least two observation periods



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during the school year totaling at least sixty minutes without a written summary of such observations being prepared. A locally bargained short-form evaluation emphasizing professional growth must provide that the professional growth activity conducted by the certificated classroom teacher be specifically linked to one or more of the certificated classroom teacher evaluation criteria. However, the evaluation process set forth in subsection (1) or (2) of this section shall be followed at least once every three years unless this time is extended by a local school district under the bargaining process set forth in chapter 41.59 RCW. The employee or evaluator may require that the evaluation process set forth in subsection (1) or (2) of this section be conducted in any given school year. No evaluation other than the evaluation authorized under subsection (1) or (2) of this section may be used as a basis for determining that an employee's work is not satisfactory under subsection (1) or (2) of this section or as probable cause for the nonrenewal of an employee's contract under RCW 28A.405.210 unless an evaluation process developed under chapter 41.59 RCW determines otherwise. The provisions of this subsection apply to certificated classroom teachers only until the teacher has been transitioned to the revised evaluation system pursuant to the district implementation schedule adopted under subsection (7)(c) of this section.

(12) All certificated classroom teachers and principals who have been transitioned to the revised evaluation systems pursuant to the district implementation schedule adopted under subsection (7)(c) of this section must receive annual performance evaluations as provided in this subsection:

(a) All classroom teachers and principals shall receive a comprehensive summative evaluation at least once every four years. A comprehensive summative evaluation assesses all eight evaluation criteria and all criteria contribute to the comprehensive summative evaluation performance rating.

(b) The following categories of classroom teachers and principals shall receive an annual comprehensive summative evaluation:

(i) Classroom teachers who are provisional employees under RCW 28A.405.220;

(ii) Principals in the first three consecutive school years of employment as a principal;

(iii) Principals previously employed as a principal by another school district in the state of Washington for three or more consecutive school years and in the first full year as a principal in the school district; and

(iv) Any classroom teacher or principal who received a comprehensive summative evaluation performance rating of level 1 or level 2 in the previous school year.

(c)(i) In the years when a comprehensive summative evaluation is not required, classroom teachers and principals who received a comprehensive summative evaluation performance rating of level 3 or above in the previous school year are required to complete a focused evaluation. A focused evaluation includes an assessment of one of the eight criteria selected for a performance rating plus professional growth activities specifically linked to the selected criteria.

(ii) The selected criteria must be approved by the teacher's or principal's evaluator and may have been identified in a previous comprehensive summative evaluation as benefiting from additional attention. A group of teachers may focus on the same evaluation criteria and share professional growth activities. A group of principals may focus on the same evaluation criteria and share professional growth activities.

(iii) The evaluator must assign a comprehensive summative evaluation performance rating for the focused evaluation using the methodology adopted by the superintendent of public instruction for

the instructional or leadership framework being used.

(iv) A teacher or principal may be transferred from a focused evaluation to a comprehensive summative evaluation at the request of the teacher or principal, or at the direction of the teacher's or principal's evaluator.

(v) Due to the importance of instructional leadership and assuring rater agreement among evaluators, particularly those evaluating teacher performance, school districts are encouraged to conduct comprehensive summative evaluations of principal performance on an annual basis.

(vi) A classroom teacher or principal may apply the focused evaluation professional growth activities toward the professional growth plan for professional certificate renewal as required by the professional educator standards board.

(13) Each school district is encouraged to acknowledge and recognize classroom teachers and principals who have attained level 4 -distinguished performance ratings.

**Sec. 2.** RCW 28A.405.120 and 1995 c 335 s 401 are each amended to read as follows:

(1) School districts shall require each administrator, each principal, or other supervisory personnel who has responsibility for evaluating classroom teachers or principals to have training in evaluation procedures.

(2) Before school district implementation of the revised evaluation systems required under RCW 28A.405.100, principals and administrators who have evaluation responsibilities must engage in professional development designed to implement the revised systems and maximize rater agreement.

**Sec. 3.** RCW 28A.405.130 and 1985 c 420 s 4 are each amended to read as follows:

(1) No administrator, principal, or other supervisory personnel may evaluate a teacher without having received training in evaluation procedures.

(2) Before evaluating classroom teachers using the evaluation systems required under RCW 28A.405.100, principals and administrators must engage in professional development designed to implement the revised systems and maximize rater agreement.

**NEW SECTION. Sec. 4.** A new section is added to chapter 28A.410 RCW to read as follows:

(1)(a) After August 31, 2013, candidates for a residency principal certificate must have demonstrated knowledge of teacher evaluation research and Washington's evaluation requirements and successfully completed opportunities to practice teacher evaluation skills.

(b) At a minimum, principal preparation programs must address the following knowledge and skills related to evaluations:

(i) Examination of Washington teacher and principal evaluation criteria, and four-tiered performance rating system, and the preferred instructional and leadership frameworks used to describe the evaluation criteria;

(ii) Classroom observations;

(iii) The use of student growth data and multiple measures of performance;

(iv) Evaluation conferencing;

(v) Development of classroom teacher and principal support plans resulting from an evaluation; and

(vi) Use of an online tool to manage the collection of observation notes, teacher and principal-submitted materials, and other information related to the conduct of the evaluation.

(2) Beginning September 1, 2016, the professional educator standards board shall incorporate in-service training or continuing education on the revised teacher and principal evaluation systems under RCW 28A.405.100 as a requirement for renewal of continuing or professional level certificates, including requiring knowledge and competencies in teacher and principal evaluation

systems as an aspect of professional growth plans used for certificate renewal.

**NEW SECTION. Sec. 5.** A new section is added to chapter 28A.405 RCW to read as follows:

(1) Subject to funds appropriated for this purpose, the office of the superintendent of public instruction must develop and make available a professional development program to support the implementation of the evaluation systems required by RCW 28A.405.100. The program components may be organized into professional development modules for principals, administrators, and teachers. The professional development program shall include a comprehensive online training package.

(2) The training program must include, but not be limited to, the following topics:

- (a) Introduction of the evaluation criteria for teachers and principals and the four-level rating system;
- (b) Orientation to and use of instructional frameworks;
- (c) Orientation to and use of the leadership frameworks;
- (d) Best practices in developing and using data in the evaluation systems, including multiple measures, student growth data, classroom observations, and other measures and evidence;
- (e) Strategies for achieving maximum rater agreement;
- (f) Evaluator feedback protocols in the evaluation systems;
- (g) Examples of high quality teaching and leadership; and
- (h) Methods to link the evaluation process to ongoing educator professional development.

(3) To the maximum extent feasible, the professional development program must incorporate or adapt existing online training or curriculum, including securing materials or curriculum under contract or purchase agreements within available funds. Multiple modes of instruction should be incorporated including videos of classroom teaching, participatory exercises, and other engaging combinations of online audio, video, and print presentation.

(4) The professional development program must be developed in modules that allow:

- (a) Access to material over a reasonable number of training sessions;
- (b) Delivery in person or online; and
- (c) Use in a self-directed manner.

(5) The office of the superintendent of public instruction must maintain a web site that includes the online professional development materials along with sample evaluation forms and templates, links to relevant research on evaluation and on high quality teaching and leadership, samples of contract and collective bargaining language on key topics, examples of multiple measures of teacher and principal performance, suggestions for data to measure student growth, and other tools that will assist school districts in implementing the revised evaluation systems.

(6) The office of the superintendent of public instruction must identify the number of in-service training hours associated with each professional development module and develop a way for users to document their completion of the training. Documented completion of the training under this section is considered approved in-service training for the purposes of RCW 28A.415.020.

(7) The office of the superintendent of public instruction shall periodically update the modules to reflect new topics and research on performance evaluation so that the training serves as an ongoing source of continuing education and professional development.

(8) The office of the superintendent of public instruction shall work with the educational service districts to provide clearinghouse services for the identification and publication of professional development opportunities for teachers and principals that align with performance evaluation criteria.

**Sec. 6.** RCW 28A.415.023 and 2011 1st sp.s. c 18 s 6 are each amended to read as follows:

(1) Credits earned by certificated instructional staff after September 1, 1995, shall be eligible for application to the salary schedule developed by the legislative evaluation and accountability program committee only if the course content:

(a) Is consistent with a school-based plan for mastery of student learning goals as referenced in RCW 28A.655.110, the annual school performance report, for the school in which the individual is assigned;

(b) Pertains to the individual's current assignment or expected assignment for the subsequent school year;

(c) Is necessary to obtain an endorsement as prescribed by the Washington professional educator standards board;

(d) Is specifically required to obtain advanced levels of certification;

(e) Is included in a college or university degree program that pertains to the individual's current assignment, or potential future assignment, as a certified instructional staff; ~~((or))~~

(f) Addresses research-based assessment and instructional strategies for students with dyslexia, dysgraphia, and language disabilities when addressing learning goal one under RCW 28A.150.210, as applicable and appropriate for individual certificated instructional staff; or

(g) Pertains to the revised teacher evaluation system under RCW 28A.405.100, including the professional development training provided in section 5 of this act.

(2) For the purpose of this section, "credits" mean college quarter hour credits and equivalent credits for approved in-service, approved continuing education, or approved internship hours computed in accordance with RCW 28A.415.020.

(3) The superintendent of public instruction shall adopt rules and standards consistent with the limits established by this section for certificated instructional staff.

(4) For the 2011-12 and 2012-13 school years, application of credits or credit equivalents earned under this section after October 1, 2010, to the salary schedule developed by the legislative evaluation and accountability program committee is subject to any conditions or limitations contained in the omnibus operating appropriations act.

**Sec. 7.** RCW 28A.405.220 and 2010 c 235 s 203 are each amended to read as follows:

(1) Notwithstanding the provisions of RCW 28A.405.210, every person employed by a school district in a teaching or other nonsupervisory certificated position shall be subject to nonrenewal of employment contract as provided in this section during the first three years of employment by such district, unless: (a) The employee has previously completed at least two years of certificated employment in another school district in the state of Washington, in which case the employee shall be subject to nonrenewal of employment contract pursuant to this section during the first year of employment with the new district; or (b) the employee has received an evaluation rating below level 2 on the four-level rating system established under RCW 28A.405.100 during the third year of employment, in which case the employee shall remain subject to the nonrenewal of the employment contract until the employee receives a level 2 rating; or (c) the school district superintendent may make a determination to remove an employee from provisional status if the employee has received one of the top two evaluation ratings during the second year of employment by the district. Employees as defined in this section shall hereinafter be referred to as "provisional employees."

(2) In the event the superintendent of the school district determines that the employment contract of any provisional employee should not be renewed by the district for the next ensuing

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term such provisional employee shall be notified thereof in writing on or before May 15th preceding the commencement of such school term, or if the omnibus appropriations act has not passed the legislature by May 15th, then notification shall be no later than June 15th, which notification shall state the reason or reasons for such determination. Such notice shall be served upon the provisional employee personally, or by certified or registered mail, or by leaving a copy of the notice at the place of his or her usual abode with some person of suitable age and discretion then resident therein. The determination of the superintendent shall be subject to the evaluation requirements of RCW 28A.405.100.

(3) Every such provisional employee so notified, at his or her request made in writing and filed with the superintendent of the district within ten days after receiving such notice, shall be given the opportunity to meet informally with the superintendent for the purpose of requesting the superintendent to reconsider his or her decision. Such meeting shall be held no later than ten days following the receipt of such request, and the provisional employee shall be given written notice of the date, time and place of meeting at least three days prior thereto. At such meeting the provisional employee shall be given the opportunity to refute any facts upon which the superintendent's determination was based and to make any argument in support of his or her request for reconsideration.

(4) Within ten days following the meeting with the provisional employee, the superintendent shall either reinstate the provisional employee or shall submit to the school district board of directors for consideration at its next regular meeting a written report recommending that the employment contract of the provisional employee be nonrenewed and stating the reason or reasons therefor. A copy of such report shall be delivered to the provisional employee at least three days prior to the scheduled meeting of the board of directors. In taking action upon the recommendation of the superintendent, the board of directors shall consider any written communication which the provisional employee may file with the secretary of the board at any time prior to that meeting.

(5) The board of directors shall notify the provisional employee in writing of its final decision within ten days following the meeting at which the superintendent's recommendation was considered. The decision of the board of directors to nonrenew the contract of a provisional employee shall be final and not subject to appeal.

(6) This section applies to any person employed by a school district in a teaching or other nonsupervisory certificated position after June 25, 1976. This section provides the exclusive means for nonrenewing the employment contract of a provisional employee and no other provision of law shall be applicable thereto, including, without limitation, RCW 28A.405.210 and chapter 28A.645 RCW."

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

The President declared the question before the Senate to be the adoption of the striking amendment by Senator McAuliffe and others to Substitute Senate Bill No. 5895.

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

MOTION

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

On page 1, line 1 of the title, after "employees;" strike the remainder of the title and insert "amending RCW 28A.405.100, 28A.405.120, 28A.405.130, 28A.415.023, and 28A.405.220; adding a new section to chapter 28A.410 RCW; and adding a new section to chapter 28A.405 RCW."

MOTION

On motion of Senator Eide, the rules were suspended, Engrossed Substitute Senate Bill No. 5895 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators McAuliffe, Tom, Nelson, Brown, Becker, Shin, Zarelli, Ranker, Ericksen, Chase and Rolfes spoke in favor of passage of the bill.

Senators Pridemore and Conway spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5895.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5895 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 3; Absent, 0; Excused, 0.

Voting yea: Senators Baumgartner, Becker, Benton, Brown, Carrell, Chase, Delvin, Eide, Ericksen, Fain, Frockt, Hargrove, Harper, Hatfield, Haugen, Hewitt, Hill, Hobbs, Holmquist, Newbry, Honeyford, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles, Litzow, McAuliffe, Morton, Murray, Nelson, Padden, Parlette, Pflug, Prentice, Ranker, Regala, Roach, Rolfes, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Voting nay: Senators Conway, Fraser and Pridemore

ENGROSSED SUBSTITUTE SENATE BILL NO. 5895, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

PERSONAL PRIVILEGE

Senator McAuliffe: "I do want to recognize the expertise in the staff that worked on this bill. We negotiated the Governor's office and our staff, Heather Lewis-Lechner, Mary Kenfield and Judy Hartmann were there every inch of the way and I want to thank them for their work. This will make a difference in the lives of our children in our schools and it's a very important bill and they did the work. Thank you all."

SECOND READING

SENATE BILL NO. 6171, by Senators Haugen, King and Shin

Modifying the weight limitation for certain vessels exempt from the pilotage act.

The measure was read the second time.

MOTION

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

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

MOTION

On motion of Senator Harper, Senator McAuliffe was excused.

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

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6171 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 1; Absent, 0; Excused, 0.

Voting yea: Senators Becker, Benton, Brown, Carrell, Chase, Conway, Delvin, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hatfield, Haugen, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles, Litzow, McAuliffe, Morton, Murray, Nelson, Padden, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rolfes, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Voting nay: Senator Baumgartner

SENATE BILL NO. 6171, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5246, by Senators Chase, Harper, White and Nelson

Concerning employer review of abstracts of driving records.

#### MOTIONS

On motion of Senator Chase, Substitute Senate Bill No. 5246 was substituted for Senate Bill No. 5246 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Chase, the rules were suspended, Substitute Senate Bill No. 5246 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Chase spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5246.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5246 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 4; Absent, 0; Excused, 0.

Voting yea: Senators Becker, Benton, Brown, Carrell, Chase, Conway, Delvin, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hatfield, Haugen, Hewitt, Hill, Hobbs, Honeyford, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles, Litzow, McAuliffe, Morton, Murray, Nelson, Padden, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rolfes, Schoesler, Sheldon, Shin, Swecker and Tom

Voting nay: Senators Baumgartner, Holmquist Newbry, Stevens and Zarelli

SUBSTITUTE SENATE BILL NO. 5246, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 6545, by Senator Murray

Transferring the powers, duties, and functions of the developmental disabilities endowment from the department of health to the department of commerce.

The measure was read the second time.

#### MOTION

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

Senator Murray spoke in favor of passage of the bill.  
Senator Baumgartner spoke against passage of the bill.

#### MOTION

On motion of Senator Ericksen, Senator Pflug was excused.

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

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6545 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 1; Absent, 0; Excused, 1.

Voting yea: Senators Becker, Benton, Brown, Carrell, Chase, Conway, Delvin, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hatfield, Haugen, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles, Litzow, McAuliffe, Morton, Murray, Nelson, Padden, Parlette, Prentice, Pridemore, Ranker, Regala, Roach, Rolfes, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Voting nay: Senator Baumgartner

Excused: Senator Pflug

SENATE BILL NO. 6545, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 6169, by Senators Ranker, Litzow, Hargrove and Chase

Establishing the ocean policy advisory council. Revised for 1st Substitute: Concerning the Washington state coastal solutions council.

#### MOTIONS

On motion of Senator Ranker, Substitute Senate Bill No. 6169 was substituted for Senate Bill No. 6169 and the substitute bill was placed on the second reading and read the second time.

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

Senator Ranker spoke in favor of passage of the bill.

THIRTY SEVENTH DAY, FEBRUARY 14, 2012

2012 REGULAR SESSION

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

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6169 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 3; Absent, 0; Excused, 1.

Voting yea: Senators Baumgartner, Becker, Benton, Brown, Carrell, Chase, Conway, Delvin, Eide, Fain, Fraser, Frockt, Hargrove, Harper, Hatfield, Haugen, Hewitt, Hill, Hobbs, Honeyford, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles, Litzow, McAuliffe, Morton, Murray, Nelson, Parlette, Prentice, Pridemore, Ranker, Regala, Roach, Rolfes, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Voting nay: Senators Ericksen, Holmquist Newbry and Padden

Excused: Senator Pflug

SUBSTITUTE SENATE BILL NO. 6169, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5197, by Senators Keiser and Pflug

Concerning the delegation of nursing care tasks to home care aides.

MOTIONS

On motion of Senator Keiser, Substitute Senate Bill No. 5197 was substituted for Senate Bill No. 5197 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Keiser, the rules were suspended, Substitute Senate Bill No. 5197 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5197.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5197 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Baumgartner, Becker, Benton, Brown, Carrell, Chase, Conway, Delvin, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hatfield, Haugen, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles, Litzow, McAuliffe, Morton, Murray, Nelson, Padden, Parlette, Prentice, Pridemore, Ranker, Regala, Roach, Rolfes, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Excused: Senator Pflug

SUBSTITUTE SENATE BILL NO. 5197, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6070, by Senators Kline, Frockt, Harper, Keiser and Shin

Concerning the recording of residential real property. Revised for 1st Substitute: Convening a stakeholder group to discuss certain recording deeds of trust issues.

MOTIONS

On motion of Senator Hobbs, Substitute Senate Bill No. 6070 was substituted for Senate Bill No. 6070 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Hobbs, the rules were suspended, Substitute Senate Bill No. 6070 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6070.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6070 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Baumgartner, Becker, Benton, Brown, Carrell, Chase, Conway, Delvin, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hatfield, Haugen, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles, Litzow, McAuliffe, Morton, Murray, Nelson, Padden, Parlette, Prentice, Pridemore, Ranker, Regala, Roach, Rolfes, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Excused: Senator Pflug

SUBSTITUTE SENATE BILL NO. 6070, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6242, by Senators Hobbs and Litzow

Addressing specialty producer licenses.

MOTIONS

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

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

Senator Hobbs spoke in favor of passage of the bill.

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

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6242 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Baumgartner, Becker, Benton, Brown, Carrell, Chase, Conway, Delvin, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hatfield, Haugen, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles, Litzow, McAuliffe, Morton, Murray, Nelson, Padden, Parlette, Prentice, Pridemore, Ranker, Regala, Roach, Rolfes, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Excused: Senator Pflug

SUBSTITUTE SENATE BILL NO. 6242, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 6407, by Senators Carrell, Regala and Kline

Providing transitional reentry housing through the department of corrections.

#### MOTIONS

On motion of Senator Hargrove, Substitute Senate Bill No. 6407 was substituted for Senate Bill No. 6407 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Hargrove, the rules were suspended, Substitute Senate Bill No. 6407 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6407.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6407 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Baumgartner, Becker, Benton, Brown, Carrell, Chase, Conway, Delvin, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hatfield, Haugen, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles, Litzow, McAuliffe, Morton, Murray, Nelson, Padden, Parlette, Prentice, Pridemore, Ranker, Regala, Roach, Rolfes, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Excused: Senator Pflug

SUBSTITUTE SENATE BILL NO. 6407, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 6098, by Senators Rolfes, Hargrove, Fain and Kohl-Welles

Revising fingerprinting requirements for licensing of private investigators and private security guards.

The measure was read the second time.

#### MOTION

On motion of Senator Rolfes, the rules were suspended, Senate Bill No. 6098 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Rolfes spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 6098.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6098 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 1; Excused, 1.

Voting yea: Senators Baumgartner, Becker, Benton, Brown, Carrell, Chase, Conway, Delvin, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hatfield, Haugen, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Kastama, Keiser, Kilmer, King, Kohl-Welles, Litzow, McAuliffe, Morton, Murray, Nelson, Padden, Parlette, Prentice, Pridemore, Ranker, Regala, Roach, Rolfes, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Absent: Senator Kline

Excused: Senator Pflug

SENATE BILL NO. 6098, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MOTION

On motion of Senator Harper, Senator Kline was excused.

#### SECOND READING

SENATE BILL NO. 6157, by Senators Delvin, Hargrove, Stevens, Benton, Ericksen and Parlette

Requiring juvenile detention intake standards for juveniles who are developmentally disabled.

The measure was read the second time.

#### MOTION

On motion of Senator Delvin, the rules were suspended, Senate Bill No. 6157 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Delvin and Harper spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 6157.

#### ROLL CALL

THIRTY SEVENTH DAY, FEBRUARY 14, 2012

2012 REGULAR SESSION

The Secretary called the roll on the final passage of Senate Bill No. 6157 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Baumgartner, Becker, Benton, Brown, Carrell, Chase, Conway, Delvin, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hatfield, Haugen, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Kastama, Keiser, Kilmer, King, Kohl-Welles, Litzow, McAuliffe, Morton, Murray, Nelson, Padden, Parlette, Prentice, Pridemore, Ranker, Regala, Roach, Rolfes, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Excused: Senators Kline and Pflug

SENATE BILL NO. 6157, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6056, by Senators Swecker, Pridemore and Shin

Concerning legal defense funds of candidates and public officials.

MOTIONS

On motion of Senator Swecker, Substitute Senate Bill No. 6056 was substituted for Senate Bill No. 6056 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Swecker, the rules were suspended, Substitute Senate Bill No. 6056 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Swecker spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6056.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6056 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 4; Absent, 0; Excused, 1.

Voting yea: Senators Baumgartner, Becker, Benton, Brown, Carrell, Chase, Conway, Delvin, Eide, Fain, Fraser, Frockt, Hargrove, Harper, Hatfield, Haugen, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles, Litzow, McAuliffe, Murray, Nelson, Parlette, Prentice, Pridemore, Ranker, Regala, Roach, Rolfes, Schoesler, Shin, Stevens, Swecker, Tom and Zarelli

Voting nay: Senators Ericksen, Morton, Padden and Sheldon

Excused: Senator Pflug

SUBSTITUTE SENATE BILL NO. 6056, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6498, by Senator Swecker

Modifying write-in voting provisions.

The measure was read the second time.

MOTION

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

Senator Swecker spoke in favor of passage of the bill.

Senator Roach spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 6498.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6498 and the bill passed the Senate by the following vote: Yeas, 27; Nays, 21; Absent, 0; Excused, 1.

Voting yea: Senators Brown, Chase, Conway, Eide, Fraser, Hargrove, Harper, Hatfield, Haugen, Holmquist Newbry, Keiser, Kilmer, King, Kline, Kohl-Welles, McAuliffe, Murray, Nelson, Parlette, Prentice, Pridemore, Ranker, Regala, Rolfes, Shin, Swecker and Tom

Voting nay: Senators Baumgartner, Becker, Benton, Carrell, Delvin, Ericksen, Fain, Frockt, Hewitt, Hill, Hobbs, Honeyford, Kastama, Litzow, Morton, Padden, Roach, Schoesler, Sheldon, Stevens and Zarelli

Excused: Senator Pflug

SENATE BILL NO. 6498, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6387, by Senator Ranker

Concerning state parks, recreation, and natural resources fiscal matters.

MOTIONS

On motion of Senator Ranker, Substitute Senate Bill No. 6387 was substituted for Senate Bill No. 6387 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Ranker, the rules were suspended, Substitute Senate Bill No. 6387 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

Senator Padden spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6387.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6387 and the bill passed the Senate by the following vote: Yeas, 42; Nays, 6; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Brown, Carrell, Chase, Conway, Delvin, Eide, Fain, Fraser, Frockt, Hargrove, Harper, Hatfield, Haugen, Hewitt, Hill, Hobbs, Honeyford, Kastama, Keiser, Kilmer, Kline, Kohl-Welles, Litzow, McAuliffe, Morton, Murray, Nelson, Parlette, Prentice, Pridemore, Ranker, Regala,

Roach, Rolfes, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Voting nay: Senators Baumgartner, Becker, Ericksen, Holmquist Newbry, King and Padden

Excused: Senator Pflug

SUBSTITUTE SENATE BILL NO. 6387, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MOTION

At 5:03 p.m., on motion of Senator Eide, the Senate adjourned until 10:00 a.m. Wednesday, February 15, 2012.

BRAD OWEN, President of the Senate

THOMAS HOEMANN, Secretary of the Senate



THIRTY EIGHTH DAY

MORNING SESSION

Senate Chamber, Olympia, Wednesday, February 15, 2012

The Senate was called to order at 10:00 a.m. by President Owen. The Secretary called the roll and announced to the President that all Senators were present with the exception of Senators Baumgartner, Benton, Ericksen, Fain, Hewitt, Hill, King, Litzow, Murray, Parlette, Pflug, Regala, Roach, Sheldon, Stevens, Swecker and Zarelli.

The Sergeant at Arms Color Guard consisting of Pages Reid Lutz and Makyla Bishop, presented the Colors. Senator Morton offered the prayer.

MOTION

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

MOTION

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

MOTION

Senator Kastama moved adoption of the following resolution:

SENATE RESOLUTION  
8679

By Senators Kastama, Becker, Regala, Conway, Carrell, Roach, and Kilmer

WHEREAS, The annual Daffodil Festival is a cherished tradition for the people of Pierce County and the Northwest; and

WHEREAS, 2012 marks the seventy-ninth annual Daffodil Festival; and

WHEREAS, The mission of the Daffodil Festival is to focus national and regional attention on our local area as a place to live and visit, to give citizens of Pierce County a civic endeavor where "Don't Stop Believing" comes alive, fostering civic pride, to give young people and organizations of the local area an opportunity to display their talents and abilities, to give voice to citizens' enthusiasm in parades, pageantry, and events, and to stimulate the business economy through expenditures by and for the Festival and by visitors attracted during Festival Week; and

WHEREAS, The Festival began in 1926 as a modest garden party in Sumner and grew steadily each year until 1934, when flowers, which previously had been largely discarded in favor of daffodil bulbs, were used to decorate cars and bicycles for a short parade through Tacoma; and

WHEREAS, The Festival's 2012 events are ongoing with the 51st Annual Junior Parade on April 21, 2012, the seventy-ninth annual Grand Floral Street Parade on April 14, 2012, winding its way from downtown Tacoma through the communities of Puyallup, Sumner, and Orting and consisting of approximately 40 float entries and over 80 other entries, including bands marching, and mounted units and floats that are decorated with fresh cut daffodils, numbering in the thousands, and will culminate with the 60th Annual Marine parade on April 22, 2012; and

WHEREAS, This year's Festival royalty includes Princesses Alisa Linke, Bethel High School; Angela Crone, Bonney Lake High School; Delaney Roosendaal, Cascade Christian High School; Alexandria Cole, Chief Leschi High School; Cinthia Vasquez, Clover Park High School; Eunice Kim, Curtis High School; Mackenzie Glisson, Eatonville High School; Katey Della-Giustina, Emerald Ridge High School; Delaney Ferrell, Fife High School; Tessa Shull, Franklin Pierce High School; Emily Moffitt, Graham-Kapowsin High School; Sarah Karamoko, Henry Foss High School; Madison Newberry, Lakes High School; Quennie Eslava, Lincoln High School; Brianne Shaw, Mt. Tahoma High School; Morgan Butler-Koler, Orting High School; Megan Gimmestad, Puyallup High School; Jordan Zuniga, Rogers High School; Jasmine Heindel, Spanaway Lake High School; Savannah Fry, Stadium High School; Carly Lange, Sumner High School; Sienna Talbert, Washington High School; Megan McBarron, White River High School; and Nicole Aqua, Wilson High School;

NOW, THEREFORE, BE IT RESOLVED, That the Senate recognize and honor the many contributions made to our state by the Daffodil Festival and its organizers for the past seventy-nine years; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to the 2012 Daffodil Festival Officers and to the members of the Festival Royalty.

Senators Kastama, Becker and Conway spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8679.

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

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced members of the Daffodil Festival Royalty: Susan McGuire, 2012 Daffodil Festival President; Steve James, Executive Director; Karen Baskett Director of Royalty; and June Guimond and Sherri Martin, Chaperones who were seated in the gallery.

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced Megan Gimmestad, 2012 Daffodil Festival Princess, who was seated at the rostrum.

With permission of the Senate, business was suspended to allow Daffodil Festival Princess Megan Gimmestad to address the Senate.

REMARKS BY MISS MEGAN GIMMESTAD

Princess Megan: "Good morning and thank you on behalf of the Daffodil Festival and all twenty-four of us Princesses. I would like to thank you for having us here. It is a huge honor. This is an annual trip for the Daffodil Festival and we look forward to it every year. This happens to be our first appearance as official Daffodil Princesses but so far we've had an eventful year. On January 31 the Pierce County Council passed a resolution naming us an official Ambassadors of Pierce County which recognizes our thousands of hours of community service that we give back to our community. Some of these services include the Read program with the Pierce County Libraries where we get to go to multiple libraries in Pierce County and read to the kids and be with for

hours and hours. We also do a lot of work with The Boys and Girls Club where we go after school, help them with their homework, play games, read to them and they really appreciate our time and we really appreciate and have fun with it. Some of the events coming up with the Daffodil Festival are our Queens Coronation on March 16, where one of us lucky young ladies will be crowned Queen of the Daffodil Festival. It is a wonderful night and would love to have some of you come and support us all. Also our Grand Floral Parade is on April 14 this year. As Senator Kastama said, we travel through four cities, Tacoma, Puyallup, Sumner and Orting. It's a long day but it's so rewarding to see so many community members come out and support us and to see a wonderful parade. After the Grand Floral Parade, we're switching it up, is our Junior Daffodil Parade and it's in Tacoma and we get to walk in that parade and be with the kids in that one. If you can't attend any of our parades this year you're in luck because we also do a bunch of traveling festivals throughout Washington and the Pacific Northwest. We go through, we do Astoria, Oregon and Canada too so we'd love to see you at one of those parades too. Thank you for this wonderful opportunity and this great recognition of the Daffodil Festival and our seventy-ninth year."

#### MOTION

On motion of Senator Frockt, the Senate reverted to the third order of business.

#### MESSAGE FROM THE GOVERNOR GUBERNATORIAL APPOINTMENTS

February 14, 2012

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

Carol Dahl, appointed January 24, 2012, for the term ending October 1, 2015, as Member of The Life Sciences Discovery Fund Authority Board of Trustees.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Labor, Commerce & Consumer Protection.

February 14, 2012

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

Ralph Munro, appointed October 1, 2009, for the term ending September 30, 2015, as Member, Board of Trustees, Western Washington University.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Higher Education & Workforce Development.

#### MOTION

On motion of Senator Frockt, all appointees listed on the Gubernatorial Appointments report were referred to the committees as designated.

#### MOTION

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

#### MESSAGE FROM THE HOUSE

February 14, 2012

MR. PRESIDENT:

The House has passed:

SUBSTITUTE HOUSE BILL NO. 1559,  
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2264,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2318,  
ENGROSSED HOUSE BILL NO. 2328,  
HOUSE BILL NO. 2441,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2510,  
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2587,

SUBSTITUTE HOUSE BILL NO. 2607.

and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

#### MESSAGE FROM THE HOUSE

February 14, 2012

MR. PRESIDENT:

The House has passed:

HOUSE BILL NO. 2257,  
HOUSE BILL NO. 2343,  
HOUSE BILL NO. 2420,  
HOUSE BILL NO. 2471,  
THIRD SUBSTITUTE HOUSE BILL NO. 2585.

and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

#### MESSAGE FROM THE HOUSE

February 14, 2012

MR. PRESIDENT:

The House has passed:

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2501.

and the same is herewith transmitted.

BARBARA BAKER, Chief Clerk

#### MOTION

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

#### INTRODUCTION AND FIRST READING OF HOUSE BILLS

ESHB 1508 by House Committee on Judiciary (originally sponsored by Representatives Takko, Probst and Van De Wege)

AN ACT Relating to protecting sport shooting ranges; adding a new section to chapter 9.41 RCW; and creating a new section.

Referred to Committee on Judiciary.

THIRTY EIGHTH DAY, FEBRUARY 15, 2012

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SHB 1556 by House Committee on Judiciary (originally sponsored by Representatives Kirby, Orwall, Miloscia, Stanford, Kelley, Blake and Smith)

AN ACT Relating to increasing the penalties for first-time offenders of driving or being in physical control of a vehicle while under the influence of intoxicating liquor or any drug; amending RCW 46.61.5055; and prescribing penalties.

Referred to Committee on Judiciary.

E3SHB 1860 by House Committee on General Government Appropriations & Oversight (originally sponsored by Representative Hurst)

AN ACT Relating to partisan elections; amending RCW 29A.24.311, 29A.60.021, and 29A.80.051; adding a new section to chapter 29A.52 RCW; creating a new section; and declaring an emergency.

Referred to Committee on Government Operations, Tribal Relations & Elections.

2SHB 2156 by House Committee on Education Appropriations & Oversight (originally sponsored by Representatives Kenney, Sells, Haler, Seaquist, Hansen, Maxwell and Carlyle)

AN ACT Relating to the coordination and evaluation of workforce training for aerospace and materials manufacturing; amending RCW 28B.122.010, 28B.122.020, 28B.122.040, 28B.122.050, and 28B.122.060; adding a new section to chapter 28B.50 RCW; adding a new section to chapter 28C.18 RCW; creating a new section; and providing an effective date.

Referred to Committee on Ways & Means.

SHB 2176 by House Committee on Judiciary (originally sponsored by Representatives Goodman, Hope, Dunshee, Kelley and Fitzgibbon)

AN ACT Relating to extending the time to enforce civil judgments for damages caused by impaired drivers; amending RCW 6.17.020, 4.16.020, 4.56.190, 4.56.210, 6.32.010, 6.32.015, 6.36.025, and 36.18.016; and adding a new section to chapter 6.17 RCW.

Referred to Committee on Judiciary.

2SHB 2216 by House Committee on Ways & Means (originally sponsored by Representatives Hurst, Pearson, Van De Wege, Dahlquist, Tharinger, Goodman, Johnson, Dammeier, Sells, Kelley, McCune and Kristiansen)

AN ACT Relating to vehicular homicide and vehicular assault sentences; reenacting and amending RCW 9.94A.515; and prescribing penalties.

Referred to Committee on Ways & Means.

E2SHB 2238 by House Committee on General Government Appropriations & Oversight (originally sponsored by Representatives Wilcox, Clibborn, Armstrong, Billig, Takko,

Rivers, Angel, Hinkle, Schmick, Orcutt, Johnson, Warnick, Dahlquist, Blake and Chandler)

AN ACT Relating to pairing required investments in compensatory environmental mitigation, including the mitigation of transportation projects, with existing programs currently referenced in Title 76 RCW that enhance natural environmental functions; amending RCW 47.01.300, 90.74.005, 90.74.010, 90.74.020, and 90.74.030; adding a new section to chapter 90.74 RCW; adding a new section to chapter 76.09 RCW; creating a new section; and providing an expiration date.

Referred to Committee on Transportation.

SHB 2239 by House Committee on Judiciary (originally sponsored by Representatives Pedersen, Goodman, Rodne and Hudgins)

AN ACT Relating to social purpose corporations; amending RCW 23B.01.400 and 23B.04.010; and adding a new chapter to Title 23B RCW.

Referred to Committee on Judiciary.

HB 2240 by Representatives Moscoso, Fitzgibbon and Miloscia

AN ACT Relating to public improvement contracts involving federally funded transit facility projects; and amending RCW 60.28.011.

Referred to Committee on Ways & Means.

E2SHB 2253 by House Committee on General Government Appropriations & Oversight (originally sponsored by Representatives Fitzgibbon, Billig and Jenkins)

AN ACT Relating to modernizing the functionality of the state environmental policy act without compromising the underlying intent of the original legislation; amending RCW 43.21C.031, 43.21C.229, 43.21C.420, 36.70A.490, 36.70A.500, 43.21C.110, and 43.21C.095; adding new sections to chapter 43.21C RCW; adding a new section to chapter 82.02 RCW; creating a new section; and providing an expiration date.

Referred to Committee on Ways & Means.

SHB 2263 by House Committee on Ways & Means (originally sponsored by Representatives Kagi, Walsh, Carlyle, Ladenburg, Darneille, Goodman, Fitzgibbon, Jenkins, Roberts, Ryu and Kenney)

AN ACT Relating to reinvesting savings resulting from improved outcomes in the child welfare system; adding a new section to chapter 74.13 RCW; adding a new section to chapter 43.135 RCW; adding new sections to chapter 43.131 RCW; creating a new section; and providing an effective date.

Referred to Committee on Ways & Means.

E2SHB 2265 by House Committee on Ways & Means (originally sponsored by Representatives Probst, Haler, Haigh,

Rivers, Zeiger, Seaquist, Sells, Jinkins, Roberts, Hunt, Santos, Kelley, Finn and Ryu)

AN ACT Relating to establishing Washington works payments to increase graduation rates, address critical skill shortages, increase student success, and narrow the educational opportunity gap; amending RCW 28B.120.040; adding a new chapter to Title 28B RCW; and providing an expiration date.

Referred to Committee on Higher Education & Workforce Development.

SHB 2272 by House Committee on Business & Financial Services (originally sponsored by Representative Appleton)

AN ACT Relating to antifreeze products; and amending RCW 19.94.544.

Referred to Committee on Labor, Commerce & Consumer Protection.

2SHB 2289 by House Committee on Ways & Means (originally sponsored by Representatives Kagi, Walsh, Roberts, Carlyle, Jinkins, Ormsby and Dickerson)

AN ACT Relating to establishing a flexible approach to child protective services; amending RCW 26.44.030 and 26.44.031; reenacting and amending RCW 26.44.020, 74.13.020, and 74.13.031; and adding a new chapter to Title 74 RCW.

Referred to Committee on Ways & Means.

SHB 2296 by House Committee on Technology, Energy & Communications (originally sponsored by Representatives Morris, McCoy, Ryu and Hudgins)

AN ACT Relating to the siting of biofuel processing facilities; amending RCW 80.50.060; and reenacting and amending RCW 80.50.020.

Referred to Committee on Energy, Natural Resources & Marine Waters.

SHB 2297 by House Committee on Technology, Energy & Communications (originally sponsored by Representatives Morris, McCoy, Eddy, Hudgins, Ormsby and Fitzgibbon)

AN ACT Relating to establishing an energy efficiency improvement loan fund; and reenacting and amending RCW 19.29A.090.

Referred to Committee on Energy, Natural Resources & Marine Waters.

ESHB 2302 by House Committee on Judiciary (originally sponsored by Representatives Goodman, Warnick, Kenney, Kagi, Liias, Orwall, Billig, Hasegawa, Finn, Kelley, Rodne, Moeller, Dammeier, Reykdal, Van De Wege, Maxwell, Tharinger, Sells, Jinkins, Hurst, Green, McCoy, Smith, Pearson, Appleton, Darneille, Hunt, Fitzgibbon, Miloscia, Zeiger, Ryu, Stanford, Johnson and Seaquist)

AN ACT Relating to being under the influence with a child in the vehicle; amending RCW 46.61.507 and 9.94A.533; reenacting and amending RCW 46.61.5055; and prescribing penalties.

Referred to Committee on Judiciary.

HB 2304 by Representatives Hudgins, Hunt and Moscoso

AN ACT Relating to transferring the low-level radioactive waste site use permit program from the department of ecology to the department of health; amending RCW 43.200.015, 43.200.080, 43.200.170, 43.200.180, 43.200.190, 43.200.200, 43.200.230, 70.98.030, 70.98.085, 70.98.095, 70.98.098, and 70.98.130; adding a new section to chapter 70.98 RCW; adding a new section to chapter 43.200 RCW; repealing RCW 43.200.210; and providing an effective date.

Referred to Committee on Environment.

ESHB 2330 by House Committee on Health Care & Wellness (originally sponsored by Representatives Cody, Jinkins, Darneille, Pollet, Wylie, Appleton, Goodman, Pedersen, Roberts, Van De Wege, Carlyle, Maxwell, Fitzgibbon, Hudgins, Reykdal, Santos, McCoy, Clibborn, Kagi, Lytton, Moscoso, Springer, Eddy, Liias, Hunt, Moeller, Tharinger, Billig, Kenney, Ryu, Dickerson, Stanford and Ormsby)

AN ACT Relating to preserving health insurance coverage for the voluntary termination of a pregnancy by requiring health plans issued on or after June 7, 2012, that provide coverage for maternity care or services to provide a covered person with substantially equivalent coverage to permit the voluntary termination of a pregnancy, by prohibiting a health plan from limiting in any way a woman's access to services related to the voluntary termination of a pregnancy other than terms and conditions generally applicable to the health plan's coverage of maternity care or services including applicable cost sharing, by not limiting in any way a woman's constitutionally or statutorily protected right to voluntarily terminate a pregnancy, by clarifying that health plans are not required to cover abortions that would be unlawful under RCW 9.02.120, and by providing an exemption for a multistate plan that does not cover the voluntary termination of pregnancies under federal law; adding a new section to chapter 48.43 RCW; and creating a new section.

Referred to Committee on Ways & Means.

ESHB 2341 by House Committee on Health Care & Wellness (originally sponsored by Representatives Jinkins, Cody, Ladenburg, Van De Wege, Green, Reykdal, Moeller, Tharinger, McCoy, Darneille and Hunt)

AN ACT Relating to community benefits provided by hospitals; and adding a new section to chapter 70.41 RCW.

Referred to Committee on Health & Long-Term Care.

HB 2353 by Representatives Liias and Condotta

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AN ACT Relating to allowing lunch breaks for registered tow truck operators while requiring reasonable availability; and amending RCW 46.55.060.

Referred to Committee on Transportation.

ESHB 2372 by House Committee on Transportation (originally sponsored by Representatives Pollet, Kenney, Reykdal, Dickerson, Jinkins, Wylie, Hasegawa, Pettigrew, Billig, Pedersen, Ryu, Fitzgibbon, Darnelle, Blake, Finn, Eddy and Kagi)

AN ACT Relating to tow trucks; amending RCW 46.55.030; adding a new section to chapter 46.55 RCW; and creating a new section.

Referred to Committee on Transportation.

SHB 2375 by House Committee on State Government & Tribal Affairs (originally sponsored by Representatives Appleton and Hunt)

AN ACT Relating to conforming amendments made necessary by reorganizing and streamlining central service functions, powers, and duties of state government; amending RCW 2.68.060, 4.92.100, 4.92.110, 8.26.085, 15.24.086, 15.64.060, 15.65.285, 15.66.280, 15.88.070, 15.89.070, 15.100.080, 15.115.180, 17.15.020, 19.27.097, 19.27.150, 19.27A.020, 19.27A.190, 19.34.100, 19.285.060, 27.34.075, 27.34.410, 27.48.040, 28A.150.530, 28A.335.300, 28B.10.400, 28B.10.405, 28B.10.417, 28B.50.360, 29A.08.785, 29A.12.170, 35.21.779, 35.68.076, 35A.65.010, 36.28A.070, 37.14.010, 39.04.155, 39.04.220, 39.04.290, 39.04.320, 39.04.330, 39.04.370, 39.04.380, 39.10.220, 39.10.420, 39.10.440, 39.24.050, 39.29.006, 39.30.050, 39.32.020, 39.32.040, 39.32.060, 39.35.060, 39.35A.050, 39.35B.040, 39.35C.050, 39.35C.090, 41.04.017, 41.04.220, 41.04.230, 41.04.375, 43.01.090, 43.01.091, 43.01.240, 43.01.250, 43.01.900, 43.15.020, 43.17.050, 43.17.100, 43.17.400, 43.19.533, 43.19.642, 43.19.647, 43.19.648, 43.19.651, 43.19.670, 43.19.682, 43.19.691, 43.19.725, 43.19.727, 43.19.757, 43.19A.040, 43.21F.045, 43.34.080, 43.34.090, 43.41.130, 43.63A.510, 43.70.054, 43.82.010, 43.82.035, 43.82.055, 43.82.130, 43.83.116, 43.83.120, 43.83.136, 43.83.142, 43.83.156, 43.83.176, 43.83.188, 43.83.202, 43.88.090, 43.88.092, 43.88.160, 43.88.350, 43.88.560, 43.96B.215, 43.99G.020, 43.101.080, 43.101.901, 43.105.178, 43.105.340, 43.105.905, 43.320.011, 43.320.012, 43.320.013, 43.320.014, 43.320.015, 43.320.901, 43.325.020, 43.325.030, 43.330.907, 43.331.040, 43.331.050, 44.68.065, 44.73.010, 46.08.065, 46.08.150, 46.08.172, 46.20.037, 47.60.830, 49.74.040, 50.16.020, 70.58.005, 70.94.537, 70.94.551, 70.95.265, 70.95C.110, 70.95H.030, 70.95M.060, 70.105.040, 70.120.210, 70.235.050, 71A.20.190, 72.01.430, 72.09.104, 72.09.450, 77.12.177, 77.12.451, 77.15.100, 79.19.080, 79.24.300, 79.24.530, 79.24.540, 79.24.560, 79.24.570, 79.24.664, 79.24.710, 79.24.720, 79.24.730, 79A.15.010, and 43.131.408; reenacting and amending RCW 42.17A.110 and 43.19.190; repealing RCW 2.36.057, 2.36.0571, 41.06.094, and 43.105.041; and providing an expiration date.

Referred to Committee on Government Operations, Tribal Relations & Elections.

HB 2400 by Representatives Hunt, Hudgins, Upthegrove, Ormsby, Green, Miloscia and Moscoso

AN ACT Relating to cost savings and efficiencies in mailing notices of revocation to habitual traffic offenders; and amending RCW 46.65.065.

Referred to Committee on Transportation.

HB 2401 by Representatives Hunt, Hudgins, Upthegrove, Ormsby, Green and Miloscia

AN ACT Relating to cost savings and efficiencies in mailing notices of possible license suspension for noncompliance with child support orders; and amending RCW 74.20A.320.

Referred to Committee on Human Services & Corrections.

HB 2405 by Representatives Goodman, Rodne, Hurst, Kelley, Pearson, Van De Wege, Fitzgibbon, Ormsby, Hasegawa, Pollet, Miloscia and Blake

AN ACT Relating to ordering offenders convicted of vehicular homicide due to alcohol or drugs to pay child support for the victims' minor children; and amending RCW 9.94A.753.

Referred to Committee on Judiciary.

SHB 2416 by House Committee on Local Government (originally sponsored by Representative Takko)

AN ACT Relating to equitable allocation of auditor costs; and amending RCW 36.18.010.

Referred to Committee on Government Operations, Tribal Relations & Elections.

2SHB 2443 by House Committee on Transportation (originally sponsored by Representatives Goodman, Pedersen, Hurst, Kelley, Blake, Fitzgibbon, Ormsby, Hasegawa and Miloscia)

AN ACT Relating to increasing accountability of persons who drive impaired; amending RCW 2.28.175, 9.94A.475, 9.94A.640, 9.95.210, 9.96.060, 38.52.430, 46.20.308, 46.20.385, 46.20.720, 46.20.745, 46.61.5249, 46.61.540, and 43.43.395; reenacting and amending RCW 46.61.500 and 46.61.5055; adding a new section to chapter 43.43 RCW; prescribing penalties; and providing an effective date.

Referred to Committee on Transportation.

HB 2488 by Representatives Green, Ladenburg, Kelley, Dammeier and Upthegrove

AN ACT Relating to municipally produced class A biosolids; reenacting and amending RCW 15.54.270; and providing an effective date.

Referred to Committee on Environment.

E2SHB 2536 by House Committee on Ways & Means (originally sponsored by Representatives Dickerson, Johnson,

Goodman, Hinkle, Kretz, Pettigrew, Warnick, Cody, Harris, Kenney, Kagi, Darneille, Orwall, Condotta, Ladenburg, Appleton, Jinkins and Maxwell)

AN ACT Relating to the use of evidence-based practices for the delivery of services to children and juveniles; and adding a new chapter to Title 43 RCW.

Referred to Committee on Ways & Means.

ESHB 2570 by House Committee on Public Safety & Emergency Preparedness (originally sponsored by Representatives Goodman, Hurst and Ross)

AN ACT Relating to metal property theft; amending RCW 9A.56.030 and 9A.56.040; creating a new section; prescribing penalties; and providing an expiration date.

Referred to Committee on Judiciary.

ESHB 2571 by House Committee on Health & Human Services Appropriations & Oversight (originally sponsored by Representatives Parker, Cody, Dammeier, Darneille, Alexander, Schmick, Orcutt, Hurst and Kelley)

AN ACT Relating to waste, fraud, and abuse prevention, detection, and recovery to improve program integrity for medical services programs; adding a new chapter to Title 74 RCW; and providing an effective date.

Referred to Committee on Ways & Means.

SHB 2590 by House Committee on Business & Financial Services (originally sponsored by Representatives Bailey and Buys)

AN ACT Relating to extending the expiration of the pollution liability insurance agency's authority and its funding source; amending RCW 70.148.020, 70.148.900, 70.149.900, 82.23A.010, 82.23A.020, and 82.23A.902; and providing expiration dates.

Referred to Committee on Ways & Means.

HB 2604 by Representatives Dickerson and Kenney

AN ACT Relating to transferring the powers, duties, and functions of the developmental disabilities endowment; amending RCW 43.70.733; adding new sections to chapter 43.330 RCW; creating a new section; recodifying RCW 43.70.730, 43.70.731, 43.70.732, 43.70.733, 43.70.734, 43.70.735, 43.70.736, and 43.70.737; and repealing RCW 43.330.906.

Referred to Committee on Ways & Means.

SHB 2605 by House Committee on Capital Budget (originally sponsored by Representative Dunshee)

AN ACT Relating to establishing a water pollution control revolving administration fee; amending RCW 90.50A.010; reenacting and amending RCW 43.84.092; adding a new section to chapter 90.50A RCW; and creating a new section.

Referred to Committee on Environment.

ESHB 2614 by House Committee on Judiciary (originally sponsored by Representatives Kenney, Ryu, Hasegawa and Santos)

AN ACT Relating to assisting homeowners in crisis by providing alternatives, remedies, and assistance; amending RCW 18.86.120, 4.16.040, 61.24.031, 61.24.160, 61.24.163, 61.24.169, 61.24.174, 61.24.030, 61.24.040, 61.24.172, 61.24.010, and 61.24.050; adding a new section to chapter 64.04 RCW; adding a new section to chapter 61.24 RCW; and declaring an emergency.

Referred to Committee on Financial Institutions, Housing & Insurance.

SHB 2615 by House Committee on Local Government (originally sponsored by Representatives Goodman and Kagi)

AN ACT Relating to benefit charges for the enhancement of fire protection services; and adding a new section to chapter 35.13 RCW.

Referred to Committee on Ways & Means.

HB 2624 by Representatives Hunt and Taylor

AN ACT Relating to the administration of medical expense plans for state government retirees; and reenacting and amending RCW 41.04.340.

Referred to Committee on Ways & Means.

SHB 2648 by House Committee on Health & Human Services Appropriations & Oversight (originally sponsored by Representatives Cody, Dickerson, Green and Kenney)

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

Referred to Committee on Health & Long-Term Care.

ESHB 2669 by House Committee on Labor & Workforce Development (originally sponsored by Representatives Ormsby and Moscoso)

AN ACT Relating to enforcing the payment of prevailing wages; and adding a new section to chapter 39.12 RCW.

Referred to Committee on Labor, Commerce & Consumer Protection.

ESHB 2671 by Representatives Takko and Fitzgibbon

AN ACT Relating to clarifying procedures for appealing department of ecology final action on a local shoreline master program by ensuring consistency with existing procedural provisions of the growth management act, chapter 36.70A RCW, the administrative procedure act, chapter 34.05 RCW, and the state environmental policy act, chapter 43.21C RCW; and amending RCW 90.58.190.

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Referred to Committee on Energy, Natural Resources & Marine Waters.

Referred to Committee on Ways & Means.

SHB 2673 by House Committee on Transportation (originally sponsored by Representatives Clibborn, Hunt, Lias, Kenney, Lytton, Green, Probst, Goodman, Dickerson, Ryu, Seaquist, Darneille, Cody, Carlyle, Sullivan, Kirby, Ormsby, Ladenburg, Moscoso, Springer, Hasegawa, Maxwell, Wylie, Tharinger and Pollet)

AN ACT Relating to transportation workforce development; and adding a new section to chapter 47.01 RCW.

Referred to Committee on Transportation.

HB 2697 by Representatives Ormsby and Bailey

AN ACT Relating to membership on city disability boards; and amending RCW 41.26.110.

Referred to Committee on Government Operations, Tribal Relations & Elections.

ESHB 2722 by House Committee on Capital Budget (originally sponsored by Representatives Parker, Dunshee, Warnick, Zeiger, Angel and Santos)

AN ACT Relating to surplus property; and amending RCW 43.82.010.

Referred to Committee on Ways & Means.

SHB 2733 by House Committee on Transportation (originally sponsored by Representatives Jinkins, Uptegrove and Clibborn)

AN ACT Relating to rates and charges for storm water control facilities; amending RCW 90.03.525; and providing an effective date.

Referred to Committee on Transportation.

HB 2735 by Representatives Wylie, Zeiger and Dunshee

AN ACT Relating to intermediate capital projects and minor works; and amending RCW 43.88.110.

Referred to Committee on Ways & Means.

HB 2738 by Representatives Bailey and Ormsby

AN ACT Relating to modifying the membership of the select committee on pension policy; and amending RCW 41.04.276.

Referred to Committee on Ways & Means.

SHB 2757 by House Committee on Ways & Means (originally sponsored by Representative Moeller)

AN ACT Relating to establishing the center for childhood deafness and hearing loss account and the school for the blind account; amending RCW 43.79A.040; and adding new sections to chapter 72.40 RCW.

HB 2758 by Representatives Hunter and Alexander

AN ACT Relating to strengthening the department of revenue's ability to collect spirits taxes imposed under RCW 82.08.150; amending RCW 82.03.190, 66.24.010, 66.08.150, 34.05.422, and 82.32.145; reenacting and amending RCW 82.32.080; adding a new section to chapter 82.08 RCW; adding a new section to chapter 66.28 RCW; creating a new section; and declaring an emergency.

Referred to Committee on Labor, Commerce & Consumer Protection.

EHB 2771 by Representatives Pettigrew, Cody and Springer

AN ACT Relating to employer and employee relationships under the state retirement systems; amending RCW 41.26.030, 41.32.010, and 41.40.010; reenacting and amending RCW 41.35.010 and 41.37.010; adding a new section to chapter 41.04 RCW; and creating a new section.

Referred to Committee on Ways & Means.

MOTION

Senator Frockt moved that the measures listed on the Introduction and First Reading report be referred to the committees as designated.

POINT OF ORDER

Senator Padden: "Under Rule 16 and Article II, Section 8 of the Constitution, I would ask if there is a quorum present to conduct business?"

REPLY BY THE PRESIDENT

President Owen: "There are twenty-five members. There is a quorum."

The motion by Senator Frockt carried by a voice vote.

PERSONAL PRIVILEGE

Senator Conway: "You know I wanted to, last year when I did my maiden speech I made available to all, open invitation to the festivities of the grand opening of the LeMay Museum. That grand opening will be held the first of June this year but we're going to have an opportunity for a preview of that museum and you all have received an invitation in my office and I just wanted to kind of re invite you to come down. Having had the opportunity to tour this museum, it's an exciting museum and we planned it between three and five on Friday because many of you will be on your way to town meetings going north, especially those of you living north and we wanted to re invite you to come and join us. This is an exciting museum and an opportunity for you to get a preview. This LeMay auto collection as many of you know is one of the best collections in the world of old cars and the museum is a great place and the construction of this museum and the size of this museum makes it a great place to display these cars. Please join us, if you have the opportunity on Friday, and see the museum up front before its grand opening. Thank you."

## MOTION

At 10:28 p.m., on motion of Senator Frockt, the Senate adjourned until 12:00 noon, Thursday, February 16, 2012.

BRAD OWEN, President of the Senate

THOMAS HOEMANN, Secretary of the Senate



**THIRTY NINTH DAY**

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NOON SESSION

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Senate Chamber, Olympia, Thursday, February 16, 2012

The Senate was called to order at 12:00 noon by the President Owen. No roll call was taken.

MOTION

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

MOTION

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

REPORTS OF STANDING COMMITTEES

February 15, 2012

SB 6262 Prime Sponsor, Senator Parlette: Implementing the recommendations of the commission on state debt. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 6262 be substituted therefor, and the substitute bill do pass. Signed by Senators Murray, Chair; Kilmer, Vice Chair, Capital Budget Chair; Parlette; Fraser; Harper; Hatfield; Hewitt; Honeyford; Kastama; Kohl-Welles; Padden; Regala; Schoesler and Tom.

Passed to Committee on Rules for second reading.

February 15, 2012

HB 1486 Prime Sponsor, Representative Green: Authorizing Washington pharmacies to fill prescriptions written by advanced registered nurse practitioners in other states. Reported by Committee on Health & Long-Term Care

MAJORITY recommendation: Do pass. Signed by Senators Keiser, Chair; Conway, Vice Chair; Becker; Frockt; Kline; Parlette and Pridemore.

Passed to Committee on Rules for second reading.

February 15, 2012

EHB 2186 Prime Sponsor, Representative Bailey: Concerning licensed midwives ability to work with registered nurses and licensed practical nurses. Reported by Committee on Health & Long-Term Care

MAJORITY recommendation: Do pass. Signed by Senators Keiser, Chair; Conway, Vice Chair; Becker; Frockt; Kline; Parlette and Pridemore.

Passed to Committee on Rules for second reading.

February 15, 2012

SHB 2188 Prime Sponsor, Committee on Business & Financial Services: Regulating air rescue or evacuation services. Reported by Committee on Financial Institutions, Housing & Insurance

MAJORITY recommendation: Do pass. Signed by Senators Hobbs, Chair; Prentice, Vice Chair; Fain; Haugen and Keiser.

Passed to Committee on Rules for second reading.

February 15, 2012

HB 2235 Prime Sponsor, Representative Kirby: Revising franchise investment protection provisions. Reported by Committee on Financial Institutions, Housing & Insurance

MAJORITY recommendation: Do pass. Signed by Senators Hobbs, Chair; Prentice, Vice Chair; Fain; Haugen and Keiser.

Passed to Committee on Rules for second reading.

February 15, 2012

SHB 2255 Prime Sponsor, Committee on Business & Financial Services: Concerning nondepository institutions regulated by the department of financial institutions. Reported by Committee on Financial Institutions, Housing & Insurance

MAJORITY recommendation: Do pass. Signed by Senators Hobbs, Chair; Prentice, Vice Chair; Fain; Haugen and Keiser.

Passed to Committee on Rules for second reading.

February 15, 2012

SHB 2261 Prime Sponsor, Committee on Judiciary: Providing limited immunity for organizations making charitable donations of eye glasses or hearing instruments. Reported by Committee on Health & Long-Term Care

MAJORITY recommendation: Do pass. Signed by Senators Keiser, Chair; Conway, Vice Chair; Becker; Frockt; Kline; Parlette and Pridemore.

Passed to Committee on Rules for second reading.

February 15, 2012

HB 2306 Prime Sponsor, Representative Hinkle: Authorizing the presentation of claims for payment for pathology services to direct patient-provider primary care practices. Reported by Committee on Health & Long-Term Care

MAJORITY recommendation: Do pass. Signed by Senators Keiser, Chair; Conway, Vice Chair; Becker; Frockt; Kline; Parlette and Pridemore.

Passed to Committee on Rules for second reading.

February 15, 2012

HB 2523 Prime Sponsor, Representative Bailey: Regulating insurers and insurance products. Reported by Committee on Financial Institutions, Housing & Insurance

MAJORITY recommendation: Do pass. Signed by Senators Hobbs, Chair; Prentice, Vice Chair; Fain; Haugen and Keiser.

Passed to Committee on Rules for second reading.

REPORTS OF STANDING COMMITTEES  
GUBERNATORIAL APPOINTMENTS

February 15, 2012

SGA 9163 ELIZABETH K JENSEN, appointed on March 30, 2011, for the term ending January 19, 2015, as Member of the Board of Pharmacy. Reported by Committee on Health & Long-Term Care

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Keiser, Chair; Conway, Vice Chair; Frockt; Kline and Pridemore.

MINORITY recommendation: That said appointment be referred without recommendation. Signed by Senators Becker and Parlette.

Passed to Committee on Rules for second reading.

February 15, 2012

SGA 9166 DONNA J FEILD, appointed on March 30, 2011, for the term ending January 19, 2015, as Member of the Board of Pharmacy. Reported by Committee on Health & Long-Term Care

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Keiser, Chair; Conway, Vice Chair; Frockt; Kline and Pridemore.

MINORITY recommendation: That said appointment be referred without recommendation. Signed by Senators Becker and Parlette.

Passed to Committee on Rules for second reading.

MOTION

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

MOTION

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

MESSAGE FROM THE HOUSE

February 15, 2012

MR. PRESIDENT:

The House has adopted:

HOUSE CONCURRENT RESOLUTION NO. 4410.  
and the same is herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

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

INTRODUCTION AND FIRST READING

SB 6598 by Senators Ericksen, Haugen, Holmquist Newbry, Harper, Rolles, King, Becker, Hatfield, Morton, Litzow, Schoesler and Hewitt

AN ACT Relating to property tax exemptions for nonprofit fair associations in rural counties; amending RCW 84.36.480; reenacting and amending RCW 84.36.805; and providing an expiration date.

Referred to Committee on Ways & Means.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

SHB 1559 by House Committee on Judiciary (originally sponsored by Representatives Haigh, Dammeier and Goodman)

AN ACT Relating to indemnification agreements involving design professionals; and amending RCW 4.24.115.

Referred to Committee on Labor, Commerce & Consumer Protection.

HB 2257 by Representatives Takko, Armstrong, Clibborn, Johnson, Springer, Ryu, Kristiansen, Rivers and Billig

AN ACT Relating to changing the expiration date of the current allowable vehicle documentary service charge; and amending RCW 46.70.180.

Referred to Committee on Transportation.

E2SHB 2264 by House Committee on Ways & Means (originally sponsored by Representatives Kagi, Walsh, Hinkle, Carlyle, Darneille, Jinkins, Roberts, Dickerson and Ryu)

AN ACT Relating to performance-based contracting for certain services provided to children and families in the child welfare system; amending RCW 74.13.360, 74.13.370, 74.13.368, and 74.13.372; reenacting and amending RCW 74.13.020; adding a new chapter to Title 74 RCW; and providing an expiration date.

Referred to Committee on Ways & Means.

ESHB 2318 by House Committee on Health Care & Wellness (originally sponsored by Representatives Cody, Hinkle, Bailey and Jinkins)

AN ACT Relating to shared decision making; and amending RCW 7.70.060.

Referred to Committee on Health & Long-Term Care.

EHB 2328 by Representatives Dammeier, Haigh and Hunt

AN ACT Relating to job order contracting; and amending RCW 39.10.420, 39.10.450, 39.10.460, and 43.131.408.

Referred to Committee on Government Operations, Tribal Relations & Elections.

HB 2343 by Representatives Cody and Schmick

AN ACT Relating to authorization of electronic communication of prescription information for controlled

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substances; and amending RCW 69.50.101, 69.50.308, and 69.50.312.

Referred to Committee on Health & Long-Term Care.

HB 2420 by Representatives Cody, Roberts and Upthegrove

AN ACT Relating to a study and report concerning direct practices that the office of the insurance commissioner must provide to the legislature; and repealing RCW 48.150.120.

Referred to Committee on Health & Long-Term Care.

HB 2441 by Representatives Bailey and Alexander

AN ACT Relating to limiting the impact of excess compensation on state retirement system contribution rates; and amending RCW 41.50.150.

Referred to Committee on Ways & Means.

HB 2471 by Representatives Goodman, Chandler, Blake, Shea, Takko, McCune and Upthegrove

AN ACT Relating to the criminal background check and other requirements applicable to the purchase and transfer of firearms; and amending RCW 9.41.090.

Referred to Committee on Judiciary.

E2SHB 2501 by House Committee on General Government Appropriations & Oversight (originally sponsored by Representatives Green, Cody, Jinkins, Ryu, Lytton, Sells, Reykdal, Kirby, Van De Wege, Moeller, Darneille, Miloscia, Santos and Roberts)

AN ACT Relating to mandatory overtime for employees of health care facilities; and amending RCW 49.28.130 and 49.28.140.

Referred to Committee on Labor, Commerce & Consumer Protection.

ESHB 2510 by House Committee on Judiciary (originally sponsored by Representatives Kagi, Walsh, Pedersen, Orwall, Jinkins, Dickerson, Ryu, Van De Wege, Darneille and Roberts)

AN ACT Relating to limiting government liability during preshelter care investigations of child abuse or neglect; amending RCW 26.44.010; adding a new section to chapter 4.24 RCW; and adding a new section to chapter 26.44 RCW.

Referred to Committee on Human Services & Corrections.

3SHB 2585 by House Committee on Ways & Means (originally sponsored by Representatives Springer, Haler, Eddy, Seaquist and Zeiger)

AN ACT Relating to creating efficiencies for institutions of higher education; amending RCW 43.88.160, 41.06.157, 41.04.240, and 43.88.150; reenacting and amending RCW 28B.10.029 and 28B.15.031; and creating a new section.

Referred to Committee on Ways & Means.

E2SHB 2587 by House Committee on Capital Budget (originally sponsored by Representatives Carlyle, Haler, Fitzgibbon, Jinkins, Asay, Dunshee, Lytton, Ormsby, Warnick, Walsh, Pettigrew, Kenney and Santos)

AN ACT Relating to a competitive grant program for arts and cultural facilities; and amending RCW 43.63A.750.

Referred to Committee on Ways & Means.

SHB 2607 by House Committee on Ways & Means (originally sponsored by Representatives Alexander, Hunter, Dammeier, Bailey, Parker, Angel, Kristiansen, Ross, Warnick, Seaquist, Haler, Finn, Rivers, Kelley, Dahlquist, Carlyle, Harris, Taylor, Buys, Wilcox, McCune, Orcutt, Zeiger and Shea)

AN ACT Relating to requiring a six-year budget outlook tied to existing revenues; and adding a new section to chapter 43.88 RCW.

Referred to Committee on Ways & Means.

HCR 4410 by Representatives Sullivan, Kretz, Maxwell and Santos

Establishing a joint select committee to address school funding.

MOTION

On motion of Senator Eide, all measures listed on the Introduction and First Reading report were referred to the committees as designated with the exception of House Bill No. 2420, which was referred to the Committee on Health & Long-Term Care; Engrossed Substitute House Bill No. 2501, which was referred to the Committee on Labor, Commerce & Consumer Protection; House Concurrent Resolution No. 4410 was placed on the second reading calendar under suspension of the rules.

MOTION

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

MOTION

Senator Morton moved adoption of the following resolution:

SENATE RESOLUTION  
8672

By Senators Morton and Honeyford

WHEREAS, British Columbia and Washington State share a border, many natural resources, and geological and geographic similarities; and

WHEREAS, British Columbia and Washington State often work together to achieve mutual goals, including British Columbia working together with Whatcom county and other northern counties to secure and streamline the border crossing and transportation throughout the region; and

WHEREAS, The paramount duty of Washington State is the education of our youth in order to prepare them to be our leaders in the future; and

WHEREAS, British Columbia recognizes the importance and value of quality civic education; and

WHEREAS, The Legislative Assembly of British Columbia and Washington State Legislature sponsor nationally renowned internship programs meant to educate interns and promote political awareness; and

WHEREAS, Washington State undergraduate interns spend their winter quarter or spring semester working in Olympia with staff and members of the Washington State Senate or House of Representatives; and

WHEREAS, In addition to their office work, interns participate in weekly academic seminars and workshops learning about the process of a representative democracy with a bicameral legislature; and

WHEREAS, The British Columbia Legislative Internship Program offers an opportunity to university graduates to supplement their academic training by observing the daily workings of the Legislative Assembly firsthand; and

WHEREAS, Interns acquire skills and knowledge that they can apply to chosen careers and future life experiences, which will further contribute to a greater public understanding and appreciation of parliamentary government; and

WHEREAS, Part of the internship experience for both programs includes participating in a shadowing exercise where the intern observes a particular organization, office, or aspect of government the intern is interested in learning more about; and

WHEREAS, An exchange program is one of these shadowing opportunities by which British Columbia interns can visit the state capital in Olympia and Washington State interns can visit the provincial capital in Victoria; and

WHEREAS, For the ninth year, British Columbia and Washington State legislative interns have participated in this exchange program to explore and learn about the history and government processes of a different legislative body; and

WHEREAS, We welcome the British Columbia legislative interns to the Washington State Legislature and commend their numerous academic achievements and passion for government;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate honor the hardworking and dedicated British Columbia Legislative interns: Kristian Arciaga, Derek Csath, Leila Farmer, Jacob Helliwell, Paul Krawus, Carly Lewis, Ian Madison, Ella Rebalski, Matthew Scarr, and Colin Whelan, as well as British Columbia Legislative Intern Program facilitators: Karen Aitken and Jennifer Ives, and extend our deepest gratitude to our own legislative intern coordinators: Judi Best and Samantha Barrera for bringing together such excellent programs; and

BE IT FURTHER RESOLVED, That the Senate of the State of Washington hereby honor, thank, and celebrate the British Columbia Legislative Internship Program participants here today.

Senator Morton spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8672.

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

#### MOTION

Senator Honeyford moved adoption of the following resolution:

#### SENATE RESOLUTION 8682

By Senator Honeyford

WHEREAS, The Goldendale Community Library marks its 100th year of service to its community this year; and

WHEREAS, The library is the oldest one in the district, and even before the library had a building to call its own, the staff of the library began providing services to the community in 1912 by hand-delivering crates of books to ranches and schools; and

WHEREAS, The Goldendale Women's Association spent two years acquiring the land and financial grants needed to construct the library building; and

WHEREAS, The library was given a Carnegie Grant in order to fund the building's construction; and

WHEREAS, The library serves the members of the Goldendale community, and approximately 80 percent of that community has a library card, with an average 50 new cards being issued each month; and

WHEREAS, Many programs are offered for the community, including a free Adult Literacy Program run by volunteers that helps adults develop important life skills; and

WHEREAS, The library offers many community services, such as allowing free use of the Camplan room to display artwork for local artists and to allow groups and organizations from the community to use as a meeting room; and

WHEREAS, The library also provides computers and wi-fi access to the public, offers one-on-one free classes for senior citizens on computer and internet usage, and offers over 210 different programs throughout the year; and

WHEREAS, The library had over 78,000 visitors last year, and in addition to these visitors, a bookmobile remains active and delivers books to 26 different communities around Goldendale three times a week; and

WHEREAS, A levy passed in 2010 gave the library funds to acquire new books and clear out outdated ones, and now the library contains over 30,000 books, videos, and audio cassettes;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate thank the Goldendale Community Library for providing 100 years of service to the Goldendale community.

Senator Honeyford spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8682.

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

#### MOTION

Senator McAuliffe moved adoption of the following resolution:

#### SENATE RESOLUTION 8687

By Senators McAuliffe, Regala, Chase, Prentice, Fain, Keiser, Baumgartner, Holmquist Newbry, Hewitt, Hill, Conway, Murray, and King

WHEREAS, Catholic schools celebrate Catholic Schools Week 2012 with the theme: Catholic Schools: Faith. Academics. Service; and

WHEREAS, The week focuses on three priorities that Catholic schools establish: Helping each child reach his or her potential through high standards in academics, through learning the basics of faith, and through service, the giving of one's time and effort to help others, both as an expression of faith and good citizenship; and

THIRTY NINTH DAY, FEBRUARY 16, 2012

WHEREAS, A quality education is the foundation of a child's future and this week recognizes one of the many types of education choices available to our children; and

WHEREAS, With an emphasis on academic excellence and moral values, Catholic schools and their students attain high achievement, including high school graduation rates of more than ninety-nine percent; and

WHEREAS, Catholic education is an integral part of the mission of the Catholic Church, and its strong commitment to students and educational excellence is of great value to Washington State; and

WHEREAS, The 7,800 Catholic schools in the United States, both elementary and secondary, save almost twenty billion dollars a year in public school expenses; and

WHEREAS, Washington State has 27,000 students of diverse backgrounds in ninety-three Catholic schools; and

WHEREAS, Catholic schools encourage and prepare students to obtain high levels of achievement through religious, academic, and cocurricular programs; and

WHEREAS, With a commitment to service, Catholic schools have produced many of our state's and our nation's finest leaders, including members of this legislature;

NOW, THEREFORE, BE IT RESOLVED, That the Senate recognize the Catholic schools of Washington State and honor their academic excellence and faith-based instruction during the celebration of Catholic Schools Week, January 29 through February 5, 2012; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to the school departments at the Archdiocese of Seattle, the Diocese of Spokane, the Diocese of Yakima, and the Washington State Catholic Conference.

Senator McAuliffe spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8687.

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

#### MOTION

At 12:12 p.m., on motion of Senator Eide, the Senate adjourned until 10:00 a.m. Friday, February 17, 2012.

BRAD OWEN, President of the Senate

THOMAS HOEMANN, Secretary of the Senate

## FORTIETH DAY

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MORNING SESSION

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Senate Chamber, Olympia, Friday, February 17, 2012

The Senate was called to order at 10:00 a.m. by the President Pro Tempore. No roll call was taken.

The Sergeant at Arms Color Guard consisting of Pages Zachary Teply and Zachary Vaishampayan, presented the Colors. Senator Morton offered the prayer.

## MOTION

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

## MOTION

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

## REPORTS OF STANDING COMMITTEES

February 16, 2012

SHB 1073 Prime Sponsor, Committee on Judiciary: Authorizing persons designated by the decedent to direct disposition, if the decedent died while serving on active duty in any branch of the United States armed forces, United States reserve forces, or national guard. Reported by Committee on Government Operations, Tribal Relations & Elections

MAJORITY recommendation: Do pass. Signed by Senators Pridemore, Chair; Prentice, Vice Chair; Swecker; Chase; Nelson and Roach.

Passed to Committee on Rules for second reading.

February 16, 2012

HB 1207 Prime Sponsor, Representative Overstreet: Complying with the constitutional requirement to set a starting time for regular legislative sessions. Reported by Committee on Government Operations, Tribal Relations & Elections

MAJORITY recommendation: Do pass. Signed by Senators Pridemore, Chair; Prentice, Vice Chair; Swecker; Chase; Nelson and Roach.

Passed to Committee on Rules for second reading.

February 16, 2012

EHB 1234 Prime Sponsor, Representative Moscoso: Addressing law enforcement crime prevention efforts regarding security alarm systems and crime watch programs for residential and commercial locations. Reported by Committee on Government Operations, Tribal Relations & Elections

MAJORITY recommendation: Do pass. Signed by Senators Pridemore, Chair; Prentice, Vice Chair; Swecker; Chase; Nelson and Roach.

Passed to Committee on Rules for second reading.

February 16, 2012

SHB 1470 Prime Sponsor, Committee on Education: Regarding access to K-12 campuses for occupational or educational information. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: Do pass. Signed by Senators McAuliffe, Chair; Rolfes, Vice Chair; Litzow; Fain; Harper; Hill; King and Tom.

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

Passed to Committee on Rules for second reading.

February 16, 2012

SHB 1518 Prime Sponsor, Committee on State Government & Tribal Affairs: Authorizing pretax payroll deductions for qualified transit and parking benefits. Reported by Committee on Government Operations, Tribal Relations & Elections

MAJORITY recommendation: Do pass as amended. Signed by Senators Pridemore, Chair; Prentice, Vice Chair; Swecker; Chase; Nelson and Roach.

Passed to Committee on Rules for second reading.

February 16, 2012

HB 1669 Prime Sponsor, Representative Santos: Regarding the educational opportunity gap. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: Do pass as amended. Signed by Senators McAuliffe, Chair; Rolfes, Vice Chair; Litzow; Eide; Harper; Nelson and Tom.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Fain; Hill and King.

Passed to Committee on Rules for second reading.

February 16, 2012

SHB 2056 Prime Sponsor, Committee on Health Care & Wellness: Concerning assisted living facilities. Reported by Committee on Health & Long-Term Care

MAJORITY recommendation: Do pass. Signed by Senators Keiser, Chair; Conway, Vice Chair; Becker; Carrell; Kline; Parlette and Pridemore.

Passed to Committee on Rules for second reading.

February 16, 2012

HB 2213 Prime Sponsor, Representative Chandler: Modifying certain definitions for the purpose of firefighting services for unprotected lands. Reported by Committee on Government Operations, Tribal Relations & Elections

MAJORITY recommendation: Do pass. Signed by Senators Pridemore, Chair; Prentice, Vice Chair; Swecker; Chase; Nelson and Roach.

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Passed to Committee on Rules for second reading.

February 16, 2012

HB 2232 Prime Sponsor, Representative McCoy: Establishing a government-to-government relationship between state government and federally recognized Indian tribes. Reported by Committee on Government Operations, Tribal Relations & Elections

MAJORITY recommendation: Do pass. Signed by Senators Pridemore, Chair; Prentice, Vice Chair; Swecker; Chase and Nelson.

Passed to Committee on Rules for second reading.

February 16, 2012

ESHB 2233 Prime Sponsor, Committee on State Government & Tribal Affairs: Creating a procedure for the state's retrocession of civil and criminal jurisdiction over Indian tribes and Indian country. Reported by Committee on Government Operations, Tribal Relations & Elections

MAJORITY recommendation: Do pass as amended. Signed by Senators Pridemore, Chair; Prentice, Vice Chair; Swecker; Chase and Nelson.

Passed to Committee on Rules for second reading.

February 16, 2012

HB 2285 Prime Sponsor, Representative Hunt: Making technical corrections to campaign finance laws. Reported by Committee on Government Operations, Tribal Relations & Elections

MAJORITY recommendation: Do pass. Signed by Senators Pridemore, Chair; Prentice, Vice Chair; Swecker; Chase; Nelson and Roach.

Passed to Committee on Rules for second reading.

February 16, 2012

HB 2339 Prime Sponsor, Representative Sells: Providing unemployment insurance benefit charging relief for part-time employers who continue to employ a claimant on a part-time basis and the claimant qualified for two consecutive claims with wages attributable to at least one employer who employed the claimant in both base years. Reported by Committee on Labor, Commerce & Consumer Protection

MAJORITY recommendation: Do pass. Signed by Senators Kohl-Welles, Chair; Conway, Vice Chair; Holmquist Newbry; King; Hewitt; Keiser and Kline.

Passed to Committee on Rules for second reading.

February 16, 2012

ESHB 2344 Prime Sponsor, Committee on Labor & Workforce Development: Authorizing certain corporate officers to receive unemployment benefits. Reported by Committee on Labor, Commerce & Consumer Protection

MAJORITY recommendation: Do pass. Signed by Senators Kohl-Welles, Chair; Conway, Vice Chair; Holmquist Newbry; King; Hewitt; Keiser and Kline.

Passed to Committee on Rules for second reading.

February 16, 2012

SHB 2439 Prime Sponsor, Committee on Health Care & Wellness: Allowing persons satisfying physical therapy clinical education requirements to be exempt from licensure while under the direct supervision of a licensed physical therapist assistant. Reported by Committee on Health & Long-Term Care

MAJORITY recommendation: Do pass. Signed by Senators Keiser, Chair; Conway, Vice Chair; Becker; Carrell; Kline; Parlette and Pridemore.

Passed to Committee on Rules for second reading.

February 16, 2012

HB 2485 Prime Sponsor, Representative Probst: Authorizing school districts to use electronic formats for warrants. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: Do pass as amended. Signed by Senators McAuliffe, Chair; Rolfes, Vice Chair; Litzow; Eide; Fain; Harper; Hill; King; Nelson and Tom.

Passed to Committee on Rules for second reading.

February 16, 2012

SHB 2491 Prime Sponsor, Committee on Labor & Workforce Development: Addressing when predecessor-successor relationships do not exist for purposes of unemployment experience rating. Reported by Committee on Labor, Commerce & Consumer Protection

MAJORITY recommendation: Do pass. Signed by Senators Kohl-Welles, Chair; Conway, Vice Chair; Holmquist Newbry; King; Hewitt; Keiser and Kline.

Passed to Committee on Rules for second reading.

February 16, 2012

SHB 2608 Prime Sponsor, Committee on Early Learning & Human Services: Requiring the department of early learning to develop state early learning guidelines. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: Do pass. Signed by Senators McAuliffe, Chair; Rolfes, Vice Chair; Litzow; Eide; Fain; Harper; Hill; King; Nelson and Tom.

Passed to Committee on Rules for second reading.

February 16, 2012

HB 2758 Prime Sponsor, Representative Hunter: Strengthening the department of revenue's ability to collect spirits taxes imposed under RCW 82.08.150. Reported by Committee on Labor, Commerce & Consumer Protection

MAJORITY recommendation: Do pass. Signed by Senators Kohl-Welles, Chair; Conway, Vice Chair; Holmquist Newbry; King; Hewitt; Keiser and Kline.

Passed to Committee on Rules for second reading.

REPORTS OF STANDING COMMITTEES  
GUBERNATORIAL APPOINTMENTS

February 16, 2012

SGA 9053 STEPHEN L JOHNSON, appointed on May 1, 2009, for the term ending February 28, 2015, as Member of the Board of Tax Appeals. Reported by Committee on Ways & Means

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Murray, Chair; Kilmer, Vice Chair, Capital Budget Chair; Parlette; Baumgartner; Brown; Conway; Fraser; Harper; Hatfield; Hewitt; Honeyford; Keiser; Kohl-Welles; Padden; Regala; Schoesler and Tom.

Passed to Committee on Rules for second reading.

February 16, 2012

SGA 9277 BRAD FLAHERTY, appointed on January 12, 2012, for the term ending at the governor's pleasure, as Director of the Department of Revenue. Reported by Committee on Ways & Means

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Murray, Chair; Kilmer, Vice Chair, Capital Budget Chair; Parlette; Brown; Conway; Fraser; Harper; Hatfield; Hewitt; Honeyford; Keiser; Kohl-Welles; Padden; Regala; Schoesler and Tom.

MINORITY recommendation: That said appointment not be confirmed. Signed by Senator Baumgartner.

Passed to Committee on Rules for second reading.

MOTION

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

MOTION

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

INTRODUCTION AND FIRST READING

SB 6599 by Senators Haugen, King, Prentice, Conway, Eide, Hargrove, Swecker and Hill

AN ACT Relating to permitting for the replacement of certain elements of the state route number 520 Evergreen Point bridge; amending RCW 90.58.140; creating a new section; providing an expiration date; and declaring an emergency.

Referred to Committee on Transportation.

MOTION

On motion of Senator Frockt, the measure listed on the Introduction and First Reading report was referred to the committee as designated.

MOTION

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

MOTION

Senator Rolfes moved adoption of the following resolution:

SENATE RESOLUTION

8686

By Senators Fraser, Parlette, Haugen, Sheldon, Kilmer, Kastama, Murray, Ericksen, Frockt, Shin, Nelson, Delvin, Ranker, Pridemore, Fain, Hobbs, Stevens, Rolfes, Conway, Prentice, Keiser, King, Chase, Regala, Eide, Swecker, Schoesler, Morton, Benton, Holmquist Newbry, Padden, Honeyford, Litzow, Roach, Brown, Becker, Baumgartner, Hewitt, Kohl-Welles, Kline, Harper, Hargrove, Hill, Hatfield, Tom, Pflug, and Zarelli

WHEREAS, March 12, 2012, marks the Centennial Anniversary of Girl Scouts of the United States of America. For 100 years, Girl Scouting has helped build millions of girls and women of courage, confidence, and character who make the world a better place; and, further, advances research, policy, and programmatic expertise on girls' behalf; and

WHEREAS, Girl Scouts USA has declared 2012 the Year of the Girl and launched a new initiative dedicated to girls' leadership; and the award winning Girl Scout Leadership Program helps girls contribute to society as leaders, thinkers, and responsible citizens; and

WHEREAS, Core programs around Science, Technology, Engineering, and Math (STEM), environmental stewardship, healthy living, financial literacy, and global citizenship help girls develop a solid foundation in leadership; and

WHEREAS, Today, Girl Scouts in Washington state reaches a diverse and plural constituency of 34,000 girls, and ensures access for all regardless of their financial circumstances; and a dedicated network of thousands of volunteers share their diverse backgrounds, abilities, and areas of expertise to support our girls across the state;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate commend the Girl Scouts for its 100th Year Anniversary and its 2012 Year of the Girl initiative and for its mission to raise girls of courage, confidence, and character who make the world a better place.

Senators Rolfes, Becker, Kohl-Welles and King spoke in favor of adoption of the resolution.

The President Pro Tempore declared the question before the Senate to be the adoption of Senate Resolution No. 8686.

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

INTRODUCTION OF SPECIAL GUESTS

The President Pro Tempore welcomed and introduced Catherine Gelbrand, Chair of the Board of Directors of Girl Scouts of Western Washington (GSWW); Cynthia Lanners, Board Member representing Community Volunteers, GSWW; and other distinguished representatives of the Girl Scouts of Washington who were seated in the gallery.

MOTION

At 10:19 a.m., on motion of Senator Frockt, the Senate adjourned until 12:00 noon, Monday, February 20, 2012.



FORTIETH DAY, FEBRUARY 17, 2012

2012 REGULAR SESSION

BRAD OWEN, President of the Senate

THOMAS HOEMANN, Secretary of the Senate

**FORTY THIRD DAY**

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NOON SESSION

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Senate Chamber, Olympia, Monday, February 20, 2012

The Senate was called to order at 12:00 noon by President Owen. No roll call was taken.

MOTION

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

MOTION

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

REPORTS OF STANDING COMMITTEES

February 16, 2012

ESHB 2223 Prime Sponsor, Committee on Technology, Energy & Communications: Regarding the effective date of RCW 19.122.130, from the underground utility damage prevention act. Reported by Committee on Energy, Natural Resources & Marine Waters

MAJORITY recommendation: Do pass. Signed by Senators Ranker, Chair; Regala, Vice Chair; Delvin; Morton; Fraser; Hargrove; Murray; Stevens and Swecker.

Passed to Committee on Rules for second reading.

February 16, 2012

HB 2244 Prime Sponsor, Representative Hargrove: Concerning the liability of landowners for unintentional injuries that result from certain public or private airstrip operations. Reported by Committee on Energy, Natural Resources & Marine Waters

MAJORITY recommendation: Do pass. Signed by Senators Ranker, Chair; Regala, Vice Chair; Delvin; Morton; Fraser; Hargrove; Murray; Stevens and Swecker.

Passed to Committee on Rules for second reading.

February 16, 2012

HB 2329 Prime Sponsor, Representative Takko: Replacing encumbered state forest lands for the benefit of multiple participating counties. Reported by Committee on Energy, Natural Resources & Marine Waters

MAJORITY recommendation: Do pass. Signed by Senators Ranker, Chair; Regala, Vice Chair; Delvin; Morton; Fraser; Hargrove; Murray; Stevens and Swecker.

Passed to Committee on Rules for second reading.

February 16, 2012

SHB 2422 Prime Sponsor, Committee on Technology, Energy & Communications: Supporting the development of aviation biofuels production. Reported by Committee on Energy, Natural Resources & Marine Waters

MAJORITY recommendation: Do pass. Signed by Senators Ranker, Chair; Regala, Vice Chair; Delvin; Morton; Fraser; Hargrove; Murray; Stevens and Swecker.

Passed to Committee on Rules for second reading.

February 16, 2012

HB 2440 Prime Sponsor, Representative Wilcox: Authorizing the department of natural resources to provide wildfire protection services for public lands managed by state agencies. Reported by Committee on Energy, Natural Resources & Marine Waters

MAJORITY recommendation: Do pass. Signed by Senators Ranker, Chair; Regala, Vice Chair; Delvin; Morton; Fraser; Hargrove; Murray; Stevens and Swecker.

Passed to Committee on Rules for second reading.

February 16, 2012

ESHB 2664 Prime Sponsor, Committee on Technology, Energy & Communications: Concerning the voluntary option to purchase qualified energy resources. Reported by Committee on Energy, Natural Resources & Marine Waters

MAJORITY recommendation: Do pass. Signed by Senators Ranker, Chair; Regala, Vice Chair; Delvin; Morton; Fraser; Hargrove; Murray; Stevens and Swecker.

Passed to Committee on Rules for second reading.

MOTION

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

MOTION

On motion of Senator Eide, the Senate advanced to the third order of business.

MESSAGE FROM THE GOVERNOR  
GUBERNATORIAL APPOINTMENTS

February 17, 2012

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following reappointment, subject to your confirmation.

Bruce Montgomery, reappointed January 24, 2012, for the term ending October 1, 2015, as Member of The Life Sciences Discovery Fund Authority Board of Trustees.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Labor, Commerce & Consumer Protection.

MOTION

FORTY THIRD DAY, FEBRUARY 20, 2012

2012 REGULAR SESSION

On motion of Senator Eide, the appointee listed on the gubernatorial appointment report was referred to the committee as designated.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8690.

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

MOTION

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

MOTION

Senator Roach moved adoption of the following resolution:

MOTION

SENATE RESOLUTION  
8677

Senator Chase moved adoption of the following resolution:

By Senator Roach

SENATE RESOLUTION  
8690

By Senators Chase, Shin, Harper, Nelson, Pridemore, and Frockt

WHEREAS, Civic education is the foundation for an educated citizenry and a representative democracy; and

WHEREAS, In order to adequately prepare our state's youth for meaningful participation in our democratic institutions and processes, it is important to have strong educational resources aimed at teaching students and the public about the fragile nature of our Constitution; and

WHEREAS, Civic education is part of the fabric of our country and for all students in our public schools; and

WHEREAS, Civic education is a vital tool to promote greater understanding of the role of legislators in a representative democracy and the legislative process; and

WHEREAS, By gathering educators in the state capitol, we recognize the value of civic education in Washington State; and

WHEREAS, By so doing, a forum is established for civic educators across the state to collaborate with legislators and other supporters; and

WHEREAS, Many organizations such as the Legislative Youth Advisory Council, We the People Foundation, Washington Media Association, Washington State Council of Social Studies, 4-H, YMCA Youth & Government, Washington State Bar Association, Office of the Secretary of State, Washington State Historical Society, Legislative Scholars Program, League of Women Voters, and Service Learning of Washington are dedicated to making civic education a priority for Washington State and its citizens; and

WHEREAS, The contributions of committed teachers, principals, community leaders, parents, state employees, and volunteers contribute to the goals of these laudable organizations to create an engaged citizenry; and

WHEREAS, The Washington State Senate recognizes: Kathleen Casper of Tacoma, Ned Fadeley of Spokane, María Gillman of Seattle, Linnea Hirst of Seattle, Dianne Lundenberg of Everett, Judi MacRae of Shoreline, Steve Murphy of Enumclaw, Tom Nolet of Seattle, and Brad Soliday of Manson as finalists for Washington State Legislature's Civic Educators of the Year for 2012; and to the winners Ed Bergh Jr. of Olympia and Melissa Hernandez of Wenatchee; and

WHEREAS, On February 20, 2012, the Washington State Senate honors Civic Education;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate recognize the responsibility of civic educators across the state to serve and inform all Washingtonians and honor civic educators across the state; and

BE IT FURTHER RESOLVED, That the Washington State Senate hereby honor, thank, and celebrate the civic educators of the state.

Senator Chase spoke in favor of adoption of the resolution.

WHEREAS, Transverse Myelitis is a disease with approximately 1,400 new cases diagnosed in the United States each year, but is not widely recognized by the general public as being a significant and serious spinal cord disease; and

WHEREAS, Transverse Myelitis is a devastating condition, affecting the neurological system by targeting the covering nerve cell fibers, myelin, and causing the spinal cord to become inflamed; and

WHEREAS, Several factors can cause Transverse Myelitis, including certain infections, immune system disorders, or an episode of other myelin disorders such as multiple sclerosis; and

WHEREAS, Symptoms include back pain and numbness of the lower extremities, as well as possible progression to paralysis and sensory loss; and

WHEREAS, Although spinal cord injuries have been well publicized by the media, Transverse Myelitis is often overlooked by even many medical professionals; and

WHEREAS, Although recovery from Transverse Myelitis may be difficult, requiring months of treatment, most patients through drugs and therapy are able to experience at least partial recovery; and

WHEREAS, The Transverse Myelitis Association was incorporated as a not for profit organization first in our own state of Washington in November of 1996 and now has more than 8,500 members from every state in the United States and from more than 80 countries throughout the world; and

WHEREAS, If this condition were more widely recognized, diagnosis and further scientific research would benefit those who suffer from this condition;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate recognize and support individuals with Transverse Myelitis in order to help educate the public and medical community regarding the needs and issues of Transverse Myelitis patients; and

BE IT FURTHER RESOLVED, That a copy of this resolution be immediately transmitted by the Secretary of the Senate to the Honorable Christine Gregoire.

Senator Roach spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8677.

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

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced individual's supporting Transverse Myelitis awareness efforts who were seated in the gallery.

MOTION

At 12:11 p.m., on motion of Senator Eide, the Senate adjourned until 12:00 noon, Tuesday, February 21, 2012.

BRAD OWEN, President of the Senate

THOMAS HOEMANN, Secretary of the Senate

**FORTY FOURTH DAY**

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NOON SESSION

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Senate Chamber, Olympia, Tuesday, February 21, 2012

The Senate was called to order at 12:00 p.m. by President Owen. No roll call was taken.

The Sergeant at Arms Color Guard consisting of Pages Joseph Rossi and Margaret Litzow, presented the Colors.

MOTION

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

MOTION

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

REPORTS OF STANDING COMMITTEES

February 20, 2012

ESHB 1627 Prime Sponsor, Committee on Local Government: Limiting the authority of boundary review boards. Reported by Committee on Government Operations, Tribal Relations & Elections

MAJORITY recommendation: Do pass as amended. Signed by Senators Pridemore, Chair; Prentice, Vice Chair; Swecker and Nelson.

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

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

Passed to Committee on Rules for second reading.

February 20, 2012

SHB 1700 Prime Sponsor, Committee on Transportation: Modifying the requirements related to designing various transportation projects. Reported by Committee on Transportation

MAJORITY recommendation: Do pass as amended. Signed by Senators Haugen, Chair; Eide, Vice Chair; Fain; Delvin; Ericksen; Frockt; Hobbs; Litzow; Prentice; Rolfes; Shin and Swecker.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators King and Hill.

Passed to Committee on Rules for second reading.

February 20, 2012

HB 1833 Prime Sponsor, Representative Finn: Modifying the frequency of meetings of the motorcycle safety education advisory board. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Haugen, Chair; Eide, Vice Chair; King; Fain;

Delvin; Ericksen; Frockt; Hill; Hobbs; Litzow; Prentice; Rolfes; Shin and Swecker.

Passed to Committee on Rules for second reading.

February 20, 2012

SHB 1852 Prime Sponsor, Committee on Local Government: Revising the lien for collection of sewer charges by counties. Reported by Committee on Government Operations, Tribal Relations & Elections

MAJORITY recommendation: Do pass. Signed by Senators Pridemore, Chair; Prentice, Vice Chair; Swecker; Chase and Nelson.

MINORITY recommendation: Do not pass. Signed by Senators Benton and Roach.

Passed to Committee on Rules for second reading.

February 20, 2012

HB 2138 Prime Sponsor, Representative Ormsby: Establishing national Korean war veterans armistice day. Reported by Committee on Government Operations, Tribal Relations & Elections

MAJORITY recommendation: Do pass. Signed by Senators Pridemore, Chair; Prentice, Vice Chair; Swecker; Benton; Chase; Nelson and Roach.

Passed to Committee on Rules for second reading.

February 20, 2012

SHB 2181 Prime Sponsor, Committee on State Government & Tribal Affairs: Extending the age for service in the Washington state guard. Reported by Committee on Government Operations, Tribal Relations & Elections

MAJORITY recommendation: Do pass. Signed by Senators Pridemore, Chair; Prentice, Vice Chair; Swecker; Benton; Chase; Nelson and Roach.

Passed to Committee on Rules for second reading.

February 20, 2012

HB 2274 Prime Sponsor, Representative Armstrong: Allowing registered tow truck operators to pass the costs of tolls and ferry fares to the impounded vehicle's registered owner. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Haugen, Chair; Eide, Vice Chair; King; Fain; Delvin; Ericksen; Frockt; Hill; Litzow; Prentice; Rolfes; Shin and Swecker.

Passed to Committee on Rules for second reading.

February 20, 2012

HB 2283 Prime Sponsor, Representative Hunt: Modifying the display requirement for certain parking placards. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators King; Fain; Delvin; Ericksen; Frockt; Hill; Hobbs; Litzow; Prentice; Rolfes; Shin and Swecker.

Passed to Committee on Rules for second reading.

February 20, 2012

SHB 2299 Prime Sponsor, Committee on Transportation: Creating "4-H" special license plates. Reported by Committee on Transportation

MAJORITY recommendation: Do pass as amended. Signed by Senators Haugen, Chair; Eide, Vice Chair; King; Fain; Delvin; Ericksen; Frockt; Hill; Hobbs; Litzow; Prentice; Rolfes and Swecker.

Passed to Committee on Rules for second reading.

February 20, 2012

HB 2305 Prime Sponsor, Representative Angel: Changing authority for contracts with community service organizations for public improvements. Reported by Committee on Government Operations, Tribal Relations & Elections

MAJORITY recommendation: Do pass. Signed by Senators Pridemore, Chair; Prentice, Vice Chair; Swecker and Nelson.

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

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

Passed to Committee on Rules for second reading.

February 20, 2012

ESHB 2330 Prime Sponsor, Committee on Health Care & Wellness: Concerning health plan coverage for the voluntary termination of a pregnancy. Reported by Committee on Health & Long-Term Care

MAJORITY recommendation: Do pass. Signed by Senators Keiser, Chair; Conway, Vice Chair; Frockt; Kline and Pridemore.

MINORITY recommendation: Do not pass. Signed by Senators Becker; Carrell and Parlette.

Passed to Committee on Rules for second reading.

February 20, 2012

ESHB 2341 Prime Sponsor, Committee on Health Care & Wellness: Concerning community benefits provided by hospitals. Reported by Committee on Health & Long-Term Care

MAJORITY recommendation: Do pass. Signed by Senators Keiser, Chair; Conway, Vice Chair; Frockt; Kline and Pridemore.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Becker; Carrell and Parlette.

Passed to Committee on Rules for second reading.

February 20, 2012

HB 2400 Prime Sponsor, Representative Hunt: Regarding cost savings and efficiencies in mailing notices of revocation to habitual traffic offenders. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Fain; Delvin; Ericksen; Frockt; Hill; Hobbs; Litzow; Prentice; Rolfes; Shin and Swecker.

Passed to Committee on Rules for second reading.

February 20, 2012

ESHB 2502 Prime Sponsor, Committee on Ways & Means: Modifying exceptions to the compensating tax provisions for removal from forest land classification to more closely parallel open space property tax provisions. Reported by Committee on Government Operations, Tribal Relations & Elections

MAJORITY recommendation: Do pass. Signed by Senators Pridemore, Chair; Prentice, Vice Chair; Swecker; Benton; Chase; Nelson and Roach.

Passed to Committee on Ways & Means.

February 20, 2012

HB 2524 Prime Sponsor, Representative Orwall: Concerning military spouses or registered domestic partners occupational licensing status during deployment or placement outside Washington state. Reported by Committee on Government Operations, Tribal Relations & Elections

MAJORITY recommendation: Do pass. Signed by Senators Pridemore, Chair; Prentice, Vice Chair; Swecker; Benton; Chase; Nelson and Roach.

Passed to Committee on Rules for second reading.

February 20, 2012

HB 2705 Prime Sponsor, Representative Sullivan: Creating the office of legislative support services. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Murray, Chair; Kilmer, Vice Chair, Capital Budget Chair; Zarelli; Parlette; Brown; Conway; Fraser; Harper; Hatfield; Hewitt; Keiser; Padden; Pridemore; Regala; Schoesler and Tom.

Passed to Committee on Rules for second reading.

February 20, 2012

ESHB 2747 Prime Sponsor, Committee on Capital Budget: Modifying the use of funds in the fire service training account. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Murray, Chair; Kilmer, Vice Chair, Capital Budget Chair; Zarelli; Parlette; Brown; Conway; Fraser; Harper; Hatfield; Hewitt; Holmquist Newbry; Keiser; Padden; Pridemore; Regala; Schoesler and Tom.

Passed to Committee on Rules for second reading.

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February 20, 2012

SHB 2757 Prime Sponsor, Committee on Ways & Means: Creating accounts for the center for childhood deafness and hearing loss and for the school for the blind. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Murray, Chair; Kilmer, Vice Chair, Capital Budget Chair; Zarelli; Parlette; Brown; Conway; Fraser; Harper; Hatfield; Hewitt; Holmquist Newbry; Keiser; Padden; Pridemore; Regala; Schoesler and Tom.

Passed to Committee on Rules for second reading.

MOTION

On motion of Eide, all measures listed on the Standing Committee report were referred to the committees as designated with the exception of Engrossed Substitute House Bill No. 2330 which was referred to the Committee on Ways & Means.

MOTION

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

MOTION

Senator Hargrove moved adoption of the following resolution:

SENATE RESOLUTION  
8681

By Senator Hargrove

WHEREAS, Sequim, Washington, located in Clallam County, is the Lavender Capital of North America®; and

WHEREAS, The Sequim Lavender Festival® has been successfully sponsored by the Sequim Lavender Growers Association for the past 15 years; and

WHEREAS, The mission of Sequim Lavender Growers Association is to promote the Sequim-Dungeness Valley as the premier lavender growing region; and

WHEREAS, The Sequim Lavender Growers Association supports sustainable, profitable agriculture in the Sequim-Dungeness Valley by promoting research, education, and market development; and builds a sense of community through individual and collaborative actions; and

WHEREAS, The Sequim Lavender Growers Association is solely produced and managed by the member-growers; and

WHEREAS, The Sequim Lavender Festival will expand its production to include activities and regional attractions for the modern family and visitors of all ages; and

WHEREAS, The Sequim Lavender Festival has focused the attention of visitors to the fields of lavender, lavender farms, and the many lavender products produced in the Sequim Valley and neighboring community; and

WHEREAS, Lavender grown in Sequim, Washington has become an agriculture-focused tourism industry in and of itself, which contributes to both state and local economies by attracting tourists from around the globe;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate commend and support the Sequim Lavender Festival and the Sequim Lavender Growers Association

for their work in enhancing the economy of the Sequim-Dungeness Valley and creating a vibrant tourist attraction on the Olympic Peninsula.

Senator Hargrove spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8681.

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

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced representatives of the Sequim Lavender Festival who were seated in the gallery.

MOTION

Senator Ranker moved adoption of the following resolution:

SENATE RESOLUTION  
8684

By Senator Ranker

WHEREAS, Kari Koski, the venerable Director of the Whale Museum's Soundwatch Boater Education Program, who for 18 years has served tirelessly in the support of ocean going residents and visitors of the Puget Sound; and

WHEREAS, The communities of San Juan County have prospered under the care, protection, and professionalism of a lifelong volunteer, resident, neighbor, and friend; and

WHEREAS, Director Koski has dedicated two decades to the promotion and education of safe boating practices on whale inhabited waters, while improving the safety of and respect paid to the endangered marine animals of the Pacific Northwest; and

WHEREAS, Director Koski served in her capacity of educator throughout her years of service to promote responsibility on the water, teaching boaters north and south of the border including recreational boaters, wildlife agencies, students, volunteers, and colleagues, and demonstrating the very ideals of self-sacrifice and environmental stewardship; and

WHEREAS, Being the esteemed recipient of the Master Steward Award, awarded by the San Juan Marine Resource Committee, who recognize the good fortune given them through the service of Director Koski; and

WHEREAS, Her receipt of the award marked only the second time a deserving and invaluable member of the San Juan community has been bestowed such an honor; and

WHEREAS, Her unmatched leadership developed and successfully implemented the Be Whale Wise Guidelines and the Kayakers Code of Conduct to grow a fledgling educational program into the proactive and respected entity it is today; and

WHEREAS, In collaboration with community partners, she facilitated fundraising campaigns to support the Whale Museum and its programs, including local monitoring projects through the San Juan County Marine Stewardship Area and National Wildlife Refuges; and

WHEREAS, Her years of dedicated service have won her the respect and admiration of colleagues and neighbors alike, who recognize the diplomacy, grace, and passion embodied by Kari Koski in her leadership as Program Director;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate recognize and congratulate Kari Koski for

her 18 years as Program Director and for her dedication to all inhabitants of the Puget Sound and the State of Washington; and

BE IT FURTHER RESOLVED, That a copy of this resolution honoring Director Koski be immediately transmitted by the Secretary of the Senate to Kari Koski and the Whale Museum, the San Juan Islander, the Island Guardian, the Island Sounder, the Journal of the San Juan's, and the Orcas Issues.

Senator Ranker spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8684.

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

#### INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced Director Kari Koski who was seated in the gallery.

#### MOTION

Senator McAuliffe moved adoption of the following resolution:

#### SENATE RESOLUTION 8689

By Senators McAuliffe, Kohl-Welles, Keiser, Conway, Pridemore, Tom, Kastama, Nelson, Hobbs, Shin, Regala, Fraser, Brown, Eide, Harper, Frockt, Ranker, Rolfes, Chase, Prentice, Kilmer, Litzow, Fain, and Hill

WHEREAS, The arts, including dance, music, theatre, and visual arts, are defined as a core content area in Washington state's definition of basic education, and considered an essential component of the complete education that should be provided for all students; and

WHEREAS, Learning in and through the arts enables students to develop critical thinking and problem solving skills, imagination and creativity, discipline, alternative ways to communicate and express feelings and ideas, and cross-cultural understanding, which supports academic success across the curriculum, as well as personal growth outside the classroom; and

WHEREAS, Imagination and creativity are increasingly understood as critical capacities needed for success in life in the 21st century and students learn these skills through meaningful learning in the arts; and

WHEREAS, The arts can bring other academic subject to life and that the integration of the arts within the broader academic curriculum, including reading, mathematics, science, and social studies, can enhance student engagement, extend student learning, and deepen student understanding of all the academic content areas; and

WHEREAS, The arts can transform our schools into havens of creativity and exploration, places where students want to learn, teachers want to teach, and all members of the learning community are more engaged and motivated; and

WHEREAS, We applaud the efforts and dedication of educators and advocates around the state, and we call for school and community leaders to continue to broaden and strengthen their arts education focus in order to ensure equity of access to arts learning for all students;

NOW, THEREFORE, BE IT RESOLVED, That the Senate reaffirm the importance of the arts as an essential part of a complete education for all students; and

BE IT FURTHER RESOLVED, That May 2012 is recognized as arts education month in Washington state, and all communities are encouraged to celebrate and strengthen the arts in our schools through this special observance.

Senator McAuliffe spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8689.

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

#### MOTION

Senator Hatfield moved adoption of the following resolution:

#### SENATE RESOLUTION 8691

By Senators Hatfield, Honeyford, Haugen, Delvin, Schoesler, Shin, Becker, and Hobbs

WHEREAS, The 4-H Youth Development Program of Washington State University Extension has assisted the youth of Washington in developing skills that will serve them now and in their future lives; and

WHEREAS, Since 1902, the program has centered on teaching young people to become productive members of society by fostering citizenship, science, math and technology literacy, health and wellness, communication, and decision-making skills; and

WHEREAS, These programs have helped participants learn about a wide variety of subjects, including science, family living, applied arts, and government activism; and

WHEREAS, Nearly 90,000 youth and 6,500 adult volunteers in 1,490 groups make up the ranks of 4-H membership in Washington State; and

WHEREAS, These programs work with traditional community clubs and reach young people through urban groups, special interest groups, nutrition programs, after-school programs, camping, and interagency learning experiences; and

WHEREAS, Through 4-H, 600,000 youths in Washington learn about rural economic development and responsibility; and

WHEREAS, Through 4-H, more than 6.5 million American youths do the same each year; and

WHEREAS, 4-H will continue its dedication to empower young people to become active global citizens and realize the value of taking part in local, regional, state, national, and international community issues; and

WHEREAS, 300 4-H members are in Olympia today as part of the annual "4-H Know Your Government" conference, focusing on the state election process; and

WHEREAS, This conference empowers 4-H members to engage in leadership, citizenship, and life skill development and application; and

WHEREAS, As we face many challenges during the 2012 Legislative Session, we must recognize effective organizations like 4-H and look to their successes;

NOW, THEREFORE, BE IT RESOLVED, That the members of the Washington State Senate recognize the 4-H Youth Development Program for its many contributions to the State of Washington and to the betterment of our communities.

Senators Hatfield, Benton and Eide spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8691.



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

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced members and staff of 4-H who were seated in the gallery.

MOTION

At 12:24 p.m., on motion of Senator Eide, the Senate adjourned until 10:00 a.m. Wednesday, February 22, 2012.

BRAD OWEN, President of the Senate

THOMAS HOEMANN, Secretary of the Senate

**FORTY FIFTH DAY**

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**MORNING SESSION**

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Senate Chamber, Olympia, Wednesday, February 22, 2012

The Senate was called to order at 10:00 a.m. by President Owen. The Secretary called the roll and announced to the President that all Senators were present with the exception of Senators Benton, Brown, Hargrove, Parlette, Pridemore, Roach and Zarelli.

**REMARKS BY THE PRESIDENT**

President Owen: "Ladies and gentleman, every year we are greatly honored and privileged to have Navy Day. We're expanding that, we have Navy and Coast Guard as well with us today. In fact the honor guard is composed of Navy and Coast Guard members. Following the presentation of colors, we are also greatly privileged as we are each year, to have the Navy Band Northwest to do our Pledge of Allegiance."

The Joint U. S. Navy and U. S. Coast Guard, consisting of Aviation Boatswain's Mate, Fuel (ABF) Ryan Perry; Operational Support System Network (OSSN) Tina Thi; Quartermaster Striker (QMSN) Courtney Alumbaugh; Gas Turbine Systems Technician (Mechanical) 3 Ryan Copley, Storekeeper (SK2) Ryan Brooks presented the Colors. Navy Northwest Region Chaplain, Captain Barry Crane offered the prayer.

The Navy Region Northwest Band consisting of musician First Class Justin Strauss; Musician Third Class Chris McGann; Musician Third Class Rich Hanks; Musician Third Class Andrea Smith; and Musician Third Class Sarah Reasner performed the National Anthem.

**PERSONAL PRIVILEGE**

Senator Rolfes: "Thank you Mr. President. I wanted to welcome the U. S. Navy and the Coast Guard to our chambers this morning. We're honored to have the visit of the leaders from the United States Navy and the Coast Guard. The men and women of our seas defend our nation, respond to our calls for assistance and ensure the free flow of the commerce between the United States and the rest of the world. Our states strategic location along the Pacific Rim makes us a logical home for the U. S. Navy, the third largest fleet concentration in the country. We have over one hundred thirty thousand men and women, who including active duty, retirees and civilian personnel, who call our state home. Thousands of men and women in the U. S. Coast Guard are on duty every day in the Puget Sound, off our shores rescuing vessels in distress, searching for the missing, intercepting illegal drug shipments and protecting our ferries our marine highways. These service men and women are our friends, our neighbors, our family members and our community leaders. They value our good schools, our safe neighborhoods and roads and our excellent quality of life. The Navy and Coast Guard have always been a vital part of Washington State, of our state economy and today we welcome their leaders. Thank you."

**INTRODUCTION OF SPECIAL GUESTS**

The President welcomed and introduced members of the United States Navy: Captain Bill Power, Commanding Officer

Navy Supply Center Bremerton; Captain Gordon Smith, Chief of Staff, Navy Region NW; Captain Daniel Prince, Chief of Staff, Submarine Group NINE; Captain Thom Burke, Commanding Officer, USS Ronald Reagan; Captain Jay Johnston Commanding Officer, Naval Air State Whidbey Island; Captain Charles Lund, Commanding Officer, Maritime Expeditionary Security Squadron 9; Commander Gary Martin Commanding Officer, Naval Magazine Indian Island; and Master Chief Brian Schell Command Master Chief, Navy Region Northwest, and from the United States Coast Guard: Captain Scott Ferguson, Commander, Coast Guard Sector Puget Sound, Captain of the Port; Captain Len Tumbarello, Deputy Commander, Sector Columbia River; and Captain-select, Mark McCadden, Chief of External Affairs District 13 who were seated in the gallery.

**INTRODUCTION OF SPECIAL GUESTS**

The President welcomed and introduced Rear Admiral Douglass Biesel Commander Navy Region Northwest who was seated at the rostrum.

**REMARKS BY REAR ADMIRAL DOUGLASS BIESEL**

Rear Admiral Douglass Biesel: "Thank you Mr. President. Thank you Washington State for inviting us all here today. On behalf of the rest of the US Navy and the Northwest and my assistant Admiral Taylor, from the US Coast Guard District 13 we sincerely appreciate the support that you provide to all of us. US Navy will maintain America's forward presence around the globe as ground forces draw down in the middle east and our new defense strategy directs a shift toward the Asia Pacific Region. The world continues to change and our defiance posture we evolve to meet our nation's needs. The Navy will evolve too as it has since 1775 but it will also remain as it is today. The world's preeminent maritime force. As you all know, seventy percent of the world is covered by water, eighty percent of the population lives near the shore and a full ninety percent of the world's global commerce travels by sea. Our assets here in the beautiful Puget Sound, which comprise the Navy's third largest fleet concentration area, are critical to all the Navy's mission as well as the well-being of our local communities. To reflect the value of our region provides today you know currently there are a total of eleven US carriers and we are pleased and privileged to have four of those right now in the Puget Sound. One of them is about ready to return, the US John C. Stennis, shall arrive here in early March from deployment and Abraham Lincoln is on a deployment around the world and she'll then transfer to Newport News, Virginia. The other two carriers are the USS Nimitz and, as just noted, the USS Ronald Regan which are currently in Puget Sound Naval Shipyard. Again we could not serve this great country without all of your support. We rely on our integration with Washington's transportation systems, your school systems and our partnership with the political leadership to keep doing all that this state does for this great nation. In return, we provide billions of dollars in salaries and procurement to Washington every year and as you know the Department of Defense and the Department of the Navy is one of the state's largest employers. But you also help us in legislation and I'd like to specifically call out two specific bills that I would appreciate your continue support. First off I'd like to thank Senator Derrick Kilmer from Gig Harbor, he was the sponsor of the military spouse legislation which I understand was signed by Governor Gregoire in December. It goes into effect here in March. That's extremely important for our

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spouses as they transition from one state to another to continue to apply their various certifications and licenses. I'd also like to thank Senator Steve Hobbs for his inspiration on his disposition of remains bill and this is extremely important as we bring home our fallen heroes that have defended our nation's freedom. Once again, thank you very much for that specific legislation. Again, we do continue to treasure your support. As the world changes your Navy has the watch and we will help sustain America's global leadership in this uncertain world. Thank you for your support you give to the United States Navy every day and for hosting another great Navy Day. Again, God Bless the United States of America and may God Bless this beautiful state of Washington. Thank you Mr. President."

PERSONAL PRIVILEGE

Senator Ranker: "I want to thank each of you for your service and dedication to our country. I live up in the San Juan Islands and on the days when I am commuting home on my boat and as it's getting rougher and rougher and you guys in the Coast Guard and the Navy are heading out to make sure people are safe, to make sure our boarders are safe. Your dedication to this country is bigger than many of us can realize. I want to share something with this body that I am very proud of. My son is in the Navy and I am so proud of him and how incredible of a young man he is becoming and this last year he got called up and he is now on President Obama's personal honor guard, one of only two hundred in the country. So, thank you for your service and thank you Ashlee if you're watching for your dedication to this country. Thank you."

PERSONAL PRIVILEGE

Senator Haugen: "Thank you Mr. President. Well, I too want to welcome the Navy to the wonderful chambers. You know I have represented the military ever since I've been in the legislature. Whidbey Island has had a Navy presence for over fifty years and now I have Everett which is a little further south than myself, where I live, but certainly a lot of the Navy people live in my community. They are good neighbors, they are good citizens. I had the privilege last year to be hosted by the Navy to go and visit the Manchester fueling depot because I had some concerns what might happen if, when, the earthquake hits, what happens for the fuel in our ferries and the Admiral was wonderful in helping us put some protocols in place so we are going to be secure in being able to get fuel when that happens but more than anything else I was so amazed at that wonderful shipyard that I saw. You know the military is a really wonderful economic driver in this state and I would encourage all of you given the opportunity, to take the time and go visit. Go visit your local base. I'm sure the Admiral would be more than gracious to have you come to Bremerton. I walked underneath the Nimitz. Believe it or not, it was quite exciting. It was very exciting in fact but more than anything else, these are friends, these are neighbors and more than anything else they are our sons and grandson. I have a grandson in the military now, in the Navy, as were my brothers. I'm really proud to be part of the Navy family. Thank you."

PERSONAL PRIVILEGE

Senator Kohl-Welles: "Thank you Mr. President, well, I also have a relative serving in the Navy right now, very young grandson. He is serving as a Navy medic in Afghanistan, actually as a Marine Corpsman since the Navy provides the medics who are Corpsmen for the Marines and he is out on patrols. Probably

one of the most dangerous positions there could be and I of course I am very concerned about what he is doing but I'm also very, very proud of him and very, very gratified when he decided to join the Navy. Thank you."

PERSONAL PRIVILEGE

Senator Pflug: "Thank you Mr. President, well, also I would just like to say thanks to all of our service men for our protection of us. I am the daughter of a carrier pilot now eighty-one years young and still flying and actually still kind of fond of the same airplane and my nephew, right now, is at flight training and he'll spend the next fourteen months also learning carrier landings and having a ball. Upside down most of the time I suspect. We're really proud of him, really excited to see him carry on this great tradition. Thank you so much for willing to be away from home and stand in harm's way to protect us. Thank you"

PERSONAL PRIVILEGE

Senator Becker: "Thank you Mr. President. Well, I too stand and say thank you to the Navy. My dad was in the Navy and as kids I can remember singing 'Anchors Away' all the time but he was most proud of what he did. I also have my favorite niece, I can say that because she is my only niece, they're in Italy right now serving and they are most anxious to be back home. Although, I'll tell you they're enjoying overseas and being in Italy and some of the things they're having an opportunity to do but on behalf of my dad for his years of service and behalf of all the rest of my family, thank you very much."

PERSONAL PRIVILEGE

Senator Shin: "Thank you Mr. President, I too rise to thank the Navy for the dedication and sacrifice they do for the behalf of the freedom in this country. I like to relate to a little historical event, 1950 when the UN forces advanced beyond the thirty-eighth parallel in Korea advanced by November, Chinese forces had erased it. US Marine Corp Navy met in the little port called Hungnam, made a massive evacuation. General, Admiral Edwin Cowman, two-star Admiral, with seventeen cargo ships, Navy ships loaded with tanks and trucks and ammunition with a sixty thousand troops ready to depart just at that time he saw, up on the hill, hundreds of thousands of Korean refugees running toward his ship. He looked at the refugees, he looked at the ship. He looked back and forth, back and forth. You know what he did? He said, without permission of the commanding general, dump all trucks and tanks and ammunition from the ship and they did and loaded ninety three thousand refugees and brought to safety. This is the kind of spirit the Navy presents, and on behalf of the Navy I want to thank you. By the way we're making a movie, the first beginning of the movie was filmed in Olympia at the Korean War Veterans Memorial. The stars and the producers came and announced about the movie. This is the greatest humanitarian effort as any military ever displayed. This will be a tremendous asset to the Navy, for the contribution they made on behalf of the refugees. Thank you."

PERSONAL PRIVILEGE

Senator Nelson: "Thank you Mr. President. My father was a Chief Yeoman in the Navy for thirty-four years, survivor of the Battle of the Bismark Sea which he didn't discuss until close to his death. I grew up near Pearl Harbor and I was very proud to go down to the sub base to visit my father and to look at the Pearl

Harbor Memorial. Thank you for all your service. I know what you do is very important and that every day you dedicate your lives to our country.”

#### REMARKS BY THE PRESIDENT

President Owen: “The President would also like to acknowledge in absentia, Ralph Munro who was to be here but I believe. ‘Oh, is he up there? Oh, there you are Ralph. You are supposed to be down here. I see you Mr. Secretary of State. Thank you for helping to organize this for us here today. One last comment by the President. I am a chronic fisherman out of Ilwaco quite often and it’s not the smoothest place in the world to go fishing so if the Navy or my friends in the Coast Guard could recommend some good sea sick pills for me I’d really appreciate that very much. Admiral, thank you very, very much for being here. Thank you to the Navy Band to the great singer, to the Chaplain thank you very much and to all our friends in the Navy and Coast Guard, thank you all for your service. Thank you.”

#### MOTION

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

#### INTRODUCTION OF SPECIAL GUESTS

The President introduced a mariachi band who performed “Las Mananitas” and “Happy Birthday/Cumple Anos Feliz” in celebration of Senator Prentices birthday.”

The band comes in and plays for Senator Prentices birthday.

#### PERSONAL PRIVILEGE

Senator Prentice: “Well, I would really like to thank all of my friends all of you, members of the senate, and also my friends of the El Salvador and Mexican Consular department and also devious Antonio Sanchez who can always pull these things off. Also you might not of recognize, you wouldn’t have known Roberto Gonzales who runs the MexioLindao Restaurant in Kent, some of you, I know, have enjoyed their hospitality but I’m very fortunate to have so many good friends in the Latino community. It’s truly been a privilege to have been here and discover our roots and also take a look at other Latin American countries because we’re not all identical. It’s just been one of the most fortunate things that has happened to me but not nearly as fortunate as just having been here and made as many good friends and this is on both sides of the aisle. This is a terrific place and there are times we work together and we may have differences of opinions and it’s not personal and that’s what America is all about and I have been very, very fortunate just to be here with you. I’m only eighty-one. I don’t know what the big deal is. Thank you all very, very much.”

#### INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced Miss Auburn 2012 Tera Sabo, who was seated in the gallery.

#### REMARKS BY THE PRESIDENT

President Owen: “The last announcement that the President would like to make is that you should have received which we receive every year, a report to the states by the Boy Scouts that

demonstrates the incredible number of public service, community service and achievements that have been made in the last year. Over three hundred forty seven thousand one hundred and fifty five hours of service valued at over seven million dollars to the local communities in the state of Washington so please review that.”

#### MOTION

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

#### REPORTS OF STANDING COMMITTEES

February 21, 2012

HB 1381 Prime Sponsor, Representative Warnick: Regarding sufficient cause for the nonuse of water. Reported by Committee on Agriculture, Water & Rural Economic Development

MAJORITY recommendation: Do pass. Signed by Senators Hatfield, Chair; Honeyford; Becker; Delvin; Hobbs and Schoesler.

Passed to Committee on Rules for second reading.

February 21, 2012

E3SHB 1860 Prime Sponsor, Committee on General Government Appropriations & Oversight: Regarding partisan elections. Reported by Committee on Government Operations, Tribal Relations & Elections

MAJORITY recommendation: Do pass. Signed by Senators Pridemore, Chair; Swecker; Chase; Nelson and Roach.

Passed to Committee on Rules for second reading.

February 21, 2012

SHB 2010 Prime Sponsor, Committee on Business & Financial Services: Addressing title insurance rate filings. Reported by Committee on Financial Institutions, Housing & Insurance

MAJORITY recommendation: Do pass. Signed by Senators Hobbs, Chair; Prentice, Vice Chair; Benton; Fain; Haugen and Keiser.

Passed to Committee on Rules for second reading.

February 21, 2012

SHB 2194 Prime Sponsor, Committee on Judiciary: Modifying the manufactured/mobile home landlord tenant act and other related provisions. Reported by Committee on Financial Institutions, Housing & Insurance

MAJORITY recommendation: Do pass. Signed by Senators Hobbs, Chair; Prentice, Vice Chair; Benton; Fain; Haugen and Keiser.

Passed to Committee on Rules for second reading.

February 21, 2012

SHB 2212 Prime Sponsor, Committee on Agriculture & Natural Resources: Extending the expiration date of RCW

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90.90.030. Reported by Committee on Agriculture, Water & Rural Economic Development

MAJORITY recommendation: Do pass. Signed by Senators Nelson, Chair; Rolfes, Vice Chair; Ericksen; Chase; Fraser; Honeyford; Morton and Pridemore.

MAJORITY recommendation: Do pass. Signed by Senators Hatfield, Chair; Shin, Vice Chair; Honeyford; Becker; Delvin; Hobbs and Schoesler.

Passed to Committee on Rules for second reading.

Passed to Committee on Rules for second reading.

February 21, 2012

SHB 2218 Prime Sponsor, Committee on Business & Financial Services: Regulating service contracts. Reported by Committee on Financial Institutions, Housing & Insurance

SHB 2326 Prime Sponsor, Committee on Environment: Protecting air quality that is impacted by high emitting solid fuel burning devices. Reported by Committee on Environment

MAJORITY recommendation: Do pass. Signed by Senators Hobbs, Chair; Prentice, Vice Chair; Benton; Fain; Haugen and Keiser.

MAJORITY recommendation: Do pass as amended. Signed by Senators Nelson, Chair; Rolfes, Vice Chair; Chase; Fraser and Pridemore.

MINORITY recommendation: Do not pass. Signed by Senators Ericksen and Honeyford.

Passed to Committee on Rules for second reading.

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

February 21, 2012

HB 2256 Prime Sponsor, Representative Kelley: Regulating the licensing of escrow agents. Reported by Committee on Financial Institutions, Housing & Insurance

Passed to Committee on Rules for second reading.

MAJORITY recommendation: Do pass. Signed by Senators Hobbs, Chair; Prentice, Vice Chair; Benton; Fain; Haugen and Keiser.

February 21, 2012

HB 2356 Prime Sponsor, Representative Warnick: Concerning state capital funding of health and safety improvements at agricultural fairs. Reported by Committee on Agriculture, Water & Rural Economic Development

Passed to Committee on Rules for second reading.

MAJORITY recommendation: Do pass. Signed by Senators Hatfield, Chair; Shin, Vice Chair; Honeyford; Becker; Delvin; Hobbs and Schoesler.

February 21, 2012

SHB 2272 Prime Sponsor, Committee on Business & Financial Services: Concerning antifreeze products. Reported by Committee on Labor, Commerce & Consumer Protection

Passed to Committee on Rules for second reading.

MAJORITY recommendation: Do pass. Signed by Senators Kohl-Welles, Chair; Conway, Vice Chair; Holmquist Newbry; King; Keiser and Kline.

February 21, 2012

SHB 2360 Prime Sponsor, Committee on Business & Financial Services: Concerning deposit and investment provisions for the prearrangement trust funds of cemetery authorities and funeral establishments. Reported by Committee on Government Operations, Tribal Relations & Elections

Passed to Committee on Rules for second reading.

MAJORITY recommendation: Do pass. Signed by Senators Pridemore, Chair; Swecker; Chase; Nelson and Roach.

February 21, 2012

ESHB 2301 Prime Sponsor, Committee on Business & Financial Services: Concerning mixed martial arts, boxing, martial arts, and wrestling. Reported by Committee on Labor, Commerce & Consumer Protection

Passed to Committee on Rules for second reading.

MAJORITY recommendation: Do pass. Signed by Senators Kohl-Welles, Chair; Conway, Vice Chair; King; Keiser and Kline.

February 21, 2012

HB 2362 Prime Sponsor, Representative Haler: Regarding wine producer liens. Reported by Committee on Agriculture, Water & Rural Economic Development

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

MAJORITY recommendation: Do pass. Signed by Senators Hatfield, Chair; Shin, Vice Chair; Honeyford; Becker; Delvin; Hobbs and Schoesler.

Passed to Committee on Rules for second reading.

Passed to Committee on Rules for second reading.

February 21, 2012

HB 2304 Prime Sponsor, Representative Hudgins: Transferring the low-level radioactive waste site use permit program from the department of ecology to the department of health. Reported by Committee on Environment

February 21, 2012

SHB 2367 Prime Sponsor, Committee on Agriculture & Natural Resources: Regarding the dairy products commission. Reported by Committee on Agriculture, Water & Rural Economic Development

MAJORITY recommendation: Do pass. Signed by Senators Hatfield, Chair; Shin, Vice Chair; Honeyford; Becker; Delvin; Hobbs and Schoesler.

Passed to Committee on Rules for second reading.

February 21, 2012

ESHB 2384 Prime Sponsor, Committee on Business & Financial Services: Regulating personal vehicle sharing programs. Reported by Committee on Financial Institutions, Housing & Insurance

MAJORITY recommendation: Do pass. Signed by Senators Hobbs, Chair; Prentice, Vice Chair; Benton; Fain; Haugen and Keiser.

Passed to Committee on Rules for second reading.

February 21, 2012

SHB 2389 Prime Sponsor, Committee on Ways & Means: Modifying the submission dates for economic and revenue forecasts. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Murray, Chair; Kilmer, Vice Chair, Capital Budget Chair; Zarelli; Parlette; Baumgartner; Conway; Fraser; Harper; Hatfield; Hewitt; Holmquist Newbry; Honeyford; Kastama; Keiser; Kohl-Welles; Pflug; Pridemore; Regala; Schoesler and Tom.

Passed to Committee on Rules for second reading.

February 21, 2012

SHB 2421 Prime Sponsor, Committee on Judiciary: Modifying the foreclosure fairness act. Reported by Committee on Financial Institutions, Housing & Insurance

MAJORITY recommendation: Do pass. Signed by Senators Hobbs, Chair; Prentice, Vice Chair; Benton; Fain; Haugen and Keiser.

Passed to Committee on Rules for second reading.

February 21, 2012

HB 2441 Prime Sponsor, Representative Bailey: Limiting the impact of excess compensation on state retirement system contribution rates by redefining excess compensation. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Murray, Chair; Kilmer, Vice Chair, Capital Budget Chair; Zarelli; Parlette; Baumgartner; Conway; Harper; Hatfield; Hewitt; Holmquist Newbry; Honeyford; Kastama; Kohl-Welles; Padden; Pflug; Pridemore; Regala; Schoesler and Tom.

Passed to Committee on Rules for second reading.

February 21, 2012

2SHB 2452 Prime Sponsor, Committee on Ways & Means: Centralizing the authority and responsibility for the development, process, and oversight of state procurement of goods and services. Reported by Committee on Government Operations, Tribal Relations & Elections

MAJORITY recommendation: Do pass. Signed by Senators Pridemore, Chair; Swecker; Chase; Nelson and Roach.

Passed to Committee on Rules for second reading.

February 21, 2012

HB 2456 Prime Sponsor, Representative Chandler: Regarding disclosure of information relating to agriculture and livestock. Reported by Committee on Agriculture, Water & Rural Economic Development

MAJORITY recommendation: Do pass. Signed by Senators Hatfield, Chair; Shin, Vice Chair; Honeyford; Becker; Delvin; Hobbs and Schoesler.

Passed to Committee on Rules for second reading.

February 21, 2012

EHB 2457 Prime Sponsor, Representative Kirby: Addressing specialty producer licenses. Reported by Committee on Financial Institutions, Housing & Insurance

MAJORITY recommendation: Do pass as amended. Signed by Senators Hobbs, Chair; Prentice, Vice Chair; Benton; Fain; Haugen and Keiser.

Passed to Committee on Rules for second reading.

February 21, 2012

EHB 2469 Prime Sponsor, Representative Uptegrove: Regarding boatyard storm water treatment systems. Reported by Committee on Environment

MAJORITY recommendation: Do pass as amended. Signed by Senators Nelson, Chair; Rolfes, Vice Chair; Ericksen; Chase; Fraser; Honeyford; Morton and Pridemore.

Passed to Committee on Rules for second reading.

February 21, 2012

ESHB 2567 Prime Sponsor, Committee on Local Government: Authorizing an optional system of rates and charges for conservation districts. Reported by Committee on Agriculture, Water & Rural Economic Development

MAJORITY recommendation: Do pass as amended. Signed by Senators Hatfield, Chair; Shin, Vice Chair; Honeyford; Becker; Delvin; Hobbs and Schoesler.

Passed to Committee on Rules for second reading.

February 21, 2012

ESHB 2571 Prime Sponsor, Committee on Health & Human Services Appropriations & Oversight: Concerning waste, fraud, and abuse prevention, detection, and recovery to improve program integrity for medical services programs. (REVISED FOR ENGROSSED: Concerning waste, fraud, and abuse detection, prevention, and recovery solutions to improve program integrity for medical services programs. ) Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Murray, Chair; Kilmer, Vice Chair, Capital Budget Chair; Zarelli; Parlette; Baumgartner; Conway; Fraser;

FORTY FIFTH DAY, FEBRUARY 22, 2012

2012 REGULAR SESSION

Harper; Hatfield; Hewitt; Holmquist Newbry; Honeyford; Kastama; Keiser; Kohl-Welles; Padden; Pflug; Pridemore; Regala; Schoesler and Tom.

cost-effectiveness in the housing trust fund. Reported by Committee on Financial Institutions, Housing & Insurance

Passed to Committee on Rules for second reading.

MAJORITY recommendation: Do pass. Signed by Senators Hobbs, Chair; Prentice, Vice Chair; Benton; Fain; Haugen and Keiser.

February 21, 2012

Passed to Committee on Rules for second reading.

HB 2595 Prime Sponsor, Representative Hinkle: Expanding membership of the Washington state horse park authority. Reported by Committee on Government Operations, Tribal Relations & Elections

MAJORITY recommendation: Do pass. Signed by Senators Pridemore, Chair; Swecker; Chase; Nelson and Roach.

Passed to Committee on Rules for second reading.

February 21, 2012

HB 2653 Prime Sponsor, Representative Hansen: Correcting technical statutory cross-references in previous private infrastructure development legislation for certain provisions relating to regulatory fees for wastewater companies. Reported by Committee on Environment

MAJORITY recommendation: Do pass. Signed by Senators Nelson, Chair; Rolfes, Vice Chair; Ericksen; Chase; Fraser; Honeyford; Morton and Pridemore.

Passed to Committee on Rules for second reading.

February 21, 2012

SHB 2605 Prime Sponsor, Committee on Capital Budget: Establishing a water pollution control revolving administration fee. Reported by Committee on Environment

MAJORITY recommendation: Do pass. Signed by Senators Nelson, Chair; Rolfes, Vice Chair; Chase; Fraser and Pridemore.

MINORITY recommendation: Do not pass. Signed by Senators Ericksen and Honeyford.

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

Passed to Committee on Rules for second reading.

February 21, 2012

HB 2735 Prime Sponsor, Representative Wylie: Regarding intermediate capital projects and minor works. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Murray, Chair; Kilmer, Vice Chair, Capital Budget Chair; Conway; Fraser; Harper; Hatfield; Hewitt; Holmquist Newbry; Honeyford; Keiser; Kohl-Welles; Pridemore; Regala; Schoesler and Tom.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Zarelli; Parlette; Padden and Pflug.

Passed to Committee on Rules for second reading.

February 21, 2012

HB 2624 Prime Sponsor, Representative Hunt: Concerning the administration of medical expense plans for state government retirees. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Murray, Chair; Kilmer, Vice Chair, Capital Budget Chair; Zarelli; Parlette; Baumgartner; Conway; Fraser; Harper; Hatfield; Hewitt; Holmquist Newbry; Honeyford; Kastama; Keiser; Kohl-Welles; Padden; Pflug; Pridemore; Regala; Schoesler and Tom.

Passed to Committee on Rules for second reading.

February 21, 2012

SHB 2748 Prime Sponsor, Committee on Ways & Means: Transferring ferry and flood control zone district functions and taxing authorities to county legislative authorities in counties with a population of one million five hundred thousand or more. Reported by Committee on Government Operations, Tribal Relations & Elections

MAJORITY recommendation: Do pass. Signed by Senators Pridemore, Chair; Swecker; Chase and Nelson.

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

Passed to Committee on Rules for second reading.

February 21, 2012

HB 2639 Prime Sponsor, Representative Takko: Improving the function of the treasurer's office in handling advance taxes and assessments. Reported by Committee on Government Operations, Tribal Relations & Elections

MAJORITY recommendation: Do pass. Signed by Senators Pridemore, Chair; Swecker; Chase; Nelson and Roach.

Passed to Committee on Rules for second reading.

REPORTS OF STANDING COMMITTEES  
GUBERNATORIAL APPOINTMENTS

February 21, 2012

SGA 9193 JACK ENG, appointed on October 17, 2011, for the term ending June 17, 2017, as Member of the Board of Industrial Insurance Appeals. Reported by Committee on Labor, Commerce & Consumer Protection

February 21, 2012

SHB 2640 Prime Sponsor, Committee on Community & Economic Development & Housing: Emphasizing

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Kohl-Welles, Chair; Conway, Vice Chair; Holmquist Newbry; King; Keiser and Kline.

Passed to Committee on Rules for second reading.

February 21, 2012

SGA 9263 M.A. LEONARD, reappointed on July 11, 2011, for the term ending June 30, 2015, as Member of the Housing Finance Commission. Reported by Committee on Financial Institutions, Housing & Insurance

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Hobbs, Chair; Prentice, Vice Chair; Benton; Fain; Haugen and Keiser.

Passed to Committee on Rules for second reading.

February 21, 2012

SGA 9276 MARIO M VILLANUEVA, reappointed on July 11, 2011, for the term ending June 30, 2015, as Member of the Housing Finance Commission. Reported by Committee on Financial Institutions, Housing & Insurance

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Hobbs, Chair; Prentice, Vice Chair; Benton; Haugen and Keiser.

Passed to Committee on Rules for second reading.

#### MOTION

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

#### MOTION

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

#### INTRODUCTION AND FIRST READING

SB 6600 by Senator Eide

AN ACT Relating to extending property tax exemptions to property used exclusively by certain nonprofit organizations that is leased from an entity that acquired the property from a previously exempt nonprofit organization; and amending RCW 84.36.031.

Referred to Committee on Ways & Means.

#### MOTION

On motion of Senator Eide, the measure listed on the Introduction and First Reading report was referred to the committee as designated.

#### MOTION

On motion of Senator Eide, the following measures listed on the report 'Disposition of Bills' on the Second Reading Calendar were referred to the Rules Committee X files.

Senate Bill No. 5054, Senate Bill No. 5234, Senate Bill No. 5413, Senate Bill No. 5586, Engrossed Substitute Senate Bill No. 5605, Senate Bill No. 5676, Senate Bill No. 5694, Senate Bill No. 5752, Senate Bill No. 5970, Senate Bill No. 5971, Senate Bill No. 6060, Senate Bill No. 6065, Senate Bill No. 6069, Senate Bill No. 6076, Senate Bill No. 6085, Senate Bill No. 6089, Senate Bill No. 6122, Senate Bill No. 6130, Senate Bill No. 6137, Senate Bill No. 6143, Senate Bill No. 6156, Senate Bill No. 6178, Senate Bill No. 6179, Senate Bill No. 6181, Senate Bill No. 6186, Senate Bill No. 6194, Senate Bill No. 6196, Senate Bill No. 6199, Senate Bill No. 6220, Senate Bill No. 6228, Senate Bill No. 6234, Senate Bill No. 6249, Senate Bill No. 6265, Senate Bill No. 6270, Senate Bill No. 6285, Senate Bill No. 6291, Senate Bill No. 6302, Senate Bill No. 6321, Senate Bill No. 6322, Senate Bill No. 6346, Senate Bill No. 6347, Senate Bill No. 6363, Senate Bill No. 6376, Senate Bill No. 6393, Senate Bill No. 6415, Senate Bill No. 6431, Senate Bill No. 6446, Senate Bill No. 6451, Senate Bill No. 6456, Senate Bill No. 6475, Senate Bill No. 6480, Senate Bill No. 6491, Senate Bill No. 6538, Senate Bill No. 6568, and Senate Bill No. 6591 and

Currently the following measures also listed on the report 'Disposition of Bills' in Senate Rules Committee were also referred to the Rules Committee X files.

Senate Bill No. 5049, Senate Bill No. 5079, Substitute Senate Bill No. 5244, Senate Bill No. 5296, Senate Bill No. 5320, Senate Bill No. 5341, Senate Bill No. 5411, Substitute Senate Bill No. 5417, Senate Bill No. 5510, Senate Bill No. 5550, Senate Bill No. 5649, Senate Bill No. 5684, Senate Bill No. 5737, Senate Bill No. 5739, Senate Bill No. 5883, Senate Bill No. 5896, Senate Bill No. 5987, Senate Bill No. 5994, Senate Bill No. 6000, Senate Bill No. 6017, Senate Bill No. 6021, Senate Bill No. 6026, Senate Bill No. 6029, Senate Bill No. 6033, Senate Bill No. 6092, Senate Bill No. 6093, Senate Bill No. 6102, Senate Bill No. 6113, Senate Bill No. 6126, Senate Bill No. 6127, Senate Bill No. 6139, Senate Bill No. 6146, Senate Bill No. 6160, Senate Bill No. 6164, Senate Bill No. 6168, Senate Bill No. 6188, Senate Bill No. 6198, Senate Bill No. 6206, Senate Bill No. 6213, Senate Bill No. 6214, Senate Bill No. 6221, Senate Bill No. 6235, Senate Bill No. 6238, Senate Bill No. 6261, Senate Bill No. 6292, Senate Bill No. 6294, Senate Bill No. 6303, Senate Bill No. 6304, Senate Bill No. 6306, Senate Bill No. 6313, Senate Bill No. 6336, Senate Bill No. 6337, Senate Bill No. 6339, Senate Bill No. 6343, Senate Bill No. 6351, Senate Bill No. 6364, Senate Bill No. 6372, Senate Bill No. 6381, Senate Bill No. 6391, Senate Bill No. 6417, Senate Bill No. 6426, Senate Bill No. 6427, Senate Bill No. 6429, Senate Bill No. 6441, Senate Bill No. 6443, Senate Bill No. 6448, Senate Bill No. 6452, Senate Bill No. 6453, Senate Bill No. 6457, Senate Bill No. 6459, Senate Bill No. 6464, Senate Bill No. 6476, Senate Bill No. 6479, Senate Bill No. 6489, Senate Bill No. 6490, Senate Bill No. 6504, Senate Bill No. 6515, Senate Bill No. 6518, Senate Bill No. 6529, Senate Bill No. 6535, Senate Bill No. 6536, Senate Bill No. 6539, Senate Bill No. 6541, Senate Bill No. 6547, Senate Bill No. 6559, Senate Bill No. 6561, Senate Bill No. 6579, Senate Joint Memorial No. 8014, Senate Joint Memorial No. 8017, Senate Bill No. 5225, Senate Bill No. 5247, Substitute Senate Bill No. 5298, Senate Bill No. 5650, Senate Bill No. 6034, Senate Bill No. 6037, Senate Bill No. 6087, Senate Bill No. 6125, Senate Bill No. 6144, Senate Bill No. 6153, Senate Bill No. 6173, Senate Bill No. 6185, Senate Bill No. 6279, Senate Bill No. 6282, and Senate Bill No. 6311.

#### MOTION

At 10:37 a.m., on motion of Senator Eide, the Senate adjourned until 12:00 noon, Thursday, February 23, 2012.

BRAD OWEN, President of the Senate





**FORTY SIXTH DAY**

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**NOON SESSION**

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Senate Chamber, Olympia, Thursday, February 23, 2012

The Senate was called to order at 12:00 p.m. by President Owen. No roll call was taken.

The Sergeant at Arms Color Guard consisting of Pages Sean Hendrickson and Johathan Thomas, presented the Colors.

**MOTION**

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

**MOTION**

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

**REPORTS OF STANDING COMMITTEES**

February 22, 2012

SB 5992 Prime Sponsor, Senator Haugen: Making 2011-2013 supplemental transportation appropriations. Reported by Committee on Transportation

MAJORITY recommendation: That Substitute Senate Bill No. 5992 be substituted therefor, and the substitute bill do pass. Signed by Senators Haugen, Chair; Eide, Vice Chair; King; Fain; Delvin; Frockt; Hill; Hobbs; Litzow; Prentice; Ranker; Rolfes and Swecker.

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

Passed to Committee on Rules for second reading.

February 22, 2012

SB 6442 Prime Sponsor, Senator Hobbs: Establishing a consolidating purchasing system for public school employees. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 6442 be substituted therefor, and the substitute bill do pass. Signed by Senators Zarelli; Parlette; Baumgartner; Hatfield; Hewitt; Holmquist Newbry; Honeyford; Kastama; Keiser; Padden; Pflug; Schoesler and Tom.

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

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Murray, Chair; Kilmer, Vice Chair, Capital Budget Chair; Brown; Conway and Regala.

Passed to Committee on Rules for second reading.

February 22, 2012

SHB 1194 Prime Sponsor, Committee on Public Safety & Emergency Preparedness: Concerning bail for the release of a

person arrested and detained for a class A or B felony offense. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Senators Kline, Chair; Harper, Vice Chair; Pflug; Carrell; Hargrove; Kohl-Welles; Padden; Regala and Roach.

Passed to Committee on Rules for second reading.

February 22, 2012

SHB 1217 Prime Sponsor, Committee on Transportation: Authorizing certain local authorities to establish maximum speed limits on certain nonarterial highways. Reported by Committee on Transportation

MAJORITY recommendation: Do pass as amended. Signed by Senators Haugen, Chair; Eide, Vice Chair; Fain; Frockt; Hill; Litzow; Prentice; Ranker; Rolfes and Swecker.

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

Passed to Committee on Rules for second reading.

February 22, 2012

HB 1221 Prime Sponsor, Representative Finn: Regarding the rights of certain higher education students involved in military service. Reported by Committee on Higher Education & Workforce Development

MAJORITY recommendation: Do pass. Signed by Senators Tom, Chair; Shin, Vice Chair; Hill; Baumgartner; Becker; Frockt; Kastama; Kilmer and Stevens.

Passed to Committee on Rules for second reading.

February 22, 2012

SHB 1259 Prime Sponsor, Committee on Judiciary: Concerning notice requirements for homeowners' associations meetings. Reported by Committee on Financial Institutions, Housing & Insurance

MAJORITY recommendation: Do pass. Signed by Senators Hobbs, Chair; Prentice, Vice Chair; Benton; Fain; Haugen; Keiser and Litzow.

Passed to Committee on Rules for second reading.

February 22, 2012

HB 1327 Prime Sponsor, Representative Kirby: Increasing the permissible deposit of public funds with credit unions. Reported by Committee on Financial Institutions, Housing & Insurance

MAJORITY recommendation: Do pass as amended. Signed by Senators Hobbs, Chair; Prentice, Vice Chair; Benton; Fain; Haugen; Keiser and Litzow.

Passed to Committee on Rules for second reading.

February 22, 2012

EBH 1398 Prime Sponsor, Representative Fitzgibbon: Creating an exemption from impact fees for low-income housing.

FORTY SIXTH DAY, FEBRUARY 23, 2012

2012 REGULAR SESSION

Reported by Committee on Financial Institutions, Housing & Insurance

ESHB 2048 Prime Sponsor, Committee on Ways & Means: Concerning low-income and homeless housing assistance surcharges. Reported by Committee on Financial Institutions, Housing & Insurance

MAJORITY recommendation: Do pass as amended. Signed by Senators Hobbs, Chair; Prentice, Vice Chair; Fain; Haugen; Keiser and Litzow.

MAJORITY recommendation: Do pass as amended. Signed by Senators Hobbs, Chair; Prentice, Vice Chair; Benton; Fain; Haugen; Keiser and Litzow.

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

Passed to Committee on Ways & Means.

Passed to Committee on Rules for second reading.

February 22, 2012

February 22, 2012

SHB 1615 Prime Sponsor, Committee on Judiciary: Concerning service members' civil relief. Reported by Committee on Judiciary

2SHB 2156 Prime Sponsor, Committee on Education Appropriations & Oversight: Regarding coordination and evaluation of workforce training for aerospace and materials manufacturing. Reported by Committee on Higher Education & Workforce Development

MAJORITY recommendation: Do pass. Signed by Senators Kline, Chair; Harper, Vice Chair; Pflug; Carrell; Hargrove; Kohl-Welles; Padden; Regala and Roach.

MAJORITY recommendation: Do pass. Signed by Senators Tom, Chair; Shin, Vice Chair; Hill; Baumgartner; Becker; Frockt; Kastama; Kilmer and Stevens.

Passed to Committee on Rules for second reading.

Passed to Committee on Ways & Means.

February 22, 2012

February 22, 2012

SHB 1650 Prime Sponsor, Committee on Education Appropriations & Oversight: Changing state need grant eligibility provisions. Reported by Committee on Higher Education & Workforce Development

2SHB 2170 Prime Sponsor, Committee on Education Appropriations & Oversight: Enacting the career pathways act. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: Do pass as amended. Signed by Senators Tom, Chair; Shin, Vice Chair; Hill; Baumgartner; Becker; Kastama; Kilmer and Stevens.

MAJORITY recommendation: Do pass as amended. Signed by Senators McAuliffe, Chair; Rolfes, Vice Chair; Litzow; Harper; Hill; Hobbs; King and Nelson.

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

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

Passed to Committee on Ways & Means.

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

February 22, 2012

Passed to Committee on Rules for second reading.

2SHB 1652 Prime Sponsor, Committee on Judiciary: Regarding electronic impersonation. Reported by Committee on Judiciary

February 22, 2012

MAJORITY recommendation: Do pass. Signed by Senators Kline, Chair; Harper, Vice Chair; Pflug; Carrell; Hargrove; Kohl-Welles; Padden; Regala and Roach.

HB 2195 Prime Sponsor, Representative Rivers: Enacting the uniform interstate depositions and discovery act. Reported by Committee on Judiciary

Passed to Committee on Rules for second reading.

MAJORITY recommendation: Do pass. Signed by Senators Kline, Chair; Harper, Vice Chair; Pflug; Carrell; Hargrove; Kohl-Welles; Padden; Regala and Roach.

February 22, 2012

Passed to Committee on Rules for second reading.

SHB 1753 Prime Sponsor, Committee on Education: Clarifying the authority of a nurse working in a school setting. Reported by Committee on Early Learning & K-12 Education

February 21, 2012

MAJORITY recommendation: Do pass. Signed by Senators McAuliffe, Chair; Rolfes, Vice Chair; Litzow; Eide; Harper; Hill; Hobbs; King; Nelson and Tom.

EHB 2205 Prime Sponsor, Representative Billig: Allowing eligible youth at least sixteen years of age to register to vote. Reported by Committee on Government Operations, Tribal Relations & Elections

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

MAJORITY recommendation: Do pass. Signed by Senators Pridemore, Chair; Prentice, Vice Chair; Chase and Nelson.

Passed to Committee on Rules for second reading.

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

February 22, 2012

Passed to Committee on Rules for second reading.

February 22, 2012

HB 2224 Prime Sponsor, Representative Nealey: Concerning Washington estate tax apportionment. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Senators Kline, Chair; Harper, Vice Chair; Pflug; Carrell; Hargrove; Kohl-Welles; Padden; Regala and Roach.

Passed to Committee on Rules for second reading.

February 21, 2012

E2SHB 2238 Prime Sponsor, Committee on General Government Appropriations & Oversight: Regarding wetlands mitigation. (REVISED FOR ENGROSSED: Regarding environmental mitigation. ) Reported by Committee on Transportation

MAJORITY recommendation: Do pass as amended. Signed by Senators Haugen, Chair; Eide, Vice Chair; King; Fain; Delvin; Ericksen; Hill; Hobbs; Litzow; Ranker; Rolfes; Sheldon; Shin and Swecker.

Passed to Committee on Rules for second reading.

February 22, 2012

HB 2247 Prime Sponsor, Representative Green: Expanding the types of medications that a public or private school employee may administer to include topical medication, eye drops, and ear drops. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: Do pass. Signed by Senators McAuliffe, Chair; Rolfes, Vice Chair; Litzow; Eide; Fain; Harper; Hill; Hobbs; King; Nelson and Tom.

Passed to Committee on Rules for second reading.

February 21, 2012

SHB 2252 Prime Sponsor, Committee on Transportation: Concerning proof of payment for certain transportation fares. Reported by Committee on Transportation

MAJORITY recommendation: Do pass as amended. Signed by Senators Haugen, Chair; Eide, Vice Chair; King; Fain; Delvin; Ericksen; Hill; Hobbs; Litzow; Ranker; Rolfes; Sheldon; Shin and Swecker.

Passed to Committee on Rules for second reading.

February 22, 2012

SHB 2254 Prime Sponsor, Committee on Ways & Means: Enacting the educational success for youth and alumni of foster care act. Reported by Committee on Higher Education & Workforce Development

MAJORITY recommendation: Do pass as amended. Signed by Senators Tom, Chair; Shin, Vice Chair; Hill; Baumgartner; Frockt; Kastama and Kilmer.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Becker and Stevens.

Passed to Committee on Ways & Means.

February 22, 2012

SHB 2259 Prime Sponsor, Committee on Higher Education: Eliminating certain duplicative higher education reporting requirements. Reported by Committee on Higher Education & Workforce Development

MAJORITY recommendation: Do pass. Signed by Senators Tom, Chair; Shin, Vice Chair; Hill; Baumgartner; Becker; Frockt; Kastama; Kilmer and Stevens.

Passed to Committee on Rules for second reading.

February 22, 2012

HB 2293 Prime Sponsor, Representative Pedersen: Expanding consumer cooperative provisions under the nonprofit miscellaneous and mutual corporations act. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Senators Kline, Chair; Harper, Vice Chair; Pflug; Carrell; Hargrove; Kohl-Welles; Padden; Regala and Roach.

Passed to Committee on Rules for second reading.

February 22, 2012

SHB 2313 Prime Sponsor, Committee on Higher Education: Concerning the meeting procedures of the boards of trustees and boards of regents of institutions of higher education. Reported by Committee on Higher Education & Workforce Development

MAJORITY recommendation: Do pass. Signed by Senators Tom, Chair; Shin, Vice Chair; Hill; Baumgartner; Becker; Frockt; Kastama; Kilmer and Stevens.

Passed to Committee on Rules for second reading.

February 22, 2012

ESHB 2314 Prime Sponsor, Committee on Health Care & Wellness: Concerning long-term care workers. Reported by Committee on Health & Long-Term Care

MAJORITY recommendation: Do pass as amended. Signed by Senators Keiser, Chair; Conway, Vice Chair; Frockt; Kline; Parlette; Pflug and Pridemore.

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

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

Passed to Committee on Rules for second reading.

February 22, 2012

E2SHB 2319 Prime Sponsor, Committee on Ways & Means: Implementing the federal patient and protection affordable care act. (REVISED FOR ENGROSSED: Implementing the federal patient protection and affordable care act. ) Reported by Committee on Health & Long-Term Care

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MAJORITY recommendation: Do pass as amended.  
Signed by Senators Keiser, Chair; Conway, Vice Chair;  
Frockt; Kline; Pflug and Pridemore.

MINORITY recommendation: Do not pass. Signed by  
Senators Prentice, Vice Chair and Haugen.

MINORITY recommendation: Do not pass. Signed by  
Senators Becker; Carrell and Parlette.

MINORITY recommendation: That it be referred without  
recommendation. Signed by Senator Keiser.

Passed to Committee on Rules for second reading.

Passed to Committee on Rules for second reading.

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E2SHB 2337 Prime Sponsor, Committee on Ways & Means:  
Regarding open educational resources in K-12 education.  
Reported by Committee on Early Learning & K-12 Education

EHB 2449 Prime Sponsor, Representative Goodman:  
Addressing the applicability of statutes of limitation in arbitration  
proceedings. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass as amended.  
Signed by Senators McAuliffe, Chair; Rolfes, Vice Chair;  
Litzow; Eide; Fain; Harper; Hill; Hobbs; King and Nelson.

MAJORITY recommendation: Do pass. Signed by  
Senators Kline, Chair; Harper, Vice Chair; Pflug; Carrell;  
Hargrove; Kohl-Welles; Padden; Regala and Roach.

Passed to Committee on Ways & Means.

Passed to Committee on Rules for second reading.

February 22, 2012

February 21, 2012

ESHB 2347 Prime Sponsor, Committee on Judiciary:  
Concerning the possession of spring blade knives. Reported by  
Committee on Judiciary

HB 2459 Prime Sponsor, Representative Kagi:  
Authorizing the Washington state patrol to confiscate license  
plates from a motor carrier who operates a commercial motor  
vehicle with a revoked registration. Reported by Committee on  
Transportation

MAJORITY recommendation: Do pass as amended.  
Signed by Senators Kline, Chair; Harper, Vice Chair; Pflug;  
Carrell; Hargrove; Kohl-Welles; Padden; Regala and Roach.

MAJORITY recommendation: Do pass. Signed by  
Senators Haugen, Chair; Eide, Vice Chair; King; Fain;  
Delvin; Ericksen; Hill; Hobbs; Litzow; Ranker; Rolfes;  
Sheldon; Shin and Swecker.

Passed to Committee on Rules for second reading.

Passed to Committee on Rules for second reading.

February 22, 2012

February 22, 2012

SHB 2352 Prime Sponsor, Committee on Higher  
Education: Concerning institutions of higher education services  
and activities fees. Reported by Committee on Higher  
Education & Workforce Development

HB 2482 Prime Sponsor, Representative Kenney:  
Designating innovation partnership zones. Reported by  
Committee on Economic Development, Trade & Innovation

MAJORITY recommendation: Do pass. Signed by  
Senators Tom, Chair; Shin, Vice Chair; Hill; Baumgartner;  
Becker; Frockt; Kastama; Kilmer and Stevens.

MAJORITY recommendation: Do pass as amended.  
Signed by Senators Kastama, Chair; Chase, Vice Chair;  
Hatfield; Holmquist Newbry; Kilmer and Shin.

Passed to Committee on Rules for second reading.

Passed to Committee on Rules for second reading.

February 22, 2012

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SHB 2354 Prime Sponsor, Committee on Public Safety &  
Emergency Preparedness: Adding trafficking in stolen property  
in the first and second degrees to the six-year statute of  
limitations provisions. Reported by Committee on Judiciary

SHB 2492 Prime Sponsor, Committee on Education  
Appropriations & Oversight: Requiring the state board of  
education to provide fiscal impact statements before making rule  
changes. Reported by Committee on Early Learning & K-12  
Education

MAJORITY recommendation: Do pass. Signed by  
Senators Kline, Chair; Harper, Vice Chair; Pflug; Carrell;  
Hargrove; Kohl-Welles; Padden; Regala and Roach.

MAJORITY recommendation: Do pass. Signed by  
Senators McAuliffe, Chair; Rolfes, Vice Chair; Litzow; Eide;  
Fain; Harper; Hill; Hobbs; King; Nelson and Tom.

Passed to Committee on Rules for second reading.

Passed to Committee on Ways & Means.

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ESHB 2361 Prime Sponsor, Committee on Business &  
Financial Services: Concerning usage-based automobile  
insurance. Reported by Committee on Financial Institutions,  
Housing & Insurance

HB 2499 Prime Sponsor, Representative Billig:  
Expanding disclosure of political advertising to include  
advertising supporting or opposing ballot measures. Reported  
by Committee on Government Operations, Tribal Relations &  
Elections

MAJORITY recommendation: Do pass as amended.  
Signed by Senators Hobbs, Chair; Benton; Fain and Litzow.

MAJORITY recommendation: Do pass. Signed by Senators Pridemore, Chair; Prentice, Vice Chair; Chase and Nelson.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Swecker.

Passed to Committee on Rules for second reading.

February 22, 2012

SHB 2503 Prime Sponsor, Committee on Higher Education: Requiring institutions of higher education that offer an early course registration period to provide early registration for eligible veterans and national guard members. Reported by Committee on Higher Education & Workforce Development

MAJORITY recommendation: Do pass. Signed by Senators Tom, Chair; Shin, Vice Chair; Hill; Baumgartner; Becker; Frockt; Kastama; Kilmer and Stevens.

Passed to Committee on Rules for second reading.

February 22, 2012

ESHB 2582 Prime Sponsor, Committee on Health Care & Wellness: Requiring notice to patients for certain charges at a health care facility. Reported by Committee on Health & Long-Term Care

MAJORITY recommendation: Do pass. Signed by Senators Keiser, Chair; Conway, Vice Chair; Becker; Carrell; Frockt; Kline; Parlette; Pflug and Pridemore.

Passed to Committee on Rules for second reading.

February 22, 2012

3SHB 2585 Prime Sponsor, Committee on Ways & Means: Creating efficiencies for institutions of higher education. Reported by Committee on Higher Education & Workforce Development

MAJORITY recommendation: Do pass as amended. Signed by Senators Tom, Chair; Shin, Vice Chair; Hill; Baumgartner; Becker; Frockt; Kastama; Kilmer and Stevens.

Passed to Committee on Ways & Means.

February 22, 2012

ESHB 2586 Prime Sponsor, Committee on Ways & Means: Phasing-in statewide implementation of the Washington kindergarten inventory of developing skills. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: Do pass as amended. Signed by Senators McAuliffe, Chair; Litzow; Eide; Fain; Harper; Hill; Hobbs; King; Nelson and Tom.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Rolfes, Vice Chair.

Passed to Committee on Ways & Means.

February 22, 2012

ESHB 2614 Prime Sponsor, Committee on Judiciary: Limiting deficiency judgments pertaining to residual debts following short sales of owner-occupied residential property

secured by deeds of trust. Reported by Committee on Financial Institutions, Housing & Insurance

MAJORITY recommendation: Do pass as amended. Signed by Senators Hobbs, Chair; Prentice, Vice Chair; Benton; Fain; Haugen; Keiser and Litzow.

Passed to Committee on Rules for second reading.

February 22, 2012

SHB 2617 Prime Sponsor, Committee on Education Appropriations & Oversight: Regarding school district financial insolvency. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: That it be referred without recommendation. Signed by Senators McAuliffe, Chair; Rolfes, Vice Chair; Litzow; Eide; Fain; Harper; Hill; Hobbs; King; Nelson and Tom.

Passed to Committee on Ways & Means.

February 22, 2012

HB 2698 Prime Sponsor, Representative Kelley: Addressing the notice given to owners of life insurance policies about alternative transactions. Reported by Committee on Financial Institutions, Housing & Insurance

MAJORITY recommendation: Do pass as amended. Signed by Senators Hobbs, Chair; Prentice, Vice Chair; Benton; Fain; Keiser and Litzow.

Passed to Committee on Rules for second reading.

February 22, 2012

2SHB 2717 Prime Sponsor, Committee on Education Appropriations & Oversight: Creating innovations in higher education. Reported by Committee on Higher Education & Workforce Development

MAJORITY recommendation: Do pass as amended. Signed by Senators Tom, Chair; Shin, Vice Chair; Hill; Baumgartner; Becker; Frockt; Kastama; Kilmer and Stevens.

Passed to Committee on Rules for second reading.

February 22, 2012

SHB 2733 Prime Sponsor, Committee on Transportation: Concerning rates and charges for storm water control facilities. Reported by Committee on Environment

MAJORITY recommendation: Do pass. Signed by Senators Nelson, Chair; Rolfes, Vice Chair; Chase; Fraser and Pridemore.

MINORITY recommendation: Do not pass. Signed by Senator Honeyford.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Ericksen and Morton.

Passed to Committee on Transportation.

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SHB 2736 Prime Sponsor, Committee on Transportation: Concerning commercial vehicle regulations for texting while driving and projecting loads. Reported by Committee on Transportation

Vice Chair; Litzow; Eide; Fain; Harper; Hill; Hobbs; King; Nelson and Tom.

Passed to Committee on Rules for second reading.

MAJORITY recommendation: Do pass as amended. Signed by Senators Haugen, Chair; Eide, Vice Chair; King; Fain; Delvin; Ericksen; Hill; Hobbs; Litzow; Ranker; Rolfes; Sheldon; Shin and Swecker.

February 22, 2012

SGA 9273 CONNIE L FLETCHER, appointed on January 23, 2012, for the term ending January 30, 2015, as Member of the State Board of Education. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators McAuliffe, Chair; Rolfes, Vice Chair; Litzow; Eide; Fain; Harper; Hill; Hobbs; King; Nelson and Tom.

Passed to Committee on Rules for second reading.

Passed to Committee on Rules for second reading.

REPORTS OF STANDING COMMITTEES  
GUBERNATORIAL APPOINTMENTS

February 22, 2012

SGA 9175 ELAINE R AKAGI, appointed on August 17, 2011, for the term ending July 1, 2016, as Member of the State School for the Blind Board of Trustees. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators McAuliffe, Chair; Rolfes, Vice Chair; Litzow; Eide; Fain; Harper; Hill; Hobbs; King; Nelson and Tom.

Passed to Committee on Rules for second reading.

February 22, 2012

SGA 9280 MARK P MARTINEZ, appointed on January 20, 2009, for the term ending September 30, 2012, as Member of the Board of Trustees, Technical College District #29 (Clover Park). Reported by Committee on Higher Education & Workforce Development

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Tom, Chair; Shin, Vice Chair; Hill; Becker; Frockt; Kastama; Kilmer and Stevens.

MINORITY recommendation: That said appointment be referred without recommendation. Signed by Senator Baumgartner.

Passed to Committee on Rules for second reading.

February 22, 2012

SGA 9179 ARIELE BELO, reappointed on October 11, 2011, for the term ending July 1, 2016, as Member of the Board of Trustees for the Center of Childhood Deafness and Hearing Loss. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators McAuliffe, Chair; Rolfes, Vice Chair; Litzow; Eide; Fain; Harper; Hill; Hobbs; King; Nelson and Tom.

Passed to Committee on Rules for second reading.

February 22, 2012

SGA 9284 RALPH MUNRO, appointed on October 1, 2009, for the term ending September 30, 2015, as Member of the Board of Trustees, Western Washington University. Reported by Committee on Higher Education & Workforce Development

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Tom, Chair; Hill; Becker; Frockt; Kastama; Kilmer and Stevens.

MINORITY recommendation: That said appointment be referred without recommendation. Signed by Senator Baumgartner.

Passed to Committee on Rules for second reading.

February 22, 2012

SGA 9209 KRISTINA MAYER, reappointed on November 8, 2011, for the term ending January 30, 2015, as Member of the State Board of Education. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators McAuliffe, Chair; Rolfes, Vice Chair; Litzow; Eide; Fain; Harper; Hill; Hobbs; King; Nelson and Tom.

Passed to Committee on Rules for second reading.

MOTION

On motion of Eide, all measures listed on the Standing Committee report were referred to the committees as designated with the exception of Second Substitute House Bill No. 2170 which was referred to the Committee on Ways & Means.

February 22, 2012

SGA 9217 CHARLOTTE PARSLEY, reappointed on October 11, 2011, for the term ending July 1, 2016, as Member of the Board of Trustees for the Center of Childhood Deafness and Hearing Loss. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators McAuliffe, Chair; Rolfes,

MOTION

On motion of Senator Eide, the Senate advanced to the fifth order of business.

INTRODUCTION AND FIRST READING

SB 6601 by Senators Delvin, King, Shin and Hatfield

AN ACT Relating to the authorization and regulation of electronic scratch ticket machines for house-banked card room establishments and providing funding for education, health and human services, and public safety; amending RCW 67.70.040, 67.70.330, and 9.46.291; creating a new section; adding a new chapter to Title 67 RCW; and declaring an emergency.

Referred to Committee on Labor, Commerce & Consumer Protection.

SB 6602 by Senators Roach and Chase

AN ACT Relating to the creation of a child welfare transparency committee; and adding a new chapter to Title 74 RCW.

Referred to Committee on Human Services & Corrections.

SB 6603 by Senators Roach and Chase

AN ACT Relating to prohibiting a child custody award to a suspect in an active murder investigation.

Referred to Committee on Human Services & Corrections.

SB 6604 by Senators Roach and Chase

AN ACT Relating to guardians ad litem; and amending RCW 13.34.100 and 13.34.102.

Referred to Committee on Human Services & Corrections.

SB 6605 by Senators Roach and Chase

AN ACT Relating to child protective services workers; and adding a new section to chapter 26.44 RCW.

Referred to Committee on Human Services & Corrections.

SB 6606 by Senators Roach and Chase

AN ACT Relating to state government reorganization; amending RCW 43.17.010, 43.17.020, 42.17A.705, and 43.70.555; adding new sections to chapter 41.06 RCW; adding a new section to chapter 74.04 RCW; adding new chapters to Title 43 RCW; creating a new section; repealing RCW 70.190.030, 70.190.050, 70.190.060, 70.190.065, 70.190.070, 70.190.075, 70.190.080, 70.190.085, 70.190.090, 70.190.160, 70.190.170, 70.190.180, 70.190.190, 70.190.910, and 70.190.930; and providing an effective date.

Referred to Committee on Human Services & Corrections.

SB 6607 by Senators Kilmer, Frockt, Kastama, Hatfield, Harper, Hargrove, Hill, Murray, Becker, Hobbs and Hewitt

AN ACT Relating to the central service costs of state government; amending RCW 40.07.040, 43.19.742, and 43.19.565; adding a new section to chapter 43.19 RCW; and creating a new section.

Referred to Committee on Ways & Means.

MOTION

On motion of Senator Eide, all measures listed on the Introduction and First Reading report were referred to the committees as designated.

MOTION

On motion of Senator Eide, the Senate advanced to the eighth order of business.

MOTION

Senator Parlette moved adoption of the following resolution:

SENATE RESOLUTION  
8693

By Senators Parlette, Ericksen, Delvin, Carrell, Honeyford, Swecker, Conway, Hill, Kastama, Haugen, Shin, Keiser, Nelson, Becker, Hatfield, Sheldon, and Baumgartner

WHEREAS, In 1951, the federal Office of Defense Mobilization requested that aluminum production be increased in the United States for wartime uses; and

WHEREAS, The federal government selected Alcoa to construct the first post-World War II smelter on the banks of the Columbia River outside Malaga, Washington because of the abundance of affordable hydropower and the willingness of the Bonneville Power Administration and Chelan County Public Utility District to partner with Alcoa, as well as the support from community leaders and the Wenatchee World; and

WHEREAS, Under the impetus of national defense and consumer demands, Alcoa pushed to complete construction of the Wenatchee Works aluminum smelter in the shortest amount of time possible, installing the infrastructure for two prebake carbon potlines within 13 months; and

WHEREAS, For 60 years, Alcoa employees have kept the smelter operating successfully, today operating three potlines and directly contributing more than 52 million dollars to Chelan and Douglas counties in payroll and benefits for 460 employees and creating an additional 1,300 indirect jobs; and

WHEREAS, Throughout the years, Alcoa Wenatchee Works has continually worked to upgrade safety and environmental systems, to improve air and water quality, reducing its carbon footprint by over 25% since the 1990s and setting plant safety records during its 2011 third potline restart; and

WHEREAS, Alcoa Wenatchee Works is committed to being an outstanding community partner through financial and volunteer support of nonprofits, schools, and other community organizations in the Wenatchee Valley, providing more than 125,000 volunteer hours locally and contributing more than 1.4 million dollars in Alcoa Foundation grants and other local giving since 2002; being recognized along with its sister plant in Ferndale, by the state chapter of the Association of Fundraising Professionals as the 2011 Outstanding Philanthropic Corporation for its history of community partnerships; and

WHEREAS, The 460 men and women of Alcoa Wenatchee Works work around the clock 365 days a year to consistently produce more than 140,000 metric tons of high quality, recyclable aluminum ingot that is used in products ranging from aluminum bats and bicycles, to strong and light weight automotive and airplane parts; and



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WHEREAS, On June 26, 2012, at 10:14 a.m., Alcoa Wenatchee Works will celebrate the 60th anniversary of its first aluminum ingot poured;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate officially recognize and congratulate Alcoa Wenatchee Works and its employees for 60 years of community and economic contribution to the Wenatchee Valley and the state of Washington; and

BE IT FURTHER RESOLVED, That a copy of this resolution be immediately transferred by the Secretary of the Senate to Wenatchee Works Plant Manager Don Walton; Wenatchee Aluminum Trades Council President Kelley Woodard; and to Rufus Woods, Publisher of the Wenatchee World.

Senator Parlette spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8693.

The motion by Senator Parlette carried and the resolution was adopted by voice vote.

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced representatives of Alcoa Wenatchee Works, Don Walton, Acting Plant Manager; Wendy Lawrence, Controller; Sharon Kanareff, Public Relations and Kelly Woodard, Union President who were seated in the gallery.

MOTION

Pursuant to Rule 46, on motion of Senator Eide, and without objection, the Committee on Human Services & Corrections and the Committee on Labor, Commerce was granted special leave to meet during the day's floor session.

MOTION

Senator Eide moved adoption of the following resolution:

SENATE RESOLUTION  
8694

By Senators Kohl-Welles, Swecker, Ranker, Ericksen, Murray, Sheldon, Kilmer, Regala, Chase, Kline, Harper, Eide, Fraser, Shin, Hatfield, Tom, Rolfes, Kastama, Haugen, Keiser, and Conway

WHEREAS, The Washington state commercial fishing fleet begins leaving in March for the Pacific and Alaskan waters, and the Blessing of the Fleet will occur March 18, 2012, at Fisherman's Terminal in Ballard; and

WHEREAS, This is the 84th year that the Ballard First Lutheran Church has held the blessing; and

WHEREAS, The Washington state commercial fishing fleet begins leaving Blaine waters in May, and the Blessing of the Fleet will occur at Saw Tooth Dock in Blaine Harbor, May 6, 2012; and

WHEREAS, The Washington state commercial fishing fleet is one of the world's largest distant water fleets; and

WHEREAS, The commercial fishing industry directly and indirectly employs thousands of people and is one of the largest industries in Washington state; and

WHEREAS, The harvest annually contributes significantly to the Washington state economy; and

WHEREAS, The life of a fisher is fraught with danger and hardship that most people will never face; and

WHEREAS, Strength and courage are requirements for anyone who chooses to work on the sea, braving the elements in order to harvest the ocean's resources; and

WHEREAS, The men and women who work on fishing boats, at times in dangerous circumstances, deserve our admiration, thanks, and, when tragedy strikes, our remembrance; and

WHEREAS, Too often fishers lose their lives, devastating not only the close-knit community of fishing families in our region, but also our entire state;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate extend its condolences to the families and friends of all our fishers who have lost their lives at sea, wish the entire commercial fishing fleet a safe and prosperous season, and express its hope that all of our fishers will return home safely to their families, friends, and communities.

Senator Eide spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8694.

The motion by Senator Eide carried and the resolution was adopted by voice vote.

MOTION

Senator Eide moved adoption of the following resolution:

SENATE RESOLUTION  
8695

By Senators Kohl-Welles, Swecker, Haugen, Murray, Sheldon, Chase, Kline, Harper, Eide, Fraser, Shin, Rolfes, Regala, Keiser, and Conway

WHEREAS, People of all ethnic and cultural heritage live in Washington State, sharing their traditions, histories, and cultures with the citizens of our state; and

WHEREAS, The State of Washington recognizes the great cultural contributions made by the many generations and individuals of Norwegian descent residing in our state, particularly in Ballard; and

WHEREAS, Since 1889, the greater Seattle area and beyond have joined in celebrating Norway's Constitution Day on the 17th of May by hosting a 17th of May, or "Syttende Mai," Festival and parade in Ballard to honor the day in 1814 when Norway declared its independence by signing its constitution; and

WHEREAS, The Ballard May 17th parade is one of the largest ethnic parades in the United States and the largest May 17th parade outside of Oslo, Norway; and

WHEREAS, On the 17th of May the Ballard community will join together to participate in a wide range of cultural festivities and events in celebration of all that is Norwegian;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate honor Norway's Constitution Day, May 17, 2012, and encourage all citizens of Washington State to join in celebrating the culture and heritage of Norway; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to the Norwegian 17th of May Committee and to the Nordic Heritage Museum.

Senators Eide and Kohl-Welles spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8695.

The motion by Senator Eide carried and the resolution was adopted by voice vote.

## MOTION

Senator Ranker moved adoption of the following resolution:

SENATE RESOLUTION  
8683

By Senators Ranker, Morton, Hatfield, and Delvin

WHEREAS, The state of Washington is home to a diverse and unique array of waterfowl, fish, and wildlife species, from orca whales to spotted owls and leopard frogs to American Widgeons, which are deemed vulnerable natural treasures that must be preserved and protected for generations to come; and

WHEREAS, It is one of the fundamental responsibilities of Washington's elected leaders, and all stakeholders, to provide sound stewardship for the preservation, restoration, and rehabilitation of habitat that has been lost or degraded due to development, pollution, climate change, or invasive species; and

WHEREAS, Ducks Unlimited has long been a welcome and substantial partner in protecting Washington's native flora and fauna by conserving, restoring, and rehabilitating their habitat and crafting sustainable hunting and fishing and wildlife-viewing opportunities; and

WHEREAS, Ducks Unlimited, through science-based environmental planning, has initiated, developed, and delivered a wide range of projects that have helped retain and enhance the physical integrity of a considerable portion of the Pacific Northwest, thereby benefiting a wealth of waterfowl and wildlife; and

WHEREAS, For 75 years Ducks Unlimited has approached the challenges, both natural and man-made, that impact our waterfowl, fish, and other wildlife resources, and their native habitats, with careful consideration to ensure the survival of all species; and

WHEREAS, It is incumbent upon the state of Washington to nurture this beneficial relationship with Ducks Unlimited so together we leave an enduring legacy of successful environmental management; and

WHEREAS, Ducks Unlimited is celebrating 75 years of exemplary conservation work and the state of Washington, as a committed leader and diligent guardian of the environment, is pleased to commemorate this milestone anniversary so it will forever serve as a reminder that we must all be ever-vigilant in identifying opportunities to preserve our precious natural heritage;

NOW, THEREFORE, BE IT RESOLVED, That the Washington state Senate recognize and honor the 75th anniversary of Ducks Unlimited; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to the Washington state chapter of Ducks Unlimited.

Senator Ranker spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8683.

The motion by Senator Ranker carried and the resolution was adopted by voice vote.

## MOTION

Senator Fraser moved adoption of the following resolution:

SENATE RESOLUTION  
8692

By Senators Fraser, Swecker, and Sheldon

WHEREAS, The Olympia Symphony Orchestra began community concerts in the 1920s and began regular concerts as a community-based volunteer symphony orchestra at the end of World War II; and

WHEREAS, The Olympia Symphony Orchestra was officially incorporated as a nonprofit community orchestra on October 23, 1952; and

WHEREAS, The Olympia Symphony Orchestra has passed the baton to many gifted Maestros over the intervening years, including Carl Moldrem, Les Armstrong, Fred P. Schlichting, Irv Wright, Ian K. Edlund, Jonathan Shames; and

WHEREAS, Most recently, the Symphony has flourished under the outstanding leadership of Maestro Hue Edwards; and

WHEREAS, The Olympia Symphony Orchestra has provided years of education, entertainment, and the many benefits of community cultural enhancement to literally tens of thousands of residents of Southwest Washington during the course of hundreds of concerts over decades; and

WHEREAS, At the invitation of the Governor of the State of Washington for the past six years, the Olympia Symphony Orchestra has provided for the enjoyment of Capitol area residents, by performing a free symphonic concert on the lawn of the Capitol Campus on the last Sunday of each July; and

WHEREAS, The past 60 years of community enrichment has involved thousands of South Sound volunteers donating their skills and talents by acting in their capacity as board members, musicians, students, audience participants, donors, and other lovers of symphonic music; and

WHEREAS, As the Olympia Symphony Orchestra turns sixty years of age this October, it takes its place as one of the longest continuously performing community-based orchestras in the State of Washington;

NOW, THEREFORE, BE IT RESOLVED, That the Senate congratulate the Olympia Symphony Orchestra Board, its Maestro Hue Edwards, its staff and musicians, and its thousands of supporters on its 60th Birthday; and

BE IT FURTHER RESOLVED, That the Washington State Senate, on behalf of the people of the state of Washington, extend its sincerest wish that the next 60 years will bring as much enjoyment and great music to the Capitol Lawn and to the Capital City as the last 60 years; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to the Olympia Symphony Orchestra.

Senator Fraser spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8692.

The motion by Senator Fraser carried and the resolution was adopted by voice vote.

## MOTION

Senator Haugen moved adoption of the following resolution:

SENATE RESOLUTION  
8696

By Senators Haugen, Ranker, and Stevens

WHEREAS, Every April the tulips are in bloom, celebrating the beginning of spring; and

WHEREAS, The beautiful Skagit Valley is the Northwest's tulip capital and the number one producer of tulip bulbs in North America; and

FORTY SIXTH DAY, FEBRUARY 23, 2012

2012 REGULAR SESSION

WHEREAS, The Skagit Valley Tulip Festival kicks off the festival season in Washington; and

WHEREAS, Nearly half a million people visited the Skagit Valley Tulip Festival last year, participating in the joy and excitement of the event and contributing to the economy of the Skagit Valley; and

WHEREAS, This year's 29th annual festival will run from April 1st through 30th, focusing on the communities of Sedro-Woolley, Burlington, Anacortes, La Conner, Mount Vernon, Concrete, and Conway; and

WHEREAS, Visitors will be greeted by more than 700 acres of tulips reflecting all the vibrant colors of the rainbow, by the fullness of life in the valley, and by its wonderful people; and

WHEREAS, This year's Tulip Festival Ambassadors, Aliyah Zullo and Patrick Close, will ably and personably perform their responsibilities as representatives of the festival; and

WHEREAS, Highlights of the event include the Mount Vernon Street Fair, PACCAR Open House, Air Show and Fly-in, Skagit County Wineries and Breweries, RoozenGaarde, Tulip Town, art shows, bike rides, and foot races, and much more;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate salute all the communities of the Skagit Valley, their Chambers of Commerce, the Skagit Valley Tulip Festival Ambassadors, and the Tulip Festival Committee; and

BE IT FURTHER RESOLVED, That the Senate commend the community leaders and corporate sponsors for the success of this important event and encourage citizens from across Washington to take the time to enjoy this spectacular display; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to the Skagit Valley Tulip Festival Executive Director Cindy Verge and the Tulip Festival Ambassadors.

Senator Haugen spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8696.

The motion by Senator Haugen carried and the resolution was adopted by voice vote.

MOTION

Senator Honeyford moved adoption of the following resolution:

SENATE RESOLUTION  
8698

By Senators Honeyford, Delvin, and Hewitt

WHEREAS, Benton REA, headquartered in Prosser, Washington with branch offices in West Richland and Toppenish, celebrated its 75th anniversary at the annual meeting on February 4, 2012; and

WHEREAS, Benton REA is the oldest operating member/consumer-owned electric utility in Benton and Yakima counties, which is an amazing accomplishment; and

WHEREAS, Benton REA was formed on April 19, 1937, with the signing of the Articles of Incorporation which were subsequently filed with the Washington Secretary of State on April 23, 1937; and

WHEREAS, The first electricity was delivered to 89 members in May of 1938 over 43 miles of newly constructed power line with a plant value of 40,000 dollars. These new members used an average of 27 kilowatt hours per month; and

WHEREAS, The first annual meeting of Benton REA was held September 17, 1938; and

WHEREAS, On this 75th anniversary of Benton REA, over 15,700 accounts in Benton, Yakima, and Lewis counties received electrical service as member/owners of Benton REA; and

WHEREAS, With a total plant value of over 100 million dollars, and more than 2,100 miles of power line, Benton REA is now the third largest electric cooperative in Washington State; and

WHEREAS, With equity of over 50 percent and recognized as being among the cooperatives in the State and Nation with the least number of consumer outages, Benton REA member/owners have reason to celebrate;

NOW, THEREFORE, BE IT RESOLVED, That the Senate recognize the success of Benton REA over the past 75 years as a testament of what can be accomplished through cooperation and working together to achieve a common goal.

Senator Honeyford spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8698.

The motion by Senator Honeyford carried and the resolution was adopted by voice vote.

MOTION

Senator Honeyford moved adoption of the following resolution:

SENATE RESOLUTION  
8699

By Senator Honeyford

WHEREAS, This year marks the one hundredth year of service provided to the Sunnyside community by C. Speck Motors. Four generations of the Speck family have worked to provide automobile service to the community; and

WHEREAS, The Speck family came to Sunnyside in 1908. Clayton Speck, an enterprising young business man, worked in the restaurant business for several years before turning to the automobile industry. He started the Sunnyside garage in 1911, and then the Speck-Rowland Garage the following year. The garage sold Buick and GMC Trucks, and eventually added a Chevrolet division. The dealership became C. Speck Motors in 1920; and

WHEREAS, Even during the great depression Clayton Speck added a new dealership facility. Though he was criticized at the time for that decision, Speck was able to keep the shop running by manufacturing parts for the military; and

WHEREAS, Clayton Speck is remembered as a man of great character and generosity, contributing to orphanages and other community projects; and

WHEREAS, Clayton's son James R. Speck left the University of Washington in 1950 to run the dealership when Clayton became ill. James continued to run the dealership until 1975. James continued his father's tradition of helping the community by supporting activities such as American Legion baseball, little league baseball, and the school Patrol. He also served as President of Washington State Auto Dealers Association in 1966; and

WHEREAS, In 1975, James C. Speck became the third generation to run C. Speck Motors. He served on the General Motors Dealers Advisory Board in 1985. He added a Nissan franchise to the dealership in 1985, and added a new showroom; and

WHEREAS, In 1994, Kathryn Speck, James C. Speck's daughter, began working for the dealership. She became the Dealer Principal in 1998. She moved the dealership to a larger location, and it is now one of the largest in the area;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate thank and congratulate the Speck family and C. Speck Motors for providing one hundred years of service to the Sunnyside area; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to the Speck family.

Senator Honeyford spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8699.

The motion by Senator Honeyford carried and the resolution was adopted by voice vote.

#### MOTION

At 12:21 p.m., on motion of Senator Eide, the Senate adjourned until 10:00 a.m. Friday, February 24, 2012.

BRAD OWEN, President of the Senate

THOMAS HOEMANN, Secretary of the Senate

**FORTY SEVENTH DAY**

**MORNING SESSION**

Senate Chamber, Olympia, Friday, February 24, 2012

The Senate was called to order at 10:00 a.m. by the President Pro Tempore. The Secretary called the roll and announced to the President that all Senators were present.

The Sergeant at Arms Color Guard consisting of Pages Maxwell Makin and Dylan Tom, presented the Colors. Pastor Greg Asimakoupoulos of Mercer Island Covenant Church offered the prayer.

**MOTION**

On motion of Senator Eide, the reading of the Journal of the previous day was dispensed with and it was approved.

**MOTION**

There being no objection, the Senate advanced to the first order of business.

**REPORTS OF STANDING COMMITTEES**

February 23, 2012

SHB 1057 Prime Sponsor, Committee on Labor & Workforce Development: Creating the farm labor contractor account. Reported by Committee on Labor, Commerce & Consumer Protection

MAJORITY recommendation: Do pass. Signed by Senators Kohl-Welles, Chair; Conway, Vice Chair; Holmquist Newbry; King; Hewitt; Keiser and Kline.

Passed to Committee on Rules for second reading.

February 23, 2012

EHB 2152 Prime Sponsor, Representative Angel: Clarifying timelines associated with plats. Reported by Committee on Government Operations, Tribal Relations & Elections

MAJORITY recommendation: Do pass as amended. Signed by Senators Pridemore, Chair; Prentice, Vice Chair; Swecker; Benton; Chase and Nelson.

Passed to Committee on Rules for second reading.

February 23, 2012

HB 2210 Prime Sponsor, Representative Billig: Extending contribution limits to school board candidates. Reported by Committee on Government Operations, Tribal Relations & Elections

MAJORITY recommendation: Do pass. Signed by Senators Pridemore, Chair; Prentice, Vice Chair; Benton; Chase and Nelson.

MINORITY recommendation: Do not pass. Signed by Senator Swecker.

Passed to Committee on Rules for second reading.

February 23, 2012

HB 2219 Prime Sponsor, Representative Alexander: Addressing the powers and duties of the gambling commission. Reported by Committee on Labor, Commerce & Consumer Protection

MAJORITY recommendation: Do pass. Signed by Senators Kohl-Welles, Chair; Conway, Vice Chair; Holmquist Newbry; King; Hewitt; Keiser and Kline.

Passed to Committee on Rules for second reading.

February 23, 2012

HB 2240 Prime Sponsor, Representative Moscoso: Concerning public improvement contracts involving federally funded transit facility projects. Reported by Committee on Transportation

MAJORITY recommendation: That it be referred without recommendation. Signed by Senators Haugen, Chair; Eide, Vice Chair; King; Fain; Ericksen; Frockt; Hill; Litzow; Prentice; Shin and Swecker.

Passed to Committee on Ways & Means.

February 23, 2012

HB 2242 Prime Sponsor, Representative Ryu: Requiring the department of licensing to adopt rules regarding online learning for training in cosmetology, manicuring, barbering, esthetics, and instruction. Reported by Committee on Labor, Commerce & Consumer Protection

MAJORITY recommendation: Do pass as amended. Signed by Senators Kohl-Welles, Chair; Conway, Vice Chair; Holmquist Newbry; King; Hewitt; Keiser and Kline.

Passed to Committee on Rules for second reading.

February 23, 2012

EHB 2328 Prime Sponsor, Representative Dammeier: Addressing job order contracting. Reported by Committee on Government Operations, Tribal Relations & Elections

MAJORITY recommendation: Do pass. Signed by Senators Pridemore, Chair; Prentice, Vice Chair; Swecker; Benton; Chase and Nelson.

Passed to Committee on Rules for second reading.

February 23, 2012

ESHB 2335 Prime Sponsor, Committee on Environment: Concerning standards for the use of science to support public policy. Reported by Committee on Government Operations, Tribal Relations & Elections

MAJORITY recommendation: Do pass as amended. Signed by Senators Pridemore, Chair; Prentice, Vice Chair; Swecker; Benton; Chase and Nelson.

Passed to Committee on Ways & Means.

February 23, 2012

SHB 2375 Prime Sponsor, Committee on State Government & Tribal Affairs: Making conforming amendments made necessary by reorganizing and streamlining central service functions, powers, and duties of state government. Reported by Committee on Government Operations, Tribal Relations & Elections

MAJORITY recommendation: Do pass. Signed by Senators Pridemore, Chair; Prentice, Vice Chair; Swecker; Benton; Chase and Nelson.

Passed to Committee on Rules for second reading.

February 23, 2012

SHB 2395 Prime Sponsor, Committee on Labor & Workforce Development: Regulating drayage truck operators. Reported by Committee on Labor, Commerce & Consumer Protection

MAJORITY recommendation: Do pass. Signed by Senators Kohl-Welles, Chair; Conway, Vice Chair; Keiser and Kline.

MINORITY recommendation: Do not pass. Signed by Senator Holmquist Newbry.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators King and Hewitt.

Passed to Committee on Rules for second reading.

February 23, 2012

HB 2396 Prime Sponsor, Representative Hudgins: Clarifying the number of employees within certain classifications within the consolidated technology services agency. Reported by Committee on Government Operations, Tribal Relations & Elections

MAJORITY recommendation: Do pass as amended. Signed by Senators Pridemore, Chair; Prentice, Vice Chair; Swecker; Benton; Chase and Nelson.

Passed to Committee on Rules for second reading.

February 23, 2012

SHB 2407 Prime Sponsor, Committee on State Government & Tribal Affairs: Restricting the use of information related to claims resolution structured settlement agreements. Reported by Committee on Labor, Commerce & Consumer Protection

MAJORITY recommendation: Do pass. Signed by Senators Kohl-Welles, Chair; Conway, Vice Chair; Keiser and Kline.

MINORITY recommendation: Do not pass. Signed by Senator Holmquist Newbry.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators King and Hewitt.

Passed to Committee on Rules for second reading.

February 23, 2012

SHB 2416 Prime Sponsor, Committee on Local Government: Concerning equitable allocation of auditor costs. Reported by Committee on Government Operations, Tribal Relations & Elections

MAJORITY recommendation: Do pass. Signed by Senators Pridemore, Chair; Prentice, Vice Chair; Swecker; Chase and Nelson.

MINORITY recommendation: Do not pass. Signed by Senator Benton.

Passed to Committee on Rules for second reading.

February 23, 2012

SHB 2458 Prime Sponsor, Committee on Ways & Means: Concerning the existing authority to impose a sales and use tax for public facilities districts by providing flexibility in the submittal of the sales and use tax to voters by distressed public facilities districts. Reported by Committee on Government Operations, Tribal Relations & Elections

MAJORITY recommendation: That it be referred without recommendation. Signed by Senators Pridemore, Chair; Prentice, Vice Chair; Swecker; Chase and Nelson.

MINORITY recommendation: Do not pass. Signed by Senator Benton.

Passed to Committee on Ways & Means.

February 23, 2012

EHB 2513 Prime Sponsor, Representative Roberts: Exempting common interest community managers from real estate broker and managing broker licensing requirements. Reported by Committee on Labor, Commerce & Consumer Protection

MAJORITY recommendation: Do pass. Signed by Senators Kohl-Welles, Chair; Conway, Vice Chair; Holmquist Newbry; King; Hewitt and Keiser.

Passed to Committee on Rules for second reading.

February 23, 2012

EHB 2558 Prime Sponsor, Representative Moeller: Establishing a theater license to sell beer, including strong beer, or wine, or both, at retail for consumption on theater premises. Reported by Committee on Labor, Commerce & Consumer Protection

MAJORITY recommendation: Do pass as amended. Signed by Senators Kohl-Welles, Chair; Hewitt; Keiser and Kline.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Holmquist Newbry and King.

Passed to Committee on Rules for second reading.

February 23, 2012

HB 2566 Prime Sponsor, Representative Stanford: Increasing the penal sum of a surety bond required to be

FORTY SEVENTH DAY, FEBRUARY 24, 2012

maintained by an appraisal management company. Reported by Committee on Labor, Commerce & Consumer Protection

MAJORITY recommendation: Do pass. Signed by Senators Kohl-Welles, Chair; Conway, Vice Chair; King; Hewitt; Keiser and Kline.

MINORITY recommendation: Do not pass. Signed by Senator Holmquist Newbry.

Passed to Committee on Rules for second reading.

February 23, 2012

SHB 2615 Prime Sponsor, Committee on Local Government: Authorizing benefit charges for the enhancement of fire protection services. Reported by Committee on Government Operations, Tribal Relations & Elections

MAJORITY recommendation: Do pass as amended. Signed by Senators Pridemore, Chair; Prentice, Vice Chair; Swecker; Benton; Chase and Nelson.

Passed to Committee on Ways & Means.

February 23, 2012

ESHB 2669 Prime Sponsor, Committee on Labor & Workforce Development: Enforcing the payment of prevailing wages. Reported by Committee on Labor, Commerce & Consumer Protection

MAJORITY recommendation: Do pass as amended. Signed by Senators Kohl-Welles, Chair; Conway, Vice Chair; Holmquist Newbry; King; Hewitt; Keiser and Kline.

Passed to Committee on Rules for second reading.

February 23, 2012

HB 2697 Prime Sponsor, Representative Ormsby: Addressing membership on city disability boards. Reported by Committee on Government Operations, Tribal Relations & Elections

MAJORITY recommendation: Do pass. Signed by Senators Pridemore, Chair; Prentice, Vice Chair; Swecker; Benton; Chase and Nelson.

Passed to Committee on Rules for second reading.

REPORTS OF STANDING COMMITTEES  
GUBERNATORIAL APPOINTMENTS

February 23, 2012

SGA 9171 ANNE E HALEY, appointed on April 22, 2011, for the term ending June 30, 2012, as Member of the Transportation Commission. Reported by Committee on Transportation

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Haugen, Chair; Eide, Vice Chair; King; Fain; Ericksen; Frockt; Hill; Litzow; Prentice; Ranker; Shin and Swecker.

Passed to Committee on Rules for second reading.

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SGA 9205 JERALD (JERRY) R LITT, appointed on July 1, 2011, for the term ending June 30, 2017, as Member of the Transportation Commission. Reported by Committee on Transportation

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Haugen, Chair; Eide, Vice Chair; King; Fain; Ericksen; Frockt; Hill; Litzow; Prentice; Ranker; Shin and Swecker.

Passed to Committee on Rules for second reading.

February 23, 2012

SGA 9234 JOE M TORTORELLI, appointed on August 29, 2011, for the term ending June 30, 2014, as Member of the Transportation Commission. Reported by Committee on Transportation

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Haugen, Chair; Eide, Vice Chair; King; Fain; Ericksen; Frockt; Hill; Litzow; Prentice; Ranker; Shin and Swecker.

Passed to Committee on Rules for second reading.

February 23, 2012

SGA 9281 KELSEY GRAY, appointed on January 23, 2012, for the term ending June 30, 2017, as Member of the Gambling Commission. Reported by Committee on Labor, Commerce & Consumer Protection

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Kohl-Welles, Chair; Conway, Vice Chair; Holmquist Newbry; King; Keiser and Kline.

Passed to Committee on Rules for second reading.

MOTION

On motion of Senator Eide, all measures listed on the Standing Committee report were referred to the committees as designated.

MOTION

On motion of Senator Eide, the Senate advanced to the fifth order of business.

INTRODUCTION AND FIRST READING

ESB 6608 by Senators Harper, Pflug, Frockt, Kline and Eide

AN ACT Relating to judicial stabilization trust account surcharges; and amending RCW 3.62.060, 36.18.018, and 36.18.020.

Referred to Committee on Ways & Means.

SB 6609 by Senator Keiser

AN ACT Relating to the medicaid personal care services program; and amending RCW 74.09.520.

Referred to Committee on Ways & Means.

SB 6610 by Senators Chase, Prentice, Kline, Nelson, Conway, McAuliffe, Kohl-Welles and Benton

AN ACT Relating to increasing accountability for the tax preferences for manufacturing machinery and equipment by requiring a net benefit to the state and deferring sales and use tax; adding a new chapter to Title 82 RCW; repealing RCW 82.08.02565 and 82.12.02565; and providing an effective date.

Referred to Committee on Ways & Means.

#### MOTION

On motion of Senator Eide, all measures listed on the Introduction and First Reading report were referred to the committees as designated.

#### MOTION

On motion of Senator Eide, the Senate advanced to the eighth order of business.

#### MOTION

Senator Keiser moved adoption of the following resolution:

#### SENATE RESOLUTION 8697

By Senators Keiser, Conway, Pflug, Becker, Sheldon, Hobbs, Litzow, Nelson, Fain, Parlette, Kline, Kohl-Welles, Prentice, Fraser, McAuliffe, and Shin

WHEREAS, People with all kinds of disabilities have the right to live and work in communities with equal rights as equal citizens; and

WHEREAS, Living in a home in the community of your choice, free from isolation and segregation, is one key to achieving the American dream; and

WHEREAS, Those with disabilities are no longer willing to accept a fate that separates or excludes them; and

WHEREAS, Approximately 832,000 people in Washington state have a disability requiring personal assistance services by family members, providers, and community organizations; and

WHEREAS, Employees with disabilities require assistance to ensure job success and should have access to supports necessary to succeed in the workplace; and

WHEREAS, There are several independent living centers in Washington state working with individuals with disabilities on obtaining access to housing, employment, transportation, recreational facilities, and health and social services; and

WHEREAS, People live happier, more fulfilled lives when they are able to actively contribute to society by working, volunteering, and participating in community events; and

WHEREAS, With the assistance of the 32,000 plus home and personal care workers in Washington State working to reduce unnecessary institutionalization and promote integration into community life, independent living is no longer an unattainable dream; and

WHEREAS, Living independently gives people the option to manage their own services, increasing control over their own decisions and lives; and

WHEREAS, Independent living empowers individuals with disabilities by creating opportunities, promoting choice, advancing access, and furthering participation in community life;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate honor and support the rights of all individuals with disabilities and their right to live and work in our communities independently.

Senators Keiser, Parlette, Haugen and Shin spoke in favor of adoption of the resolution.

The President Pro Tempore declared the question before the Senate to be the adoption of Senate Resolution No. 8697.

The motion by Senator Keiser carried and the resolution was adopted by voice vote.

#### INTRODUCTION OF SPECIAL GUESTS

The President Pro Tempore welcomed and introduced representatives of Passport for Changes and the ARC of Washington, Cherie Tessier, Robert Wardell and Shaw Latham who were seated in the gallery.

#### MOMENT OF SILENCE

The Senate observed a moment of silence in memory of Washington State Patrol Officer Tony Radulescu, who was killed in the line of duty on February 23, 2012.

#### MOTION

At 10:20 a.m., on motion of Senator Eide, the Senate was declared to be at ease subject to the call of the President.

The Senate was called to order at 11:06 a.m. by the President Pro Tempore.

#### MOTION

On motion of Senator Eide, the Senate reverted to the sixth order of business.

#### SECOND READING

HOUSE BILL NO. 1486, by Representatives Green, Jinkins, Cody, Hinkle, Moeller, Bailey, Schmick, Clibborn, Kelley and Condotta

Authorizing Washington pharmacies to fill prescriptions written by advanced registered nurse practitioners in other states.

The measure was read the second time.

#### MOTION

On motion of Senator Keiser, the rules were suspended, House Bill No. 1486 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Keiser and Pflug spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of House Bill No. 1486.

#### ROLL CALL



FORTY SEVENTH DAY, FEBRUARY 24, 2012

2012 REGULAR SESSION

The Secretary called the roll on the final passage of House Bill No. 1486 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Baumgartner, Becker, Benton, Brown, Carrell, Chase, Conway, Delvin, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hatfield, Haugen, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles, Litzow, McAuliffe, Morton, Murray, Nelson, Padden, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rolfes, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

HOUSE BILL NO. 1486, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

HOUSE BILL NO. 2247, by Representatives Green, Cody, Billig, Fitzgibbon, Reykdal, Maxwell, Jinkins, Finn, Moeller and Ryu

Expanding the types of medications that a public or private school employee may administer to include topical medication, eye drops, and ear drops.

The measure was read the second time.

#### MOTION

On motion of Senator McAuliffe, the rules were suspended, House Bill No. 2247 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators McAuliffe and Litzow spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of House Bill No. 2247.

#### ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2247 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Baumgartner, Becker, Benton, Brown, Carrell, Chase, Conway, Delvin, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hatfield, Haugen, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles, Litzow, McAuliffe, Morton, Murray, Nelson, Padden, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rolfes, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

HOUSE BILL NO. 2247, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

HOUSE BILL NO. 2705, by Representatives Sullivan and Kretz

Creating the office of legislative support services.

The measure was read the second time.

#### MOTION

On motion of Senator Fraser, the rules were suspended, House Bill No. 2705 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Fraser spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of House Bill No. 2705.

#### ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2705 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Baumgartner, Becker, Benton, Brown, Carrell, Chase, Conway, Delvin, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hatfield, Haugen, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles, Litzow, McAuliffe, Morton, Murray, Nelson, Padden, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rolfes, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

HOUSE BILL NO. 2705, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SUBSTITUTE HOUSE BILL NO. 2422, by House Committee on Technology, Energy & Communications (originally sponsored by Representatives Billig, Haler, Stanford, McCoy, Maxwell, Eddy, Nealey, Crouse, Probst, Liias, Parker, Van De Wege, Upthegrove, Ormsby, Kenney, Morris and Moscoso)

Revising provisions concerning regulation of aviation biofuels production. Revised for 1st Substitute: Supporting the development of aviation biofuels production.

The measure was read the second time.

#### MOTION

On motion of Senator Ranker, the rules were suspended, Substitute House Bill No. 2422 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Ranker and Delvin spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Substitute House Bill No. 2422.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2422 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 4; Absent, 0; Excused, 0.

Voting yea: Senators Baumgartner, Becker, Benton, Brown, Carrell, Chase, Conway, Delvin, Eide, Fain, Fraser, Frockt, Hargrove, Harper, Hatfield, Haugen, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles, Litzow, McAuliffe, Morton, Murray,

Nelson, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rolfes, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Voting nay: Senators Ericksen, Padden, Parlette and Schoesler

SUBSTITUTE HOUSE BILL NO. 2422, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

ENGROSSED HOUSE BILL NO. 2186, by Representatives Bailey, Cody, Schmick, Darneille, Ahern, Green, Kelley and Kenney

Concerning licensed midwives ability to work with registered nurses and licensed practical nurses.

The measure was read the second time.

#### MOTION

On motion of Senator Keiser, the rules were suspended, Engrossed House Bill No. 2186 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Keiser, Becker and Conway spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Engrossed House Bill No. 2186.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 2186 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Baumgartner, Becker, Benton, Brown, Carrell, Chase, Conway, Delvin, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hatfield, Haugen, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles, Litzow, McAuliffe, Morton, Murray, Nelson, Padden, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rolfes, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

ENGROSSED HOUSE BILL NO. 2186, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SUBSTITUTE HOUSE BILL NO. 2255, by House Committee on Business & Financial Services (originally sponsored by Representatives Kirby and Bailey)

Concerning nondepository institutions regulated by the department of financial institutions.

The measure was read the second time.

#### MOTION

On motion of Senator Hobbs, the rules were suspended, Substitute House Bill No. 2255 was advanced to third reading, the

second reading considered the third and the bill was placed on final passage.

Senator Hobbs spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Substitute House Bill No. 2255.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2255 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Baumgartner, Becker, Benton, Brown, Carrell, Chase, Conway, Delvin, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hatfield, Haugen, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles, Litzow, McAuliffe, Morton, Murray, Nelson, Padden, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rolfes, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

SUBSTITUTE HOUSE BILL NO. 2255, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### NOTICE OF RECONSIDERATION

Having voted on the prevailing side, Senator Benton gave notice of his intent to move to reconsider the vote by which Substitute House Bill No. 2255 passed the Senate.

#### SECOND READING

HOUSE BILL NO. 2653, by Representatives Hansen and Uptegrove

Correcting technical statutory cross-references in previous private infrastructure development legislation for certain provisions relating to regulatory fees for wastewater companies.

The measure was read the second time.

#### MOTION

On motion of Senator Nelson, the rules were suspended, House Bill No. 2653 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Nelson spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of House Bill No. 2653.

#### ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2653 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Baumgartner, Becker, Benton, Brown, Carrell, Chase, Conway, Delvin, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hatfield, Haugen, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles, Litzow, McAuliffe, Morton, Murray, Nelson, Padden, Parlette, Pflug, Prentice, Pridemore, Ranker,

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Regala, Roach, Rolfes, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

HOUSE BILL NO. 2653, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

HOUSE BILL NO. 2304, by Representatives Hudgins, Hunt and Moscoso

Transferring the low-level radioactive waste site use permit program from the department of ecology to the department of health.

The measure was read the second time.

#### MOTION

On motion of Senator Nelson, the rules were suspended, House Bill No. 2304 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Nelson and Ericksen spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of House Bill No. 2304.

#### ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2304 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Baumgartner, Becker, Benton, Brown, Carrell, Chase, Conway, Delvin, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hatfield, Haugen, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles, Litzow, McAuliffe, Morton, Murray, Nelson, Padden, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rolfes, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

HOUSE BILL NO. 2304, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

HOUSE BILL NO. 2356, by Representatives Warnick, Dunshee, Haigh, Buys, Van De Wege and Tharinger

Concerning state capital funding of health and safety improvements at agricultural fairs.

The measure was read the second time.

#### MOTION

On motion of Senator Hatfield, the rules were suspended, House Bill No. 2356 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Hatfield and Becker spoke in favor of passage of the bill.

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#### MOTION

On motion of Senator Harper, Senator Brown was excused.

#### MOTION

On motion of Senator Ericksen, Senator Honeyford was excused.

The President Pro Tempore declared the question before the Senate to be the final passage of House Bill No. 2356.

#### ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2356 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Baumgartner, Becker, Benton, Carrell, Chase, Conway, Delvin, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hatfield, Haugen, Hewitt, Hill, Hobbs, Holmquist Newbry, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles, Litzow, McAuliffe, Morton, Murray, Nelson, Padden, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rolfes, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Excused: Senators Brown and Honeyford

HOUSE BILL NO. 2356, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

HOUSE BILL NO. 2329, by Representatives Takko, Orcutt, Blake, Chandler, Stanford, Taylor and Van De Wege

Replacing encumbered state forest lands for the benefit of multiple participating counties.

The measure was read the second time.

#### MOTION

Senator Hargrove moved that the following amendment by Senator Hargrove be adopted:

On page 2, after line 34, insert the following:

"(3) It is the further intent of the legislature that the replacement forest lands purchased to be part of the land pool are to be maintained as working forest lands. For purposes of the land pool, the department of natural resources should seek out land threatened by encroaching development and land not likely to become further encumbered in an effort to preserve working forest land to the maximum extent possible."

Senators Hargrove and Morton spoke in favor of adoption of the amendment.

The President Pro Tempore declared the question before the Senate to be the adoption of the amendment by Senator Hargrove on page 2, after line 34 to House Bill No. 2329.

The motion by Senator Hargrove carried and the amendment was adopted by voice vote.

#### MOTION

On motion of Senator Ranker, the rules were suspended, House Bill No. 2329 as amended by the Senate was advanced to

third reading, the second reading considered the third and the bill was placed on final passage.

Senators Ranker and Morton spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of House Bill No. 2329 as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2329 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 45; Nays, 3; Absent, 0; Excused, 1.

Voting yea: Senators Baumgartner, Becker, Benton, Carrell, Chase, Conway, Delvin, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hatfield, Haugen, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles, Litzow, McAuliffe, Morton, Murray, Nelson, Padden, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rolfes, Sheldon, Shin, Stevens, Swecker and Tom

Voting nay: Senators Parlette, Schoesler and Zarelli

Excused: Senator Brown

HOUSE BILL NO. 2329 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MOTION

At 12:02 p.m., on motion of Senator Eide, the Senate was declared to be at ease subject to the call of the President.

#### AFTERNOON SESSION

The Senate was called to order at 3:21 p.m. by Senator Fraser.

#### MOTION

On motion of Senator Frockt, the Senate reverted to the first order of business.

#### SUPPLEMENTAL REPORTS OF STANDING COMMITTEES

February 23, 2012

SSB 5534 Prime Sponsor, Committee on Ways & Means: Concerning the business and occupation taxation of newspapers. Reported by Committee on Ways & Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 5534 be substituted therefor, and the second substitute bill do pass. Signed by Senators Murray, Chair; Kilmer, Vice Chair, Capital Budget Chair; Zarelli; Parlette; Baumgartner; Brown; Conway; Fraser; Harper; Hatfield; Hewitt; Holmquist Newbry; Honeyford; Kastama; Keiser; Kohl-Welles; Padden; Pridemore; Regala; Schoesler and Tom.

Passed to Committee on Rules for second reading.

February 23, 2012

SB 5950 Prime Sponsor, Senator Roach: Regulating nonstate pension plans offered by towns. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Murray, Chair; Kilmer, Vice Chair, Capital Budget Chair; Zarelli; Parlette; Baumgartner; Brown; Conway; Fraser; Harper; Hatfield; Hewitt; Holmquist Newbry; Honeyford; Kastama; Keiser; Kohl-Welles; Padden; Pflug; Pridemore; Regala; Schoesler and Tom.

Passed to Committee on Rules for second reading.

February 23, 2012

SB 6091 Prime Sponsor, Senator Honeyford: Concerning the maintenance of privacy standards by eliminating the department of revenues' authorization to examine medical records. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 6091 be substituted therefor, and the substitute bill do pass. Signed by Senators Murray, Chair; Kilmer, Vice Chair, Capital Budget Chair; Zarelli; Parlette; Baumgartner; Brown; Conway; Fraser; Harper; Hatfield; Hewitt; Holmquist Newbry; Honeyford; Kastama; Keiser; Kohl-Welles; Padden; Pflug; Pridemore; Regala; Schoesler and Tom.

Passed to Committee on Rules for second reading.

February 23, 2012

SB 6581 Prime Sponsor, Senator Murray: Eliminating accounts and funds. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 6581 be substituted therefor, and the substitute bill do pass. Signed by Senators Murray, Chair; Kilmer, Vice Chair, Capital Budget Chair; Zarelli; Parlette; Baumgartner; Brown; Conway; Fraser; Harper; Hatfield; Hewitt; Honeyford; Kastama; Keiser; Kohl-Welles; Padden; Pflug; Pridemore; Regala; Schoesler and Tom.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Holmquist Newbry.

Passed to Committee on Rules for second reading.

February 23, 2012

SB 6598 Prime Sponsor, Senator Ericksen: Concerning property tax exemptions for nonprofit fair associations in rural counties. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 6598 be substituted therefor, and the substitute bill do pass. Signed by Senators Murray, Chair; Kilmer, Vice Chair, Capital Budget Chair; Zarelli; Parlette; Baumgartner; Brown; Conway; Fraser; Harper; Hatfield; Hewitt; Holmquist Newbry; Honeyford; Kastama; Keiser; Kohl-Welles; Padden; Pflug; Pridemore; Regala; Schoesler and Tom.

Passed to Committee on Rules for second reading.

February 23, 2012

EHB 1050 Prime Sponsor, Representative McCoy: Regarding residential provisions for children of parents with military duties. Reported by Committee on Human Services & Corrections

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MAJORITY recommendation: Do pass. Signed by Senators Hargrove, Chair; Regala, Vice Chair; Stevens; Carrell; Harper; McAuliffe and Padden.

Passed to Committee on Rules for second reading.

February 23, 2012

SHB 1081 Prime Sponsor, Committee on Technology, Energy & Communications: Regarding the siting of small alternative energy resource facilities. Reported by Committee on Energy, Natural Resources & Marine Waters

MAJORITY recommendation: Do pass as amended. Signed by Senators Ranker, Chair; Delvin; Morton; Hargrove and Swecker.

MINORITY recommendation: Do not pass. Signed by Senators Regala, Vice Chair and Fraser.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Stevens.

Passed to Committee on Rules for second reading.

February 23, 2012

SHB 1349 Prime Sponsor, Committee on Judiciary: Concerning private road maintenance agreements. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass as amended. Signed by Senators Kline, Chair; Harper, Vice Chair; Pflug; Carrell; Hargrove; Kohl-Welles; Padden and Roach.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Regala.

Passed to Committee on Rules for second reading.

February 23, 2012

SHB 1552 Prime Sponsor, Committee on Judiciary: Concerning garnishment. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass as amended. Signed by Senators Kline, Chair; Harper, Vice Chair; Pflug; Carrell; Hargrove; Kohl-Welles; Padden; Regala and Roach.

Passed to Committee on Rules for second reading.

February 23, 2012

SHB 1559 Prime Sponsor, Committee on Judiciary: Limiting indemnification agreements involving design professionals. Reported by Committee on Labor, Commerce & Consumer Protection

MAJORITY recommendation: Do pass as amended. Signed by Senators Kohl-Welles, Chair; Conway, Vice Chair; Holmquist Newbry; King; Hewitt; Keiser and Kline.

Passed to Committee on Rules for second reading.

February 23, 2012

SHB 1775 Prime Sponsor, Committee on Early Learning & Human Services: Encouraging juvenile restorative justice

programs. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: Do pass. Signed by Senators Hargrove, Chair; Regala, Vice Chair; Stevens; Carrell; Harper; McAuliffe and Padden.

Passed to Committee on Rules for second reading.

February 23, 2012

EHB 1900 Prime Sponsor, Representative Stanford: Establishing continuing education requirements for engineers. Reported by Committee on Labor, Commerce & Consumer Protection

MAJORITY recommendation: Do pass as amended. Signed by Senators Kohl-Welles, Chair; Conway, Vice Chair; Keiser and Kline.

MINORITY recommendation: Do not pass. Signed by Senators Holmquist Newbry; King and Hewitt.

Passed to Committee on Rules for second reading.

February 23, 2012

ESHB 1983 Prime Sponsor, Committee on Public Safety & Emergency Preparedness: Increasing fee assessments for prostitution crimes. (REVISED FOR PASSED LEGISLATURE: Concerning prostitution and trafficking crimes.) Reported by Committee on Human Services & Corrections

MAJORITY recommendation: Do pass as amended. Signed by Senators Hargrove, Chair; Regala, Vice Chair; Stevens; Carrell; Harper; McAuliffe and Padden.

Passed to Committee on Rules for second reading.

February 23, 2012

SHB 2177 Prime Sponsor, Committee on Public Safety & Emergency Preparedness: Protecting children from sexual exploitation. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass as amended. Signed by Senators Kline, Chair; Harper, Vice Chair; Pflug; Carrell; Hargrove; Kohl-Welles; Padden; Regala and Roach.

Passed to Committee on Rules for second reading.

February 23, 2012

SHB 2191 Prime Sponsor, Committee on Public Safety & Emergency Preparedness: Concerning police dogs. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass as amended. Signed by Senators Kline, Chair; Harper, Vice Chair; Pflug; Carrell; Hargrove; Kohl-Welles; Padden; Regala and Roach.

Passed to Committee on Rules for second reading.

February 24, 2012

SHB 2196 Prime Sponsor, Committee on Judiciary: Adopting the uniform collaborative law act. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass as amended. Signed by Senators Kline, Chair; Harper, Vice Chair; Pflug; Kohl-Welles and Regala.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Padden.

Passed to Committee on Rules for second reading.

February 23, 2012

ESHB 2197 Prime Sponsor, Committee on Judiciary: Concerning the Uniform Commercial Code. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass as amended. Signed by Senators Kline, Chair; Harper, Vice Chair; Pflug; Carrell; Hargrove; Kohl-Welles; Padden; Regala and Roach.

Passed to Committee on Rules for second reading.

February 22, 2012

2SHB 2216 Prime Sponsor, Committee on Ways & Means: Increasing penalties for vehicular homicide and vehicular assault. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Senators Kline, Chair; Harper, Vice Chair; Pflug; Carrell; Hargrove; Kohl-Welles; Padden; Regala and Roach.

Passed to Committee on Rules for second reading.

February 23, 2012

ESHB 2228 Prime Sponsor, Committee on Health Care & Wellness: Allowing for redistribution of medications under certain conditions. Reported by Committee on Health & Long-Term Care

MAJORITY recommendation: Do pass as amended. Signed by Senators Keiser, Chair; Conway, Vice Chair; Becker; Carrell and Pridemore.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Frockt; Kline; Parlette and Pflug.

Passed to Committee on Rules for second reading.

February 23, 2012

ESHB 2229 Prime Sponsor, Committee on Health Care & Wellness: Regarding reporting compensation of certain hospital employees. Reported by Committee on Health & Long-Term Care

MAJORITY recommendation: Do pass. Signed by Senators Keiser, Chair; Conway, Vice Chair; Frockt; Kline; Pflug and Pridemore.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Becker; Carrell and Parlette.

Passed to Committee on Rules for second reading.

February 23, 2012

SHB 2239 Prime Sponsor, Committee on Judiciary: Establishing social purpose corporations. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Senators Kline, Chair; Harper, Vice Chair; Pflug; Hargrove; Kohl-Welles and Regala.

MINORITY recommendation: Do not pass. Signed by Senators Carrell; Padden and Roach.

Passed to Committee on Rules for second reading.

February 24, 2012

E2SHB 2253 Prime Sponsor, Committee on General Government Appropriations & Oversight: Modernizing the functionality of the state environmental policy act. Reported by Committee on Environment

MAJORITY recommendation: Do pass as amended. Signed by Senators Nelson, Chair; Rolfes, Vice Chair; Chase; Fraser; Pridemore and Sheldon.

MINORITY recommendation: Do not pass. Signed by Senators Ericksen; Honeyford and Morton.

Passed to Committee on Ways & Means.

February 23, 2012

SHB 2254 Prime Sponsor, Committee on Ways & Means: Enacting the educational success for youth and alumni of foster care act. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass as amended by Committee on Higher Education & Workforce Development. Signed by Senators Murray, Chair; Kilmer, Vice Chair, Capital Budget Chair; Zarelli; Parlette; Baumgartner; Brown; Conway; Fraser; Harper; Hatfield; Hewitt; Honeyford; Kastama; Keiser; Kohl-Welles; Pridemore; Regala; Schoesler and Tom.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Holmquist Newbry and Padden.

Passed to Committee on Rules for second reading.

February 23, 2012

SHB 2263 Prime Sponsor, Committee on Ways & Means: Reinvesting savings resulting from changes in the child welfare system. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: Do pass as amended. Signed by Senators Hargrove, Chair; Regala, Vice Chair; Stevens; Carrell; Harper and McAuliffe.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Padden.

Passed to Committee on Ways & Means.

February 23, 2012

E2SHB 2264 Prime Sponsor, Committee on Ways & Means: Concerning performance-based contracting related to child

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welfare services. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: Do pass as amended. Signed by Senators Hargrove, Chair; Regala, Vice Chair; Stevens; Carrell; Harper and McAuliffe.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Padden.

Passed to Committee on Ways & Means.

February 23, 2012

HB 2287 Prime Sponsor, Representative Goodman: Providing credit towards child support obligations for veterans benefits. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: Do pass. Signed by Senators Hargrove, Chair; Regala, Vice Chair; Stevens; Carrell; Harper; McAuliffe and Padden.

Passed to Committee on Rules for second reading.

February 23, 2012

2SHB 2289 Prime Sponsor, Committee on Ways & Means: Establishing a flexible approach to child protective services. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: Do pass as amended. Signed by Senators Hargrove, Chair; Regala, Vice Chair; Stevens; Carrell; Harper; McAuliffe and Padden.

Passed to Committee on Ways & Means.

February 23, 2012

SHB 2296 Prime Sponsor, Committee on Technology, Energy & Communications: Concerning the siting of biofuel processing facilities. Reported by Committee on Energy, Natural Resources & Marine Waters

MAJORITY recommendation: Do pass as amended. Signed by Senators Ranker, Chair; Regala, Vice Chair; Delvin; Morton; Fraser; Hargrove; Murray; Stevens and Swecker.

Passed to Committee on Rules for second reading.

February 23, 2012

ESHB 2302 Prime Sponsor, Committee on Judiciary: Concerning being under the influence with a child in the vehicle. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass as amended. Signed by Senators Kline, Chair; Harper, Vice Chair; Pflug; Kohl-Welles; Padden and Regala.

MINORITY recommendation: Do not pass. Signed by Senator Hargrove.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Carrell and Roach.

Passed to Committee on Rules for second reading.

HB 2308 Prime Sponsor, Representative Rodne: Regulating awarding of costs, including attorneys' fees, in actions challenging actions taken by professional peer review bodies. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass as amended. Signed by Senators Kline, Chair; Harper, Vice Chair; Pflug; Carrell; Hargrove; Kohl-Welles; Padden; Regala and Roach.

Passed to Committee on Rules for second reading.

February 23, 2012

ESHB 2318 Prime Sponsor, Committee on Health Care & Wellness: Concerning shared decision making. Reported by Committee on Health & Long-Term Care

MAJORITY recommendation: Do pass. Signed by Senators Keiser, Chair; Conway, Vice Chair; Frockt; Kline; Pflug and Pridemore.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Becker; Carrell and Parlette.

Passed to Committee on Rules for second reading.

February 23, 2012

HB 2343 Prime Sponsor, Representative Cody: Authorizing electronic communication of prescription information for controlled substances. Reported by Committee on Health & Long-Term Care

MAJORITY recommendation: Do pass. Signed by Senators Keiser, Chair; Conway, Vice Chair; Becker; Carrell; Frockt; Kline; Pflug and Pridemore.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Parlette.

Passed to Committee on Rules for second reading.

February 23, 2012

HB 2346 Prime Sponsor, Representative Walsh: Removing the requirement that correctional officers of the department of corrections purchase uniforms from correctional industries. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: Do pass as amended. Signed by Senators Hargrove, Chair; Stevens; Carrell; Harper; McAuliffe and Padden.

MINORITY recommendation: Do not pass. Signed by Senator Regala, Vice Chair.

Passed to Committee on Ways & Means.

February 23, 2012

SHB 2349 Prime Sponsor, Committee on Agriculture & Natural Resources: Concerning the management of beavers. Reported by Committee on Energy, Natural Resources & Marine Waters

MAJORITY recommendation: Do pass as amended. Signed by Senators Ranker, Chair; Regala, Vice Chair; Delvin; Morton; Fraser; Hargrove; Murray; Stevens and Swecker.

Passed to Committee on Rules for second reading.

February 23, 2012

ESHB 2363 Prime Sponsor, Committee on Judiciary: Protecting victims of domestic violence and harassment. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: Do pass as amended. Signed by Senators Hargrove, Chair; Regala, Vice Chair; Stevens; Harper; McAuliffe and Padden.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Carrell.

Passed to Committee on Rules for second reading.

February 23, 2012

E2SHB 2365 Prime Sponsor, Committee on General Government Appropriations & Oversight: Regarding large wild carnivore conflict management. Reported by Committee on Energy, Natural Resources & Marine Waters

MAJORITY recommendation: Do pass as amended. Signed by Senators Ranker, Chair; Delvin; Morton; Stevens and Swecker.

MINORITY recommendation: Do not pass. Signed by Senators Regala, Vice Chair and Fraser.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Murray.

Passed to Committee on Rules for second reading.

February 23, 2012

ESHB 2366 Prime Sponsor, Committee on Health Care & Wellness: Requiring certain health professionals to complete education in suicide assessment, treatment, and management. Reported by Committee on Health & Long-Term Care

MAJORITY recommendation: Do pass as amended. Signed by Senators Keiser, Chair; Conway, Vice Chair; Carrell; Frockt; Kline and Pridemore.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Becker; Parlette and Pflug.

Passed to Committee on Rules for second reading.

February 23, 2012

HB 2393 Prime Sponsor, Representative Rodne: Concerning employer reporting to the state support registry. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: Do pass. Signed by Senators Hargrove, Chair; Regala, Vice Chair; Stevens; Carrell; Harper; McAuliffe and Padden.

Passed to Committee on Rules for second reading.

February 23, 2012

HB 2401 Prime Sponsor, Representative Hunt: Regarding cost savings and efficiencies in mailing notices of possible license suspension for noncompliance with child support orders. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: Do pass. Signed by Senators Hargrove, Chair; Regala, Vice Chair; Stevens; Carrell; Harper; McAuliffe and Padden.

Passed to Committee on Rules for second reading.

February 23, 2012

EHB 2417 Prime Sponsor, Representative Shea: Increasing the dollar amount for construction of a dock that does not qualify as a substantial development under the shoreline management act. Reported by Committee on Energy, Natural Resources & Marine Waters

MAJORITY recommendation: Do pass. Signed by Senators Ranker, Chair; Delvin; Morton; Hargrove; Stevens and Swecker.

MINORITY recommendation: Do not pass. Signed by Senators Regala, Vice Chair and Fraser.

Passed to Committee on Rules for second reading.

February 23, 2012

HB 2420 Prime Sponsor, Representative Cody: Repealing the requirement for a study and report concerning direct practices that the office of the insurance commissioner must provide to the legislature. Reported by Committee on Health & Long-Term Care

MAJORITY recommendation: Do pass. Signed by Senators Keiser, Chair; Conway, Vice Chair; Becker; Carrell; Frockt; Kline; Parlette; Pflug and Pridemore.

Passed to Committee on Rules for second reading.

February 23, 2012

HB 2442 Prime Sponsor, Representative Bailey: Clarifying when evidence of insurability may be required for medicare supplement insurance policies. Reported by Committee on Health & Long-Term Care

MAJORITY recommendation: Do pass. Signed by Senators Keiser, Chair; Conway, Vice Chair; Becker; Carrell; Frockt; Kline; Parlette; Pflug and Pridemore.

Passed to Committee on Rules for second reading.

February 23, 2012

2SHB 2443 Prime Sponsor, Committee on Transportation: Increasing accountability of persons who drive impaired. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass as amended. Signed by Senators Kline, Chair; Harper, Vice Chair; Pflug; Carrell; Hargrove; Kohl-Welles; Padden; Regala and Roach.

Passed to Committee on Rules for second reading.



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ESHB 2473 Prime Sponsor, Committee on Health Care & Wellness: Creating a medication assistant endorsement for certified nursing assistants who work in nursing homes. Reported by Committee on Health & Long-Term Care

MAJORITY recommendation: Do pass as amended. Signed by Senators Keiser, Chair; Conway, Vice Chair; Becker; Carrell; Frockt; Kline; Parlette; Pflug and Pridemore.

Passed to Committee on Rules for second reading.

February 24, 2012

HB 2488 Prime Sponsor, Representative Green: Concerning municipally produced class A biosolids. Reported by Committee on Environment

MAJORITY recommendation: Do pass as amended. Signed by Senators Nelson, Chair; Rolfes, Vice Chair; Chase; Fraser and Pridemore.

MINORITY recommendation: Do not pass. Signed by Senators Ericksen; Honeyford and Morton.

Passed to Committee on Rules for second reading.

February 23, 2012

E2SHB 2501 Prime Sponsor, Committee on General Government Appropriations & Oversight: Placing restrictions on mandatory overtime for employees of health care facilities. Reported by Committee on Labor, Commerce & Consumer Protection

MAJORITY recommendation: Do pass as amended. Signed by Senators Kohl-Welles, Chair; Conway, Vice Chair; Keiser and Kline.

MINORITY recommendation: Do not pass. Signed by Senators Holmquist Newbry and Hewitt.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator King.

Passed to Committee on Rules for second reading.

February 23, 2012

EHB 2509 Prime Sponsor, Representative Chandler: Promoting workplace safety and health by enacting the blueprint for safety program. Reported by Committee on Labor, Commerce & Consumer Protection

MAJORITY recommendation: Do pass as amended. Signed by Senators Kohl-Welles, Chair; Conway, Vice Chair; Holmquist Newbry; King; Hewitt; Keiser and Kline.

Passed to Committee on Rules for second reading.

February 23, 2012

ESHB 2510 Prime Sponsor, Committee on Judiciary: Limiting government liability during preshelter care investigations of child abuse or neglect. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: Do pass. Signed by Senators Hargrove, Chair; Regala, Vice Chair; Stevens; Carrell; Harper; McAuliffe and Padden.

Passed to Committee on Rules for second reading.

February 23, 2012

SHB 2512 Prime Sponsor, Committee on Health Care & Wellness: Including pharmacists in the legend drug act. Reported by Committee on Health & Long-Term Care

MAJORITY recommendation: Do pass as amended. Signed by Senators Keiser, Chair; Conway, Vice Chair; Becker; Carrell; Frockt; Kline; Parlette; Pflug and Pridemore.

Passed to Committee on Rules for second reading.

February 23, 2012

HB 2535 Prime Sponsor, Representative Ladenburg: Creating a juvenile gang court. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: Do pass as amended. Signed by Senators Hargrove, Chair; Regala, Vice Chair; Stevens; Carrell; Harper; McAuliffe and Padden.

Passed to Committee on Rules for second reading.

February 23, 2012

E2SHB 2536 Prime Sponsor, Committee on Ways & Means: Concerning the use of evidence-based practices for the delivery of services to children and juveniles. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: Do pass as amended. Signed by Senators Hargrove, Chair; Regala, Vice Chair; Stevens; Carrell and McAuliffe.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Harper and Padden.

Passed to Committee on Ways & Means.

February 23, 2012

SHB 2541 Prime Sponsor, Committee on Early Learning & Human Services: Concerning the sealing of juvenile records. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: Do pass. Signed by Senators Hargrove, Chair; Regala, Vice Chair; Stevens; Carrell; Harper; McAuliffe and Padden.

Passed to Committee on Rules for second reading.

February 23, 2012

ESHB 2545 Prime Sponsor, Committee on Technology, Energy & Communications: Including compressed natural gas in fuel usage requirements for local governments. (REVISED FOR ENGROSSED: Including compressed natural gas, liquefied natural gas, or propane in fuel usage requirements for local governments. ) Reported by Committee on Energy, Natural Resources & Marine Waters

MAJORITY recommendation: Do pass. Signed by Senators Ranker, Chair; Regala, Vice Chair; Delvin; Morton; Fraser; Hargrove; Murray; Stevens and Swecker.

Passed to Committee on Rules for second reading.

February 23, 2012

ESHB 2570 Prime Sponsor, Committee on Public Safety & Emergency Preparedness: Addressing metal property theft. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass as amended. Signed by Senators Kline, Chair; Harper, Vice Chair; Pflug; Hargrove; Kohl-Welles and Regala.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Carrell; Padden and Roach.

Passed to Committee on Rules for second reading.

February 23, 2012

SHB 2578 Prime Sponsor, Committee on Health Care & Wellness: Concerning disciplinary actions against the health professions license of the subject of a department of social and health services finding. Reported by Committee on Health & Long-Term Care

MAJORITY recommendation: Do pass. Signed by Senators Keiser, Chair; Conway, Vice Chair; Becker; Carrell; Frockt; Kline; Parlette; Pflug and Pridemore.

Passed to Committee on Rules for second reading.

February 23, 2012

3SHB 2585 Prime Sponsor, Committee on Ways & Means: Creating efficiencies for institutions of higher education. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass as amended. Signed by Senators Murray, Chair; Kilmer, Vice Chair, Capital Budget Chair; Zarelli; Parlette; Brown; Conway; Fraser; Harper; Hatfield; Hewitt; Holmquist Newbry; Honeyford; Kastama; Keiser; Pridemore; Regala; Schoesler and Tom.

Passed to Committee on Rules for second reading.

February 23, 2012

ESHB 2592 Prime Sponsor, Committee on Early Learning & Human Services: Concerning extended foster care services. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: Do pass. Signed by Senators Hargrove, Chair; Regala, Vice Chair; Stevens; Carrell; Harper and McAuliffe.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Padden.

Passed to Committee on Rules for second reading.

February 23, 2012

SHB 2603 Prime Sponsor, Committee on Early Learning & Human Services: Reformatting the juvenile offender sentencing grid. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: Do pass. Signed by Senators Hargrove, Chair; Regala, Vice Chair; Stevens; Carrell; Harper; McAuliffe and Padden.

Passed to Committee on Rules for second reading.

February 23, 2012

HB 2643 Prime Sponsor, Representative Green: Concerning purchase of care in institutions for mental diseases. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: Do pass. Signed by Senators Hargrove, Chair; Regala, Vice Chair; Stevens; Carrell; Harper; McAuliffe and Padden.

Passed to Committee on Rules for second reading.

February 24, 2012

HB 2651 Prime Sponsor, Representative Springer: Changing the numeric limit for bacterial contamination for industrial storm water permittees with discharges to water bodies listed as impaired to a narrative limit. Reported by Committee on Environment

MAJORITY recommendation: Do pass. Signed by Senators Nelson, Chair; Rolfes, Vice Chair; Ericksen; Chase; Fraser; Honeyford; Morton; Pridemore and Sheldon.

Passed to Committee on Rules for second reading.

February 23, 2012

SHB 2657 Prime Sponsor, Committee on Health & Human Services Appropriations & Oversight: Revising provisions affecting adoption support expenditures. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: Do pass. Signed by Senators Hargrove, Chair; Regala, Vice Chair; Stevens; Carrell; Harper; McAuliffe and Padden.

Passed to Committee on Rules for second reading.

February 23, 2012

SHB 2658 Prime Sponsor, Committee on Early Learning & Human Services: Exempting qualified licensed child care providers from school district and educational service district records check requirements. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: Do pass. Signed by Senators Hargrove, Chair; Regala, Vice Chair; Stevens; Carrell; Harper; McAuliffe and Padden.

Passed to Committee on Rules for second reading.

February 23, 2012

SHB 2668 Prime Sponsor, Committee on Public Safety & Emergency Preparedness: Addressing bail practices. Reported by Committee on Judiciary

FORTY SEVENTH DAY, FEBRUARY 24, 2012

2012 REGULAR SESSION

MAJORITY recommendation: Do pass. Signed by Senators Kline, Chair; Harper, Vice Chair; Carrell; Hargrove and Regala.

Passed to Committee on Rules for second reading.

MINORITY recommendation: Do not pass. Signed by Senators Pflug and Padden.

February 23, 2012

SGA 9097 TOM SAHLBERG, appointed on August 1, 2007, for the term ending April 15, 2012, as Member of the Indeterminate Sentence Review Board. Reported by Committee on Human Services & Corrections

Passed to Committee on Rules for second reading.

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Hargrove, Chair; Regala, Vice Chair; Stevens; Harper; McAuliffe and Padden.

Passed to Committee on Rules for second reading.

February 23, 2012

EHB 2671 Prime Sponsor, Representative Takko: Clarifying procedures for appealing department of ecology final action on a local shoreline master program by ensuring consistency with existing procedural provisions of the growth management act, chapter 36.70A RCW, the administrative procedure act, chapter 34.05 RCW, and the state environmental policy act, chapter 43.21C RCW. Reported by Committee on Energy, Natural Resources & Marine Waters

February 23, 2012

SGA 9113 DENNIS THAUT, reappointed on April 16, 2010, for the term ending April 15, 2015, as Member of the Indeterminate Sentence Review Board. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: Do pass. Signed by Senators Ranker, Chair; Regala, Vice Chair; Delvin; Morton; Fraser; Hargrove; Murray and Swecker.

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Hargrove, Chair; Regala, Vice Chair; Stevens; Harper; McAuliffe and Padden.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Stevens.

Passed to Committee on Rules for second reading.

Passed to Committee on Rules for second reading.

February 23, 2012

SGA 9224 PHIL ROCKEFELLER, appointed on July 1, 2011, for the term ending January 15, 2014, as Member of the Northwest Power and Conservation Council. Reported by Committee on Energy, Natural Resources & Marine Waters

February 23, 2012

ESHB 2692 Prime Sponsor, Committee on Public Safety & Emergency Preparedness: Concerning the reduction of the commercial sale of sex. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass as amended. Signed by Senators Kline, Chair; Harper, Vice Chair; Pflug; Carrell; Hargrove; Padden; Regala and Roach.

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Ranker, Chair; Regala, Vice Chair; Morton; Fraser; Hargrove; Murray; Stevens and Swecker.

Passed to Committee on Rules for second reading.

MINORITY recommendation: That said appointment be referred without recommendation. Signed by Senator Delvin.

Passed to Committee on Rules for second reading.

REPORTS OF STANDING COMMITTEES  
GUBERNATORIAL APPOINTMENTS

February 23, 2012

SGA 9023 LYNNE DELANO, appointed on January 1, 2009, for the term ending April 15, 2014, as Chair of the Indeterminate Sentence Review Board. Reported by Committee on Human Services & Corrections

February 23, 2012

SGA 9259 TED R WILLHITE, appointed on January 1, 2012, for the term ending December 31, 2014, as Member of the Recreation and Conservation Funding Board. Reported by Committee on Energy, Natural Resources & Marine Waters

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Hargrove, Chair; Regala, Vice Chair; Stevens; Carrell; Harper; McAuliffe and Padden.

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Ranker, Chair; Regala, Vice Chair; Delvin; Morton; Fraser; Hargrove; Murray; Stevens and Swecker.

Passed to Committee on Rules for second reading.

Passed to Committee on Rules for second reading.

February 23, 2012

SGA 9044 BETSY HOLLINGSWORTH, appointed on September 1, 2007, for the term ending April 15, 2012, as Member of the Indeterminate Sentence Review Board. Reported by Committee on Human Services & Corrections

February 23, 2012

SGA 9266 BERNARD WARNER, appointed on July 1, 2011, for the term ending at the governor's pleasure, as Secretary of the Department of Corrections. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Hargrove, Chair; Regala, Vice Chair; Stevens; Harper; McAuliffe and Padden.

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Hargrove, Chair; Regala, Vice Chair; Harper and McAuliffe.

MINORITY recommendation: That said appointment be referred without recommendation. Signed by Senators Stevens; Carrell and Padden.

Passed to Committee on Rules for second reading.

February 23, 2012

SGA 9279 DAVID DICKS, appointed on July 29, 2011, for the term ending June 25, 2015, as Member of the Puget Sound Partnership. Reported by Committee on Energy, Natural Resources & Marine Waters

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Ranker, Chair; Regala, Vice Chair; Morton; Fraser; Hargrove; Murray; Stevens and Swecker.

MINORITY recommendation: That said appointment not be confirmed. Signed by Senator Delvin.

Passed to Committee on Rules for second reading.

#### MOTION

On motion of Frockt, all measures listed on the Supplemental Standing Committee report were referred to the committees as designated with the exception of Second Substitute House Bill No. 2216 and Engrossed Substitute House Bill No. 2592 which were referred to the Committee on Ways & Means; and Engrossed House Bill No. 1900 and Second Substitute House Bill No. 2443 which were referred to the Committee on Transportation.

#### MOTION

At 3:23 p.m., on motion of Senator Frockt, the Senate adjourned until 10:00 a.m. Monday, February 27, 2012.

BRAD OWEN, President of the Senate

THOMAS HOEMANN, Secretary of the Senate

**FIFTIETH DAY**

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MORNING SESSION

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Senate Chamber, Olympia, Monday, February 27, 2012

The Senate was called to order at 10:00 a.m. by the President Pro Tempore. The Secretary called the roll and announced to the President Pro Tempore that all Senators were present with the exception of Senators Benton, Delvin, Ericksen, Hewitt, Holmquist Newbry, Pflug, Ranker and Zarelli.

The Sergeant at Arms Color Guard consisting of Pages Danielle Carnahan and Katherine Dinnison, presented the Colors. Rabbi Cheski Edelman of the Chabad Jewish Discovery Center of Olympia offered the prayer.

**MOTION**

On motion of Senator Eide, the reading of the Journal of the previous day was dispensed with and it was approved.

**MOTION**

On motion of Senator Eide, the Senate advanced to the fifth order of business.

**INTRODUCTION AND FIRST READING**

**SB 6611** by Senator Prentice

AN ACT Relating to juvenile court quality assurance services; amending RCW 13.40.510, 13.40.520, 13.40.530, and 13.40.540; and creating new sections.

Referred to Committee on Human Services & Corrections.

**SB 6612** by Senator Murray

AN ACT Relating to fiscal matters.

Referred to Committee on Ways & Means.

**SB 6613** by Senator Hargrove

AN ACT Relating to criminal justice.

Referred to Committee on Ways & Means.

**SB 6614** by Senators Murray and Kilmer

AN ACT Relating to temporarily redirecting solid waste tax deposits to the general fund; and amending RCW 82.18.040.

Referred to Committee on Ways & Means.

**SB 6615** by Senators Zarelli and Swecker

AN ACT Relating to liquor revenue; amending RCW 82.08.160, 43.110.030, 66.08.190, 66.08.196, 66.08.200, 66.08.210, 35A.66.020, 36.70A.340, 70.94.390, 70.96A.087, and 43.63A.190; creating new sections; repealing RCW 82.08.170, 82.08.180, 43.110.050, and 43.110.060; and providing an effective date.

Referred to Committee on Ways & Means.

**SB 6616** by Senators Zarelli and Swecker

AN ACT Relating to directing the solid waste collection tax to the general fund; and amending RCW 82.18.040.

Referred to Committee on Capital Budget.

**SB 6617** by Senators Zarelli and Swecker

AN ACT Relating to operating fees revenue waived, exempted, or reduced; and amending RCW 28B.15.910.

Referred to Committee on Ways & Means.

**SB 6618** by Senators Honeyford and Swecker

AN ACT Relating to requiring a financial plan to adequately and amply fund basic education while modifying nonbasic education funding mandates; amending RCW 28A.505.220 and 43.135.045; amending 2010 1st sp.s. c 27 s 1 (uncodified); creating new sections; repealing RCW 28A.400.205, 28A.400.206, 28B.50.465, and 28B.50.468; and providing an effective date.

Referred to Committee on Ways & Means.

**SB 6619** by Senators Schoesler, Ericksen and Swecker

AN ACT Relating to natural resources.

Referred to Committee on Ways & Means.

**SB 6620** by Senators Hewitt, Ericksen and Swecker

AN ACT Relating to the human services act of 2012.

Referred to Committee on Ways & Means.

**SB 6621** by Senators Parlette, Ericksen and Swecker

AN ACT Relating to the human services act of 2012.

Referred to Committee on Ways & Means.

**SB 6622** by Senators King, Ericksen and Swecker

AN ACT Relating to education.

Referred to Committee on Ways & Means.

**SB 6623** by Senators Delvin, Ericksen and Swecker

AN ACT Relating to state government.

Referred to Committee on Ways & Means.

**SB 6624** by Senators Delvin, Ericksen and Swecker

AN ACT Relating to state government.

Referred to Committee on Ways & Means.

SB 6625 by Senators King, Ericksen and Swecker

AN ACT Relating to education.

Referred to Committee on Ways & Means.

SB 6626 by Senators Regala and Zarelli

AN ACT Relating to making changes to the state business and occupation tax, which do not impact state revenues or municipal business and occupation taxes, by reducing state business and occupation tax classifications and making clarifications; amending RCW 82.04.060, 82.04.230, 82.04.260, 82.04.280, 82.04.285, 82.04.290, 82.04.29002, 82.04.440, and 82.32.045; reenacting and amending RCW 82.04.250; adding new sections to chapter 82.04 RCW; adding a new section to chapter 82.16 RCW; creating new sections; repealing RCW 82.04.2404, 82.04.272, 82.04.2905, 82.04.2906, 82.04.2907, 82.04.2908, 82.04.2909, and 82.04.294; and providing an effective date.

Referred to Committee on Ways & Means.

SB 6627 by Senator Honeyford

AN ACT Relating to limitations on political contributions; amending RCW 42.17A.495 and 42.17A.500; and creating a new section.

Referred to Committee on Government Operations, Tribal Relations & Elections.

#### MOTION

On motion of Senator Eide, all measures listed on the Introduction and First Reading report were referred to the committees as designated.

#### MOTION

On motion of Senator Eide, the Senate advanced to the sixth order of business.

#### MOTION

On motion of Senator Swecker, Senators Benton, Delvin, Ericksen, Hewitt, Hill, Holmquist Newbry, Morton, Pflug and Zarelli were excused.

#### MOTION

On motion of Senator Harper, Senators McAuliffe, Ranker and Rolfes were excused.

#### SECOND READING CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

#### MOTION

Senator Eide moved that Gubernatorial Appointment No. 9130, Debrenea Jackson Gandy, as a member of the Board of Trustees, Highline Community College District No 9, be confirmed.

Senator Eide spoke in favor of the motion.

#### APPOINTMENT OF DEBRENEA JACKSON GANDY

The President Pro Tempore declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9130, Debrenea Jackson Gandy as a member of the Board of Trustees, Highline Community College District No 9.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9130, Debrenea Jackson Gandy as a member of the Board of Trustees, Highline Community College District No 9 and the appointment was confirmed by the following vote: Yeas, 40; Nays, 1; Absent, 0; Excused, 8.

Voting yea: Senators Becker, Brown, Carrell, Chase, Conway, Eide, Fain, Fraser, Frockt, Hargrove, Harper, Hatfield, Haugen, Hill, Hobbs, Honeyford, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles, Litzow, McAuliffe, Morton, Murray, Nelson, Padden, Parlette, Prentice, Pridemore, Regala, Roach, Rolfes, Schoesler, Sheldon, Shin, Stevens, Swecker and Tom

Voting nay: Senator Baumgartner

Excused: Senators Benton, Delvin, Ericksen, Hewitt, Holmquist Newbry, Pflug, Ranker and Zarelli

Gubernatorial Appointment No. 9130, Debrenea Jackson Gandy, having received the constitutional majority was declared confirmed as a member of the Board of Trustees, Highline Community College District No 9.

#### SECOND READING CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

#### MOTION

Senator Kastama moved that Gubernatorial Appointment No. 9003, Robert Anderson, as a member of the Small Business Export Finance Assistance Center Board of Directors, be confirmed.

Senator Kastama spoke in favor of the motion.

#### APPOINTMENT OF ROBERT ANDERSON

The President Pro Tempore declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9003, Robert Anderson as a member of the Small Business Export Finance Assistance Center Board of Directors.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9003, Robert Anderson as a member of the Small Business Export Finance Assistance Center Board of Directors and the appointment was confirmed by the following vote: Yeas, 43; Nays, 0; Absent, 0; Excused, 6.

Voting yea: Senators Baumgartner, Becker, Brown, Carrell, Chase, Conway, Eide, Fain, Fraser, Frockt, Hargrove, Harper, Hatfield, Haugen, Hewitt, Hill, Hobbs, Honeyford, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles, Litzow, McAuliffe, Morton, Murray, Nelson, Padden, Parlette, Prentice, Pridemore, Regala, Roach, Rolfes, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Excused: Senators Benton, Delvin, Ericksen, Holmquist Newbry, Pflug and Ranker

Gubernatorial Appointment No. 9003, Robert Anderson, having received the constitutional majority was declared confirmed as a member of the Small Business Export Finance Assistance Center Board of Directors.

#### SECOND READING CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

FIFTIETH DAY, FEBRUARY 27, 2012

2012 REGULAR SESSION

## MOTION

Senator Hatfield moved that Gubernatorial Appointment No. 9180, Brian Blake, as a member of the Pacific Marine Fishery Commission, be confirmed.

Senator Hatfield spoke in favor of the motion.

## APPOINTMENT OF BRIAN BLAKE

The President Pro Tempore declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9180, Brian Blake as a member of the Pacific Marine Fishery Commission.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9180, Brian Blake as a member of the Pacific Marine Fishery Commission and the appointment was confirmed by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Baumgartner, Becker, Brown, Carrell, Chase, Conway, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hatfield, Haugen, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles, Litzow, McAuliffe, Morton, Murray, Nelson, Padden, Parlette, Prentice, Pridemore, Ranker, Regala, Roach, Rolfes, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Excused: Senators Benton, Delvin and Pflug

Gubernatorial Appointment No. 9180, Brian Blake, having received the constitutional majority was declared confirmed as a member of the Pacific Marine Fishery Commission.

## SECOND READING

## CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

## MOTION

Senator Kilmer moved that Gubernatorial Appointment No. 9269, Herb Simon, as a member of the Board of Regents, University of Washington, be confirmed.

Senators Kilmer and Becker spoke in favor of passage of the motion.

## APPOINTMENT OF HERB SIMON

The President Pro Tempore declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9269, Herb Simon as a member of the Board of Regents, University of Washington.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9269, Herb Simon as a member of the Board of Regents, University of Washington and the appointment was confirmed by the following vote: Yeas, 46; Nays, 1; Absent, 0; Excused, 2.

Voting yea: Senators Becker, Benton, Brown, Carrell, Chase, Conway, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hatfield, Haugen, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles, Litzow, McAuliffe, Morton, Murray, Nelson, Padden, Parlette, Prentice, Pridemore, Ranker, Regala, Roach, Rolfes, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Voting nay: Senator Baumgartner

Excused: Senators Delvin and Pflug

Gubernatorial Appointment No. 9269, Herb Simon, having received the constitutional majority was declared confirmed as a member of the Board of Regents, University of Washington.

## SECOND READING

SUBSTITUTE HOUSE BILL NO. 1073, by House Committee on Judiciary (originally sponsored by Representatives Kelley, McCoy, Green and Van De Wege)

Authorizing persons designated by the decedent to direct disposition, if the decedent died while serving on active duty in any branch of the United States armed forces, United States reserve forces, or national guard.

The measure was read the second time.

## MOTION

On motion of Senator Pridemore, the rules were suspended, Substitute House Bill No. 1073 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Pridemore spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Substitute House Bill No. 1073.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1073 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Baumgartner, Becker, Benton, Brown, Carrell, Chase, Conway, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hatfield, Haugen, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles, Litzow, McAuliffe, Morton, Murray, Nelson, Padden, Parlette, Prentice, Pridemore, Ranker, Regala, Roach, Rolfes, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Excused: Senators Delvin and Pflug

SUBSTITUTE HOUSE BILL NO. 1073, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SUBSTITUTE HOUSE BILL NO. 2056, by House Committee on Health Care & Wellness (originally sponsored by Representatives Van De Wege, Bailey, Cody, Johnson and Warnick)

Concerning assisted living facilities.

The measure was read the second time.

## MOTION

On motion of Senator Keiser, the rules were suspended, Substitute House Bill No. 2056 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Keiser spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Substitute House Bill No. 2056.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2056 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Baumgartner, Becker, Benton, Brown, Carrell, Chase, Conway, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hatfield, Haugen, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles, Litzow, McAuliffe, Morton, Murray, Nelson, Padden, Parlette, Prentice, Pridemore, Ranker, Regala, Roach, Rolfes, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Excused: Senators Delvin and Pflug

SUBSTITUTE HOUSE BILL NO. 2056, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

HOUSE BILL NO. 2138, by Representatives Ormsby and Bailey

Establishing national Korean war veterans armistice day.

The measure was read the second time.

#### MOTION

On motion of Senator Pridemore, the rules were suspended, House Bill No. 2138 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Pridemore spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of House Bill No. 2138.

#### ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2138 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Baumgartner, Becker, Benton, Brown, Carrell, Chase, Conway, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hatfield, Haugen, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles, Litzow, McAuliffe, Morton, Murray, Nelson, Padden, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rolfes, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Excused: Senator Delvin

HOUSE BILL NO. 2138, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

HOUSE BILL NO. 2213, by Representatives Chandler, Van De Wege and Johnson

Modifying certain definitions for the purpose of firefighting services for unprotected lands.

The measure was read the second time.

#### MOTION

On motion of Senator Pridemore, the rules were suspended, House Bill No. 2213 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Pridemore and Swecker spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of House Bill No. 2213.

#### ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2213 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Baumgartner, Becker, Benton, Brown, Carrell, Chase, Conway, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hatfield, Haugen, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles, Litzow, McAuliffe, Morton, Murray, Nelson, Padden, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rolfes, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Excused: Senator Delvin

HOUSE BILL NO. 2213, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

HOUSE BILL NO. 2244, by Representatives Hargrove, Sullivan and Moeller

Concerning the liability of landowners for unintentional injuries that result from certain public or private airstrip operations.

The measure was read the second time.

#### MOTION

On motion of Senator Ranker, the rules were suspended, House Bill No. 2244 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Ranker spoke in favor of passage of the bill.

#### POINT OF INQUIRY

Senator Roach: "Would the previous speaker yield to a question? You know this is a really interesting concept; I want to vote for the bill. My question is how far does this go? If I have seven acres and I want to let somebody come and ride their horse on my property would that be something I don't have to suffer any liability from? How deep does this go? I just want to know how good it really is?"



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Senator Ranker: "Well, unless your horse is Pegasus, I don't think it's flying."

Senator Roach: "Ok, it's just to do with the air strip? recreational use...?"

Senator Ranker: "The underlying statutes regarding liability, this bill adds aviation to the uses."

The President Pro Tempore declared the question before the Senate to be the final passage of House Bill No. 2244.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2244 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Baumgartner, Becker, Benton, Brown, Carrell, Chase, Conway, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hatfield, Haugen, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles, Litzow, McAuliffe, Morton, Murray, Nelson, Padden, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rolfes, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Excused: Senator Delvin

HOUSE BILL NO. 2244, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 2485, by Representatives Probst, Uptegrove and Dahlquist

Authorizing school districts to use electronic formats for warrants.

The measure was read the second time.

MOTION

Senator McAuliffe moved that the following committee striking amendment by the Committee on Early Learning & K-12 Education be adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 28A.330.080 and 1990 c 33 s 346 are each amended to read as follows:

Moneys of such school districts shall be paid out only upon orders for warrants signed by the president, or a majority of the board of directors and countersigned by the secretary: PROVIDED, That when, in the judgment of the board of directors, the orders for warrants issued by the district monthly shall have reached such numbers that the signing of each warrant by the president personally imposes too great a task on the president, the board of directors, after auditing all payrolls and bills as provided by RCW 28A.330.090, may authorize the issuing of one general certificate to the county treasurer, to be signed by the president, authorizing said treasurer to pay all the warrants specified by date, number, name and amount, and the funds on which said warrants shall be drawn; thereupon the secretary of said board shall be authorized to draw and sign said orders for warrants. Orders for warrants and warrant registers may be sent in an electronic format

and using facsimile signatures as provided under chapter 39.62 RCW.

Sec. 2. RCW 28A.330.230 and 1990 c 33 s 352 are each amended to read as follows:

Second-class school districts, subject to the approval of the superintendent of public instruction, may draw and issue warrants for the payment of moneys upon approval of a majority of the board of directors, such warrants to be signed by the chair of the board and countersigned by the secretary: PROVIDED, That when, in the judgment of the board of directors, the orders for warrants issued by the district monthly shall have reached such numbers that the signing of each warrant by the chair of the board personally imposes too great a task on the chair, the board of directors, after auditing all payrolls and bills, may authorize the issuing of one general certificate to the county treasurer, to be signed by the chair of the board, authorizing said treasurer to pay all the warrants specified by date, number, name and amount, and the funds on which said warrants shall be drawn; thereupon the secretary of said board shall be authorized to draw and sign said orders for warrants. Orders for warrants and warrant registers may be sent in an electronic format and using facsimile signatures as provided under chapter 39.62 RCW."

Senator McAuliffe spoke in favor of adoption of the committee striking amendment.

The President Pro Tempore declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Early Learning & K-12 Education to House Bill No. 2485.

The motion by Senator McAuliffe carried and the committee striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 2 of the title, after "warrants;" strike the remainder of the title and insert "and amending RCW 28A.330.080 and 28A.330.230."

MOTION

On motion of Senator McAuliffe, the rules were suspended, House Bill No. 2485 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator McAuliffe spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of House Bill No. 2485 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2485 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Baumgartner, Becker, Benton, Brown, Carrell, Chase, Conway, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hatfield, Haugen, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles, Litzow, McAuliffe, Morton, Murray, Nelson, Padden, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rolfes, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Excused: Senator Delvin

HOUSE BILL NO. 2485 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MOTION

On motion of Senator Benton, the motion by Senator Benton to reconsider the vote by which Substitute House Bill No. 2255 passed the Senate was withdrawn and the measure was immediately transmitted to the House of Representatives.

#### SECOND READING

SUBSTITUTE HOUSE BILL NO. 2757, by House Committee on Ways & Means (originally sponsored by Representative Moeller)

Creating accounts for the center for childhood deafness and hearing loss and for the school for the blind.

The measure was read the second time.

#### MOTION

On motion of Senator Pridemore, the rules were suspended, Substitute House Bill No. 2757 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Pridemore spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Substitute House Bill No. 2757.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2757 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Baumgartner, Becker, Benton, Brown, Carrell, Chase, Conway, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hatfield, Haugen, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles, Litzow, McAuliffe, Morton, Murray, Nelson, Padden, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rolfes, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Excused: Senator Delvin

SUBSTITUTE HOUSE BILL NO. 2757, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

HOUSE BILL NO. 2758, by Representatives Hunter and Alexander

Strengthening the department of revenue's ability to collect spirits taxes imposed under RCW 82.08.150.

The measure was read the second time.

#### MOTION

On motion of Senator Kohl-Welles, the rules were suspended, House Bill No. 2758 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Kohl-Welles and Holmquist Newbry spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of House Bill No. 2758.

#### ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2758 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Baumgartner, Becker, Benton, Brown, Carrell, Chase, Conway, Delvin, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hatfield, Haugen, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles, Litzow, McAuliffe, Morton, Murray, Nelson, Padden, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rolfes, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

HOUSE BILL NO. 2758, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

#### MOTION

Senator Frockt moved that Gubernatorial Appointment No. 9006, Harry Barber, as a member of the Salmon Recovery Funding Board, be confirmed.

Senator Frockt spoke in favor of the motion.

#### APPOINTMENT OF HARRY BARBER

The President Pro Tempore declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9006, Harry Barber as a member of the Salmon Recovery Funding Board.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9006, Harry Barber as a member of the Salmon Recovery Funding Board and the appointment was confirmed by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Baumgartner, Becker, Benton, Brown, Carrell, Chase, Conway, Delvin, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hatfield, Haugen, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles, Litzow, McAuliffe, Morton, Murray, Nelson, Padden, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rolfes, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Gubernatorial Appointment No. 9006, Harry Barber, having received the constitutional majority was declared confirmed as a member of the Salmon Recovery Funding Board.

#### SECOND READING

HOUSE CONCURRENT RESOLUTION NO. 4410, by Representatives Sullivan, Kretz, Maxwell and Santos

Establishing a joint select committee to address school funding.

The measure was read the second time.

MOTION

On motion of Senator Eide, further consideration of House Concurrent Resolution No. 4410 was deferred and the resolution held its place on the second reading calendar.

SECOND READING

HOUSE BILL NO. 2274, by Representatives Armstrong, Clibborn and Ormsby

Allowing registered tow truck operators to pass the costs of tolls and ferry fares to the impounded vehicle's registered owner.

The measure was read the second time.

MOTION

On motion of Senator Haugen, the rules were suspended, House Bill No. 2274 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Haugen spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of House Bill No. 2274.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2274 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Baumgartner, Becker, Benton, Brown, Carrell, Chase, Conway, Delvin, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hatfield, Haugen, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles, Litzow, McAuliffe, Morton, Murray, Nelson, Padden, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rolfes, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

HOUSE BILL NO. 2274, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 11:27 a.m., on motion of Senator Eide, the Senate was declared to be at ease subject to the call of the President.

The Senate was called to order at 11:38 a.m. by the President Pro Tempore.

MOTION

On motion of Senator Eide, the Senate advanced to the eighth order of business.

MOTION

Senator Regala moved adoption of the following resolution:

By Senators Prentice, Chase, Kline, Ranker, and Regala

WHEREAS, The Affiliated Tribes of Northwest Indians (ATNI) are representatives of and advocates for national, regional, and specific tribal concerns; and

WHEREAS, ATNI is a regional organization comprised of American Indians/Alaska Natives and tribes in the states of Washington, Idaho, Oregon, Montana, Nevada, Northern California, and Alaska; and

WHEREAS, The health, safety, welfare, education, economic and employment opportunity, and preservation of cultural and natural resources are primary goals and objectives of the ATNI; and

WHEREAS, The Indigenous people of the lands later known as the Americas existed long before Christopher Columbus sailed in 1492; and

WHEREAS, A true and accurate account of the native population of the Northwest lands is necessary to clarify the historical record and acknowledge the culture, language, traditions, and daily life customs of Washington's Indigenous inhabitants; and

WHEREAS, Having the citizens of our state and nation recognize and celebrate the heritage of Indigenous peoples respects their history and unites all peoples together;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate recognize and remember the Indigenous peoples who have contributed greatly to both the State of Washington and the United States of America; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to the Affiliated Tribes of Northwest Indians.

Senators Regala, Chase, Fraser, Pflug and Prentice spoke in favor of adoption of the resolution.

The President Pro Tempore declared the question before the Senate to be the adoption of Senate Resolution No. 8664.

The motion by Senator Regala carried and the resolution was adopted by voice vote.

INTRODUCTION OF SPECIAL GUESTS

The President Pro Tempore welcomed and introduced representatives of the Indigenous People, Matt Remle, Lakota; Rebecca Remle, Paiute; Chayton Remle, Lakota/Paiute; Cante Remle, Lakota/Paiute; Audrey Remle, Lakota/Paiute; Paula Three Stars Lakota; and Representative John McCoy who were seated in the gallery.

MOTION

On motion of Senator Eide, the Senate reverted to the sixth order of business.

PERSONAL PRIVILEGE

Senator Hargrove: "My Point of Personal Privilege is that the President of the Quinault Indian Nation is in the south gallery and I don't think she was recognized. She is a friend of mine. Fawn Sharp from Tahola and so I'd like to recognize her. Thank you very much."

The Senate resumed consideration of House Concurrent Resolution No. 4410 which had been deferred earlier in the day.

MOTION

On motion of Senator McAuliffe, the rules were suspended, House Concurrent Resolution No. 4410 was advanced to third reading, the second reading considered the third and the resolution was placed on final passage.

Senators McAuliffe, Fain and Frockt spoke in favor of passage of the resolution.

Senator Schoesler spoke against passage of the resolution.

#### PARLIAMENTARY INQUIRY

Senator Padden: "Madam President, the house vote was not in our yellow summary of all the bills. I wondered if that could be passed out to all the members."

#### REPLY BY THE PRESIDENT PRO TEMPORE

Senator Prentice: "Senator Frockt. Do you have the answer?"

#### REMARKS BY SENATOR FROCKT

Senator Frockt: "Madame President, may I answer the Senator's question?"

#### REPLY BY THE PRESIDENT PRO TEMPORE

Senator Prentice "Please."

#### REMARKS BY SENATOR FROCKT

Senator Frockt: "I looked up the vote. It was. I believe it was 92 to nothing in the House when it passed. I would request staff to confirm that, I believe that's the case."

#### REPLY BY THE PRESIDENT PRO TEMPORE

Senator Prentice "Mr. Hoover confirms that this is so, 92 to nothing."

#### PARLIAMENTARY INQUIRY

Senator Padden: "Thank you Madame President. Well, yeah, I have the vote. Of course some members were excused. If anybody wants a copy of it, I guess they can come down and see me here and see who was excused and who voted for it."

The President Pro Tempore declared the question before the Senate to be the final passage of House Concurrent Resolution No. 4410.

HOUSE CONCURRENT RESOLUTION NO. 4410 was adopted on third reading by voice vote.

#### SECOND READING

HOUSE BILL NO. 2306, by Representatives Hinkle and Green

Authorizing the presentation of claims for payment for pathology services to direct patient-provider primary care practices.

The measure was read the second time.

#### MOTION

On motion of Senator Keiser, the rules were suspended, House Bill No. 2306 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Keiser and Becker spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of House Bill No. 2306.

#### ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2306 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Baumgartner, Becker, Benton, Brown, Carrell, Chase, Conway, Delvin, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hatfield, Haugen, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles, Litzow, McAuliffe, Morton, Murray, Nelson, Padden, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rolfes, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

HOUSE BILL NO. 2306, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MOTION

At 12:06 p.m., on motion of Senator Eide, the Senate was declared to be at ease subject to the call of the President.

#### EVENING SESSION

The Senate was called to order at 8:02 p.m. by Senator Shin.

#### MOTION

On motion of Senator Eide, the Senate reverted to the first order of business.

#### REPORTS OF STANDING COMMITTEES

February 27, 2012

SB 5808 Prime Sponsor, Senator Kastama: Concerning innovative industries for economic development. Reported by Committee on Ways & Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 5808 be substituted therefor, and the second substitute bill do pass. Signed by Senators Murray, Chair; Kilmer, Vice Chair, Capital Budget Chair; Zarelli; Parlette; Baumgartner; Brown; Conway; Harper; Hatfield; Hewitt; Holmquist Newbry; Honeyford; Kastama; Keiser; Kohl-Welles; Padden; Regala; Schoesler and Tom.

Passed to Committee on Rules for second reading.

February 27, 2012

SB 6073 Prime Sponsor, Senator Kilmer: Concerning sales and use taxes related to the state route number 16 corridor improvements project. Reported by Committee on Ways & Means

Passed to Committee on Rules for second reading.

MAJORITY recommendation: That Substitute Senate Bill No. 6073 be substituted therefor, and the substitute bill do pass. Signed by Senators Murray, Chair; Kilmer, Vice Chair, Capital Budget Chair; Zarelli; Parlette; Baumgartner; Brown; Conway; Fraser; Harper; Hatfield; Hewitt; Holmquist Newbry; Kastama; Keiser; Kohl-Welles; Pridemore and Regala.

MINORITY recommendation: Do not pass. Signed by Senators Honeyford; Padden and Schoesler.

Passed to Committee on Rules for second reading.

February 27, 2012

SB 6159 Prime Sponsor, Senator Hargrove: Concerning a business and occupation tax deduction for amounts received with respect to dispute resolution services. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Murray, Chair; Kilmer, Vice Chair, Capital Budget Chair; Baumgartner; Brown; Conway; Fraser; Harper; Hatfield; Holmquist Newbry; Honeyford; Kastama; Keiser; Kohl-Welles; Padden; Pridemore and Regala.

MINORITY recommendation: Do not pass. Signed by Senator Schoesler.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Zarelli; Parlette and Hewitt.

Passed to Committee on Rules for second reading.

February 27, 2012

SB 6250 Prime Sponsor, Senator Regala: Clarifying the definition of leasehold interest. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Murray, Chair; Kilmer, Vice Chair, Capital Budget Chair; Zarelli; Parlette; Baumgartner; Brown; Conway; Fraser; Harper; Hatfield; Hewitt; Holmquist Newbry; Honeyford; Kastama; Keiser; Kohl-Welles; Padden; Pridemore; Regala; Schoesler and Tom.

Passed to Committee on Rules for second reading.

February 27, 2012

SB 6277 Prime Sponsor, Senator Conway: Creating authority for counties to exempt from property taxation new and rehabilitated multiple-unit dwellings in certain unincorporated urban centers. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 6277 be substituted therefor, and the substitute bill do pass. Signed by Senators Murray, Chair; Kilmer, Vice Chair, Capital Budget Chair; Zarelli; Parlette; Baumgartner; Brown; Conway; Fraser; Harper; Hatfield; Hewitt; Kastama; Keiser; Kohl-Welles; Padden; Pridemore; Regala and Tom.

MINORITY recommendation: Do not pass. Signed by Senators Honeyford and Schoesler.

February 27, 2012

SB 6406 Prime Sponsor, Senator Hargrove: Modifying programs that provide for the protection of the state's natural resources. Reported by Committee on Ways & Means

MAJORITY recommendation: That it be referred without recommendation. Signed by Senators Zarelli; Parlette; Baumgartner; Brown; Hatfield; Hewitt; Holmquist Newbry; Honeyford; Kastama; Keiser; Schoesler and Tom.

MINORITY recommendation: Do not pass. Signed by Senators Murray, Chair; Conway; Fraser; Harper; Kohl-Welles and Pridemore.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Padden.

Passed to Committee on Rules for second reading.

February 27, 2012

SB 6600 Prime Sponsor, Senator Eide: Extending property tax exemptions to property used exclusively by certain nonprofit organizations that is leased from an entity that acquired the property from a previously exempt nonprofit organization. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 6600 be substituted therefor, and the substitute bill do pass. Signed by Senators Murray, Chair; Kilmer, Vice Chair, Capital Budget Chair; Zarelli; Parlette; Baumgartner; Brown; Conway; Harper; Hatfield; Hewitt; Holmquist Newbry; Honeyford; Kastama; Keiser; Kohl-Welles; Padden; Pridemore; Regala; Schoesler and Tom.

Passed to Committee on Rules for second reading.

February 27, 2012

SB 6607 Prime Sponsor, Senator Kilmer: Instituting policies to reduce the central service costs of state government. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 6607 be substituted therefor, and the substitute bill do pass. Signed by Senators Murray, Chair; Kilmer, Vice Chair, Capital Budget Chair; Zarelli; Parlette; Brown; Conway; Fraser; Harper; Hatfield; Hewitt; Honeyford; Kastama; Keiser; Kohl-Welles; Padden; Pridemore; Regala; Schoesler and Tom.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Baumgartner and Holmquist Newbry.

Passed to Committee on Rules for second reading.

February 27, 2012

SB 6608 Prime Sponsor, Senator Harper: Changing judicial stabilization trust account surcharges. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 6608 be substituted therefor, and the substitute bill do pass. Signed by Senators Murray, Chair; Kilmer, Vice

Chair, Capital Budget Chair; Zarelli; Brown; Conway; Fraser; Harper; Hatfield; Hewitt; Kastama; Keiser; Kohl-Welles; Regala and Tom.

MINORITY recommendation: Do not pass. Signed by Senators Holmquist Newbry; Honeyford; Padden and Schoesler.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Parlette and Baumgartner.

Passed to Committee on Rules for second reading.

February 27, 2012

SHB 1650 Prime Sponsor, Committee on Education Appropriations & Oversight: Changing state need grant eligibility provisions. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass as amended by Committee on Higher Education & Workforce Development. Signed by Senators Kilmer, Vice Chair, Capital Budget Chair; Zarelli; Parlette; Baumgartner; Harper; Hatfield; Hewitt; Holmquist Newbry; Honeyford; Kastama; Padden; Schoesler and Tom.

MINORITY recommendation: Do not pass. Signed by Senator Murray, Chair.

Passed to Committee on Rules for second reading.

February 27, 2012

SHB 1699 Prime Sponsor, Committee on Capital Budget: Concerning housing trust fund administrative costs. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass as amended. Signed by Senators Murray, Chair; Kilmer, Vice Chair, Capital Budget Chair; Zarelli; Parlette; Baumgartner; Brown; Conway; Fraser; Harper; Hatfield; Hewitt; Holmquist Newbry; Honeyford; Kastama; Keiser; Kohl-Welles; Padden; Regala; Schoesler and Tom.

Passed to Committee on Rules for second reading.

February 27, 2012

ESHB 2048 Prime Sponsor, Committee on Ways & Means: Concerning low-income and homeless housing assistance surcharges. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass as amended. Signed by Senators Murray, Chair; Kilmer, Vice Chair, Capital Budget Chair; Brown; Conway; Fraser; Harper; Hatfield; Kastama; Keiser; Kohl-Welles; Pridemore and Regala.

MINORITY recommendation: Do not pass. Signed by Senators Holmquist Newbry; Honeyford and Schoesler.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Zarelli; Parlette; Baumgartner; Hewitt and Padden.

Passed to Committee on Rules for second reading.

February 27, 2012

SHB 2149 Prime Sponsor, Committee on Ways & Means: Concerning personal property tax assessment administration, authorizing waiver of penalties and interest under specified circumstances. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Murray, Chair; Kilmer, Vice Chair, Capital Budget Chair; Zarelli; Parlette; Baumgartner; Brown; Conway; Fraser; Harper; Hatfield; Hewitt; Holmquist Newbry; Honeyford; Kastama; Keiser; Kohl-Welles; Padden; Pridemore; Regala; Schoesler and Tom.

Passed to Committee on Rules for second reading.

February 27, 2012

2SHB 2156 Prime Sponsor, Committee on Education Appropriations & Oversight: Regarding coordination and evaluation of workforce training for aerospace and materials manufacturing. (REVISED FOR PASSED LEGISLATURE: Regarding workforce training for aerospace and materials manufacturing.) Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Murray, Chair; Kilmer, Vice Chair, Capital Budget Chair; Zarelli; Parlette; Baumgartner; Brown; Conway; Fraser; Harper; Hatfield; Hewitt; Holmquist Newbry; Honeyford; Kastama; Keiser; Kohl-Welles; Padden; Pridemore; Regala; Schoesler and Tom.

Passed to Committee on Rules for second reading.

February 27, 2012

2SHB 2216 Prime Sponsor, Committee on Ways & Means: Increasing penalties for vehicular homicide and vehicular assault. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Murray, Chair; Kilmer, Vice Chair, Capital Budget Chair; Zarelli; Parlette; Baumgartner; Brown; Conway; Fraser; Harper; Hatfield; Hewitt; Holmquist Newbry; Honeyford; Kastama; Keiser; Kohl-Welles; Padden; Pridemore; Regala; Schoesler and Tom.

Passed to Committee on Rules for second reading.

February 27, 2012

SHB 2234 Prime Sponsor, Committee on Transportation: Addressing employer notification upon commercial driver's license suspension. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Haugen, Chair; Eide, Vice Chair; King; Fain; Delvin; Ericksen; Frockt; Hill; Hobbs; Litzow; Ranker; Rolfes; Sheldon; Shin and Swecker.

Passed to Committee on Rules for second reading.

February 27, 2012

HB 2240 Prime Sponsor, Representative Moscoso: Concerning public improvement contracts involving federally funded transit facility projects. Reported by Committee on Ways & Means

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MAJORITY recommendation: Do pass. Signed by Senators Murray, Chair; Kilmer, Vice Chair, Capital Budget Chair; Zarelli; Parlette; Baumgartner; Brown; Conway; Fraser; Harper; Hatfield; Hewitt; Holmquist Newbry; Honeyford; Kastama; Keiser; Kohl-Welles; Padden; Pridemore; Regala; Schoesler and Tom.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Zarelli; Parlette; Baumgartner and Holmquist Newbry.

Passed to Committee on Rules for second reading.

Passed to Committee on Rules for second reading.

February 27, 2012

E2SHB 2253 Prime Sponsor, Committee on General Government Appropriations & Oversight: Modernizing the functionality of the state environmental policy act. Reported by Committee on Ways & Means

HB 2275 Prime Sponsor, Representative Goodman: Allowing a registered tow truck operator to reimpose a vehicle that has been redeemed from storage or purchased at auction and not removed from the operator's business premises. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Murray, Chair; Kilmer, Vice Chair, Capital Budget Chair; Zarelli; Parlette; Baumgartner; Brown; Conway; Harper; Hewitt; Honeyford; Keiser; Kohl-Welles; Padden; Pridemore; Schoesler and Tom.

MAJORITY recommendation: Do pass. Signed by Senators Haugen, Chair; Eide, Vice Chair; King; Fain; Delvin; Ericksen; Frockt; Hill; Hobbs; Litzow; Ranker; Rolfes; Sheldon; Shin and Swecker.

Passed to Committee on Rules for second reading.

MINORITY recommendation: Do not pass. Signed by Senators Fraser and Holmquist Newbry.

February 27, 2012

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Regala.

HB 2280 Prime Sponsor, Representative Moeller: Establishing a yellow dot program for motor vehicles. Reported by Committee on Transportation

Passed to Committee on Rules for second reading.

MAJORITY recommendation: Do pass as amended. Signed by Senators Haugen, Chair; Eide, Vice Chair; King; Fain; Delvin; Ericksen; Frockt; Hill; Hobbs; Litzow; Ranker; Rolfes; Sheldon; Shin and Swecker.

February 27, 2012

SHB 2263 Prime Sponsor, Committee on Ways & Means: Reinvesting savings resulting from changes in the child welfare system. Reported by Committee on Ways & Means

Passed to Committee on Rules for second reading.

MAJORITY recommendation: Do pass as amended by Committee on Human Services & Corrections. Signed by Senators Murray, Chair; Kilmer, Vice Chair, Capital Budget Chair; Brown; Conway; Fraser; Harper; Hatfield; Hewitt; Kastama; Keiser; Kohl-Welles; Regala and Tom.

February 27, 2012

MINORITY recommendation: Do not pass. Signed by Senators Holmquist Newbry; Honeyford; Padden and Schoesler.

SHB 2312 Prime Sponsor, Committee on Transportation: Making military service award emblems available for purchase. Reported by Committee on Transportation

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Zarelli; Parlette and Baumgartner.

MAJORITY recommendation: Do pass. Signed by Senators Haugen, Chair; Eide, Vice Chair; King; Fain; Delvin; Ericksen; Frockt; Hill; Hobbs; Litzow; Ranker; Rolfes; Sheldon; Shin and Swecker.

Passed to Committee on Rules for second reading.

Passed to Committee on Rules for second reading.

February 27, 2012

E2SHB 2264 Prime Sponsor, Committee on Ways & Means: Concerning performance-based contracting related to child welfare services. Reported by Committee on Ways & Means

February 27, 2012

MAJORITY recommendation: Do pass as amended by Committee on Human Services & Corrections. Signed by Senators Murray, Chair; Kilmer, Vice Chair, Capital Budget Chair; Brown; Conway; Fraser; Harper; Hatfield; Hewitt; Kastama; Keiser; Kohl-Welles; Regala and Tom.

ESHB 2330 Prime Sponsor, Committee on Health Care & Wellness: Concerning health plan coverage for the voluntary termination of a pregnancy. Reported by Committee on Ways & Means

MINORITY recommendation: Do not pass. Signed by Senators Honeyford; Padden and Schoesler.

MAJORITY recommendation: That it be referred without recommendation. Signed by Senators Murray, Chair; Kilmer, Vice Chair, Capital Budget Chair; Brown; Conway; Fraser; Harper; Hatfield; Kastama; Keiser; Kohl-Welles; Pridemore; Regala and Tom.

MINORITY recommendation: Do not pass. Signed by Senators Zarelli; Parlette; Baumgartner; Hewitt; Holmquist Newbry; Honeyford; Padden and Schoesler.

Passed to Committee on Rules for second reading.

February 27, 2012

E2SHB 2337 Prime Sponsor, Committee on Ways & Means: Regarding open educational resources in K-12 education. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass as amended by Committee on Early Learning & K-12 Education. Signed by Senators Murray, Chair; Kilmer, Vice Chair, Capital Budget Chair; Zarelli; Parlette; Baumgartner; Brown; Conway; Fraser; Harper; Hatfield; Hewitt; Holmquist Newbry; Honeyford; Kastama; Keiser; Kohl-Welles; Pridemore; Regala; Schoesler and Tom.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Padden.

Passed to Committee on Rules for second reading.

February 27, 2012

HB 2346 Prime Sponsor, Representative Walsh: Removing the requirement that correctional officers of the department of corrections purchase uniforms from correctional industries. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass as amended by Committee on Human Services & Corrections. Signed by Senators Murray, Chair; Kilmer, Vice Chair, Capital Budget Chair; Zarelli; Parlette; Baumgartner; Brown; Conway; Fraser; Harper; Hatfield; Hewitt; Kastama; Keiser; Kohl-Welles; Padden; Pridemore; Schoesler and Tom.

MINORITY recommendation: Do not pass. Signed by Senators Honeyford and Regala.

Passed to Committee on Rules for second reading.

February 27, 2012

ESHB 2372 Prime Sponsor, Committee on Transportation: Concerning tow truck employee certification and private impound rates. Reported by Committee on Transportation

MAJORITY recommendation: Do pass as amended. Signed by Senators Haugen, Chair; Eide, Vice Chair; King; Fain; Delvin; Ericksen; Frockt; Hill; Hobbs; Litzow; Rolfes; Sheldon; Shin and Swecker.

MINORITY recommendation: Do not pass. Signed by Senator Ranker.

Passed to Committee on Rules for second reading.

February 27, 2012

2SHB 2443 Prime Sponsor, Committee on Transportation: Increasing accountability of persons who drive impaired. Reported by Committee on Transportation

MAJORITY recommendation: Do pass as amended. Signed by Senators Haugen, Chair; Eide, Vice Chair; King; Fain; Delvin; Ericksen; Frockt; Hobbs; Litzow; Ranker; Rolfes; Sheldon; Shin and Swecker.

Passed to Committee on Rules for second reading.

February 27, 2012

HB 2474 Prime Sponsor, Representative Springer: Adjusting voting requirements for the renewal of emergency

medical service levies. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass as amended. Signed by Senators Murray, Chair; Kilmer, Vice Chair, Capital Budget Chair; Brown; Conway; Fraser; Harper; Hatfield; Kastama; Keiser; Kohl-Welles; Pridemore and Regala.

MINORITY recommendation: Do not pass. Signed by Senators Holmquist Newbry; Honeyford; Padden and Schoesler.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Zarelli; Parlette; Baumgartner and Hewitt.

Passed to Committee on Rules for second reading.

February 27, 2012

HB 2476 Prime Sponsor, Representative Jinkins: Modifying the boundaries of certain heavy haul corridors. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Haugen, Chair; Eide, Vice Chair; King; Fain; Delvin; Ericksen; Frockt; Hobbs; Litzow; Ranker; Rolfes; Sheldon; Shin and Swecker.

Passed to Committee on Rules for second reading.

February 27, 2012

SHB 2492 Prime Sponsor, Committee on Education Appropriations & Oversight: Requiring the state board of education to provide fiscal impact statements before making rule changes. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Murray, Chair; Kilmer, Vice Chair, Capital Budget Chair; Zarelli; Parlette; Brown; Conway; Fraser; Harper; Hatfield; Hewitt; Holmquist Newbry; Honeyford; Kastama; Kohl-Welles; Padden; Pridemore; Regala and Schoesler.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Baumgartner; Keiser and Tom.

Passed to Committee on Rules for second reading.

February 27, 2012

ESHB 2502 Prime Sponsor, Committee on Ways & Means: Modifying exceptions to the compensating tax provisions for removal from forest land classification to more closely parallel open space property tax provisions. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Murray, Chair; Kilmer, Vice Chair, Capital Budget Chair; Zarelli; Parlette; Baumgartner; Brown; Conway; Fraser; Harper; Hewitt; Holmquist Newbry; Honeyford; Kastama; Keiser; Kohl-Welles; Padden; Pridemore; Regala; Schoesler and Tom.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Hatfield.



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Passed to Committee on Rules for second reading.

February 27, 2012

E2SHB 2536 Prime Sponsor, Committee on Ways & Means: Concerning the use of evidence-based practices for the delivery of services to children and juveniles. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass as amended. Signed by Senators Murray, Chair; Kilmer, Vice Chair, Capital Budget Chair; Zarelli; Parlette; Baumgartner; Brown; Conway; Fraser; Harper; Hewitt; Holmquist Newbry; Honeyford; Kastama; Keiser; Kohl-Welles; Regala; Schoesler and Tom.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Padden and Pridemore.

Passed to Committee on Rules for second reading.

February 27, 2012

SHB 2574 Prime Sponsor, Committee on Transportation: Allowing special year tabs on certain special license plates for persons with disabilities. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Haugen, Chair; Eide, Vice Chair; King; Fain; Delvin; Ericksen; Frockt; Hill; Hobbs; Litzow; Ranker; Rolfes; Sheldon; Shin and Swecker.

Passed to Committee on Rules for second reading.

February 27, 2012

ESHB 2586 Prime Sponsor, Committee on Ways & Means: Phasing-in statewide implementation of the Washington kindergarten inventory of developing skills. (REVISED FOR PASSED LEGISLATURE: Regarding the Washington kindergarten inventory of developing skills. ) Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass as amended. Signed by Senators Murray, Chair; Kilmer, Vice Chair, Capital Budget Chair; Parlette; Baumgartner; Brown; Conway; Fraser; Harper; Hatfield; Hewitt; Kastama; Keiser; Kohl-Welles; Pridemore; Regala and Tom.

MINORITY recommendation: Do not pass. Signed by Senators Honeyford; Padden and Schoesler.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Zarelli and Holmquist Newbry.

Passed to Committee on Rules for second reading.

February 27, 2012

SHB 2590 Prime Sponsor, Committee on Business & Financial Services: Extending the expiration of the pollution liability insurance agency's authority and its funding source. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Murray, Chair; Kilmer, Vice Chair, Capital Budget Chair; Zarelli; Parlette; Baumgartner; Brown; Conway; Fraser; Harper; Hatfield; Hewitt; Honeyford; Kastama; Keiser; Kohl-Welles; Padden; Pridemore; Regala; Schoesler and Tom.

MINORITY recommendation: Do not pass. Signed by Senator Holmquist Newbry.

Passed to Committee on Rules for second reading.

February 27, 2012

ESHB 2592 Prime Sponsor, Committee on Early Learning & Human Services: Concerning extended foster care services. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Murray, Chair; Kilmer, Vice Chair, Capital Budget Chair; Parlette; Baumgartner; Brown; Conway; Fraser; Harper; Hatfield; Hewitt; Keiser; Kohl-Welles; Regala; Schoesler and Tom.

MINORITY recommendation: Do not pass. Signed by Senator Honeyford.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Zarelli; Holmquist Newbry and Padden.

Passed to Committee on Rules for second reading.

February 27, 2012

SHB 2601 Prime Sponsor, Committee on Transportation: Improving public transit through the creation of transit service overlay zones. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Haugen, Chair; Eide, Vice Chair; King; Delvin; Frockt; Hobbs; Rolfes; Sheldon; Shin and Swecker.

MINORITY recommendation: Do not pass. Signed by Senator Ericksen.

Passed to Committee on Rules for second reading.

February 27, 2012

SHB 2607 Prime Sponsor, Committee on Ways & Means: Requiring a six-year budget outlook tied to existing revenues. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Murray, Chair; Kilmer, Vice Chair, Capital Budget Chair; Zarelli; Parlette; Baumgartner; Brown; Conway; Fraser; Harper; Hatfield; Hewitt; Holmquist Newbry; Honeyford; Keiser; Padden; Schoesler and Tom.

Passed to Committee on Rules for second reading.

February 27, 2012

SHB 2615 Prime Sponsor, Committee on Local Government: Authorizing benefit charges for the enhancement of fire protection services. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass as amended by Committee on Government Operations, Tribal Relations & Elections. Signed by Senators Murray, Chair; Kilmer, Vice Chair, Capital Budget Chair; Brown; Conway; Fraser; Harper; Hatfield; Hewitt; Kastama; Keiser; Kohl-Welles; Pridemore; Regala and Tom.

MINORITY recommendation: Do not pass. Signed by Senators Holmquist Newbry; Honeyford; Padden and Schoesler.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Zarelli; Parlette and Baumgartner.

Passed to Committee on Rules for second reading.

February 27, 2012

SHB 2617 Prime Sponsor, Committee on Education Appropriations & Oversight: Regarding school district financial insolvency. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass as amended. Signed by Senators Murray, Chair; Kilmer, Vice Chair, Capital Budget Chair; Zarelli; Parlette; Baumgartner; Brown; Conway; Fraser; Harper; Hatfield; Hewitt; Holmquist Newbry; Kastama; Keiser; Kohl-Welles; Padden; Pridemore; Regala and Tom.

MINORITY recommendation: Do not pass. Signed by Senators Honeyford and Schoesler.

Passed to Committee on Rules for second reading.

February 27, 2012

SHB 2673 Prime Sponsor, Committee on Transportation: Addressing transportation workforce development. Reported by Committee on Transportation

MAJORITY recommendation: Do pass as amended. Signed by Senators Haugen, Chair; Eide, Vice Chair; King; Fain; Frockt; Hill; Hobbs; Litzow; Ranker; Rolfes; Sheldon; Shin and Swecker.

MINORITY recommendation: Do not pass. Signed by Senators Delvin and Ericksen.

Passed to Committee on Rules for second reading.

February 27, 2012

EHB 2771 Prime Sponsor, Representative Pettigrew: Addressing employer and employee relationships under the state retirement systems. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass as amended. Signed by Senators Kilmer, Vice Chair, Capital Budget Chair; Zarelli; Parlette; Baumgartner; Conway; Fraser; Hatfield; Hewitt; Holmquist Newbry; Honeyford; Kastama; Padden; Regala; Schoesler and Tom.

MINORITY recommendation: Do not pass. Signed by Senators Harper and Kohl-Welles.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Murray, Chair and Keiser.

Passed to Committee on Rules for second reading.

#### MOTION

On motion of Senator Eide, all measures listed on the Standing Committee report were referred to the committees as designated.

#### MOTION

At 8:03 p.m., on motion of Senator Eide, the Senate adjourned until 11:15 a.m. Tuesday, February 28, 2012.

BRAD OWEN, President of the Senate

THOMAS HOEMANN, Secretary of the Senate

FIFTY FIRST DAY

MORNING SESSION

Senate Chamber, Olympia, Tuesday, February 28, 2012

The Senate was called to order at 11:15 a.m. by President Owen. The Secretary called the roll and announced to the President that all Senators were present with the exception of Senators Brown, Hewitt, Prentice and Zarelli.

The Sergeant at Arms Color Guard consisting of Pages Raymond Porter and Nathan Williams, presented the Colors. Reverend Eugene W. Wiegman Professor of Church History-Emeritus at Covenant Bible Seminar of Lakewood offered the prayer.

MOTION

On motion of Senator Eide, the reading of the Journal of the previous day was dispensed with and it was approved.

MOTION

On motion of Senator Eide, the Senate advanced to the fourth order of business.

MESSAGE FROM THE HOUSE

February 27, 2012

MR. PRESIDENT:

The House has passed:

SENATE BILL NO. 5259,

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5620,

SUBSTITUTE SENATE BILL NO. 6005,

SENATE BILL NO. 6030,

SENATE BILL NO. 6108.

and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MESSAGE FROM THE HOUSE

February 27, 2012

MR. PRESIDENT:

The House has passed:

SUBSTITUTE SENATE BILL NO. 5627,

SENATE BILL NO. 5913,

SUBSTITUTE SENATE BILL NO. 6100,

ENGROSSED SENATE BILL NO. 6141,

SENATE BILL NO. 6172,

ENGROSSED SUBSTITUTE SENATE BILL NO. 6251,

ENGROSSED SUBSTITUTE SENATE BILL NO. 6252,

SUBSTITUTE SENATE BILL NO. 6258,

SENATE BILL NO. 6289,

SUBSTITUTE SENATE BILL NO. 6295,

SUBSTITUTE SENATE BILL NO. 6315,

SENATE BILL NO. 6566,

SUBSTITUTE SENATE JOINT MEMORIAL NO. 8016.

and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MESSAGE FROM THE HOUSE

February 27, 2012

MR. PRESIDENT:

The House has passed:

SUBSTITUTE SENATE BILL NO. 6121.

and the same is herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

On motion of Senator Eide, the Senate advanced to the fifth order of business.

INTRODUCTION AND FIRST READING

SB 6628 by Senators Kline, Kohl-Welles and Regala

AN ACT Relating to reckless endangerment resulting from unsafe storage of firearms; amending RCW 9A.36.050 and 9.41.070; and prescribing penalties.

Referred to Committee on Judiciary.

MOTION

On motion of Senator Eide, the measure listed on the Introduction and First Reading report was referred to the committee as designated.

MOTION

On motion of Senator Eide, the Senate advanced to the eighth order of business.

MOTION

Senator Pflug moved adoption of the following resolution:

SENATE RESOLUTION

8685

By Senators Pflug, McAuliffe, Fain, Eide, Carrell, Honeyford, Delvin, Benton, Stevens, Becker, Ericksen, Parlette, Hewitt, King, and Zarelli

WHEREAS, The students of Tahoma Senior High School who are enrolled in the program known as "*We The People: The Citizen and Constitution*" have exhibited an exceptional grasp of the Constitution of the United States and the lessons our forefathers taught; and

WHEREAS, On Saturday, January 7, 2012, the state "*We The People*" competition was once again won by the team from Tahoma Senior High School – the school's 16th championship in 17 years; and

WHEREAS, From April 27th to May 1st these students will represent their state at the 25th Anniversary *We The People* National Finals in Washington, D.C., where they surely will uphold the standard of excellence for which Tahoma Senior High School is known; and

WHEREAS, Just as these students are inspired to immerse themselves in the United States Constitution and Bill of Rights, their extraordinary knowledge of the Constitution and formidable debate skills have inspired those who watched them progress to the level of state champions; and

WHEREAS, The Tahoma team is again coached by Gretchen Wulfing, who was named Washington's Civic Educator of the Year in 2011, and who continues to successfully impress upon her students the importance of learning about American constitutional democracy and the contemporary relevance of the nation's founding documents; and

WHEREAS, These students and their advisor were aided by countless hours of help from *We The People* alumni, former students who helped prepare this year's debaters by volunteering as guest judges; and

WHEREAS, Studies have shown that 80 percent of high school seniors participating in this program have registered to vote, compared to an average of 37 percent among other high school seniors, proof that *We The People* promotes a greater interest in participating in government; and

WHEREAS, Tahoma Senior High School has a distinguished record in competitions beyond the state level, having placed fourth in the nation in 2000, capturing the Western Regional Award in 2002 and 2008, and taking the top Unit Two in the Nation Award in 2003;

NOW, THEREFORE, BE IT RESOLVED, That the Senate honor these "warriors of the Constitution": Nathan Farnsworth, Sarah Fuller, Mark Gato, Katie Hartke, Matt Horne, Kristen Jamieson, Oliver Kombol, Kaitlin Lowe, Emily Martin, Allannah Miller, Sadie Nelson, Emily Page, Julianne Reilly, Thomas Reinhard, Justin Ross, Lora Sonnen, Grace Taylor, Kendall Thiele, Clara Tibbetts, Harrison Waldo, Caitlyn Ward, and Barrett Weston; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to the members of Tahoma Senior High School's *We The People* Team, team advisor Gretchen Wulfing, and the principal of Tahoma Senior High School, Terry Duty, to further show the respect of this body for a job well done and wish them success in their endeavors.

Senators Pflug and Pridemore spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8685.

The motion by Senator Pflug carried and the resolution was adopted by voice vote.

#### PERSONAL PRIVILEGE

Senator Fraser: "Mr. President, today is February 28 which is quite a memorable day here. We note the bouquet on Senator Eide's desk is bigger again this year, her annual wedding anniversary. Eleven years ago today was her twenty-fifth wedding anniversary and we really rocked. We had the Nisqually Earthquake and I just wanted to make a note today is the eleventh anniversary of the big Nisqually Earthquake. A number of us were here, were present. We were in caucus at the time. It was somewhere around this time of day. Pieces started coming down from the ceiling and the dome lifted up to zero gravity and moved. It was quite an enormous experience. The building was closed for two years, it's nicely redecorated, I remember one irony is at the time we were looking at remodeling the building for improved air circulation and computer wires and so forth. A big debate going on. Could we close like one floor at a time?, Could we close one area at a time? Oh no we can't do that. It would be too difficult to be out of the building. And then the

earthquake came and we were out two years. But we had a good time in our temporary quarters and I just wanted to make an historic note this morning. Thank you."

#### INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced representatives of the 'We the People' group from Tahoma High School who were seated in the gallery.'

#### PERSONAL PRIVILEGE

Senator Eide: "Well, it is my anniversary today and thank you very much for the well wishes but it's also Senator Pflug's birthday and its Senator Swecker's birthday and Lisa Brown's sons birthday, Lucas. So, today is a great day and I think it's also Michael Temple's birthday and it's Tom's dad's birthday, is it not, Tom Hoemann's so it's a glorious day so happy birthday to everyone."

#### PERSONAL PRIVILEGE

Senator Pflug: "Thank you Mr. President. Well, it is my birthday and we did have the earthquake eleven years ago and when I talked with my mother and explained the state of my office, she said 'Well dear I guess you know that there's likely to be a cosmic action if you turn thirty-nine too many years in a row. So I just wanted you to know that I have given up that practice and hopefully we will get through the day unharmed.'"

#### POINT OF ORDER

Senator Pridemore: "I believe that the recognition of these members birthdays should be included under Old Business."

#### MOTION

On motion of Senator Eide, the Senate reverted to the sixth order of business.

#### MOTION

On motion of Senator Harper, Senators Brown, Hargrove and Murray were excused.

#### MOTION

On motion of Senator Ericksen, Senators Hewitt and Zarelli were excused.

#### SECOND READING CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

#### MOTION

Senator Rolfes moved that Gubernatorial Appointment No. 9057, Edmund Kiley, as a member of the Board of Pilotage Commissioners, be confirmed.

Senator Rolfes spoke in favor of the motion.

#### APPOINTMENT OF EDMUND KILEY

The President declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9057, Edmund Kiley as a member of the Board of Pilotage Commissioners.

MOTION

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9057, Edmund Kiley as a member of the Board of Pilotage Commissioners and the appointment was confirmed by the following vote: Yeas, 45; Nays, 0; Absent, 1; Excused, 3.

Voting yea: Senators Baumgartner, Becker, Benton, Carrell, Chase, Conway, Delvin, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hatfield, Haugen, Hill, Hobbs, Holmquist Newbry, Honeyford, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles, Litzow, McAuliffe, Morton, Murray, Nelson, Padden, Parlette, Pflug, Pridemore, Ranker, Regala, Roach, Rolfes, Schoesler, Sheldon, Shin, Stevens, Swecker and Tom

Absent: Senator Prentice

Excused: Senators Brown, Hewitt and Zarelli

Gubernatorial Appointment No. 9057, Edmund Kiley, having received the constitutional majority was declared confirmed as a member of the Board of Pilotage Commissioners.

PERSONAL PRIVILEGE

Senator Kastama: "Mr. President, with your permission I would like to introduce Catherine Becker, the young lady who was just swinging the gavel a few seconds ago and with your permission I would like to read a biography of Catherine Becker. Thank you Mr. President, for all my constituents and all my colleagues, so they know who Catherine Becker is, let me just read a little bit about her background and why she's here today. Catherine Becker is ten years old and resides in Midland, Washington with her parents and her older sister. She is a fourth grade student at Brookdale Elementary in the Franklin Pierce School District. She is an Excel, which is a highly capable student program. She's in that program and participates in basketball and Choir. Catherine is a Voracious reader who has a love for animals of all kinds. Unfortunately, her parents still refuse to get her a tarantula. Although, they are letting her hatch salamander eggs. From the age of three, Catherine and her mother have visited our capital every summer. And every summer Catherine has wanted to meet the Lieutenant Governor, Brad Owen. This year they were able to make the trip during the legislative session, last week, but the Lieutenant Governor was unavailable any time and they were unable to see him when they went to his office. Going home, Catherine's mom called the Lieutenant Governor's assistant who invited them to come back down here today. Catherine was able to meet privately with the Lieutenant Governor at which point he invited her to come back again today. It was the highlight of her year. She knew has decided three things. Number one; Lieutenant Governor Brad Owen is one of her favorite people because he is so nice, we all know that. Number two; she can't wait till she's thirteen and can come back as a personal page for the Lieutenant Governor; and, finally, she will be the first female Lieutenant Governor in the state of Washington. I think some of the people may try to argue with that but nevertheless we wish her the best. With that, thank you for being here. Welcome to the Senate Chamber."

SECOND READING

CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Honeyford moved that Gubernatorial Appointment No. 9017, Sondra Clark, as a member of the Columbia River Gorge Commission, be confirmed.

Senator Honeyford spoke in favor of the motion.

On motion of Senator Frockt, Senator Prentice was excused.

APPOINTMENT OF SONDRA CLARK

The President declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9017, Sondra Clark as a member of the Columbia River Gorge Commission.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9017, Sondra Clark as a member of the Columbia River Gorge Commission and the appointment was confirmed by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Baumgartner, Becker, Benton, Carrell, Chase, Conway, Delvin, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hatfield, Haugen, Hill, Hobbs, Holmquist Newbry, Honeyford, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles, Litzow, McAuliffe, Morton, Murray, Nelson, Padden, Parlette, Pflug, Pridemore, Ranker, Regala, Roach, Rolfes, Schoesler, Sheldon, Shin, Stevens, Swecker and Tom

Excused: Senators Brown, Hewitt, Prentice and Zarelli

Gubernatorial Appointment No. 9017, Sondra Clark, having received the constitutional majority was declared confirmed as a member of the Columbia River Gorge Commission.

SIGNED BY THE PRESIDENT

The President signed:

- SENATE BILL NO. 5259,
- ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5620,
- SUBSTITUTE SENATE BILL NO. 5627,
- SENATE BILL NO. 5913,
- SUBSTITUTE SENATE BILL NO. 6005,
- SENATE BILL NO. 6030,
- SUBSTITUTE SENATE BILL NO. 6100,
- SENATE BILL NO. 6108,
- SUBSTITUTE SENATE BILL NO. 6121,
- ENGROSSED SENATE BILL NO. 6141,
- SENATE BILL NO. 6172,
- ENGROSSED SUBSTITUTE SENATE BILL NO. 6251,
- ENGROSSED SUBSTITUTE SENATE BILL NO. 6252,
- SUBSTITUTE SENATE BILL NO. 6258,
- SENATE BILL NO. 6289,
- SUBSTITUTE SENATE BILL NO. 6295,
- SUBSTITUTE SENATE BILL NO. 6315,
- SENATE BILL NO. 6566,
- SUBSTITUTE SENATE JOINT MEMORIAL NO. 8016.

PERSONAL PRIVILEGE

Senator Benton: "Thank you Mr. President, ladies and gentleman of the Senate. It's come to my attention, as it has to many of you, that a friend of the Senate and a friend of the great state of Washington and a great friend of this country, Buck Compton, who was here and who received recognition just a few short years ago for his accomplishments not only during World War II and where he was memorialized in the famous movie 'Band of Brothers' for participating in his efforts of operation Market Garden and also in the 'Battle of the Bulge' who went on then to become the Prosecuting Attorney in Los Angeles who prosecuted Sirhan Sirhan for the assassination of Robert F. Kennedy and who was here just, in this chamber, a few years ago

where we honored him with a resolution. Mr. President, I'm sorry to have to report to you and my colleagues here today on Saturday, at the ripe age of ninety, Buck Compton a great man passed on. Mr. President, I believe a moment of silence would be appropriate."

#### MOMENT OF SILENCE

The Senate rose and observed a moment of silence in memory and honor of Lynn D. "Buck" Compton, who passed away February 25, 2012 in Burlington Washington.

#### SECOND READING

ENGROSSED THIRD SUBSTITUTE HOUSE BILL NO. 1860, by House Committee on General Government Appropriations & Oversight (originally sponsored by Representative Hurst)

Regarding partisan elections.

The measure was read the second time.

#### MOTION

On motion of Senator Eide, further consideration of Engrossed Third Substitute House Bill No. 1860 was deferred and the bill held its place on the second reading calendar.

#### SECOND READING

HOUSE BILL NO. 2362, by Representatives Haler, Blake and Chandler

Regarding wine producer liens.

The measure was read the second time.

#### MOTION

On motion of Senator Hatfield, the rules were suspended, House Bill No. 2362 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Hatfield spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 2362.

#### ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2362 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Baumgartner, Becker, Benton, Carrell, Chase, Conway, Delvin, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hatfield, Haugen, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles, Litzow, McAuliffe, Morton, Murray, Nelson, Padden, Parlette, Pflug, Pridemore, Ranker, Regala, Roach, Rolfes, Schoesler, Sheldon, Shin, Stevens, Swecker and Tom

Excused: Senators Brown, Prentice and Zarelli

HOUSE BILL NO. 2362, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SUBSTITUTE HOUSE BILL NO. 2367, by House Committee on Agriculture & Natural Resources (originally sponsored by Representatives Buys, Lytton, Chandler, Blake, Fagan, Wilcox and Overstreet)

Regarding the dairy products commission.

The measure was read the second time.

#### MOTION

On motion of Senator Hatfield, the rules were suspended, Substitute House Bill No. 2367 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Hatfield spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 2367.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2367 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Baumgartner, Becker, Benton, Brown, Carrell, Chase, Conway, Delvin, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hatfield, Haugen, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles, Litzow, McAuliffe, Morton, Murray, Nelson, Padden, Parlette, Pflug, Pridemore, Ranker, Regala, Roach, Rolfes, Schoesler, Sheldon, Shin, Stevens, Swecker and Tom

Excused: Senators Prentice and Zarelli

SUBSTITUTE HOUSE BILL NO. 2367, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MOTION

At 12:04 p.m., on motion of Senator Eide, the Senate recessed until 2:00 p.m.

#### AFTERNOON SESSION

The Senate was called to order at 2:00 p.m. by President Owen.

#### SECOND READING CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

#### MOTION

Senator Roach moved that Gubernatorial Appointment No. 9053, Stephen Johnson, as a member of the Board of Tax Appeals, be confirmed.

Senator Roach spoke in favor of the motion.

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APPOINTMENT OF STEPHEN JOHNSON

The President declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9053, Stephen Johnson as a member of the Board of Tax Appeals.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9053, Stephen Johnson as a member of the Board of Tax Appeals and the appointment was confirmed by the following vote: Yeas, 47; Nays, 0; Absent, 2; Excused, 0.

Voting yea: Senators Baumgartner, Becker, Benton, Brown, Carrell, Chase, Conway, Delvin, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hatfield, Haugen, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles, Litzow, Morton, Murray, Nelson, Padden, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rolfes, Schoesler, Shin, Stevens, Swecker, Tom and Zarelli

Absent: Senators McAuliffe and Sheldon

Gubernatorial Appointment No. 9053, Stephen Johnson, having received the constitutional majority was declared confirmed as a member of the Board of Tax Appeals.

The Senate resumed consideration of Engrossed Third Substitute House Bill No. 1860 which had been deferred earlier in the day

MOTION

Senator Pridemore moved that the following striking amendment by Senator Pridemore be adopted:

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** The United States district court, western district of Washington, ruled that Washington's method of electing political party precinct committee officers is unconstitutional based on the associational rights of political parties. The court stated that Washington may decide to implement elections for precinct committee officer in a manner not yet conceived but ultimately satisfactory to the political parties. Washington may even implement these elections in a way that severely burdens the political parties' associational rights but does so in a manner narrowly tailored to serve a compelling governmental interest. The major political parties stated in court that they might be satisfied of party membership if a voter affirms affiliation with the particular party. Toward this end, the legislature has worked closely with the major political parties to develop a system of electing precinct committee officers that the parties support, that will protect the secrecy of the ballot, and will not increase burdens placed on local election officials. Therefore, it is the intent of the legislature to remedy the unconstitutional method of selecting precinct committee officers by implementing a provision requiring voters to affirm an affiliation with the appropriate party in order to vote in a race for precinct committee officer in that party. The legislature finds that the office of precinct committee officer itself is both a constitutionally recognized and authorized office with certain duties outlined in state law and the state Constitution.

**Sec. 2.** RCW 29A.24.311 and 2011 c 349 s 13 are each amended to read as follows:

(1) Any person who desires to be a write-in candidate and have such votes counted at a primary or election may file a declaration of candidacy with the officer designated in RCW 29A.24.070 not later than the day ballots must be mailed according to RCW 29A.40.070. Declarations of candidacy for write-in candidates must be

accompanied by a filing fee in the same manner as required of other candidates filing for the office as provided in RCW 29A.24.091.

(2) Votes cast for write-in candidates who have filed such declarations of candidacy and write-in votes for persons appointed by major political parties pursuant to RCW 29A.28.021 need only specify the name of the candidate in the appropriate location on the ballot in order to be counted. Write-in votes cast for any other candidate, in order to be counted, must designate the office sought and position number or political party, in the manner in which the write-in is done does not make the office or position clear.

(3) No person may file as a write-in candidate where:

((+)) (a) At a general election, the person attempting to file either filed as a write-in candidate for the same office at the preceding primary or the person's name appeared on the ballot for the same office at the preceding primary;

((2)) (b) The person attempting to file as a write-in candidate has already filed a valid write-in declaration for that primary or election, unless one or the other of the two filings is for the office of precinct committee person;

((3)) (c) The name of the person attempting to file already appears on the ballot as a candidate for another office, unless one of the two offices for which he or she is a candidate is precinct committee person;

(d) The office filed for is committee precinct officer.

(4) The declaration of candidacy shall be similar to that required by RCW 29A.24.031. No write-in candidate filing under this section may be included in any voter's pamphlet produced under chapter 29A.32 RCW unless that candidate qualifies to have his or her name printed on the general election ballot. The legislative authority of any jurisdiction producing a local voter's pamphlet under chapter 29A.32 RCW may provide, by ordinance, for the inclusion of write-in candidates in such pamphlets.

**NEW SECTION. Sec. 3.** A new section is added to chapter 29A.52 RCW to read as follows:

(1) The office of precinct committee officer must be voted upon at the primary election in each even-numbered year. If no one files for the office, the office shall be filled in accordance with RCW 29A.28.071. If, after the last day to withdraw, only one candidate has filed for the office in a precinct, that candidate is deemed elected and the auditor shall issue a certificate of election. Only contested races may appear on the ballot.

(2) The ballot format may be either a consolidated ballot or a physically separate ballot. If a consolidated ballot is used, the races for precinct committee officer must be clearly delineated from other races on the ballot. If a physically separate ballot is used, it must be distinguishable from the top two primary ballot. If the ballot is returned in the return envelope provided, but outside of the security envelope, it shall not be grounds to invalidate the ballot.

(3) The following instructions must appear on the ballot: "In order to vote for precinct committee officer, a partisan office, you must affirm that you are a Democrat or a Republican and may vote only for one candidate from the party you select. Your vote for a candidate affirms your affiliation with the same party as the candidate. This preference is private and will not be matched to your name or shared."

(4) Party affiliation is affirmed by including the following statement after the name of each candidate: "I affirm I am a Democrat." if the candidate is a Democrat, or "I affirm I am a Republican." if the candidate is a Republican.

(5) If a voter votes for candidates from both parties, the votes cast in the election for precinct committee officer on that ballot will not be tabulated and reported.

**Sec. 4.** RCW 29A.60.021 and 2005 c 243 s 12 are each amended to read as follows:

(1) For any office, except precinct committee officer, at any election or primary, any voter may write in on the ballot the name of any person for an office who has filed as a write-in candidate for the office in the manner provided by RCW 29A.24.311 and such vote shall be counted the same as if the name had been printed on the ballot and marked by the voter. No write-in vote made for any person who has not filed a declaration of candidacy pursuant to RCW 29A.24.311 is valid if that person filed for the same office, either as a regular candidate or a write-in candidate, at the preceding primary. Any abbreviation used to designate office or position will be accepted if the canvassing board can determine, to its satisfaction, the voter's intent.

(2) The number of write-in votes cast for each office must be recorded and reported with the canvass for the election.

(3) A write-in vote for an individual candidate for an office whose name appears on the ballot for that same office is a valid vote for that candidate as long as the candidate's name is clearly discernible, even if other requirements of RCW 29A.24.311 are not satisfied and even if the voter also marked a vote for that candidate such as to register an overvote. These votes need not be tabulated unless: (a) The difference between the number of votes cast for the candidate apparently qualified to appear on the general election ballot or elected and the candidate receiving the next highest number of votes is less than the sum of the total number of write-in votes cast for the office plus the overvotes and undervotes recorded by the vote tabulating system; or (b) a manual recount is conducted for that office.

(4) Write-in votes cast for an individual candidate for an office whose name does not appear on the ballot need not be tallied unless the total number of write-in votes and undervotes recorded by the vote tabulation system for the office is greater than the number of votes cast for the candidate apparently qualified to appear on the general election ballot or elected.

(5) In the case of write-in votes for a statewide office or any office whose jurisdiction encompasses more than one county, write-in votes for an individual candidate must be tallied when the county auditor is notified by either the secretary of state or another county auditor in the multicounty jurisdiction that it appears that the write-in votes must be tabulated under the terms of this section. In all other cases, the county auditor determines when write-in votes must be tabulated. Any abstract of votes must be modified to reflect the tabulation and certified by the canvassing board. Tabulation of write-in votes may be performed simultaneously with a recount.

**Sec. 5.** RCW 29A.80.051 and 2004 c 271 s 149 are each amended to read as follows:

The statutory requirements for filing as a candidate at the primaries apply to candidates for precinct committee officer. The office must be voted upon at the primaries, and the names of all candidates in contested races must appear under the proper party and office designations on the ballot for the primary for each even-numbered year(~~and the one~~). The candidate receiving the highest number of votes will be declared elected. ~~((However, to be declared elected, a candidate must receive at least ten percent of the number of votes cast for the candidate of the candidate's party receiving the greatest number of votes in the precinct.))~~ The term of office of precinct committee officer is two years, commencing the first day of December following the primary.

**NEW SECTION. Sec. 6.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

**NEW SECTION. Sec. 7.** This act is necessary for the immediate preservation of the public peace, health, or safety, or

support of the state government and its existing public institutions, and takes effect immediately."

Senator Pridemore spoke in favor of adoption of the striking amendment.

#### PARLIAMENTARY INQUIRY

Senator Sheldon: "Mr. President, I had an amendment? I don't know if it's been, I see it coming out right now and I believe that it should be written to the striking amendment if I could be allowed to submit that? It's just an administration snafu."

#### MOTION

On motion of Senator Harper, Senators Brown and McAuliffe were excused.

#### MOTION

On motion of Senator Ericksen, Senator Carrell was excused.

#### MOTION

Senator Sheldon moved that the following amendment by Senator Sheldon to the striking amendment be adopted:

On page 5, beginning on line 16 of the amendment, strike all of section 7

On page 5, beginning on line 22 of the title amendment, after "RCW;" strike the remainder of the title amendment and insert "and creating a new section."

Senator Sheldon spoke in favor of adoption of the amendment to the striking amendment.

Senator Pridemore spoke against adoption of the amendment to the striking amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Sheldon on page 5, line 16 to the striking amendment to Engrossed Third Substitute House Bill No. 1860.

The motion by Senator Sheldon failed and the amendment to the striking amendment was not adopted by voice vote.

The President declared the question before the Senate to be the adoption of the striking amendment by Senator Pridemore to Engrossed Third Substitute House Bill No. 1860.

The motion by Senator Pridemore carried and the striking amendment was adopted by voice vote.

#### MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 1 of the title, after "elections;" strike the remainder of the title and insert "amending RCW 29A.24.311, 29A.60.021, and 29A.80.051; adding a new section to chapter 29A.52 RCW; creating a new section; and declaring an emergency."

#### MOTION

On motion of Senator Pridemore, the rules were suspended, Engrossed Third Substitute House Bill No. 1860 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.



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Senators Pridemore, Roach and Prentice spoke in favor of passage of the bill.

Regala, Roach, Rolfes, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Senator Sheldon spoke against passage of the bill.

Excused: Senator Brown

The President declared the question before the Senate to be the final passage of Engrossed Third Substitute House Bill No. 1860 as amended by the Senate.

SUBSTITUTE HOUSE BILL NO. 1194, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

ROLL CALL

MOTION

The Secretary called the roll on the final passage of Engrossed Third Substitute House Bill No. 1860 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 44; Nays, 4; Absent, 0; Excused, 1.

On motion of Senator Ericksen, Senators Hewitt and Zarelli were excused.

Voting yea: Senators Baumgartner, Becker, Benton, Carrell, Chase, Conway, Delvin, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Haugen, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles, Litzow, McAuliffe, Murray, Nelson, Padden, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rolfes, Schoesler, Shin, Stevens, Swecker, Tom and Zarelli

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1559, by House Committee on Judiciary (originally sponsored by Representatives Haigh, Dammeier and Goodman)

Voting nay: Senators Hatfield, Morton, Parlette and Sheldon  
Excused: Senator Brown

Limiting indemnification agreements involving design professionals.

ENGROSSED THIRD SUBSTITUTE HOUSE BILL NO. 1860 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

The measure was read the second time.

MOTION

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1194, by House Committee on Public Safety & Emergency Preparedness (originally sponsored by Representatives Kelley and Ladenburg)

Senator Kohl-Welles moved that the following committee striking amendment by the Committee on Labor, Commerce & Consumer Protection be adopted:

Strike everything after the enacting clause and insert the following:

Continuing to determine bail for the release of a person arrested and detained for a felony offense on an individualized basis by a judicial officer. Revised for 1st Substitute: Concerning bail for the release of a person arrested and detained for a class A or B felony offense.

"Sec. 1. RCW 4.24.115 and 2011 c 336 s 95 are each amended to read as follows:

The measure was read the second time.

(1) A covenant, promise, agreement, or understanding in, or in connection with or collateral to, a contract or agreement relative to the construction, alteration, repair, addition to, subtraction from, improvement to, or maintenance of, any building, highway, road, railroad, excavation, or other structure, project, development, or improvement attached to real estate, including moving and demolition in connection therewith, a contract or agreement for architectural, landscape architectural, engineering, or land surveying services, or a motor carrier transportation contract, purporting to indemnify, including the duty and cost to defend, against liability for damages arising out of such services or out of bodily injury to persons or damage to property:

MOTION

On motion of Senator Kline, the rules were suspended, Substitute House Bill No. 1194 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

(a) Caused by or resulting from the sole negligence of the indemnitee, his or her agents or employees is against public policy and is void and unenforceable;

Senator Kline spoke in favor of passage of the bill.

(b) Caused by or resulting from the concurrent negligence of (i) the indemnitee or the indemnitee's agents or employees, and (ii) the indemnitor or the indemnitor's agents or employees, is valid and enforceable only to the extent of the indemnitor's negligence and only if the agreement specifically and expressly provides therefor, and may waive the indemnitor's immunity under industrial insurance, Title 51 RCW, only if the agreement specifically and expressly provides therefor and the waiver was mutually negotiated by the parties. This subsection applies to agreements entered into after June 11, 1986.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1194.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1194 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

(2) As used in this section, a "motor carrier transportation contract" means a contract, agreement, or understanding covering: (a) The transportation of property for compensation or hire by the motor carrier; (b) entrance on property by the motor carrier for the purpose of loading, unloading, or transporting property for compensation or hire; or (c) a service incidental to activity described in (a) or (b) of this subsection, including, but not limited to, storage

Voting yea: Senators Baumgartner, Becker, Benton, Carrell, Chase, Conway, Delvin, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hatfield, Haugen, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles, Litzow, McAuliffe, Morton, Murray, Nelson, Padden, Parlette, Pflug, Prentice, Pridemore, Ranker,

of property, moving equipment or trailers, loading or unloading, or monitoring loading or unloading. "Motor carrier transportation contract" shall not include agreements providing for the interchange, use, or possession of intermodal chassis, containers, or other intermodal equipment."

Senator Kohl-Welles spoke in favor of adoption of the committee striking amendment.

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Labor, Commerce & Consumer Protection to Substitute House Bill No. 1559.

The motion by Senator Kohl-Welles carried and the committee striking amendment was adopted by voice vote.

#### MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 2 of the title, after "professionals;" strike the remainder of the title and insert "and amending RCW 4.24.115."

#### MOTION

On motion of Senator Kohl-Welles, the rules were suspended, Substitute House Bill No. 1559 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Harper spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1559 as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1559 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 45; Nays, 1; Absent, 0; Excused, 3.

Voting yea: Senators Baumgartner, Becker, Benton, Carrell, Chase, Conway, Delvin, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hatfield, Haugen, Hill, Hobbs, Holmquist Newbry, Honeyford, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles, Litzow, McAuliffe, Morton, Murray, Nelson, Padden, Parlette, Pflug, Prentice, Pridemore, Ranker, Roach, Rolfes, Schoesler, Sheldon, Shin, Stevens, Swecker and Tom

Voting nay: Senator Regala

Excused: Senators Brown, Hewitt and Zarelli

SUBSTITUTE HOUSE BILL NO. 1559 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SECOND SUBSTITUTE HOUSE BILL NO. 1652, by House Committee on Judiciary (originally sponsored by Representatives Frockt, Kenney, Reykdal, Rolfes, Probst, Goodman, Maxwell, McCoy, Jacks, Jinkins, Ryu, Kagi, Ladenburg, Stanford, Hasegawa, Fitzgibbon, Blake, Billig, Roberts, Clibborn, Ormsby, Moscoso, Hudgins and Liias)

Regarding electronic impersonation.

The measure was read the second time.

#### MOTION

On motion of Senator Kline, the rules were suspended, Second Substitute House Bill No. 1652 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Frockt and Padden spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Second Substitute House Bill No. 1652.

#### ROLL CALL

The Secretary called the roll on the final passage of Second Substitute House Bill No. 1652 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Baumgartner, Becker, Benton, Brown, Carrell, Chase, Conway, Delvin, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hatfield, Haugen, Hill, Hobbs, Holmquist Newbry, Honeyford, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles, Litzow, McAuliffe, Morton, Murray, Nelson, Padden, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rolfes, Schoesler, Sheldon, Shin, Stevens, Swecker and Tom

Excused: Senators Hewitt and Zarelli

SECOND SUBSTITUTE HOUSE BILL NO. 1652, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MOTION

On motion of Senator Harper, Senator Regala was excused.

#### SECOND READING

SUBSTITUTE HOUSE BILL NO. 2252, by House Committee on Transportation (originally sponsored by Representative Fitzgibbon)

Concerning proof of payment for certain transportation fares.

The measure was read the second time.

#### MOTION

Senator Haugen moved that the following committee striking amendment by the Committee on Transportation be adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 35.58.580 and 2008 c 123 s 1 are each amended to read as follows:

(1) Persons traveling on public transportation operated by a metropolitan municipal corporation or a city-owned transit system shall pay the fare established by the metropolitan municipal corporation or the city-owned transit system and shall produce proof of payment in accordance with the terms of use established by the metropolitan municipal corporation or the city-owned transit system. Such persons shall produce proof of payment when requested by a person designated to monitor fare payment. The required manner of producing proof of payment specified in the terms of use established by the metropolitan municipal corporation

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or the city-owned transit system may include, but is not limited to, requiring a person using an electronic fare payment card to validate the card by presenting the card to an electronic card reader before or upon entering a public transportation vehicle or a restricted fare paid area.

(2) The following constitute civil infractions punishable according to the schedule of fines and penalties established by a metropolitan municipal corporation or a city-owned transit system under RCW 35.58.585:

(a) Failure to pay the required fare, except when a metropolitan municipal corporation or a city-owned transit system under RCW 35.58.585 fails to meet the requirements of subsection (3) of this section:

(b) Failure to ~~((display))~~ produce proof of payment in the manner required by the terms of use established by the metropolitan municipal corporation or the city-owned transit system including, but not limited to, the failure to produce a validated fare payment card when requested to do so by a person designated to monitor fare payment; and

(c) Failure to depart the bus or other mode of public transportation when requested to do so by a person designated to monitor fare payment.

(3) If fare payment is required before entering a transit vehicle, as defined in RCW 9.91.025(2)(b), or before entering a fare paid area in a transit facility, as defined in RCW 9.91.025(2)(a), signage must be conspicuously posted at the place of boarding or within ten feet of the nearest entrance to a transit facility that clearly indicates: (a) The locations where tickets or fare media may be purchased; and (b) that a person using an electronic fare payment card must present the card to an electronic card reader before entering a transit vehicle or before entering a restricted fare paid area.

**Sec. 2.** RCW 36.57A.230 and 2008 c 123 s 6 are each amended to read as follows:

(1) Persons traveling on public transportation operated by a public transportation benefit area shall pay the fare established by the public transportation benefit area and shall produce proof of payment in accordance with the terms of use established by the public transportation benefit area. Such persons shall produce proof of payment when requested by a person designated to monitor fare payment. The required manner of producing proof of payment specified in the terms of use established by the public transportation benefit area may include, but is not limited to, requiring a person using an electronic fare payment card to validate the card by presenting the card to an electronic card reader before or upon entering a public transportation vehicle or a restricted fare paid area.

(2) The following constitute civil infractions punishable according to the schedule of fines and penalties established by a public transportation benefit area under RCW 36.57A.235:

(a) Failure to pay the required fare, except when a public transportation benefit area fails to meet the requirements of subsection (3) of this section:

(b) Failure to ~~((display))~~ produce proof of payment in the manner required by the terms of use established by the public transportation benefit area including, but not limited to, the failure to produce a validated fare payment card when requested to do so by a person designated to monitor fare payment; and

(c) Failure to depart the bus or other mode of public transportation when requested to do so by a person designated to monitor fare payment.

(3) If fare payment is required before entering a transit vehicle, as defined in RCW 9.91.025(2)(b), or before entering a fare paid area in a transit facility, as defined in RCW 9.91.025(2)(a), signage must be conspicuously posted at the place of boarding or within ten feet of the nearest entrance to a transit facility that clearly indicates: (a) The locations where tickets or fare media may be purchased; and (b)

that a person using an electronic fare payment card must present the card to an electronic card reader before entering a transit vehicle or before entering a restricted fare paid area.

**Sec. 3.** RCW 81.112.220 and 2009 c 279 s 6 are each amended to read as follows:

(1) Persons traveling on facilities operated by an authority shall pay the fare established by the authority and shall produce proof of payment in accordance with the terms of use established by the authority. Such persons shall produce proof of payment when requested by a person designated to monitor fare payment. The required manner of producing proof of payment specified in the terms of use established by the authority may include, but is not limited to, requiring a person using an electronic fare payment card to validate the card by presenting the card to an electronic card reader before or upon entering a public transportation vehicle or a restricted fare paid area.

(2) The following constitute civil infractions punishable according to the schedule of fines and penalties established by the authority under RCW 81.112.210(1):

(a) Failure to pay the required fare, except when the authority fails to meet the requirements of subsection (3) of this section:

(b) Failure to ~~((display))~~ produce proof of payment in the manner required by the terms of use established by the authority including, but not limited to, the failure to produce a validated fare payment card when requested to do so by a person designated to monitor fare payment; and

(c) Failure to depart the facility when requested to do so by a person designated to monitor fare payment.

(3) If fare payment is required before entering a transit vehicle, as defined in RCW 9.91.025(2)(b), or before entering a fare paid area in a transit facility, as defined in RCW 9.91.025(2)(a), signage must be conspicuously posted at the place of boarding or within ten feet of the nearest entrance to a transit facility that clearly indicates: (a) The locations where tickets or fare media may be purchased; and (b) that a person using an electronic fare payment card must present the card to an electronic card reader before entering a transit vehicle or before entering a restricted fare paid area.

**Sec. 4.** RCW 42.56.330 and 2010 c 128 s 8 are each amended to read as follows:

The following information relating to public utilities and transportation is exempt from disclosure under this chapter:

(1) Records filed with the utilities and transportation commission or attorney general under RCW 80.04.095 that a court has determined are confidential under RCW 80.04.095;

(2) The residential addresses and residential telephone numbers of the customers of a public utility contained in the records or lists held by the public utility of which they are customers, except that this information may be released to the division of child support or the agency or firm providing child support enforcement for another state under Title IV-D of the federal social security act, for the establishment, enforcement, or modification of a support order;

(3) The names, residential addresses, residential telephone numbers, and other individually identifiable records held by an agency in relation to a vanpool, carpool, or other ride-sharing program or service; however, these records may be disclosed to other persons who apply for ride-matching services and who need that information in order to identify potential riders or drivers with whom to share rides;

(4) The personally identifying information of current or former participants or applicants in a paratransit or other transit service operated for the benefit of persons with disabilities or elderly persons;

(5) The personally identifying information of persons who acquire and use transit passes ~~((and))~~ or other fare payment media including, but not limited to, stored value smart cards and magnetic

strip cards, except that an agency may disclose ~~((this))~~ personally identifying information to a person, employer, educational institution, or other entity that is responsible, in whole or in part, for payment of the cost of acquiring or using a transit pass or other fare payment media for the purpose of preventing fraud, or to the news media when reporting on public transportation or public safety. As used in this subsection, "personally identifying information" includes acquisition or use information pertaining to a specific, individual transit pass or fare payment media.

(a) ~~((This))~~ Information regarding the acquisition or use of transit passes or fare payment media may be disclosed in aggregate form if the data does not contain any personally identifying information.

(b) Personally identifying information may be released to law enforcement agencies if the request is accompanied by a court order;

(6) Any information obtained by governmental agencies that is collected by the use of a motor carrier intelligent transportation system or any comparable information equipment attached to a truck, tractor, or trailer; however, the information may be given to other governmental agencies or the owners of the truck, tractor, or trailer from which the information is obtained. As used in this subsection, "motor carrier" has the same definition as provided in RCW 81.80.010;

(7) The personally identifying information of persons who acquire and use transponders or other technology to facilitate payment of tolls. This information may be disclosed in aggregate form as long as the data does not contain any personally identifying information. For these purposes aggregate data may include the census tract of the account holder as long as any individual personally identifying information is not released. Personally identifying information may be released to law enforcement agencies only for toll enforcement purposes. Personally identifying information may be released to law enforcement agencies for other purposes only if the request is accompanied by a court order; and

(8) The personally identifying information of persons who acquire and use a driver's license or identicaid that includes a radio frequency identification chip or similar technology to facilitate border crossing. This information may be disclosed in aggregate form as long as the data does not contain any personally identifying information. Personally identifying information may be released to law enforcement agencies only for United States customs and border protection enforcement purposes. Personally identifying information may be released to law enforcement agencies for other purposes only if the request is accompanied by a court order."

Senator Haugen spoke in favor of adoption of the committee striking amendment.

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Transportation to Substitute House Bill No. 2252.

The motion by Senator Haugen carried and the committee striking amendment was adopted by voice vote.

#### MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 2 of the title, after "fares;" strike the remainder of the title and insert "amending RCW 35.58.580, 36.57A.230, 81.112.220, and 42.56.330; and prescribing penalties."

#### MOTION

On motion of Senator Haugen, the rules were suspended, Substitute House Bill No. 2252 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Haugen and King spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 2252 as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2252 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Baumgartner, Becker, Benton, Brown, Carrell, Chase, Conway, Delvin, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hatfield, Haugen, Hill, Hobbs, Holmquist Newbry, Honeyford, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles, Litzow, McAuliffe, Morton, Murray, Nelson, Padden, Parlette, Pflug, Prentice, Pridemore, Ranker, Roach, Rolfes, Schoesler, Sheldon, Shin, Stevens, Swecker and Tom

Excused: Senators Hewitt, Regala and Zarelli

SUBSTITUTE HOUSE BILL NO. 2252 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MOTION

At 2:59 p.m., on motion of Senator Eide, the Senate was declared to be at ease subject to the call of the President.

The Senate was called to order at 3:56 p.m. by President Owen.

#### SECOND READING

SUBSTITUTE HOUSE BILL NO. 1700, by House Committee on Transportation (originally sponsored by Representatives Fitzgibbon, Angel, Appleton, Armstrong, Rolfes, Johnson, Clibborn, Rivers, Reykdal, Ormsby, Upthegrove, Liias, Billig and Moeller)

Modifying the requirements related to designing various transportation projects.

The measure was read the second time.

#### MOTION

Senator Haugen moved that the following committee striking amendment by the Committee on Transportation be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. It is the intent of the legislature that the Washington state department of transportation shall provide for the needs of drivers, public transportation vehicles and patrons, bicyclists, and pedestrians of all ages and abilities in all planning, programming, design, construction, reconstruction, retrofit, operations, and maintenance activities and products.

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It is also the intent of the legislature that the department shall view all transportation improvements as opportunities to improve safety, access, and mobility for all travelers in Washington and recognize bicycle, pedestrian, and transit modes as integral elements of the transportation system.

The increase in Washington's older adult population, which is up to forty percent of total population in some counties, increases the need for locally based transportation options and a statewide transportation system less reliant on the automobile.

Washington is committed to providing community-based options for individuals with disabilities who require access to a broader range of transportation options.

Washington believes the full integration of all modes in the design of streets and roadways will increase the capacity and efficiency of the road network, reduce traffic congestion, improve mobility options, and limit greenhouse gas emissions.

Washington believes regular walking and bicycling improves physical health, increases mental well-being, and helps reduce the risk of cardiovascular disease, Type 2 diabetes, some cancers, and other chronic diseases. Increased physical activity is also critical to combating the obesity crisis in Washington.

**Sec. 2.** RCW 35.75.060 and 1982 c 55 s 1 are each amended to read as follows:

Any city or town may use any funds available for street or road construction, maintenance, or improvement for building, improving, and maintaining bicycle paths, lanes, roadways, and routes, and for improvements to make existing streets and roads more suitable and safe for bicycle traffic: PROVIDED, That any such paths, lanes, roadways, routes, or streets for which any such street or road funds are expended shall be suitable for bicycle transportation purposes and not solely for recreation purposes. Bicycle facilities constructed or modified after ~~((June 10, 1982))~~ December 31, 2012, shall meet or exceed the standards ~~((of the state department of transportation))~~ adopted by the design standards committee under RCW 35.78.030.

**NEW SECTION. Sec. 3.** A new section is added to chapter 35.78 RCW to read as follows:

Any city or town may use any funds available for street or road construction, maintenance, or improvement for building, improving, and maintaining a pedestrian right-of-way and for improvements to make existing streets and roads more suitable and safe for pedestrian travel. Any such paths, lanes, roadways, routes, or streets for which any such street or road funds are expended must be suitable for pedestrian travel purposes and not solely for recreation purposes. A pedestrian right-of-way constructed or modified after December 31, 2012, must meet or exceed the standards adopted by the design standards committee under RCW 35.78.030.

**Sec. 4.** RCW 35.78.030 and 1965 c 7 s 35.78.030 are each amended to read as follows:

(1) The design standards committee shall from time to time adopt uniform design standards for major arterial and secondary arterial streets.

(2) By July 1, 2012, and from time to time thereafter, the design standards committee shall adopt standards for bicycle and pedestrian facilities.

**Sec. 5.** RCW 36.82.145 and 1982 c 55 s 3 are each amended to read as follows:

Any funds deposited in the county road fund may be used for the construction, maintenance, or improvement of bicycle paths, lanes, routes, and roadways, and for improvements to make existing streets and roads more suitable and safe for bicycle traffic. Bicycle facilities constructed or modified after ~~((June 10, 1982))~~ December 31, 2012, shall meet or exceed the standards ~~((of the state department of transportation))~~ adopted by the design standards committee under RCW 43.32.020.

**NEW SECTION. Sec. 6.** A new section is added to chapter 36.82 RCW to read as follows:

Any county may use any funds available for street or road construction, maintenance, or improvement for building, improving, and maintaining a pedestrian right-of-way and for improvements to make existing streets and roads more suitable and safe for pedestrian travel. Any such paths, lanes, roadways, routes, or streets for which any such street or road funds are expended must be suitable for pedestrian travel purposes and not solely for recreation purposes. A pedestrian right-of-way constructed or modified after December 31, 2012, must meet or exceed the standards adopted by the design standards committee under RCW 43.32.020.

**Sec. 7.** RCW 43.32.020 and 1965 c 8 s 43.32.020 are each amended to read as follows:

(1) On or before January 1, 1950, and from time to time thereafter, the design standards committee shall adopt uniform design standards for the county primary road systems.

(2) By July 1, 2012, and from time to time thereafter, the design standards committee shall adopt standards for bicycle and pedestrian facilities."

Senator Haugen spoke in favor of adoption of the committee striking amendment.

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Transportation to Substitute House Bill No. 1700.

The motion by Senator Haugen carried and the committee striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 2 of the title, after "projects;" strike the remainder of the title and insert "amending RCW 35.75.060, 35.78.030, 36.82.145, and 43.32.020; adding a new section to chapter 35.78 RCW; adding a new section to chapter 36.82 RCW; and creating a new section."

MOTION

On motion of Senator Haugen, the rules were suspended, Substitute House Bill No. 1700 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Haugen spoke in favor of passage of the bill.

MOTION

On motion of Senator Harper, Senator Ranker was excused.

MOTION

On motion of Senator Ericksen, Senator Hewitt was excused.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1700 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1700 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 43; Nays, 6; Absent, 0; Excused, 0.

Voting yea: Senators Baumgartner, Becker, Benton, Brown, Carrell, Chase, Conway, Delvin, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hatfield, Haugen, Hewitt, Hobbs, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles, Litzow, McAuliffe, Morton, Murray, Nelson, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rolfes, Shin, Stevens, Swecker, Tom and Zarelli

Voting nay: Senators Hill, Holmquist Newbry, Honeyford, Padden, Schoesler and Sheldon

SUBSTITUTE HOUSE BILL NO. 1700 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2299, by House Committee on Transportation (originally sponsored by Representatives Warnick, Clibborn, Haigh, Armstrong, Short, Nealey, Fagan, Tharinger, Hunt, Moscoso and Jinkins)

Creating "4-H" special license plates.

The measure was read the second time.

LICENSE PLATE

4-H

Armed forces collection

Endangered wildlife

Gonzaga University alumni association

Helping kids speak

Keep kids safe

Law enforcement memorial

Music matters

Professional firefighters and paramedics

Share the road

Ski & ride Washington

State flower

Volunteer firefighters

Washington lighthouses

MOTION

Senator Haugen moved that the following committee striking amendment by the Committee on Transportation be adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 46.18.200 and 2011 c 229 s 1, 2011 c 225 s 1, and 2011 c 171 s 69 are each reenacted and amended to read as follows:

(1) Special license plate series reviewed and approved by the department:

(a) May be issued in lieu of standard issue or personalized license plates for vehicles required to display one and two license plates unless otherwise specified;

(b) Must be issued under terms and conditions established by the department;

(c) Must not be issued for vehicles registered under chapter 46.87 RCW; and

(d) Must display a symbol or artwork approved by the department.

(2) The department approves and shall issue the following special license plates:

DESCRIPTION, SYMBOL, OR ARTWORK

Displays the "4-H" logo.

Recognizes the contribution of veterans, active duty military personnel, reservists, and members of the national guard, and includes six separate designs, each containing a symbol representing a different branch of the armed forces to include army, navy, air force, marine corps, coast guard, and national guard.

Displays a symbol or artwork, approved by the special license plate review board and the legislature.

Recognizes the Gonzaga University alumni association.

Recognizes an organization that supports programs that provide no-cost speech pathology programs to children. Recognizes efforts to prevent child abuse and neglect.

Honors law enforcement officers in Washington killed in the line of duty.

Displays the "Music Matters" logo.

Recognizes professional firefighters and paramedics who are members of the Washington state council of firefighters.

Recognizes an organization that promotes bicycle safety and awareness education.

Recognizes the Washington snowsports industry.

Recognizes the Washington state flower.

Recognizes volunteer firefighters.

Recognizes an organization that supports selected Washington state lighthouses and provides environmental education programs.

Washington state parks

Recognizes Washington state parks as premier destinations of uncommon quality that preserve significant natural, cultural, historical, and recreational resources.

Washington's national park fund

Builds awareness of Washington's national parks and supports priority park programs and projects in Washington's national parks, such as enhancing visitor experience, promoting volunteerism, engaging communities, and providing educational opportunities related to Washington's national parks.

Washington's wildlife collection

Recognizes Washington's wildlife.

We love our pets

Recognizes an organization that assists local member agencies of the federation of animal welfare and control agencies to promote and perform spay/neuter surgery on Washington state pets to reduce pet overpopulation.

Wild on Washington

Symbolizes wildlife viewing in Washington state.

(3) Applicants for initial and renewal professional firefighters and paramedics special license plates must show proof eligibility by providing a certificate of current membership from the Washington state council of firefighters.

(4) Applicants for initial volunteer firefighters special license plates must (a) have been a volunteer firefighter for at least ten years or be a volunteer firefighter for one or more years and (b) have documentation of service from the district of the appropriate fire service. If the volunteer firefighter leaves firefighting service before ten years of service have been completed, the volunteer firefighter shall surrender the license plates to the department on the registration renewal date. If the volunteer firefighter stays in service for at least ten years and then leaves, the license plate may be retained by the former volunteer firefighter and as long as the license plate is retained for use the person will continue to pay the future registration renewals. A qualifying volunteer firefighter may have no more than one set of license plates per vehicle, and a maximum of two sets per applicant, for their personal vehicles. If the volunteer firefighter is convicted of a violation of RCW 46.61.502 or a felony, the license plates must be surrendered upon conviction.

**NEW SECTION. Sec. 2.** A new section is added to chapter 46.04 RCW to read as follows:

"4-H license plates" means special license plates issued under RCW 46.18.200 that display the "4-H" logo.

**NEW SECTION. Sec. 3.** A new section is added to chapter 46.04 RCW to read as follows:

"State flower license plates" means special license plates issued under RCW 46.18.200 that display the Washington state flower.

**Sec. 4.** RCW 46.17.220 and 2011 c 229 s 3, 2011 c 225 s 2, and 2011 c 171 s 58 are each reenacted and amended to read as follows:

(1) In addition to all fees and taxes required to be paid upon application for a vehicle registration in chapter 46.16A RCW, the holder of a special license plate shall pay the appropriate special license plate fee as listed in this section.

PLATE TYPE	INITIAL FEE	RENEWAL FEE	DISTRIBUTED UNDER
(a) <u>4-H</u>	\$ 40.00	\$ 30.00	RCW 46.68.420
(b) Amateur radio license	\$ 5.00	N/A	RCW 46.68.070
<del>((b))</del> (c) Armed forces	\$ 40.00	\$ 30.00	RCW 46.68.425
<del>((c))</del> (d) Baseball stadium	\$ 40.00	\$ 30.00	Subsection (2) of this section
<del>((d))</del> (e) Collector vehicle	\$ 35.00	N/A	RCW 46.68.030
<del>((e))</del> (f) Collegiate	\$ 40.00	\$ 30.00	RCW 46.68.430
<del>((f))</del> (g) Endangered wildlife	\$ 40.00	\$ 30.00	RCW 46.68.425
<del>((g))</del> (h) Gonzaga University alumni association	\$ 40.00	\$ 30.00	RCW 46.68.420
<del>((h))</del> (i) Helping kids speak	\$ 40.00	\$ 30.00	RCW 46.68.420
<del>((i))</del> (j) Horseless carriage	\$ 35.00	N/A	RCW 46.68.030
<del>((j))</del> (k) Keep kids safe	\$ 45.00	\$ 30.00	RCW 46.68.425
<del>((k))</del> (l) Law enforcement memorial	\$ 40.00	\$ 30.00	RCW 46.68.420

<del>((l))</del> <u>(m)</u> Military affiliate radio system	\$ 5.00	N/A	RCW 46.68.070
<del>((m))</del> <u>(n)</u> Music matters	\$ 40.00	\$ 30.00	RCW 46.68.420
<del>((n))</del> <u>(o)</u> Professional firefighters and paramedics	\$ 40.00	\$ 30.00	RCW 46.68.420
<del>((o))</del> <u>(p)</u> Ride share	\$ 25.00	N/A	RCW 46.68.030
<del>((p))</del> <u>(q)</u> Share the road	\$ 40.00	\$ 30.00	RCW 46.68.420
<del>((q))</del> <u>(r)</u> Ski & ride Washington	\$ 40.00	\$ 30.00	RCW 46.68.420
<del>((r))</del> <u>(s)</u> Square dancer	\$ 40.00	N/A	RCW 46.68.070
<del>((s))</del> <u>(t)</u> State flower	\$ 40.00	\$ 30.00	RCW 46.68.420
<u>(u)</u> Volunteer firefighters	\$ 40.00	\$ 30.00	RCW 46.68.420
<del>((t))</del> <u>(v)</u> Washington lighthouses	\$ 40.00	\$ 30.00	RCW 46.68.420
<del>((v))</del> <u>(w)</u> Washington state parks	\$ 40.00	\$ 30.00	RCW 46.68.425
<del>((w))</del> <u>(x)</u> Washington's national parks	\$ 40.00	\$ 30.00	RCW 46.68.420
<del>((x))</del> <u>(y)</u> Washington's wildlife collection	\$ 40.00	\$ 30.00	RCW 46.68.425
<del>((y))</del> <u>(z)</u> We love our pets	\$ 40.00	\$ 30.00	RCW 46.68.420
<del>((z))</del> <u>(aa)</u> Wild on Washington	\$ 40.00	\$ 30.00	RCW 46.68.425

(2) After deducting administration and collection expenses for the sale of baseball stadium license plates, the remaining proceeds must be distributed to a county for the purpose of paying the principal and interest payments on bonds issued by the county to construct a baseball stadium, as defined in RCW 82.14.0485, including reasonably necessary preconstruction costs, while the taxes are being collected under RCW 82.14.360. After this date, the state treasurer shall credit the funds to the state general fund.

**Sec. 5.** RCW 46.68.420 and 2011 c 229 s 4, 2011 c 225 s 3, and 2011 c 171 s 87 are each reenacted and amended to read as follows:

(1) The department shall:

(a) Collect special license plate fees established under RCW 46.17.220;

(b) Deduct an amount not to exceed twelve dollars for initial issue and two dollars for renewal issue for administration and collection expenses incurred by it; and

(c) Remit the remaining proceeds to the custody of the state treasurer with a proper identifying detailed report.

(2) The state treasurer shall credit the proceeds to the motor vehicle account until the department determines that the state has been reimbursed for the cost of implementing the special license plate. Upon determination by the department that the state has been reimbursed, the state treasurer shall credit the remaining special license plate fee amounts for each special license plate to the following appropriate account as created in this section in the custody of the state treasurer:

ACCOUNT	CONDITIONS FOR USE OF FUNDS
4-H programs	Support Washington 4-H programs
Gonzaga University alumni association	Scholarship funds to needy and qualified students attending or planning to attend Gonzaga University
Helping kids speak	Provide free diagnostic and therapeutic services to families of children who suffer from a delay in language or speech development
Law enforcement memorial	Provide support and assistance to survivors and families of law enforcement officers in Washington killed in the line of duty and to organize, finance, fund, construct, utilize, and maintain a memorial on the state capitol grounds to honor those fallen officers
Lighthouse environmental programs	Support selected Washington state lighthouses that are accessible to the public and staffed by volunteers; provide environmental education programs; provide grants for other Washington



	lighthouses to assist in funding infrastructure preservation and restoration; encourage and support interpretive programs by lighthouse docents
Music matters awareness	Promote music education in schools throughout Washington
Share the road	Promote bicycle safety and awareness education in communities throughout Washington
Ski & ride Washington	Promote winter snowsports, such as skiing and snowboarding, and related programs, such as ski and ride safety programs, underprivileged youth ski and ride programs, and active, healthy lifestyle programs
State flower	Support Meerkerk Rhododendron Gardens and provide for grants to other qualified nonprofit organizations' efforts to preserve rhododendrons
Volunteer firefighters	Receive and disseminate funds for purposes on behalf of volunteer firefighters, their families, and others deemed in need
Washington state council of firefighters benevolent fund	Receive and disseminate funds for charitable purposes on behalf of members of the Washington state council of firefighters, their families, and others deemed in need
Washington's national park fund	Build awareness of Washington's national parks and support priority park programs and projects in Washington's national parks, such as enhancing visitor experience, promoting volunteerism, engaging communities, and providing educational opportunities related to Washington's national parks
We love our pets	Support and enable the Washington federation of animal welfare and control agencies to promote and perform spay/neuter surgery of Washington state pets in order to reduce pet population

(3) Only the director or the director's designee may authorize expenditures from the accounts described in subsection (2) of this section. The accounts are subject to allotment procedures under chapter 43.88 RCW, but an appropriation is not required for expenditures.

(4) Funds in the special license plate accounts described in subsection (2) of this section must be disbursed subject to the conditions described in subsection (2) of this section and under contract between the department and qualified nonprofit organizations that provide the services described in subsection (2) of this section.

(5) For the purposes of this section, a "qualified nonprofit organization" means a not-for-profit corporation operating in Washington that has received a determination of tax exempt status under 26 U.S.C. Sec. 501(c)(3). The qualified nonprofit organization must meet all the requirements under RCW 46.18.100(1).

**Sec. 6.** RCW 46.18.060 and 2011 c 367 s 703, 2011 c 229 s 5, 2011 c 225 s 4, and 2011 c 171 s 66 are each reenacted and amended to read as follows:

(1) The department must review and either approve or reject special license plate applications submitted by sponsoring organizations.

(2) Duties of the department include, but are not limited to, the following:

(a) Review and approve the annual financial reports submitted by sponsoring organizations with active special license plate series and present those annual financial reports to the joint transportation committee;

(b) Report annually to the joint transportation committee on the special license plate applications that were considered by the department;

(c) Issue approval and rejection notification letters to sponsoring organizations, the executive committee of the joint transportation committee, and the legislative sponsors identified in each application. The letters must be issued within seven days of making a determination on the status of an application; and

(d) Review annually the number of plates sold for each special license plate series created after January 1, 2003. The department may submit a recommendation to discontinue a special plate series to the executive committee of the joint transportation committee.

(3) Except as provided in RCW 46.18.245, in order to assess the effects and impact of the proliferation of special license plates, the legislature declares a temporary moratorium on the issuance of any additional plates until July 1, 2013. During this period of time, the department is prohibited from accepting, reviewing, processing, or approving any applications. Additionally, a special license plate may not be enacted by the legislature during the moratorium, unless the proposed license plate has been approved by the former special license plate review board before February 15, 2005.

~~(4) ((The volunteer firefighters license plates created under RCW 46.18.200 are exempt from the requirements of subsection (3) of this section.~~

~~—(5) The Music Matters license plates created under RCW 46.18.200 are exempt from the requirements of subsection (3) of this section.)) The limitations under subsection (3) of this section do not apply to the following special license plates:~~

~~(a) 4-H license plates created under RCW 46.18.200;~~

(b) Music Matters license plates created under RCW 46.18.200;

(c) State flower license plates created under RCW 46.18.200;

(d) Volunteer firefighter license plates created under RCW 46.18.200.

NEW SECTION. Sec. 7. This act takes effect January 1, 2013."

Senator Haugen spoke in favor of adoption of the committee striking amendment.

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Transportation to Substitute House Bill No. 2299.

The motion by Senator Haugen carried and the committee striking amendment was adopted by voice vote.

#### MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 1 of the title, after "Relating to" strike the remainder of the title and insert "special license plates; reenacting and amending RCW 46.18.200, 46.17.220, 46.68.420, and 46.18.060; adding new sections to chapter 46.04 RCW; and providing an effective date."

#### MOTION

On motion of Senator Haugen, the rules were suspended, Substitute House Bill No. 2299 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Haugen, King, Fraser and Becker spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 2299 as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2299 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 46; Nays, 3; Absent, 0; Excused, 0.

Voting yea: Senators Baumgartner, Becker, Benton, Brown, Carrell, Chase, Conway, Delvin, Eide, Erickson, Fain, Fraser, Frockt, Hargrove, Harper, Hatfield, Haugen, Hewitt, Hill, Hobbs, Honeyford, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles, Litzow, McAuliffe, Morton, Murray, Nelson, Padden, Parlette, Pflug, Prentice, Pridemore, Ranker, Roach, Rolfes, Schoesler, Sheldon, Shin, Swecker, Tom and Zarelli

Voting nay: Senators Holmquist Newbry, Regala and Stevens  
SUBSTITUTE HOUSE BILL NO. 2299 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SUBSTITUTE HOUSE BILL NO. 2254, by House Committee on Ways & Means (originally sponsored by Representatives Carlyle, Kagi, Reykdal, Darneille, Maxwell, Jinkins, Pedersen, Seaquist, Roberts, Dickerson and Kenney)

Enacting the educational success for youth and alumni of foster care act.

The measure was read the second time.

#### MOTION

Senator Tom moved that the following committee striking amendment by the Committee on Higher Education & Workforce Development be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. In 2007, with the passport to college promise program, this state took a significant step toward providing higher education opportunities to youth in and alumni of foster care. The passport to college promise program not only provides financial aid to former foster youth but, just as important, it also recognizes the critical role of wraparound services and provides early outreach to foster care youth regarding postsecondary educational opportunities. The December 2011 report by the higher education coordinating board on the first three years of the six-year program indicates that the passport to college promise program has increased the number of former foster youth enrolling in higher education and working toward college degrees and certificates.

This state recognizes that educational success in the early grades is key to increasing postsecondary opportunities for youth in and alumni of foster care. Recent efforts in this state to pave the way for educational success have included legislation: Providing for wraparound educational advocacy services; mandating the timely transmission of educational records; and recognizing the importance of maintaining a foster child in the school program he or she was in before entering the foster care system and minimizing the number of times a child has to change schools.

The federal fostering connections to success and increasing adoptions act of 2008, P.L. 110-351, similarly recognizes that schools are often the most important source of focus and stability for children in foster care and made several changes to improve educational outcomes for these children. As part of this nationwide effort, the United States departments of education and health and human services are encouraging state and local education agencies and child welfare agencies to collaborate on policies and procedures to provide educational stability and improve outcomes for foster children.

The legislature reiterates its earlier recognition of the critical role education plays in improving outcomes for youth in and alumni of foster care, as well as the key role played by wraparound services in providing continuity, seamless educational transitions, and higher levels of educational attainment. With these changes to the passport to college promise program, the college bound scholarship program, the provision of more seamless wraparound services, and revisions to various reporting requirements, the legislature strives to make Washington the leader in the nation with respect to foster youth and alumni graduating from high school, enrolling in postsecondary education, and completing postsecondary education.

Sec. 2. RCW 28B.117.010 and 2007 c 314 s 3 are each amended to read as follows:

The passport to college promise (~~program~~) program is created. The purpose of the program is:

(1) To encourage current and former foster care youth to prepare for, attend, and successfully complete higher education; (~~and~~)

(2) To improve the high school graduation outcomes of foster youth through coordinated P-20 and child welfare outreach, intervention, and planning; and

(3) To (~~provide~~) improve postsecondary outcomes by

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providing current and former foster care youth with the educational planning, information, institutional support, and direct financial resources necessary for them to succeed in higher education.

**Sec. 3.** RCW 28B.117.020 and 2011 1st sp.s. c 11 s 220 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Cost of attendance" means the cost associated with attending a particular institution of higher education as determined by the office, including but not limited to tuition, fees, room, board, books, personal expenses, and transportation, plus the cost of reasonable additional expenses incurred by an eligible student and approved by a financial aid administrator at the student's school of attendance.

~~(2) ("Emancipated from foster care" means a person who was a dependent of the state in accordance with chapter 13.34 RCW and who was receiving foster care in the state of Washington when he or she reached his or her eighteenth birthday.~~

~~(3)) "Financial need" means the difference between a student's cost of attendance and the student's total family contribution as determined by the method prescribed by the United States department of education.~~

~~((4)) (3) "Independent college or university" means a private, nonprofit institution of higher education, open to residents of the state, providing programs of education beyond the high school level leading to at least the baccalaureate degree, and accredited by the Northwest association of schools and colleges, and other institutions as may be developed that are approved by the board as meeting equivalent standards as those institutions accredited under this section.~~

~~((5)) (4) "Institution of higher education" means(~~(a) Any public university, college, community college, or technical college operated by the state of Washington or any political subdivision thereof; or~~  
~~(b) Any independent college or university in Washington; or~~  
~~(c) Any other university, college, school, or institute in the state of Washington offering instruction beyond the high school level that is a member institution of an accrediting association recognized by rule of the higher education coordinating board for the purposes of this section: PROVIDED, That any institution, branch, extension, or facility operating within the state of Washington that is affiliated with an institution operating in another state must be a separately accredited member institution of any such accrediting association, or a branch of a member institution of an accrediting association recognized by rule of the board for purposes of this section, that is eligible for federal student financial aid assistance and has operated as a nonprofit college or university delivering on-site classroom instruction for a minimum of twenty consecutive years within the state of Washington, and has an annual enrollment of at least seven hundred full-time equivalent students)) any institution eligible to and participating in the state need grant program.~~~~

~~((6)) (5) "Office" means the office of student financial assistance.~~

~~((7)) (6) "Program" means the passport to college promise ((pilot)) program created in this chapter.~~

**Sec. 4.** RCW 28B.117.040 and 2011 1st sp.s. c 11 s 222 are each amended to read as follows:

Effective operation of the passport to college promise ((pilot)) program requires early and accurate identification of former foster care youth so that they can be linked to the financial and other assistance that will help them succeed in college. To that end:

(1) All institutions of higher education that receive funding for student support services under RCW 28B.117.030 shall include on their applications for admission or on their registration materials a question asking whether the applicant has been in foster care in

Washington state for at least one year since his or her sixteenth birthday together with an explanation that financial and support services may be available. All other institutions of higher education are strongly encouraged to include such a question and explanation. No institution may consider whether an applicant may be eligible for a scholarship or student support services under this chapter when deciding whether the applicant will be granted admission.

(2) The department of social and health services shall devise and implement procedures for efficiently, promptly, and accurately identifying students and applicants who are eligible for services under RCW 28B.117.030, and for sharing that information with the office and with institutions of higher education. The procedures shall include appropriate safeguards for consent by the applicant or student before disclosure.

**Sec. 5.** RCW 28B.117.070 and 2011 1st sp.s. c 11 s 225 are each amended to read as follows:

~~((1) The office of student financial assistance shall report to appropriate committees of the legislature by January 15, 2008, on the status of program design and implementation. The report shall include a discussion of proposed scholarship and student support service approaches; an estimate of the number of students who will receive such services; baseline information on the extent to which former foster care youth who meet the eligibility criteria in RCW 28B.117.030 have enrolled and persisted in postsecondary education; and recommendations for any statutory changes needed to promote achievement of program objectives.~~

~~(2) The state board for community and technical colleges and the office of student financial assistance shall monitor and analyze the extent to which eligible young people are increasing their participation, persistence, and progress in postsecondary education, and shall jointly submit a report on their findings to appropriate committees of the legislature by December 1, 2009, and by December 1, 2011.~~

~~(3)) The Washington state institute for public policy shall complete an evaluation of the passport to college promise ((pilot)) program and shall submit a report to appropriate committees of the legislature by December 1, 2012. The report shall estimate the impact of the program on eligible students' participation and success in postsecondary education, and shall include recommendations for program revision and improvement.~~

**NEW SECTION. Sec. 6.** A new section is added to chapter 74.13 RCW to read as follows:

(1) To the extent funds are appropriated for this purpose, the department must contract with at least one nongovernmental entity to administer a program of education coordination for youth who are dependent pursuant to chapter 13.34 RCW, birth through twelfth grade in Washington state. The selected nongovernmental entity or entities must engage in a public-private partnership with the department and are responsible for raising a portion of the funds needed for service delivery, administration, and evaluation.

(2) The nongovernmental entity or entities selected by the department must have demonstrated success in working with foster care youth and assisting foster care youth in receiving appropriate educational services, including enrollment, accessing school-based services, reducing out-of-school discipline interventions, and attaining high school graduation.

(3) The selected nongovernmental entity or entities must provide services to support individual youth upon a referral by a social worker with the department or a nongovernmental agency with responsibility for education support services. The selected nongovernmental entity or entities must be colocated in the offices of the department to provide timely consultation and in-service training. These entities must have access to all paper and electronic

case information pertinent to the educational planning and services of youth referred and are subject to RCW 13.50.010 and 13.50.100.

(4) The selected nongovernmental entity or entities must report outcomes biannually to the department.

**NEW SECTION. Sec. 7.** A new section is added to chapter 28A.320 RCW to read as follows:

In order to facilitate the on-time grade level progression and graduation of students who are dependent pursuant to chapter 13.34 RCW, school districts must incorporate the following procedures:

(1) School districts must waive specific courses required for graduation if similar coursework has been satisfactorily completed in another school district or must provide reasonable justification for denial. Should a waiver not be granted to a student who would qualify to graduate from the sending school district, the receiving school district must use best efforts to provide an alternative means of acquiring required coursework so that graduation may occur on time.

(2) School districts are encouraged to consolidate unresolved or incomplete coursework and provide opportunities for credit accrual through local classroom hours, correspondence courses, or the portable assisted study sequence units designed for migrant high school students.

(3) Should a student who is transferring at the beginning or during the student's junior or senior year be ineligible to graduate from the receiving school district after all alternatives have been considered, the sending and receiving districts must ensure the receipt of a diploma from the sending district if the student meets the graduation requirements of the sending district.

**Sec. 8.** RCW 28B.118.010 and 2011 1st sp.s. c 11 s 226 are each amended to read as follows:

The office of student financial assistance shall design the Washington college bound scholarship program in accordance with this section.

(1) "Eligible students" are those students who:

(a) Qualify for free or reduced-price lunches. If a student qualifies in the seventh grade, the student remains eligible even if the student does not receive free or reduced-price lunches thereafter; or

(b) Are dependent pursuant to chapter 13.34 RCW and:

(i) In grade seven through twelve; or

(ii) Are between the ages of eighteen and twenty-one and have not graduated from high school.

(2) Eligible students shall be notified of their eligibility for the Washington college bound scholarship program beginning in their seventh grade year. Students shall also be notified of the requirements for award of the scholarship.

(3)(a) To be eligible for a Washington college bound scholarship, a student eligible under subsection (1)(a) of this section must sign a pledge during seventh or eighth grade that includes a commitment to graduate from high school with at least a C average and with no felony convictions. ~~((Students who were in the eighth grade during the 2007-08 school year may sign the pledge during the 2008-09 school year.))~~ The pledge must be witnessed by a parent or guardian and forwarded to the office of student financial assistance by mail or electronically, as indicated on the pledge form. (b) A student eligible under subsection (1)(b) of this section shall be automatically enrolled, with no action necessary by the student or the student's family, and the enrollment form must be forwarded by the department of social and health services to the higher education coordinating board or its successor by mail or electronically, as indicated on the form.

(4)(a) Scholarships shall be awarded to eligible students graduating from public high schools, approved private high schools under chapter 28A.195 RCW, or who received home-based instruction under chapter 28A.200 RCW.

(b) To receive the Washington college bound scholarship, a student must graduate with at least a "C" average from a public high school or an approved private high school under chapter 28A.195 RCW in Washington or have received home-based instruction under chapter 28A.200 RCW, must have no felony convictions, and must be a resident student as defined in RCW 28B.15.012(2) (a) through (d).

(5) A student's family income will be assessed upon graduation before awarding the scholarship.

(6) If at graduation from high school the student's family income does not exceed sixty-five percent of the state median family income, scholarship award amounts shall be as provided in this section.

(a) For students attending two or four-year institutions of higher education as defined in RCW 28B.10.016, the value of the award shall be (i) the difference between the student's tuition and required fees, less the value of any state-funded grant, scholarship, or waiver assistance the student receives; (ii) plus five hundred dollars for books and materials.

(b) For students attending private four-year institutions of higher education in Washington, the award amount shall be the representative average of awards granted to students in public research universities in Washington.

(c) For students attending private vocational schools in Washington, the award amount shall be the representative average of awards granted to students in public community and technical colleges in Washington.

(7) Recipients may receive no more than four full-time years' worth of scholarship awards.

(8) Institutions of higher education shall award the student all need-based and merit-based financial aid for which the student would otherwise qualify. The Washington college bound scholarship is intended to replace unmet need, loans, and, at the student's option, work-study award before any other grants or scholarships are reduced.

(9) The first scholarships shall be awarded to students graduating in 2012.

(10) The state of Washington retains legal ownership of tuition units awarded as scholarships under this chapter until the tuition units are redeemed. These tuition units shall remain separately held from any tuition units owned under chapter 28B.95 RCW by a Washington college bound scholarship recipient.

(11) The scholarship award must be used within five years of receipt. Any unused scholarship tuition units revert to the Washington college bound scholarship account.

(12) Should the recipient terminate his or her enrollment for any reason during the academic year, the unused portion of the scholarship tuition units shall revert to the Washington college bound scholarship account.

**Sec. 9.** RCW 28A.150.510 and 2008 c 297 s 5 are each amended to read as follows:

(1) In order to effectively serve students who are dependent pursuant to chapter 13.34 RCW, education records shall be transmitted to the department of social and health services within two school days after receiving the request from the department provided that the department certifies that it will not disclose to any other party the education records without prior written consent of the parent or student unless authorized to disclose the records under state law. The department of social and health services is authorized to disclose education records it obtains pursuant to this section to a foster parent, guardian, or other entity authorized by the department to provide residential care to the student. The department is also authorized to disclose educational records it obtains pursuant to this section to those entities with which it has contracted, or with which it is formally collaborating, having responsibility for educational

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support services and educational outcomes of students who are dependent pursuant to chapter 13.34 RCW. The department is encouraged to put in place data-sharing agreements to assure accountability.

(2)(a) The K-12 data governance group established under RCW 28A.300.507 shall create a comprehensive needs requirement document detailing the specific information, technical capacity, and any federal and state statutory and regulatory changes needed by school districts, the office of the superintendent of public instruction, the department of social and health services, or the higher education coordinating board or its successor, to enable the provision, on at least a quarterly basis, of:

(i) Current education records of students who are dependent pursuant to chapter 13.34 RCW to the department of social and health services and, from the department, to those entities with which the department has contracted, or with which it is formally collaborating, having responsibility for educational support services and educational outcomes; and

(ii) The names and contact information of students who are dependent pursuant to chapter 13.34 RCW and are thirteen years or older to the higher education coordinating board or its successor and the private agency with which it has contracted to perform outreach for the passport to college promise program under chapter 28B.117 RCW or the college bound scholarship program under chapter 28B.118.RCW.

(b) In complying with (a) of this subsection, the K-12 data governance group shall consult with: Educational support service organizations, with which the department of social and health services contracts or collaborates, having responsibility for educational support services and educational outcomes of dependent students; the passport to college advisory committee; the education support service organizations under contract to perform outreach for the passport to college promise program under chapter 28B.117 RCW; the department of social and health services; the office of the attorney general; the higher education coordinating board or its successor; and the office of the administrator for the courts.

(c) By December 1, 2012, the superintendent of public instruction shall submit a report to the governor and the appropriate committees of the legislature regarding: The analysis of needs by the K-12 data governance group; a timeline for addressing those needs for which no statutory changes are necessary and that can be implemented within existing resources; and recommended options for addressing identified needs for which statutory changes, additional funding, or both, are necessary.

**NEW SECTION. Sec. 10.** A new section is added to chapter 28A.300 RCW to read as follows:

By December 1, 2012, and on an annual basis through December 1, 2015, the superintendent of public instruction, in consultation with the department of social and health services and the office of the administrator for the courts, shall submit a report to the governor and the appropriate committees of the legislature regarding the content and implementation status of the state's plan for cross-system collaboration to promote educational stability and improve educational outcomes for foster children pursuant to the requirements of the federal fostering connections to success and increasing adoptions act, P.L. 110-351. The annual report must include, but is not limited to, information regarding:

(1) A description of the process used to determine students' best interest in continued enrollment at the school the student was in at the time of initial placement or change of placement;

(2) The number of days, following initial placement or change of placement, to resume school at the school the student was in at the time of initial placement or change of placement or complete new school enrollment and attend at a new school;

(3) The number of days from request to delivery of school records from the sending school to the receiving school; and

(4) Documentation of a plan and use of federal title IV-E dollars to support transportation for educational continuity as envisioned in the federal fostering connections to success and increasing adoptions act, P.L. 110-351.

**Sec. 11.** RCW 28A.300.525 and 2008 c 297 s 2 are each amended to read as follows:

The ~~((superintendent of public instruction))~~ education data center shall ~~((provide an annual aggregate report to the legislature or))~~ include in its reporting as part of the P-20 education data project the educational experiences and progress of students in children's administration out-of-home care. This data should be disaggregated in the smallest units allowable by law that do not identify an individual student, in order to learn which school districts are experiencing the greatest success and challenges in achieving quality educational outcomes with students in children's administration out-of-home care.

**NEW SECTION. Sec. 12.** The legislature strongly recommends that the entities with which the department of social and health services contracts or collaborates to provide educational support services and educational outcomes for students who are dependent under chapter 13.34 RCW and the private agency under contract with the higher education coordinating board or its successor to perform outreach for the passport to college promise program under chapter 28B.117 RCW and the college bound scholarship program under chapter 28B.118 RCW explore models for harnessing technology to keep in constant touch with the students they serve and keep these students engaged.

**Sec. 13.** RCW 28B.117.901 and 2007 c 314 s 10 are each amended to read as follows:

This chapter expires June 30, ~~((2013))~~ 2022.

**NEW SECTION. Sec. 14.** This act may be known and cited as the educational success for youth and alumni of foster care act.

**NEW SECTION. Sec. 15.** This act takes effect July 1, 2012."

Senator Tom spoke in favor of adoption of the committee striking amendment.

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Higher Education & Workforce Development to Substitute House Bill No. 2254.

The motion by Senator Tom carried and the committee striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 2 of the title, after "care;" strike the remainder of the title and insert "amending RCW 28B.117.010, 28B.117.020, 28B.117.040, 28B.117.070, 28B.118.010, 28A.150.510, 28A.300.525, and 28B.117.901; adding a new section to chapter 74.13 RCW; adding a new section to chapter 28A.320 RCW; adding a new section to chapter 28A.300 RCW; creating new sections; providing an effective date; and providing an expiration date."

MOTION

On motion of Senator Tom, the rules were suspended, Substitute House Bill No. 2254 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Tom and Hill spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 2254 as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2254 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 48; Nays, 1; Absent, 0; Excused, 0.

Voting yea: Senators Baumgartner, Becker, Benton, Brown, Carrell, Chase, Conway, Delvin, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hatfield, Haugen, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles, Litzow, McAuliffe, Morton, Murray, Nelson, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rolfes, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Voting nay: Senator Padden

SUBSTITUTE HOUSE BILL NO. 2254 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MOTION

On motion of Senator Harper, Senator Pridemore was excused.

#### SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2366, by House Committee on Health Care & Wellness (originally sponsored by Representatives Orwall, Bailey, McCune, Jinkins, Upthegrove, Maxwell, Ladenburg, Kenney, Van De Wege and Darneille)

Requiring certain health professionals to complete education in suicide assessment, treatment, and management.

The measure was read the second time.

#### MOTION

Senator Keiser moved that the following committee striking amendment by the Committee on Health & Long-Term Care be adopted:

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** (1) The legislature finds that:

(a) According to the centers for disease control and prevention:

(i) In 2008, more than thirty-six thousand people died by suicide in the United States, making it the tenth leading cause of death nationally.

(ii) During 2007-2008, an estimated five hundred sixty-nine thousand people visited hospital emergency departments with self-inflicted injuries in the United States, seventy percent of whom had attempted suicide.

(iii) During 2008-2009, the average percentages of adults who thought, planned, or attempted suicide in Washington were higher than the national average.

(b) According to a national study, veterans face an elevated risk of suicide as compared to the general population, more than twice the risk among male veterans. Another study has indicated a

positive correlation between posttraumatic stress disorder and suicide.

(i) Washington state is home to more than sixty thousand men and women who have deployed in support of the wars in Iraq and Afghanistan.

(ii) Research continues on how the effects of wartime service and injuries such as traumatic brain injury, posttraumatic stress disorder, or other service-related conditions, may increase the number of veterans who attempt suicide.

(iii) As more men and women separate from the military and transition back into civilian life, community mental health providers will become a vital resource to help these veterans and their families deal with issues that may arise.

(c) Suicide has an enormous impact on the family and friends of the victim as well as the community as a whole.

(d) Approximately ninety percent of people who die by suicide had a diagnosable psychiatric disorder at the time of death. Most suicide victims exhibit warning signs or behaviors prior to an attempt.

(e) Improved training and education in suicide assessment, treatment, and management has been recommended by a variety of organizations, including the United States department of health and human services and the institute of medicine.

(2) It is therefore the intent of the legislature to help lower the suicide rate in Washington by requiring certain health professionals to complete training in suicide assessment, treatment, and management as part of their continuing education, continuing competency, or recertification requirements.

(3) The legislature does not intend to expand or limit the existing scope of practice of any health professional affected by this act.

**NEW SECTION. Sec. 2.** A new section is added to chapter 43.70 RCW to read as follows:

(1)(a) Beginning January 1, 2014, each of the following professionals certified or licensed under Title 18 RCW shall, at least once every six years, complete a training program in suicide assessment, treatment, and management that is approved, in rule, by the relevant disciplining authority:

(i) An adviser or counselor certified under chapter 18.19 RCW;

(ii) A chemical dependency professional licensed under chapter 18.205 RCW;

(iii) A marriage and family therapist licensed under chapter 18.225 RCW;

(iv) A mental health counselor licensed under chapter 18.225 RCW;

(v) An occupational therapy practitioner licensed under chapter 18.59 RCW;

(vi) A psychologist licensed under chapter 18.83 RCW; and

(vii) An advanced social worker or independent clinical social worker licensed under chapter 18.225 RCW.

(b) The requirements in (a) of this subsection apply to a person holding a retired active license for one of the professions in (a) of this subsection.

(2)(a)(i) Except as provided in (a)(ii) of this subsection, a professional listed in subsection (1)(a) of this section must complete the first training required by this section during the first full continuing education reporting period after the effective date of this section or the first full continuing education reporting period after initial licensure or certification, whichever occurs later.

(ii) A professional listed in subsection (1)(a) of this subsection applying for initial licensure on or after the effective date of this section may delay completion of the first training required by this section for six years after initial licensure if he or she can demonstrate successful completion of a six-hour training program in suicide assessment, treatment, and management that:

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(A) Was completed no more than six years prior to the application for initial licensure; and

(B) Is listed on the best practices registry of the American foundation for suicide prevention and the suicide prevention resource center.

(3) The hours spent completing a training program in suicide assessment, treatment, and management under this section count toward meeting any applicable continuing education or continuing competency requirements for each profession.

(4)(a) A disciplining authority may, by rule, specify minimum training and experience that is sufficient to exempt a professional from the training requirements in subsection (1) of this section.

(b) The board of occupational therapy practice may exempt occupational therapists from the training requirements of subsection (1) of this section by specialty, if the specialty in question has only brief or limited patient contact.

(5)(a) The secretary and the disciplining authorities shall work collaboratively to develop a model list of training programs in suicide assessment, treatment, and management.

(b) When developing the model list, the secretary and the disciplining authorities shall:

(i) Consider suicide assessment, treatment, and management training programs of at least six hours in length listed on the best practices registry of the American foundation for suicide prevention and the suicide prevention resource center; and

(ii) Consult with public and private institutions of higher education, experts in suicide assessment, treatment, and management, and affected professional associations.

(c) The secretary and the disciplining authorities shall report the model list of training programs to the appropriate committees of the legislature no later than December 15, 2013.

(6) Nothing in this section may be interpreted to expand or limit the scope of practice of any profession regulated under chapter 18.130 RCW.

(7) The secretary and the disciplining authorities affected by this section shall adopt any rules necessary to implement this section.

(8) For purposes of this section:

(a) "Disciplining authority" has the same meaning as in RCW 18.130.020.

(b) "Training program in suicide assessment, treatment, and management" means an empirically supported training program approved by the appropriate disciplining authority that contains the following elements: Suicide assessment, including screening and referral, suicide treatment, and suicide management. The disciplining authority may approve a training program that excludes one of the elements if the element is inappropriate for the profession in question based on the profession's scope of practice. A training program that includes only screening and referral elements shall be at least three hours in length. All other training programs approved under this section shall be at least six hours in length.

(9) A state or local government employee is exempt from the requirements of this section if he or she receives a total of at least six hours of training in suicide assessment, treatment, and management from his or her employer every six years. For purposes of this subsection, the training may be provided in one six-hour block or may be spread among shorter training sessions at the employer's discretion.

(10) An employee of a community mental health agency licensed under chapter 71.24 RCW is exempt from the requirements of this section if he or she receives a total of at least six hours of training in suicide assessment, treatment, and management from his or her employer every six years. For purposes of this subsection, the training may be provided in one six-hour block or may be spread among shorter training sessions at the employer's discretion.

NEW SECTION. **Sec. 3.** (1) The secretary of health shall conduct a study evaluating the effect of evidence-based suicide assessment, treatment, and management training on the ability of licensed health care professionals to identify, refer, treat, and manage patients with suicidal ideation. This study shall at a minimum:

(a) Review available research and literature regarding the relationship between licensed health professionals completing training in suicide assessment, treatment, and management and patient suicide rates;

(b) Assess which licensed health professionals are best situated to positively influence the mental health behavior of individuals with suicidal ideation;

(c) Evaluate the impact of suicide assessment, treatment, and management training on veterans with suicidal ideation; and

(d) Review curriculum of health profession programs offered at Washington state educational institutions regarding suicide prevention.

(2) In conducting this study the secretary may collaborate with other health profession disciplinary boards and commissions, professional associations, and other interested parties.

(3) The secretary shall submit a report to the legislature no later than December 15, 2013, summarizing the findings of this study.

NEW SECTION. **Sec. 4.** This act may be known and cited as the Matt Adler suicide assessment, treatment, and management training act of 2012."

Senator Keiser spoke in favor of adoption of the committee striking amendment.

MOTION

Senator Keiser moved that the following amendment by Senators Keiser and Becker to the committee striking amendment be adopted:

On page 4, line 30, after "RCW" insert "or a chemical dependency program certified under chapter 70.96A RCW"

Senator Keiser spoke in favor of adoption of the amendment to the committee striking amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senators Keiser and Becker on page 4, line 30 to the committee striking amendment to Engrossed Substitute House Bill No. 2366.

The motion by Senator Keiser carried and the amendment to the committee striking amendment was adopted by voice vote.

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Health & Long-Term Care as amended to Engrossed Substitute House Bill No. 2366.

The motion by Senator Keiser carried and the committee striking amendment as amended was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 2 of the title, after "management;" strike the remainder of the title and insert "adding a new section to chapter 43.70 RCW; and creating new sections."

MOTION

On motion of Senator Keiser, the rules were suspended, Engrossed Substitute House Bill No. 2366 as amended by the

Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Keiser and Becker spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 2366 as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 2366 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Baumgartner, Becker, Benton, Brown, Carrell, Chase, Conway, Delvin, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hatfield, Haugen, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles, Litzow, McAuliffe, Morton, Murray, Nelson, Padden, Parlette, Pflug, Prentice, Ranker, Regala, Roach, Rolfes, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Excused: Senator Pridemore

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2366 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

HOUSE BILL NO. 2440, by Representatives Wilcox, Blake, Chandler, Van De Wege, Warnick, McCune, Johnson, Stanford, Hurst, Hinkle and Moscoso

Authorizing the department of natural resources to provide wildfire protection services for public lands managed by state agencies.

The measure was read the second time.

#### MOTION

On motion of Senator Ranker, the rules were suspended, House Bill No. 2440 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Ranker and Morton spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 2440.

#### ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2440 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Baumgartner, Becker, Benton, Brown, Carrell, Chase, Conway, Delvin, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hatfield, Haugen, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles, Litzow, McAuliffe, Morton, Murray, Nelson, Padden, Parlette, Pflug, Prentice, Ranker, Regala, Roach,

Rolfes, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Excused: Senator Pridemore

HOUSE BILL NO. 2440, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

HOUSE BILL NO. 1381, by Representatives Warnick, Blake, Hinkle, Taylor, Haler, McCune, Armstrong, Condotta, Johnson, Parker and Shea

Regarding sufficient cause for the nonuse of water.

The measure was read the second time.

#### MOTION

On motion of Senator Hatfield, the rules were suspended, House Bill No. 1381 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Hatfield and Honeyford spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 1381.

#### ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1381 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Baumgartner, Becker, Benton, Brown, Carrell, Chase, Conway, Delvin, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hatfield, Haugen, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles, Litzow, McAuliffe, Morton, Murray, Nelson, Padden, Parlette, Pflug, Prentice, Ranker, Regala, Roach, Rolfes, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Excused: Senator Pridemore

HOUSE BILL NO. 1381, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SUBSTITUTE HOUSE BILL NO. 2313, by House Committee on Higher Education (originally sponsored by Representatives Zeiger, Carlyle, Probst, Wilcox, Anderson, Haler, Fagan, Reykdal, Springer, Buys, Pollet, Wylie, Crouse, Jinkins, Moscoso and Overstreet)

Concerning the meeting procedures of the boards of trustees and boards of regents of institutions of higher education.

The measure was read the second time.

#### MOTION

Senator Brown moved that the following amendment by Senator Brown be adopted:



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On page 3, line 2, after "trustees" strike all material through "colleges" and insert "~~((for districts containing technical colleges))~~"

Senator Brown spoke in favor of adoption of the amendment. Senators Tom and Hill spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Brown on page 3, line 2 to Substitute House Bill No. 2313.

The motion by Senator Brown failed and the amendment was not adopted by voice vote.

#### MOTION

Senator Frockt moved that the following amendment by Senator Frockt and others be adopted:

On page 3, after line 29, insert the following:

"**Sec. 6.** RCW 28B.15.067 and 2011 1st sp.s. c 10 s 3 are each amended to read as follows:

(1) Tuition fees shall be established under the provisions of this chapter.

(2) Beginning in the 2011-12 academic year, reductions or increases in full-time tuition fees shall be as provided in the omnibus appropriations act for resident undergraduate students at community and technical colleges. The governing boards of the state universities, regional universities, and The Evergreen State College; and the state board for community and technical colleges may reduce or increase full-time tuition fees for all students other than resident undergraduates, including nonresident students, summer school students, and students in other self-supporting degree programs. Percentage increases in full-time tuition may exceed the fiscal growth factor. The state board for community and technical colleges may pilot or institute differential tuition models. The board may define scale, scope, and rationale for the models.

(3)(a) Beginning with the 2011-12 academic year and through the end of the 2014-15 academic year, the governing boards of the state universities, the regional universities, and The Evergreen State College may reduce or increase full-time tuition fees for all students, including summer school students and students in other self-supporting degree programs. Percentage increases in full-time tuition fees may exceed the fiscal growth factor. Reductions or increases may be made for all or portions of an institution's programs, campuses, courses, or students.

(b) Prior to reducing or increasing tuition for each academic year, the governing boards of the state universities, the regional universities, and The Evergreen State College shall consult with existing student associations or organizations with student undergraduate and graduate representatives regarding the impacts of potential tuition increases. Each governing board shall make public its proposal for tuition and fee increases twenty-one days before the governing board of the institution considers adoption and allow opportunity for public comment. However, the requirement to make public a proposal for tuition and fee increases twenty-one days before the governing board considers adoption shall not apply if the omnibus appropriations act has not passed the legislature by May 15th. Governing boards shall be required to provide data regarding the percentage of students receiving financial aid, the sources of aid, and the percentage of total costs of attendance paid for by aid.

(c) Prior to reducing or increasing tuition for each academic year, the state board for community and technical college system shall consult with existing student associations or organizations with undergraduate student representation regarding the impacts of potential tuition increases. The state board for community and

technical colleges shall provide data regarding the percentage of students receiving financial aid, the sources of aid, and the percentage of total costs of attendance paid for by aid.

(4) Beginning with the 2015-16 academic year through the 2018-19 academic year, the governing boards of the state universities, regional universities, and The Evergreen State College may set tuition for resident undergraduates as follows:

(a) If state funding for a college or university falls below the state funding provided in the operating budget for fiscal year 2011, the governing board may increase tuition up to the limits set in (d) of this subsection, reduce enrollments, or both;

(b) If state funding for a college or university is at least at the level of state funding provided in the operating budget for fiscal year 2011, the governing board may increase tuition up to the limits set in (d) of this subsection and shall continue to at least maintain the actual enrollment levels for fiscal year 2011 or increase enrollments as required in the omnibus appropriations act; ~~((and))~~

(c) If state funding is increased so that combined with resident undergraduate tuition the sixtieth percentile of the total per-student funding at similar public institutions of higher education in the global challenge states under RCW 28B.15.068 is exceeded, the governing board shall decrease tuition by the amount needed for the total per-student funding to be at the sixtieth percentile under RCW 28B.15.068; and

(d) The amount of tuition set by the governing board for an institution under this subsection (4) may not exceed the sixtieth percentile of the resident undergraduate tuition of similar public institutions of higher education in the global challenge states.

(5) The tuition fees established under this chapter shall not apply to high school students enrolling in participating institutions of higher education under RCW 28A.600.300 through 28A.600.400.

(6) The tuition fees established under this chapter shall not apply to eligible students enrolling in a dropout reengagement program through an interlocal agreement between a school district and a community or technical college under RCW 28A.175.100 through 28A.175.110.

(7) The tuition fees established under this chapter shall not apply to eligible students enrolling in a community or technical college participating in the pilot program under RCW 28B.50.534 for the purpose of obtaining a high school diploma.

(8) Beginning in the 2019-20 academic year, reductions or increases in full-time tuition fees for resident undergraduates at four-year institutions of higher education shall be as provided in the omnibus appropriations act."

Senators Frockt and Hill spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Frockt on page 3, after line 29 to Substitute House Bill No. 2313.

The motion by Senator Frockt and others carried and the amendment was adopted by voice vote.

#### MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 3 of the title, after "28B.40.110," strike the remainder of the title and insert "28B.50.100, and 28B.15.067."

#### MOTION

On motion of Senator Tom, the rules were suspended, Substitute House Bill No. 2313 as amended by the Senate was

advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Tom spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 2313 as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2313 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Baumgartner, Becker, Benton, Brown, Carrell, Chase, Conway, Delvin, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hatfield, Haugen, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles, Litzow, McAuliffe, Morton, Murray, Nelson, Padden, Parlette, Pflug, Prentice, Ranker, Regala, Roach, Rolfes, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Excused: Senator Pridemore

SUBSTITUTE HOUSE BILL NO. 2313 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SUBSTITUTE HOUSE BILL NO. 2191, by House Committee on Public Safety & Emergency Preparedness (originally sponsored by Representatives Rivers, Blake, Klippert, Hurst, Haler, Takko, Alexander, Hope, Harris and Reykdal)

Concerning police dogs.

The measure was read the second time.

#### MOTION

Senator Kline moved that the following committee striking amendment by the Committee on Judiciary be adopted:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 16.08.040 and 1941 c 77 s 1 are each amended to read as follows:

(1) The owner of any dog which shall bite any person while such person is in or on a public place or lawfully in or on a private place including the property of the owner of such dog, shall be liable for such damages as may be suffered by the person bitten, regardless of the former viciousness of such dog or the owner's knowledge of such viciousness.

(2) This section does not apply to the lawful application of a police dog, as defined in RCW 4.24.410.

**Sec. 2.** RCW 9A.76.200 and 2003 c 269 s 1 are each amended to read as follows:

(1) A person is guilty of harming a police dog, accelerant detection dog, or police horse, if he or she maliciously injures, disables, shoots, or kills by any means any dog or horse that the person knows or has reason to know to be a police dog or accelerant detection dog, as defined in RCW 4.24.410, or police horse, as defined in subsection (2) of this section, whether or not the dog or horse is actually engaged in police or accelerant detection work at the time of the injury.

(2) "Police horse" means any horse used or kept for use by a law enforcement officer in discharging any legal duty or power of his or her office.

(3) Harming a police dog, accelerant detection dog, or police horse is a class C felony.

(4)(a) In addition to the criminal penalty provided in this section for harming a police dog:

(i) The court may impose a civil penalty of five thousand dollars for harming a police dog.

(ii) The court shall impose a civil penalty of at least five thousand dollars and may increase the penalty up to a maximum of ten thousand dollars for killing a police dog.

(b) The fines imposed in this subsection (4) may not be reversed. Moneys collected must be distributed to the jurisdiction that owns the police dog."

On page 1, line 1 of the title, after "dogs;" strike the remainder of the title and insert "amending RCW 16.08.040 and 9A.76.200; and prescribing penalties."

#### WITHDRAWAL OF AMENDMENT

On motion of Senator Kline, the committee striking amendment by the Committee on Judiciary to Substitute House Bill No. 2191 was withdrawn.

#### MOTION

Senator Padden moved that the following striking amendment by Senators Padden and Kline be adopted:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 16.08.040 and 1941 c 77 s 1 are each amended to read as follows:

(1) The owner of any dog which shall bite any person while such person is in or on a public place or lawfully in or on a private place including the property of the owner of such dog, shall be liable for such damages as may be suffered by the person bitten, regardless of the former viciousness of such dog or the owner's knowledge of such viciousness.

(2) This section does not apply to the lawful application of a police dog, as defined in RCW 4.24.410.

**Sec. 2.** RCW 9A.76.200 and 2003 c 269 s 1 are each amended to read as follows:

(1) A person is guilty of harming a police dog, accelerant detection dog, or police horse, if he or she maliciously injures, disables, shoots, or kills by any means any dog or horse that the person knows or has reason to know to be a police dog or accelerant detection dog, as defined in RCW 4.24.410, or police horse, as defined in subsection (2) of this section, whether or not the dog or horse is actually engaged in police or accelerant detection work at the time of the injury.

(2) "Police horse" means any horse used or kept for use by a law enforcement officer in discharging any legal duty or power of his or her office.

(3) Harming a police dog, accelerant detection dog, or police horse is a class C felony.

(4)(a) In addition to the criminal penalty provided in this section for harming a police dog:

(i) The court may impose a civil penalty of up to five thousand dollars for harming a police dog.

(ii) The court shall impose a civil penalty of at least five thousand dollars and may increase the penalty up to a maximum of ten thousand dollars for killing a police dog.

(b) Moneys collected must be distributed to the jurisdiction that owns the police dog."

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Senator Padden spoke in favor of adoption of the striking amendment.

The President declared the question before the Senate to be the adoption of the striking amendment by Senators Padden and Kline to Substitute House Bill No. 2191.

The motion by Senator Padden carried and the striking amendment was adopted by voice vote.

#### MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 1 of the title, after "dogs;" strike the remainder of the title and insert "amending RCW 16.08.040 and 9A.76.200; and prescribing penalties."

#### MOTION

On motion of Senator Kline, the rules were suspended, Substitute House Bill No. 2191 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Kline, Benton, Roach and Carrell spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 2191 as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2191 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Baumgartner, Becker, Benton, Brown, Carrell, Chase, Conway, Delvin, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hatfield, Haugen, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles, Litzow, McAuliffe, Morton, Murray, Nelson, Padden, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rolfes, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

SUBSTITUTE HOUSE BILL NO. 2191 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2233, by House Committee on State Government & Tribal Affairs (originally sponsored by Representatives McCoy, Hunt, Haigh, Pedersen, Appleton, Morris, Billig, Fitzgibbon, Eddy, Sells, Tharinger, Jinkins, Hasegawa, Pollet, Wylie, Upthegrove and Roberts)

Creating a procedure for the state's retrocession of civil and criminal jurisdiction over Indian tribes and Indian country.

The measure was read the second time.

#### MOTION

Senator Pridemore moved that the following committee striking amendment by the Committee on Government Operations, Tribal Relations & Elections be adopted:

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** A new section is added to chapter 37.12 RCW to read as follows:

(1) The process by which the state may retrocede to the United States all or part of the civil and/or criminal jurisdiction previously acquired by the state over a federally recognized Indian tribe, and the Indian country of such tribe, must be accomplished in accordance with the requirements of this section.

(2) To initiate civil and/or criminal retrocession the duly authorized governing body of a tribe must submit a retrocession resolution to the governor accompanied by information about the tribe's plan regarding the tribe's exercise of jurisdiction following the proposed retrocession. The resolution must express the desire of the tribe for the retrocession by the state of all or any measures or provisions of the civil and/or criminal jurisdiction acquired by the state under this chapter over the Indian country and the members of such Indian tribe. Before a tribe submits a retrocession resolution to the governor, the tribe and affected municipalities are encouraged to collaborate in the adoption of interlocal agreements, or other collaborative arrangements, with the goal of ensuring that the best interests of the tribe and the surrounding communities are served by the retrocession process.

(3) Upon receiving a resolution under this section, the governor must within ninety days convene a government-to-government meeting with either the governing body of the tribe or duly authorized tribal representatives for the purpose of considering the tribe's retrocession resolution. The governor's office must consult with elected officials from the counties, cities, and towns proximately located to the area of the proposed retrocession.

(4) Within one year of the receipt of an Indian tribe's retrocession resolution the governor must issue a proclamation, if approving the request either in whole or in part. This one-year deadline may be extended by the mutual consent of the tribe and the governor, as needed. In addition, either the tribe or the governor may extend the deadline once for a period of up to six months. Within ten days of issuance of a proclamation approving the retrocession resolution, the governor must formally submit the proclamation to the federal government in accordance with the procedural requirements for federal approval of the proposed retrocession. In the event the governor denies all or part of the resolution, the reasons for such denial must be provided to the tribe in writing.

(5) Within one hundred twenty days of the governor's receipt of a tribe's resolution requesting civil and/or criminal retrocession, but prior to the governor's issuance of the proclamation approving or denying the tribe's resolution, the appropriate standing committees of the state house and senate may conduct public hearings on the tribe's request for state retrocession. The majority leader of the senate must designate the senate standing committee and the speaker of the house of representatives must designate the house standing committee. Following such public hearings, the designated legislative committees may submit advisory recommendations and/or comments to the governor regarding the proposed retrocession, but in no event are such legislative recommendations binding on the governor or otherwise of legal effect.

(6) The proclamation for retrocession does not become effective until it is approved by a duly designated officer of the United States government and in accordance with the procedures established by the United States for the approval of a proposed state retrocession.

(7) The provisions of RCW 37.12.010 are not applicable to a civil and/or criminal retrocession that is accomplished in accordance with the requirements of this section.

(8) The following definitions apply for the purposes of this section:

(a) "Civil retrocession" means the state's act of returning to the federal government the civil jurisdiction acquired over Indians and Indian country under federal Public Law 280, Act of August 15, 1953, 67 Stat. 588 (codified as amended at 18 U.S.C. Sec. 1162, 25 U.S.C. Secs. 1321-1326, and 28 U.S.C. Sec. 1360);

(b) "Criminal retrocession" means the state's act of returning to the federal government the criminal jurisdiction acquired over Indians and Indian country under federal Public Law 280, Act of August 15, 1953, 67 Stat. 588 (codified as amended at 18 U.S.C. Sec. 1162, 25 U.S.C. Secs. 1321-1326, and 28 U.S.C. Sec. 1360);

(c) "Indian tribe" means any federally recognized Indian tribe, nation, community, band, or group;

(d) "Indian country" means:

(i) All land within the limits of any Indian reservation under the jurisdiction of the United States government, notwithstanding the issuance of any patent, and including rights-of-way running through the reservation;

(ii) All dependent Indian communities with the borders of the United States whether in the original or subsequently acquired territory thereof, and whether within or without the limits of a state; and

(iii) All Indian allotments, the Indian titles to which have not been extinguished, including rights-of-way running through the same.

**NEW SECTION. Sec. 2.** A new section is added to chapter 37.12 RCW to read as follows:

A civil or criminal retrocession accomplished pursuant to the procedure set forth in section 1 of this act does not:

(1) Affect the state's civil jurisdiction over the civil commitment of sexually violent predators pursuant to chapter 71.09 RCW and the state must retain such jurisdiction notwithstanding the completion of the retrocession process authorized under section 1 of this act; and

(2) Abate any action or proceeding which has been filed with any court or agency of the state or local government preceding the effective date of the completion of a retrocession authorized under section 1 of this act.

**NEW SECTION. Sec. 3.** A new section is added to chapter 37.12 RCW to read as follows:

(1) The provisions of section 1 of this act do not affect the validity of any retrocession procedure commenced under RCW 37.12.100 through 37.12.140 prior to the effective date of this section.

(2) Any Indian tribe that has commenced but not completed the retrocession procedure authorized in RCW 37.12.100 through 37.12.140 may request retrocession under section 1 of this act in lieu of completing that procedure.

(3) Any Indian tribe that has completed the retrocession procedure authorized in RCW 37.12.100 through 37.12.140 may use the process authorized under section 1 of this act to request retrocession of any civil or criminal jurisdiction retained by the state under RCW 37.12.120 or 37.12.010.

(4) The provisions of RCW 37.12.120 are not applicable to a civil and/or criminal retrocession that is accomplished in accordance with the requirements of section 1 of this act."

Senator Pridemore spoke in favor of adoption of the committee striking amendment.

MOTION

Senator Stevens moved that the following amendment by Senator Stevens to the committee striking amendment be adopted:

On page 1, line 23 of the amendment, after "process." insert "Any such plans or interlocal agreements identified pursuant to this subsection may not result in expansion of tribal authority over non-Indians or non-Indian owned fee lands."

Senators Stevens and Honeyford spoke in favor of adoption of the amendment to the committee striking amendment.

Senator Pridemore spoke against adoption of the amendment to the committee striking amendment.

MOTION

On motion of Senator Ericksen, Senator Baumgartner was excused.

The President declared the question before the Senate to be the adoption of the amendment by Senator Stevens on page 1, line 23 to the committee striking amendment to Engrossed Substitute House Bill No. 2233.

The motion by Senator Stevens failed and the amendment to the committee striking amendment was not adopted by voice vote.

MOTION

Senator King moved that the following amendment by Senators King and Haugen to the committee striking amendment be adopted:

On page 2, after line 31, insert the following:

"(8) Any proclamation issued by the governor under this section that addresses the operation of motor vehicles upon the public streets, alleys, roads and highways must include a certification that the following actions have been completed:

(a) The adoption of interlocal agreements with affected municipalities and state agencies regarding the operation of motor vehicles over Indian country and the maintenance of public highways;

(b) A certification by the Washington state patrol, the department of licensing, and the department of transportation regarding uniformity of motor vehicle operations over Indian country;

(c) A certification by the department of transportation regarding conformance with the manual of uniform traffic control devices for streets and highways as adopted by the department under chapter 47.36 RCW; and

(d) Adopted provisions in applicable interlocal agreements identified in subsection (8)(a) of this section addressing tribal assumption of liability for traffic operations on state highways in Indian country."

Renumber the remaining subsections consecutively and correct any internal references accordingly.

Senators King, Haugen and Sheldon spoke in favor of adoption of the amendment to the committee striking amendment.

Senator Pridemore spoke against adoption of the amendment to the committee striking amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senators King and Haugen on page 2, after line 31 to the committee striking amendment to Engrossed Substitute House Bill No. 2233.

The motion by Senator King carried and the amendment to the committee striking amendment was adopted by voice vote.

MOTION

MOTION

Senator Honeyford moved that the following amendment by Senator Honeyford to the committee striking amendment be adopted:

On page 4, after line 12 of the amendment, insert the following:

**"NEW SECTION. Sec. 4.** A new section is added to chapter 37.12 RCW to read as follows:

Nothing in this chapter may be construed to authorize any tribal authority over non-Indian persons or non-Indian owned fee lands."

Senator Honeyford spoke in favor of adoption of the amendment to the committee striking amendment.

Senator Pridemore spoke against adoption of the amendment to the committee striking amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Honeyford on page 4, after line 12 to the committee striking amendment to Engrossed Substitute House Bill No. 2233.

The motion by Senator Honeyford failed and the amendment to the committee striking amendment was not adopted by voice vote.

MOTION

Senator Honeyford moved that the following amendment by Senator Honeyford to the committee striking amendment be adopted:

On page 4, after line 12 of the amendment, insert the following:

**"NEW SECTION. Sec. 4.** A new section is added to chapter 37.12 RCW to read as follows:

Any matters where a tribal court or authority exercises civil or criminal authority over non-Indians, all such matters are appealable in the applicable state court."

Senators Honeyford and Schoesler spoke in favor of adoption of the amendment to the committee striking amendment.

Senator Pridemore spoke against adoption of the amendment to the committee striking amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Honeyford on page 4, after line 12 to the committee striking amendment to Engrossed Substitute House Bill No. 2233.

The motion by Senator Honeyford failed and the amendment to the committee striking amendment was not adopted by voice vote.

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Government Operations, Tribal Relations & Elections as amended to Engrossed Substitute House Bill No. 2233.

The motion by Senator Pridemore carried and the committee striking amendment as amended was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 3 of the title, after "country;" strike the remainder of the title and insert "and adding new sections to chapter 37.12 RCW."

On motion of Senator Pridemore, the rules were suspended, Engrossed Substitute House Bill No. 2233 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Pridemore spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 2233 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 2233 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 42; Nays, 6; Absent, 0; Excused, 1.

Voting yea: Senators Becker, Benton, Brown, Carrell, Chase, Conway, Delvin, Eide, Fain, Fraser, Frockt, Hargrove, Harper, Hatfield, Haugen, Hewitt, Hill, Hobbs, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles, Litzow, McAuliffe, Morton, Murray, Nelson, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rolfes, Schoesler, Sheldon, Shin, Swecker, Tom and Zarelli

Voting nay: Senators Ericksen, Holmquist Newbry, Honeyford, Padden, Parlette and Stevens

Excused: Senator Baumgartner

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2233 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 5:18 p.m., on motion of Senator Eide, the Senate adjourned until 9:30 a.m. Wednesday, February 29, 2012.

BRAD OWEN, President of the Senate

THOMAS HOEMANN, Secretary of the Senate

## FIFTY SECOND DAY

## MORNING SESSION

February 28, 2012

Senate Chamber, Olympia, Wednesday, February 29, 2012

The Senate was called to order at 9:30 a.m. by President Owen. The Secretary called the roll and announced to the President that all Senators were present with the exception of Senators Brown, Pflug and Schoesler.

The Sergeant at Arms Color Guard consisting of Pages Alexander Ludeman and Josiah Sakas, presented the Colors. Bishop Eusebio Elizondo of the Archdiocese of Seattle of the Catholic Church offered the prayer.

## MOTION

On motion of Senator Eide, the reading of the Journal of the previous day was dispensed with and it was approved.

## MOTION

On motion of Senator Eide, the Senate advanced to the third order of business.

MESSAGE FROM THE GOVERNOR  
GUBERNATORIAL APPOINTMENTS

February 28, 2012

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

Mark Richard, appointed February 10, 2012, for the term ending August 2, 2012, as Member of the Sentencing Guidelines Commission.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Judiciary.

## MOTION

On motion of Senator Eide, the appointee listed on the Gubernatorial Appointment report was referred to the committee as designated.

## MOTION

On motion of Senator Eide, the Senate advanced to the fourth order of business.

## MESSAGE FROM THE HOUSE

February 28, 2012

MR. PRESIDENT:

The House has passed:

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2373.

and the same is herewith transmitted.

BARBARA BAKER, Chief Clerk

## MESSAGE FROM THE HOUSE

MR. PRESIDENT:

The House has passed:

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5292,

SUBSTITUTE SENATE BILL NO. 5631,

SENATE BILL NO. 6157,

SENATE BILL NO. 6175,

SUBSTITUTE SENATE BILL NO. 6187,

ENGROSSED SENATE BILL NO. 6296,

SENATE BILL NO. 6385,

SUBSTITUTE SENATE BILL NO. 6423,

SENATE BILL NO. 6465,

SUBSTITUTE SENATE BILL NO. 6472.

and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

## MESSAGE FROM THE HOUSE

February 28, 2012

MR. PRESIDENT:

The House has passed:

ENGROSSED SUBSTITUTE SENATE BILL NO. 5575,

SENATE BILL NO. 6133.

and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

## MOTION

On motion of Senator Eide, Senate Rule 20 was suspended for the remainder of the day to allow consideration of additional floor resolutions.

EDITOR'S NOTE: Senate Rule 20 limits consideration of floor resolutions not essential to the operation of the Senate to one per day during regular daily sessions.

## MOTION

On motion of Senator Eide, the Senate advanced to the sixth order of business.

SECOND READING  
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

## MOTION

Senator King moved that Gubernatorial Appointment No. 9140, Elizabeth Bloomfield, as a member of the Recreation and Conservation Funding Board, be confirmed.

Senator King spoke in favor of the motion.

## APPOINTMENT OF ELIZABETH BLOOMFIELD

The President declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9140, Elizabeth Bloomfield as a member of the Recreation and Conservation Funding Board.

FIFTY SECOND DAY, FEBRUARY 29, 2012

2012 REGULAR SESSION

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9140, Elizabeth Bloomfield as a member of the Recreation and Conservation Funding Board and the appointment was confirmed by the following vote: Yeas, 45; Nays, 0; Absent, 4; Excused, 0.

Voting yea: Senators Baumgartner, Becker, Benton, Carrell, Chase, Conway, Delvin, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hatfield, Haugen, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles, Litzow, McAuliffe, Morton, Murray, Nelson, Padden, Parlette, Prentice, Pridemore, Ranker, Regala, Roach, Rolfes, Sheldon, Shin, Stevens, Swecker and Tom

Absent: Senators Brown, Pflug, Schoesler and Zarelli

Gubernatorial Appointment No. 9140, Elizabeth Bloomfield, having received the constitutional majority was declared confirmed as a member of the Recreation and Conservation Funding Board.

MOTION

On motion of Senator Ranker, Senators Brown, Hatfield, Haugen, Hobbs, Kastama and Keiser were excused.

MOTION

On motion of Senator Ericksen, Senators Pflug and Zarelli were excused.

SECOND READING

CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Fraser moved that Gubernatorial Appointment No. 9194, Billy Frank, Jr., as a member of the Puget Sound Partnership, be confirmed.

Senator Fraser spoke in favor of the motion.

APPOINTMENT OF BILLY FRANK, JR.

The President declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9194, Billy Frank, Jr. as a member of the Puget Sound Partnership.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9194, Billy Frank, Jr. as a member of the Puget Sound Partnership and the appointment was confirmed by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Baumgartner, Becker, Benton, Brown, Carrell, Chase, Conway, Delvin, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hatfield, Haugen, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Kastama, Kilmer, King, Kline, Kohl-Welles, Litzow, McAuliffe, Morton, Murray, Nelson, Padden, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rolfes, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Excused: Senator Keiser

Gubernatorial Appointment No. 9194, Billy Frank, Jr., having received the constitutional majority was declared confirmed as a member of the Puget Sound Partnership.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2664, by House Committee on Technology, Energy & Communications (originally sponsored by Representative Morris)

Concerning the voluntary option to purchase qualified energy resources.

The measure was read the second time.

MOTION

On motion of Senator Ranker, the rules were suspended, Engrossed Substitute House Bill No. 2664 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Ranker and Morton spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 2664.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 2664 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 1; Absent, 0; Excused, 1.

Voting yea: Senators Baumgartner, Becker, Benton, Brown, Carrell, Chase, Conway, Delvin, Eide, Fain, Fraser, Frockt, Hargrove, Harper, Hatfield, Haugen, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Kastama, Kilmer, King, Kline, Kohl-Welles, Litzow, McAuliffe, Morton, Murray, Nelson, Padden, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rolfes, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Voting nay: Senator Ericksen

Excused: Senator Keiser

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2664, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

INTRODUCTION OF SPECIAL GUEST

The President welcomed and introduced Miss Ellie Lewis, great niece of former Harry Lewis, who was serving as a Senate Page and seated at the rostrum.

MOTION

On motion of Senator Ericksen, Senator Stevens was excused.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2352, by House Committee on Higher Education (originally sponsored by Representatives Reykdal, Fitzgibbon, Zeiger, Kenney, Maxwell, Haler, Green, Jinkins, Sells, Moscoso, Ormsby, Pollet, Billig, Anderson, Probst, Lytton, Wylie, Ladenburg, Kelley, Angel and Hunt)

Concerning institutions of higher education services and activities fees.

The measure was read the second time.

## MOTION

On motion of Senator Tom, the rules were suspended, Substitute House Bill No. 2352 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Tom and Hill spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 2352.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2352 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Baumgartner, Becker, Benton, Brown, Carrell, Chase, Conway, Delvin, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hatfield, Haugen, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Kastama, Kilmer, King, Kline, Kohl-Welles, Litzow, McAuliffe, Morton, Murray, Nelson, Padden, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rolfes, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Excused: Senator Keiser

SUBSTITUTE HOUSE BILL NO. 2352, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

HOUSE BILL NO. 2651, by Representatives Springer, Chandler, Blake, Upthegrove and Wilcox

Changing the numeric limit for bacterial contamination for industrial storm water permittees with discharges to water bodies listed as impaired to a narrative limit.

The measure was read the second time.

## MOTION

On motion of Senator Nelson, the rules were suspended, House Bill No. 2651 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Nelson and Ericksen spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 2651.

## ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2651 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Baumgartner, Becker, Benton, Brown, Carrell, Chase, Conway, Delvin, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hatfield, Haugen, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Kastama, Kilmer, King, Kline, Kohl-Welles, Litzow, McAuliffe, Morton, Murray, Nelson, Padden, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala,

Roach, Rolfes, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Excused: Senator Keiser

HOUSE BILL NO. 2651, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SUBSTITUTE HOUSE BILL NO. 2181, by House Committee on State Government & Tribal Affairs (originally sponsored by Representatives Dammeier, Orwall, Bailey, Finn, McCune, Sullivan, Klippert, Hudgins, Hope, Hunt, Taylor, Jinkins, Ladenburg, Hansen, Ryu, Maxwell, Asay, Kelley, Kenney, Hurst and Shea)

Extending the age for service in the Washington state guard.

The measure was read the second time.

## MOTION

On motion of Senator Pridemore, the rules were suspended, Substitute House Bill No. 2181 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Pridemore and Swecker spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 2181.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2181 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Baumgartner, Becker, Benton, Brown, Carrell, Chase, Conway, Delvin, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hatfield, Haugen, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Kastama, Kilmer, King, Kline, Kohl-Welles, Litzow, McAuliffe, Morton, Murray, Nelson, Padden, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rolfes, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Excused: Senator Keiser

SUBSTITUTE HOUSE BILL NO. 2181, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2384, by House Committee on Business & Financial Services (originally sponsored by Representatives Hudgins, Bailey, Kirby, Condotta, Pedersen, Ryu, Fitzgibbon, Moscoso, Stanford, Upthegrove, Billig, Liias and Ladenburg)

Regulating personal vehicle sharing programs.

The measure was read the second time.

## MOTION



FIFTY SECOND DAY, FEBRUARY 29, 2012

2012 REGULAR SESSION

On motion of Senator Hobbs, the rules were suspended, Engrossed Substitute House Bill No. 2384 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Hobbs spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 2384.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 2384 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 4; Absent, 0; Excused, 1.

Voting yea: Senators Baumgartner, Becker, Benton, Brown, Carrell, Chase, Conway, Delvin, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hatfield, Haugen, Hewitt, Hill, Hobbs, Honeyford, Kastama, Kilmer, King, Kline, Kohl-Welles, Litzow, McAuliffe, Morton, Murray, Nelson, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rolfes, Sheldon, Shin, Swecker, Tom and Zarelli

Voting nay: Senators Holmquist Newbry, Padden, Schoesler and Stevens

Excused: Senator Keiser

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2384, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

HOUSE BILL NO. 2393, by Representatives Rodne, Pedersen, Moscoso and Condotta

Concerning employer reporting to the state support registry.

The measure was read the second time.

#### MOTION

On motion of Senator Regala, the rules were suspended, House Bill No. 2393 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Regala spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 2393.

#### ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2393 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Baumgartner, Becker, Benton, Brown, Carrell, Chase, Conway, Delvin, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hatfield, Haugen, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles, Litzow, McAuliffe, Morton, Murray, Nelson, Padden, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rolfes, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

HOUSE BILL NO. 2393, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MOTION

On motion of Senator Harper, Senator Ranker was excused.

#### SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2341, by House Committee on Health Care & Wellness (originally sponsored by Representatives Jinkins, Cody, Ladenburg, Van De Wege, Green, Reykdal, Moeller, Tharinger, McCoy, Darneille and Hunt)

Concerning community benefits provided by hospitals.

The measure was read the second time.

#### MOTION

On motion of Senator Keiser, the rules were suspended, Engrossed Substitute House Bill No. 2341 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Keiser and Pflug spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 2341.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 2341 and the bill passed the Senate by the following vote: Yeas, 42; Nays, 6; Absent, 0; Excused, 1.

Voting yea: Senators Becker, Benton, Brown, Carrell, Chase, Conway, Delvin, Eide, Fain, Fraser, Frockt, Hargrove, Harper, Hatfield, Haugen, Hewitt, Hill, Hobbs, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles, Litzow, McAuliffe, Morton, Murray, Nelson, Parlette, Pflug, Prentice, Pridemore, Regala, Roach, Rolfes, Schoesler, Sheldon, Shin, Swecker, Tom and Zarelli

Voting nay: Senators Baumgartner, Ericksen, Holmquist Newbry, Honeyford, Padden and Stevens

Excused: Senator Ranker

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2341, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MOTION

At 10:37 a.m., on motion of Senator Eide, the Senate was declared to be at ease subject to the call of the President.

The Senate was called to order at 11:47 a.m. by President Owen.

#### MOTION

On motion of Senator Eide, the Senate advanced to the eighth order of business.

## MOTION

Senator McAuliffe moved adoption of the following resolution:

SENATE RESOLUTION  
8688

By Senators McAuliffe and Hobbs

WHEREAS, Brigadoon Service Dogs was founded in August of 2004, to be a nonprofit organization dedicated to pairing service dogs to human beings with needs; and

WHEREAS, The puppies are trained from birth to the age of 24 months when they then become eligible for placement; and

WHEREAS, The dogs are trained to execute a variety of tasks, such as calming an autistic child, providing hearing assistance for someone who is hearing challenged, assisting balancing an unstable adult, and retrieving medicine for a veteran; and

WHEREAS, Dogs are paired with adults and children alike who suffer from a wide range of disabilities, such as autism, multiple sclerosis, and traumatic brain injury; and

WHEREAS, Brigadoon partners with the local community to provide outreach and training for at-risk youth, school community projects, Girl Scouts, and other organizations that support the developmentally disabled; and

WHEREAS, Brigadoon has partnered with the Warrior Transition Battalion at Joint Base Lewis-McChord; and

WHEREAS, Dogs are paired with our men and women returning from combat who suffer from a variety of postwar side effects, including Posttraumatic Stress Disorder; and

WHEREAS, Dogs are trained to specifically help our veterans of combat, to perform a variety of tasks, including turning on and off lights, waking their human partner during a frightening nightmare, and calming a veteran during a panic attack or flashback; and

WHEREAS, Brigadoon has joined forces with the Washington State Department of Veterans Affairs, to make sure our veterans are paired up with a compatible animal companion; and

WHEREAS, It is now anticipated that there are some 30,000 people in the State of Washington who qualify as people who could be paired with a Brigadoon Service Dog; and

WHEREAS, There is now a 30-name waiting list to receive a Brigadoon trained service animal;

NOW, THEREFORE, BE IT RESOLVED, That the Senate recognize and honor Brigadoon Service Dogs for all that they do for our community, our men and women of the armed services, and our adults and children who need their help; and

BE IT FURTHER RESOLVED, That Brigadoon be recognized as an example of kindness, compassion, and empowerment for our loved ones with special needs.

Senators McAuliffe, Ericksen and Hobbs spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8688.

The motion by Senator McAuliffe carried and the resolution was adopted by voice vote.

## INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced representatives of the Brigadoon Service Dogs organization who were seated in the gallery.

## MOTION

At 11:57 a.m., on motion of Senator Eide, the Senate recessed until 1:20 p.m.

AFTERNOON SESSION

The Senate was called to order at 1:20 p.m. by President Owen.

## MOTION

Senator Haugen moved adoption of the following resolution:

SENATE RESOLUTION  
8700

By Senators Haugen, Eide, Litzow, Prentice, Kastama, Benton, Regala, Honeyford, Hill, Conway, Delvin, Stevens, Chase, Tom, Kline, Pridemore, Carrell, Roach, Baumgartner, Zarelli, Padden, Keiser, Pflug, Holmquist Newbry, Schoesler, Morton, Harper, Sheldon, King, Ranker, Swecker, Shin, Fain, Parlette, Rolfes, Frockt, Ericksen, Hargrove, Hobbs, Hatfield, Kilmer, Brown, Nelson, Hewitt, Murray, Becker, Fraser, McAuliffe, and Kohl-Welles

WHEREAS, Tony V. Radulescu was born August 7, 1967, in Bucharest, Romania, emigrated to America and graduated from Harrison High School in Harrison, New Jersey; and

WHEREAS, Sergeant Tony V. Radulescu served honorably in the U.S. Army from July 17, 1986, through June 17, 1996, and remained as an active member of the U.S. Army Reserve until retiring January 1, 2008, after 20 years of military service to his country; and

WHEREAS, Tony V. Radulescu was commissioned with the 79th Trooper Basic Training Class as a Washington State Patrol trooper and assigned to Bremerton; and

WHEREAS, Trooper Tony V. Radulescu connected so well with students in Kitsap County schools that he was repeatedly called back to speak time and again by popular demand; and

WHEREAS, Trooper Tony V. Radulescu performed his duties with an infectious smile and enjoyed spreading laughter among his friends, coworkers, and community; and

WHEREAS, Trooper Tony V. Radulescu honored Washington State Patrol Badge #557 on his chest and on his Patrol car license plate every day through selfless and courageous service; and

WHEREAS, Trooper Tony V. Radulescu was killed in the line of duty on February 23, 2012, after serving more than 16 years with the Washington State Patrol; and

WHEREAS, Trooper Tony V. Radulescu will be missed dearly by his brothers and sisters in the State Patrol family as well as those he touched throughout the community;

BE IT RESOLVED, That the Washington State Senate joins with the family, dear friends, and extended family of Trooper Tony V. Radulescu in mourning their and the state's incalculable personal and professional loss; and

BE IT FURTHER RESOLVED, That the Senate extends its deep appreciation and compassion to the dedicated families of State Patrol troopers, who all too often lose their loved ones in valiant service to their community and state; and

BE IT FURTHER RESOLVED, That the Senate commends, salutes, and memorializes Trooper Tony V. Radulescu for his exceptional service; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to the surviving family members of Trooper Tony V. Radulescu;

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Washington State Patrol Chief John Batiste; and Washington State Patrol Bremerton District Commander Bob Johnson.

Senators Haugen, Kilmer, Eide, Shin, Sheldon, Roach and Becker spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8700.

The motion by Senator Haugen carried and the resolution was adopted by voice vote.

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced members of the family of Trooper Tony Radulescu: Erick Radulescu, son; Leslie and Maria Radulescu, father and stepmother; Mario and Mona Radulescu, brother and wife; George and Thet Nicholson, brother and wife; and Diana Radulescu, sister who were seated in the gallery.

MOTION

On motion of Senator Eide, the Senate reverted to the sixth order of business.

SECOND READING

HOUSE BILL NO. 2456, by Representatives Chandler, Blake and Fagan

Regarding disclosure of information relating to agriculture and livestock.

The measure was read the second time.

MOTION

On motion of Senator Hatfield, the rules were suspended, House Bill No. 2456 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Hatfield and Honeyford spoke in favor of passage of the bill.

MOTION

On motion of Senator Ericksen, Senator Holmquist Newbry was excused.

The President declared the question before the Senate to be the final passage of House Bill No. 2456.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2456 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 1; Excused, 0.

Voting yea: Senators Baumgartner, Becker, Benton, Brown, Carrell, Chase, Conway, Delvin, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hatfield, Haugen, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Kastama, Kilmer, King, Kline, Kohl-Welles, Litzow, McAuliffe, Morton, Murray, Nelson, Padden, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rolfes, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Absent: Senator Keiser

HOUSE BILL NO. 2456, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2541, by House Committee on Early Learning & Human Services (originally sponsored by Representatives Darneille, Dickerson, Jinkins, Roberts, Appleton, Kagi and Kenney)

Concerning the sealing of juvenile records.

The measure was read the second time.

MOTION

On motion of Senator Harper, the rules were suspended, Substitute House Bill No. 2541 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Harper spoke in favor of passage of the bill.

MOTION

On motion of Senator Harper, Senator Keiser was excused.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 2541.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2541 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 3; Absent, 1; Excused, 0.

Voting yea: Senators Baumgartner, Becker, Benton, Brown, Carrell, Chase, Conway, Delvin, Eide, Ericksen, Fain, Fraser, Frockt, Harper, Hatfield, Haugen, Hill, Hobbs, Holmquist Newbry, Honeyford, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles, Litzow, McAuliffe, Morton, Murray, Nelson, Padden, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rolfes, Schoesler, Sheldon, Shin, Stevens, Swecker and Tom

Voting nay: Senators Hewitt, Parlette and Zarelli

Absent: Senator Hargrove

SUBSTITUTE HOUSE BILL NO. 2541, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2582, by House Committee on Health Care & Wellness (originally sponsored by Representatives Johnson, Cody, Ross, Jinkins, Green, Walsh, Hinkle, Clibborn, Liias, Kenney, Klippert, Smith, Alexander, Warnick, Fagan, Bailey, Ahern, Asay, Dahlquist, Kretz, DeBolt, Angel, Kelley, Hunt, Dickerson, Ladenburg, Orcutt, Zeiger, Wilcox, Finn, Wylie, Probst, Darneille, Moscoso, Kagi and Tharinger)

Requiring notice to patients for certain charges at a health care facility.

The measure was read the second time.

MOTION

Senator Keiser moved that the following amendment by Senators Keiser and Becker be adopted:

On page 2, line 8, after "(c) The" strike "total"

Senators Keiser and Becker spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senators Keiser and Becker on page 2, line 8 to Engrossed Substitute House Bill No. 2582.

The motion by Senator Keiser carried and the amendment was adopted by voice vote.

#### MOTION

On motion of Senator Keiser, the rules were suspended, Engrossed Substitute House Bill No. 2582 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Keiser, Becker and Pflug spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 2582 as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 2582 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Baumgartner, Becker, Benton, Brown, Carrell, Chase, Conway, Delvin, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hatfield, Haugen, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles, Litzow, McAuliffe, Morton, Murray, Nelson, Padden, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rolfes, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2582 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1627, by House Committee on Local Government (originally sponsored by Representatives Fitzgibbon, Maxwell, Springer, Eddy, Clibborn and Tharinger)

Limiting the authority of boundary review boards.

The measure was read the second time.

#### MOTION

Senator Pridemore moved that the following committee striking amendment by the Committee on Government Operations, Tribal Relations & Elections be adopted.

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 36.93.150 and 1994 c 216 s 15 are each amended to read as follows:

The board, upon review of any proposed action, shall take such of the following actions as it deems necessary to best carry out the intent of this chapter:

(1) Approve the proposal as submitted.

(2) Subject to RCW 35.02.170, modify the proposal by adjusting boundaries to add or delete territory. (However, any proposal for annexation of territory to a town shall be subject to RCW 35.21.010 and the board shall not add additional territory, the amount of which is greater than that included in the original proposal.) Subject to the requirements of this chapter, a board may modify a proposal by adding territory that would increase the total area of the proposal before the board. A board, however, may not modify a proposal for annexation of territory to a city or town by adding an amount of territory that constitutes more than one hundred percent of the total area of the proposal before the board. Any modifications shall not interfere with the authority of a city, town, or special purpose district to require or not require preannexation agreements, covenants, or petitions. A board shall not modify the proposed incorporation of a city with an estimated population of seven thousand five hundred or more by removing territory from the proposal, or adding territory to the proposal, that constitutes ten percent or more of the total area included within the proposal before the board. However, a board shall remove territory in the proposed incorporation that is located outside of an urban growth area or is annexed by a city or town, and may remove territory in the proposed incorporation if a petition or resolution proposing the annexation is filed or adopted that has priority over the proposed incorporation, before the area is established that is subject to this ten percent restriction on removing or adding territory. A board shall not modify the proposed incorporation of a city with a population of seven thousand five hundred or more to reduce the territory in such a manner as to reduce the population below seven thousand five hundred.

(3) Determine a division of assets and liabilities between two or more governmental units where relevant.

(4) Determine whether, or the extent to which, functions of a special purpose district are to be assumed by an incorporated city or town, metropolitan municipal corporation, or another existing special purpose district.

(5) Disapprove the proposal except that the board shall not have jurisdiction: (a) To disapprove the dissolution or disincorporation of a special purpose district which is not providing services but shall have jurisdiction over the determination of a division of the assets and liabilities of a dissolved or disincorporated special purpose district; (b) over the division of assets and liabilities of a special purpose district that is dissolved or disincorporated pursuant to chapter 36.96 RCW; nor (c) to disapprove the incorporation of a city with an estimated population of seven thousand five hundred or more, but the board may recommend against the proposed incorporation of a city with such an estimated population.

Unless the board disapproves a proposal, it shall be presented under the appropriate statute for approval of a public body and, if required, a vote of the people. A proposal that has been modified shall be presented under the appropriate statute for approval of a public body and if required, a vote of the people. If a proposal, other than that for a city, town, or special purpose district annexation, after modification does not contain enough signatures of persons within the modified area, as are required by law, then the initiating party, parties or governmental unit has thirty days after the modification decision to secure enough signatures to satisfy the legal requirement. If the signatures cannot be secured then the proposal may be submitted to a vote of the people, as required by law.

The addition or deletion of property by the board shall not invalidate a petition which had previously satisfied the sufficiency

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of signature provisions of RCW 35.13.130 or 35A.14.120. When the board, after due proceedings held, disapproves a proposed action, such proposed action shall be unavailable, the proposing agency shall be without power to initiate the same or substantially the same as determined by the board, and any succeeding acts intended to or tending to effectuate that action shall be void, but such action may be reinitiated after a period of twelve months from date of disapproval and shall again be subject to the same consideration.

The board shall not modify or deny a proposed action unless there is evidence on the record to support a conclusion that the action is inconsistent with one or more of the objectives under RCW 36.93.180. The board may not increase the area of a city or town annexation unless it holds a separate public hearing on the proposed increase and provides ten or more days' notice of the hearing to the registered voters and property owners residing within the area subject to the proposed increase. Every such determination to modify or deny a proposed action shall be made in writing pursuant to a motion, and shall be supported by appropriate written findings and conclusions, based on the record."

Senators Pridemore and Swecker spoke in favor of adoption of the committee striking amendment.

Senators Roach, Benton, Schoesler, Holmquist Newbry, Pflug and Padden spoke against adoption of the committee striking amendment.

Senator Schoesler demanded a roll call.

The President declared that one-sixth of the members supported the demand and the demand was sustained.

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Government Operations, Tribal Relations & Elections to Engrossed Substitute House Bill No. 1627.

#### ROLL CALL

The Secretary called the roll on the adoption of the committee striking amendment by the Committee on Government Operations, Tribal Relations & Elections and the committee striking amendment was adopted by the following vote: Yeas, 25; Nays, 24; Absent, 0; Excused, 0.

Voting yea: Senators Brown, Chase, Conway, Eide, Fraser, Frockt, Hargrove, Harper, Haugen, Hobbs, Kastama, Keiser, Kilmer, Kline, Kohl-Welles, McAuliffe, Murray, Nelson, Prentice, Pridemore, Ranker, Regala, Rolfes, Shin and Tom

Voting nay: Senators Baumgartner, Becker, Benton, Carrell, Delvin, Ericksen, Fain, Hatfield, Hewitt, Hill, Holmquist Newbry, Honeyford, King, Litzow, Morton, Padden, Parlette, Pflug, Roach, Schoesler, Sheldon, Stevens, Swecker and Zarelli

#### MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 2 of the title, after "annexation;" strike the remainder of the title and insert "and amending RCW 36.93.150."

#### POINT OF ORDER

Senator Benton: "Inquiring, Mr. President, since the committee amendment we just adopted would authorize an unelected board to annex an area even though indebtedness or excess tax levies exist for the new area, my question to you Mr. President, is; Under Initiative 1053, passed by the people of this state two years ago, would the passage of this bill, which would

authorize a tax increase, actually constitute or require a two-thirds vote for passage of the senate?"

#### REPLY BY THE PRESIDENT

President Owen: "Senator Benton, since the action to raise the tax would be a local government action and not an action of the state it doesn't fall under the 1053. The number of votes necessary to pass this bill is a simple majority."

#### POINT OF ORDER

Senator Roach: "Is the striking amendment on our desks?"

#### REPLY BY THE PRESIDENT

President Owen: "The striking amendment has passed and has been adopted."

#### MOTION

Senator Pridemore moved that the rules be suspended, Engrossed Substitute House Bill No. 1627 as amended by the Senate be advanced to third reading, the second reading considered the third and the bill be placed on final passage.

#### POINT OF ORDER

Senator Schoesler: "Well, doesn't it require two-thirds vote to go to third reading Mr. President?"

#### REPLY BY THE PRESIDENT

President Owen: "Senator Schoesler, under Rule 62 if you're within three days of the cut off or ten days to the end of session, which we are within both, it takes a simple majority."

The motion by Senator Pridemore carried by a rising vote.

The President declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 1627 as amended.

Senator Pridemore spoke in favor of passage of the bill.

#### POINT OF ORDER

Senator Roach: "Mr. President, I put an amendment on the bar, I hope we do see that before the vote."

#### REPLY BY THE PRESIDENT

President Owen: "No. No. The vote had been taken. We were counting the votes on a division when your amendment came up. The President believes that we were, your amendment was not timely."

Senators Roach and Padden spoke against passage of the bill.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1627 as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 25; Nays, 24; Absent, 0; Excused, 0.

Voting yea: Senators Brown, Chase, Conway, Eide, Fraser, Frockt, Hargrove, Harper, Haugen, Hobbs, Kastama, Keiser,

Kilmer, Kline, Kohl-Welles, McAuliffe, Murray, Nelson, Prentice, Pridemore, Ranker, Regala, Shin, Swecker and Tom

Voting nay: Senators Baumgartner, Becker, Benton, Carrell, Delvin, Ericksen, Fain, Hatfield, Hewitt, Hill, Holmquist Newbry, Honeyford, King, Litzow, Morton, Padden, Parlette, Pflug, Roach, Rolfes, Schoesler, Sheldon, Stevens and Zarelli

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1627 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MOTION

On motion of Senator Eide, Engrossed Substitute House Bill No. 1627 as amended by the Senate was immediately transmitted to the House of Representatives.

#### SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2223, by House Committee on Technology, Energy & Communications (originally sponsored by Representatives Takko, Morris, Armstrong and Angel)

Regarding the effective date of RCW 19.122.130, from the underground utility damage prevention act.

The measure was read the second time.

#### MOTION

On motion of Senator Ranker, the rules were suspended, Engrossed Substitute House Bill No. 2223 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Ranker and Morton spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 2223.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 2223 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Baumgartner, Becker, Benton, Brown, Carrell, Chase, Conway, Delvin, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hatfield, Haugen, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles, Litzow, McAuliffe, Morton, Murray, Nelson, Padden, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rolfes, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2223, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

HOUSE BILL NO. 2293, by Representatives Pedersen, Rodne and Orwall

Expanding consumer cooperative provisions under the nonprofit miscellaneous and mutual corporations act.

The measure was read the second time.

#### MOTION

On motion of Senator Kline, the rules were suspended, House Bill No. 2293 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Kline and Pflug spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 2293.

#### ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2293 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 1; Excused, 0.

Voting yea: Senators Baumgartner, Becker, Benton, Brown, Carrell, Chase, Conway, Delvin, Eide, Ericksen, Fain, Fraser, Frockt, Harper, Hatfield, Haugen, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles, Litzow, McAuliffe, Morton, Murray, Nelson, Padden, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rolfes, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Absent: Senator Hargrove

HOUSE BILL NO. 2293, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2302, by House Committee on Judiciary (originally sponsored by Representatives Goodman, Warnick, Kenney, Kagi, Lias, Orwall, Billig, Hasegawa, Finn, Kelley, Rodne, Moeller, Dammeier, Reykdal, Van De Wege, Maxwell, Tharinger, Sells, Jinkins, Hurst, Green, McCoy, Smith, Pearson, Appleton, Darneille, Hunt, Fitzgibbon, Miloscia, Zeiger, Ryu, Stanford, Johnson and Seaquist)

Concerning being under the influence with a child in the vehicle.

The measure was read the second time.

#### MOTION

Senator Kline moved that the following committee striking amendment by the Committee on Judiciary be adopted:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 46.61.507 and 2010 c 214 s 1 are each amended to read as follows:

(1) In every case where a person is arrested for a violation of RCW 46.61.502 or 46.61.504, the law enforcement officer shall make a clear notation if a child under the age of sixteen was present in the vehicle.

(2) A law enforcement officer shall promptly notify child protective services whenever a child is present in a vehicle being driven by his or her parent, guardian, ((or)) legal custodian, or sibling or half-sibling and that person is being arrested for a drug or

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alcohol-related driving offense. This section does not require law enforcement to take custody of the child unless there is no other responsible person, or an agency having the right to physical custody of the child that can be contacted, or the officer has reasonable grounds to believe the child should be taken into custody pursuant to RCW 13.34.050 or 26.44.050.

(3) For purposes of this section, "child" means any person under (~~thirteen~~) sixteen years of age.

**Sec. 2.** RCW 46.61.5055 and 2011 c 293 s 7 and 2011 c 96 s 35 are each reenacted and amended to read as follows:

(1) Except as provided in RCW 46.61.502(6) or 46.61.504(6), a person who is convicted of a violation of RCW 46.61.502 or 46.61.504 and who has no prior offense within seven years shall be punished as follows:

(a) In the case of a person whose alcohol concentration was less than 0.15, or for whom for reasons other than the person's refusal to take a test offered pursuant to RCW 46.20.308 there is no test result indicating the person's alcohol concentration:

(i) By imprisonment for not less than one day nor more than three hundred sixty-four days. Twenty-four consecutive hours of the imprisonment may not be suspended or deferred unless the court finds that the imposition of this mandatory minimum sentence would impose a substantial risk to the offender's physical or mental well-being. Whenever the mandatory minimum sentence is suspended or deferred, the court shall state in writing the reason for granting the suspension or deferral and the facts upon which the suspension or deferral is based. In lieu of the mandatory minimum term of imprisonment required under this subsection (1)(a)(i), the court may order not less than fifteen days of electronic home monitoring. The offender shall pay the cost of electronic home monitoring. The county or municipality in which the penalty is being imposed shall determine the cost. The court may also require the offender's electronic home monitoring device to include an alcohol detection breathalyzer, and the court may restrict the amount of alcohol the offender may consume during the time the offender is on electronic home monitoring; and

(ii) By a fine of not less than three hundred fifty dollars nor more than five thousand dollars. Three hundred fifty dollars of the fine may not be suspended or deferred unless the court finds the offender to be indigent; or

(b) In the case of a person whose alcohol concentration was at least 0.15, or for whom by reason of the person's refusal to take a test offered pursuant to RCW 46.20.308 there is no test result indicating the person's alcohol concentration:

(i) By imprisonment for not less than two days nor more than three hundred sixty-four days. Two consecutive days of the imprisonment may not be suspended or deferred unless the court finds that the imposition of this mandatory minimum sentence would impose a substantial risk to the offender's physical or mental well-being. Whenever the mandatory minimum sentence is suspended or deferred, the court shall state in writing the reason for granting the suspension or deferral and the facts upon which the suspension or deferral is based. In lieu of the mandatory minimum term of imprisonment required under this subsection (1)(b)(i), the court may order not less than thirty days of electronic home monitoring. The offender shall pay the cost of electronic home monitoring. The county or municipality in which the penalty is being imposed shall determine the cost. The court may also require the offender's electronic home monitoring device to include an alcohol detection breathalyzer, and the court may restrict the amount of alcohol the offender may consume during the time the offender is on electronic home monitoring; and

(ii) By a fine of not less than five hundred dollars nor more than five thousand dollars. Five hundred dollars of the fine may not be

suspended or deferred unless the court finds the offender to be indigent.

(2) Except as provided in RCW 46.61.502(6) or 46.61.504(6), a person who is convicted of a violation of RCW 46.61.502 or 46.61.504 and who has one prior offense within seven years shall be punished as follows:

(a) In the case of a person whose alcohol concentration was less than 0.15, or for whom for reasons other than the person's refusal to take a test offered pursuant to RCW 46.20.308 there is no test result indicating the person's alcohol concentration:

(i) By imprisonment for not less than thirty days nor more than three hundred sixty-four days and sixty days of electronic home monitoring. The offender shall pay for the cost of the electronic monitoring. The county or municipality where the penalty is being imposed shall determine the cost. The court may also require the offender's electronic home monitoring device include an alcohol detection breathalyzer, and may restrict the amount of alcohol the offender may consume during the time the offender is on electronic home monitoring. Thirty days of imprisonment and sixty days of electronic home monitoring may not be suspended or deferred unless the court finds that the imposition of this mandatory minimum sentence would impose a substantial risk to the offender's physical or mental well-being. Whenever the mandatory minimum sentence is suspended or deferred, the court shall state in writing the reason for granting the suspension or deferral and the facts upon which the suspension or deferral is based; and

(ii) By a fine of not less than five hundred dollars nor more than five thousand dollars. Five hundred dollars of the fine may not be suspended or deferred unless the court finds the offender to be indigent; or

(b) In the case of a person whose alcohol concentration was at least 0.15, or for whom by reason of the person's refusal to take a test offered pursuant to RCW 46.20.308 there is no test result indicating the person's alcohol concentration:

(i) By imprisonment for not less than forty-five days nor more than three hundred sixty-four days and ninety days of electronic home monitoring. The offender shall pay for the cost of the electronic monitoring. The county or municipality where the penalty is being imposed shall determine the cost. The court may also require the offender's electronic home monitoring device include an alcohol detection breathalyzer, and may restrict the amount of alcohol the offender may consume during the time the offender is on electronic home monitoring. Forty-five days of imprisonment and ninety days of electronic home monitoring may not be suspended or deferred unless the court finds that the imposition of this mandatory minimum sentence would impose a substantial risk to the offender's physical or mental well-being. Whenever the mandatory minimum sentence is suspended or deferred, the court shall state in writing the reason for granting the suspension or deferral and the facts upon which the suspension or deferral is based; and

(ii) By a fine of not less than seven hundred fifty dollars nor more than five thousand dollars. Seven hundred fifty dollars of the fine may not be suspended or deferred unless the court finds the offender to be indigent.

(3) Except as provided in RCW 46.61.502(6) or 46.61.504(6), a person who is convicted of a violation of RCW 46.61.502 or 46.61.504 and who has two or three prior offenses within seven years shall be punished as follows:

(a) In the case of a person whose alcohol concentration was less than 0.15, or for whom for reasons other than the person's refusal to take a test offered pursuant to RCW 46.20.308 there is no test result indicating the person's alcohol concentration:

(i) By imprisonment for not less than ninety days nor more than three hundred sixty-four days and one hundred twenty days of

electronic home monitoring. The offender shall pay for the cost of the electronic monitoring. The county or municipality where the penalty is being imposed shall determine the cost. The court may also require the offender's electronic home monitoring device include an alcohol detection breathalyzer, and may restrict the amount of alcohol the offender may consume during the time the offender is on electronic home monitoring. Ninety days of imprisonment and one hundred twenty days of electronic home monitoring may not be suspended or deferred unless the court finds that the imposition of this mandatory minimum sentence would impose a substantial risk to the offender's physical or mental well-being. Whenever the mandatory minimum sentence is suspended or deferred, the court shall state in writing the reason for granting the suspension or deferral and the facts upon which the suspension or deferral is based; and

(ii) By a fine of not less than one thousand dollars nor more than five thousand dollars. One thousand dollars of the fine may not be suspended or deferred unless the court finds the offender to be indigent; or

(b) In the case of a person whose alcohol concentration was at least 0.15, or for whom by reason of the person's refusal to take a test offered pursuant to RCW 46.20.308 there is no test result indicating the person's alcohol concentration:

(i) By imprisonment for not less than one hundred twenty days nor more than three hundred sixty-four days and one hundred fifty days of electronic home monitoring. The offender shall pay for the cost of the electronic monitoring. The county or municipality where the penalty is being imposed shall determine the cost. The court may also require the offender's electronic home monitoring device include an alcohol detection breathalyzer, and may restrict the amount of alcohol the offender may consume during the time the offender is on electronic home monitoring. One hundred twenty days of imprisonment and one hundred fifty days of electronic home monitoring may not be suspended or deferred unless the court finds that the imposition of this mandatory minimum sentence would impose a substantial risk to the offender's physical or mental well-being. Whenever the mandatory minimum sentence is suspended or deferred, the court shall state in writing the reason for granting the suspension or deferral and the facts upon which the suspension or deferral is based; and

(ii) By a fine of not less than one thousand five hundred dollars nor more than five thousand dollars. One thousand five hundred dollars of the fine may not be suspended or deferred unless the court finds the offender to be indigent.

(4) A person who is convicted of a violation of RCW 46.61.502 or 46.61.504 shall be punished under chapter 9.94A RCW if:

(a) The person has four or more prior offenses within ten years; or

(b) The person has ever previously been convicted of:

(i) A violation of RCW 46.61.520 committed while under the influence of intoxicating liquor or any drug;

(ii) A violation of RCW 46.61.522 committed while under the influence of intoxicating liquor or any drug;

(iii) An out-of-state offense comparable to the offense specified in (b)(i) or (ii) of this subsection; or

(iv) A violation of RCW 46.61.502(6) or 46.61.504(6).

(5)(a) The court shall require any person convicted of a violation of RCW 46.61.502 or 46.61.504 or an equivalent local ordinance to apply for an ignition interlock driver's license from the department and to have a functioning ignition interlock device installed on all motor vehicles operated by the person.

(b) The installation of an ignition interlock device is not necessary on vehicles owned, leased, or rented by a person's employer and on those vehicles whose care and/or maintenance is the temporary responsibility of the employer, and driven at the

direction of a person's employer as a requirement of employment during working hours. The person must provide the department with a declaration pursuant to RCW 9A.72.085 from his or her employer stating that the person's employment requires the person to operate a vehicle owned by the employer or other persons during working hours.

(c) An ignition interlock device imposed under this section shall be calibrated to prevent a motor vehicle from being started when the breath sample provided has an alcohol concentration of 0.025 or more.

(d) The court may waive the requirement that a person apply for an ignition interlock driver's license if the court makes a specific finding in writing that:

(i) The person lives out-of-state and the devices are not reasonably available in the person's local area;

(ii) The person does not operate a vehicle; or

(iii) The person is not eligible to receive an ignition interlock driver's license under RCW 46.20.385 because the person is not a resident of Washington, is a habitual traffic offender, has already applied for or is already in possession of an ignition interlock driver's license, has never had a driver's license, has been certified under chapter 74.20A RCW as noncompliant with a child support order, or is subject to any other condition or circumstance that makes the person ineligible to obtain an ignition interlock driver's license.

(e) If a court finds that a person is not eligible to receive an ignition interlock driver's license under this section, the court is not required to make any further subsequent inquiry or determination as to the person's eligibility.

(f) If the court orders that a person refrain from consuming any alcohol and requires the person to apply for an ignition interlock driver's license, and the person states that he or she does not operate a motor vehicle or the person is ineligible to obtain an ignition interlock driver's license, the court shall order the person to submit to alcohol monitoring through an alcohol detection breathalyzer device, transdermal sensor device, or other technology designed to detect alcohol in a person's system. Alcohol monitoring ordered under this subsection must be for the period of the mandatory license suspension or revocation. The person shall pay for the cost of the monitoring. The county or municipality where the penalty is being imposed shall determine the cost.

(g) The period of time for which ignition interlock use is required will be as follows:

(i) For a person who has not previously been restricted under this section, a period of one year;

(ii) For a person who has previously been restricted under (g)(i) of this subsection, a period of five years;

(iii) For a person who has previously been restricted under (g)(ii) of this subsection, a period of ten years.

(h) Beginning with incidents occurring on or after September 1, 2011, when calculating the period of time for the restriction under RCW 46.20.720(3), the department must also give the person a day-for-day credit for the time period, beginning from the date of the incident, during which the person kept an ignition interlock device installed on all vehicles the person operates. For the purposes of this subsection (5)(h), the term "all vehicles" does not include vehicles that would be subject to the employer exception under RCW 46.20.720(3).

(6) If a person who is convicted of a violation of RCW 46.61.502 or 46.61.504 committed the offense while a passenger under the age of sixteen was in the vehicle, the court shall:

(a) ((In any case in which the installation and use of an interlock or other device is not mandatory under RCW 46.20.720 or other law, order the use of such a device for not less than sixty days following the restoration of the person's license, permit, or



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nonresident driving privileges; and

(b) In any case in which the installation and use of such a device is otherwise mandatory, Order the use of ((such a)) an ignition interlock or other device for an additional ((sixty days)) six months;

(b) In any case in which the person has no prior offenses within seven years, and except as provided in RCW 46.61.502(6) or 46.61.504(6), order a penalty by a fine of not less than one thousand dollars and not more than five thousand dollars. One thousand dollars of the fine may not be suspended or deferred unless the court finds the offender to be indigent;

(c) In any case in which the person has one prior offense within seven years, and except as provided in RCW 46.61.502(6) or 46.61.504(6), order a penalty by a fine of not less than two thousand dollars and not more than five thousand dollars. One thousand dollars of the fine may not be suspended or deferred unless the court finds the offender to be indigent;

(d) In any case in which the person has two or three prior offenses within seven years, and except as provided in RCW 46.61.502(6) or 46.61.504(6), order a penalty by a fine of not less than three thousand dollars and not more than ten thousand dollars. One thousand dollars of the fine may not be suspended or deferred unless the court finds the offender to be indigent.

(7) In exercising its discretion in setting penalties within the limits allowed by this section, the court shall particularly consider the following:

(a) Whether the person's driving at the time of the offense was responsible for injury or damage to another or another's property; and

(b) Whether at the time of the offense the person was driving or in physical control of a vehicle with one or more passengers.

(8) An offender punishable under this section is subject to the alcohol assessment and treatment provisions of RCW 46.61.5056.

(9) The license, permit, or nonresident privilege of a person convicted of driving or being in physical control of a motor vehicle while under the influence of intoxicating liquor or drugs must:

(a) If the person's alcohol concentration was less than 0.15, or if for reasons other than the person's refusal to take a test offered under RCW 46.20.308 there is no test result indicating the person's alcohol concentration:

(i) Where there has been no prior offense within seven years, be suspended or denied by the department for ninety days;

(ii) Where there has been one prior offense within seven years, be revoked or denied by the department for two years; or

(iii) Where there have been two or more prior offenses within seven years, be revoked or denied by the department for three years;

(b) If the person's alcohol concentration was at least 0.15:

(i) Where there has been no prior offense within seven years, be revoked or denied by the department for one year;

(ii) Where there has been one prior offense within seven years, be revoked or denied by the department for nine hundred days; or

(iii) Where there have been two or more prior offenses within seven years, be revoked or denied by the department for four years; or

(c) If by reason of the person's refusal to take a test offered under RCW 46.20.308, there is no test result indicating the person's alcohol concentration:

(i) Where there have been no prior offenses within seven years, be revoked or denied by the department for two years;

(ii) Where there has been one prior offense within seven years, be revoked or denied by the department for three years; or

(iii) Where there have been two or more previous offenses within seven years, be revoked or denied by the department for four years.

The department shall grant credit on a day-for-day basis for any portion of a suspension, revocation, or denial already served under

this subsection for a suspension, revocation, or denial imposed under RCW 46.20.3101 arising out of the same incident.

For purposes of this subsection (9), the department shall refer to the driver's record maintained under RCW 46.52.120 when determining the existence of prior offenses.

(10) After expiration of any period of suspension, revocation, or denial of the offender's license, permit, or privilege to drive required by this section, the department shall place the offender's driving privilege in probationary status pursuant to RCW 46.20.355.

(11)(a) In addition to any nonsuspendable and nondeferable jail sentence required by this section, whenever the court imposes up to three hundred sixty-four days in jail, the court shall also suspend but shall not defer a period of confinement for a period not exceeding five years. The court shall impose conditions of probation that include: (i) Not driving a motor vehicle within this state without a valid license to drive and proof of financial responsibility for the future; (ii) not driving a motor vehicle within this state while having an alcohol concentration of 0.08 or more within two hours after driving; and (iii) not refusing to submit to a test of his or her breath or blood to determine alcohol concentration upon request of a law enforcement officer who has reasonable grounds to believe the person was driving or was in actual physical control of a motor vehicle within this state while under the influence of intoxicating liquor. The court may impose conditions of probation that include nonrepetition, installation of an ignition interlock device on the probationer's motor vehicle, alcohol or drug treatment, supervised probation, or other conditions that may be appropriate. The sentence may be imposed in whole or in part upon violation of a condition of probation during the suspension period.

(b) For each violation of mandatory conditions of probation under (a)(i), (ii), or (iii) of this subsection, the court shall order the convicted person to be confined for thirty days, which shall not be suspended or deferred.

(c) For each incident involving a violation of a mandatory condition of probation imposed under this subsection, the license, permit, or privilege to drive of the person shall be suspended by the court for thirty days or, if such license, permit, or privilege to drive already is suspended, revoked, or denied at the time the finding of probation violation is made, the suspension, revocation, or denial then in effect shall be extended by thirty days. The court shall notify the department of any suspension, revocation, or denial or any extension of a suspension, revocation, or denial imposed under this subsection.

(12) A court may waive the electronic home monitoring requirements of this chapter when:

(a) The offender does not have a dwelling, telephone service, or any other necessity to operate an electronic home monitoring system;

(b) The offender does not reside in the state of Washington; or

(c) The court determines that there is reason to believe that the offender would violate the conditions of the electronic home monitoring penalty.

Whenever the mandatory minimum term of electronic home monitoring is waived, the court shall state in writing the reason for granting the waiver and the facts upon which the waiver is based, and shall impose an alternative sentence with similar punitive consequences. The alternative sentence may include, but is not limited to, additional jail time, work crew, or work camp.

Whenever the combination of jail time and electronic home monitoring or alternative sentence would exceed three hundred sixty-four days, the offender shall serve the jail portion of the sentence first, and the electronic home monitoring or alternative portion of the sentence shall be reduced so that the combination does not exceed three hundred sixty-four days.

(13) An offender serving a sentence under this section, whether or not a mandatory minimum term has expired, may be granted an extraordinary medical placement by the jail administrator subject to the standards and limitations set forth in RCW 9.94A.728(3).

(14) For purposes of this section and RCW 46.61.502 and 46.61.504:

(a) A "prior offense" means any of the following:

(i) A conviction for a violation of RCW 46.61.502 or an equivalent local ordinance;

(ii) A conviction for a violation of RCW 46.61.504 or an equivalent local ordinance;

(iii) A conviction for a violation of RCW 46.61.520 committed while under the influence of intoxicating liquor or any drug, or a conviction for a violation of RCW 46.61.520 committed in a reckless manner or with the disregard for the safety of others if the conviction is the result of a charge that was originally filed as a violation of RCW 46.61.520 committed while under the influence of intoxicating liquor or any drug;

(iv) A conviction for a violation of RCW 46.61.522 committed while under the influence of intoxicating liquor or any drug, or a conviction for a violation of RCW 46.61.522 committed in a reckless manner or with the disregard for the safety of others if the conviction is the result of a charge that was originally filed as a violation of RCW 46.61.522 committed while under the influence of intoxicating liquor or any drug;

(v) A conviction for a violation of RCW 46.61.5249, 46.61.500, or 9A.36.050 or an equivalent local ordinance, if the conviction is the result of a charge that was originally filed as a violation of RCW 46.61.502 or 46.61.504, or an equivalent local ordinance, or of RCW 46.61.520 or 46.61.522;

(vi) An out-of-state conviction for a violation that would have been a violation of (a)(i), (ii), (iii), (iv), or (v) of this subsection if committed in this state;

(vii) A deferred prosecution under chapter 10.05 RCW granted in a prosecution for a violation of RCW 46.61.502, 46.61.504, or an equivalent local ordinance; or

(viii) A deferred prosecution under chapter 10.05 RCW granted in a prosecution for a violation of RCW 46.61.5249, or an equivalent local ordinance, if the charge under which the deferred prosecution was granted was originally filed as a violation of RCW 46.61.502 or 46.61.504, or an equivalent local ordinance, or of RCW 46.61.520 or 46.61.522;

If a deferred prosecution is revoked based on a subsequent conviction for an offense listed in this subsection (14)(a), the subsequent conviction shall not be treated as a prior offense of the revoked deferred prosecution for the purposes of sentencing;

(b) "Within seven years" means that the arrest for a prior offense occurred within seven years before or after the arrest for the current offense; and

(c) "Within ten years" means that the arrest for a prior offense occurred within ten years before or after the arrest for the current offense.

**Sec. 3.** RCW 9.94A.533 and 2011 c 293 s 9 are each amended to read as follows:

(1) The provisions of this section apply to the standard sentence ranges determined by RCW 9.94A.510 or 9.94A.517.

(2) For persons convicted of the anticipatory offenses of criminal attempt, solicitation, or conspiracy under chapter 9A.28 RCW, the standard sentence range is determined by locating the sentencing grid sentence range defined by the appropriate offender score and the seriousness level of the completed crime, and multiplying the range by seventy-five percent.

(3) The following additional times shall be added to the standard sentence range for felony crimes committed after July 23, 1995, if the offender or an accomplice was armed with a firearm as defined

in RCW 9.41.010 and the offender is being sentenced for one of the crimes listed in this subsection as eligible for any firearm enhancements based on the classification of the completed felony crime. If the offender is being sentenced for more than one offense, the firearm enhancement or enhancements must be added to the total period of confinement for all offenses, regardless of which underlying offense is subject to a firearm enhancement. If the offender or an accomplice was armed with a firearm as defined in RCW 9.41.010 and the offender is being sentenced for an anticipatory offense under chapter 9A.28 RCW to commit one of the crimes listed in this subsection as eligible for any firearm enhancements, the following additional times shall be added to the standard sentence range determined under subsection (2) of this section based on the felony crime of conviction as classified under RCW 9A.28.020:

(a) Five years for any felony defined under any law as a class A felony or with a statutory maximum sentence of at least twenty years, or both, and not covered under (f) of this subsection;

(b) Three years for any felony defined under any law as a class B felony or with a statutory maximum sentence of ten years, or both, and not covered under (f) of this subsection;

(c) Eighteen months for any felony defined under any law as a class C felony or with a statutory maximum sentence of five years, or both, and not covered under (f) of this subsection;

(d) If the offender is being sentenced for any firearm enhancements under (a), (b), and/or (c) of this subsection and the offender has previously been sentenced for any deadly weapon enhancements after July 23, 1995, under (a), (b), and/or (c) of this subsection or subsection (4)(a), (b), and/or (c) of this section, or both, all firearm enhancements under this subsection shall be twice the amount of the enhancement listed;

(e) Notwithstanding any other provision of law, all firearm enhancements under this section are mandatory, shall be served in total confinement, and shall run consecutively to all other sentencing provisions, including other firearm or deadly weapon enhancements, for all offenses sentenced under this chapter. However, whether or not a mandatory minimum term has expired, an offender serving a sentence under this subsection may be granted an extraordinary medical placement when authorized under RCW 9.94A.728(3);

(f) The firearm enhancements in this section shall apply to all felony crimes except the following: Possession of a machine gun, possessing a stolen firearm, drive-by shooting, theft of a firearm, unlawful possession of a firearm in the first and second degree, and use of a machine gun in a felony;

(g) If the standard sentence range under this section exceeds the statutory maximum sentence for the offense, the statutory maximum sentence shall be the presumptive sentence unless the offender is a persistent offender. If the addition of a firearm enhancement increases the sentence so that it would exceed the statutory maximum for the offense, the portion of the sentence representing the enhancement may not be reduced.

(4) The following additional times shall be added to the standard sentence range for felony crimes committed after July 23, 1995, if the offender or an accomplice was armed with a deadly weapon other than a firearm as defined in RCW 9.41.010 and the offender is being sentenced for one of the crimes listed in this subsection as eligible for any deadly weapon enhancements based on the classification of the completed felony crime. If the offender is being sentenced for more than one offense, the deadly weapon enhancement or enhancements must be added to the total period of confinement for all offenses, regardless of which underlying offense is subject to a deadly weapon enhancement. If the offender or an accomplice was armed with a deadly weapon other than a firearm as defined in RCW 9.41.010 and the offender is being sentenced for an

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anticipatory offense under chapter 9A.28 RCW to commit one of the crimes listed in this subsection as eligible for any deadly weapon enhancements, the following additional times shall be added to the standard sentence range determined under subsection (2) of this section based on the felony crime of conviction as classified under RCW 9A.28.020:

(a) Two years for any felony defined under any law as a class A felony or with a statutory maximum sentence of at least twenty years, or both, and not covered under (f) of this subsection;

(b) One year for any felony defined under any law as a class B felony or with a statutory maximum sentence of ten years, or both, and not covered under (f) of this subsection;

(c) Six months for any felony defined under any law as a class C felony or with a statutory maximum sentence of five years, or both, and not covered under (f) of this subsection;

(d) If the offender is being sentenced under (a), (b), and/or (c) of this subsection for any deadly weapon enhancements and the offender has previously been sentenced for any deadly weapon enhancements after July 23, 1995, under (a), (b), and/or (c) of this subsection or subsection (3)(a), (b), and/or (c) of this section, or both, all deadly weapon enhancements under this subsection shall be twice the amount of the enhancement listed;

(e) Notwithstanding any other provision of law, all deadly weapon enhancements under this section are mandatory, shall be served in total confinement, and shall run consecutively to all other sentencing provisions, including other firearm or deadly weapon enhancements, for all offenses sentenced under this chapter. However, whether or not a mandatory minimum term has expired, an offender serving a sentence under this subsection may be granted an extraordinary medical placement when authorized under RCW 9.94A.728(3);

(f) The deadly weapon enhancements in this section shall apply to all felony crimes except the following: Possession of a machine gun, possessing a stolen firearm, drive-by shooting, theft of a firearm, unlawful possession of a firearm in the first and second degree, and use of a machine gun in a felony;

(g) If the standard sentence range under this section exceeds the statutory maximum sentence for the offense, the statutory maximum sentence shall be the presumptive sentence unless the offender is a persistent offender. If the addition of a deadly weapon enhancement increases the sentence so that it would exceed the statutory maximum for the offense, the portion of the sentence representing the enhancement may not be reduced.

(5) The following additional times shall be added to the standard sentence range if the offender or an accomplice committed the offense while in a county jail or state correctional facility and the offender is being sentenced for one of the crimes listed in this subsection. If the offender or an accomplice committed one of the crimes listed in this subsection while in a county jail or state correctional facility, and the offender is being sentenced for an anticipatory offense under chapter 9A.28 RCW to commit one of the crimes listed in this subsection, the following additional times shall be added to the standard sentence range determined under subsection (2) of this section:

(a) Eighteen months for offenses committed under RCW 69.50.401(2) (a) or (b) or 69.50.410;

(b) Fifteen months for offenses committed under RCW 69.50.401(2) (c), (d), or (e);

(c) Twelve months for offenses committed under RCW 69.50.4013.

For the purposes of this subsection, all of the real property of a state correctional facility or county jail shall be deemed to be part of that facility or county jail.

(6) An additional twenty-four months shall be added to the standard sentence range for any ranked offense involving a violation

of chapter 69.50 RCW if the offense was also a violation of RCW 69.50.435 or 9.94A.827. All enhancements under this subsection shall run consecutively to all other sentencing provisions, for all offenses sentenced under this chapter.

(7) An additional two years shall be added to the standard sentence range for vehicular homicide committed while under the influence of intoxicating liquor or any drug as defined by RCW 46.61.502 for each prior offense as defined in RCW 46.61.5055. All enhancements under this subsection shall be mandatory, shall be served in total confinement, and shall run consecutively to all other sentencing provisions.

(8)(a) The following additional times shall be added to the standard sentence range for felony crimes committed on or after July 1, 2006, if the offense was committed with sexual motivation, as that term is defined in RCW 9.94A.030. If the offender is being sentenced for more than one offense, the sexual motivation enhancement must be added to the total period of total confinement for all offenses, regardless of which underlying offense is subject to a sexual motivation enhancement. If the offender committed the offense with sexual motivation and the offender is being sentenced for an anticipatory offense under chapter 9A.28 RCW, the following additional times shall be added to the standard sentence range determined under subsection (2) of this section based on the felony crime of conviction as classified under RCW 9A.28.020:

(i) Two years for any felony defined under the law as a class A felony or with a statutory maximum sentence of at least twenty years, or both;

(ii) Eighteen months for any felony defined under any law as a class B felony or with a statutory maximum sentence of ten years, or both;

(iii) One year for any felony defined under any law as a class C felony or with a statutory maximum sentence of five years, or both;

(iv) If the offender is being sentenced for any sexual motivation enhancements under (i), (ii), and/or (iii) of this subsection and the offender has previously been sentenced for any sexual motivation enhancements on or after July 1, 2006, under (i), (ii), and/or (iii) of this subsection, all sexual motivation enhancements under this subsection shall be twice the amount of the enhancement listed;

(b) Notwithstanding any other provision of law, all sexual motivation enhancements under this subsection are mandatory, shall be served in total confinement, and shall run consecutively to all other sentencing provisions, including other sexual motivation enhancements, for all offenses sentenced under this chapter. However, whether or not a mandatory minimum term has expired, an offender serving a sentence under this subsection may be granted an extraordinary medical placement when authorized under RCW 9.94A.728(3);

(c) The sexual motivation enhancements in this subsection apply to all felony crimes;

(d) If the standard sentence range under this subsection exceeds the statutory maximum sentence for the offense, the statutory maximum sentence shall be the presumptive sentence unless the offender is a persistent offender. If the addition of a sexual motivation enhancement increases the sentence so that it would exceed the statutory maximum for the offense, the portion of the sentence representing the enhancement may not be reduced;

(e) The portion of the total confinement sentence which the offender must serve under this subsection shall be calculated before any earned early release time is credited to the offender;

(f) Nothing in this subsection prevents a sentencing court from imposing a sentence outside the standard sentence range pursuant to RCW 9.94A.535.

(9) An additional one-year enhancement shall be added to the standard sentence range for the felony crimes of RCW 9A.44.073, 9A.44.076, 9A.44.079, 9A.44.083, 9A.44.086, or 9A.44.089

committed on or after July 22, 2007, if the offender engaged, agreed, or offered to engage the victim in the sexual conduct in return for a fee. If the offender is being sentenced for more than one offense, the one-year enhancement must be added to the total period of total confinement for all offenses, regardless of which underlying offense is subject to the enhancement. If the offender is being sentenced for an anticipatory offense for the felony crimes of RCW 9A.44.073, 9A.44.076, 9A.44.079, 9A.44.083, 9A.44.086, or 9A.44.089, and the offender attempted, solicited another, or conspired to engage, agree, or offer to engage the victim in the sexual conduct in return for a fee, an additional one-year enhancement shall be added to the standard sentence range determined under subsection (2) of this section. For purposes of this subsection, "sexual conduct" means sexual intercourse or sexual contact, both as defined in chapter 9A.44 RCW.

(10)(a) For a person age eighteen or older convicted of any criminal street gang-related felony offense for which the person compensated, threatened, or solicited a minor in order to involve the minor in the commission of the felony offense, the standard sentence range is determined by locating the sentencing grid sentence range defined by the appropriate offender score and the seriousness level of the completed crime, and multiplying the range by one hundred twenty-five percent. If the standard sentence range under this subsection exceeds the statutory maximum sentence for the offense, the statutory maximum sentence is the presumptive sentence unless the offender is a persistent offender.

(b) This subsection does not apply to any criminal street gang-related felony offense for which involving a minor in the commission of the felony offense is an element of the offense.

(c) The increased penalty specified in (a) of this subsection is unavailable in the event that the prosecution gives notice that it will seek an exceptional sentence based on an aggravating factor under RCW 9.94A.535.

(11) An additional twelve months and one day shall be added to the standard sentence range for a conviction of attempting to elude a police vehicle as defined by RCW 46.61.024, if the conviction included a finding by special allegation of endangering one or more persons under RCW 9.94A.834.

(12) An additional twelve months shall be added to the standard sentence range for an offense that is also a violation of RCW 9.94A.831.

(13) An additional twelve months shall be added to the standard sentence range for vehicular homicide committed while under the influence of intoxicating liquor or any drug as defined by RCW 46.61.520 or for vehicular assault committed while under the influence of intoxicating liquor or any drug as defined by RCW 46.61.522, or for any felony driving under the influence (RCW 46.61.502(6)) or felony physical control under the influence (RCW 46.61.504(6)) for each child passenger under the age of sixteen who is an occupant in the defendant's vehicle. These enhancements shall be mandatory, shall be served in total confinement, and shall run consecutively to all other sentencing provisions. If the addition of a minor child enhancement increases the sentence so that it would exceed the statutory maximum for the offense, the portion of the sentence representing the enhancement may not be reduced."

Senator Kline spoke in favor of adoption of the committee striking amendment.

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Judiciary to Engrossed Substitute House Bill No. 2302.

The motion by Senator Kline carried and the committee striking amendment was adopted by voice vote.

## MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 2 of the title, after "vehicle;" strike the remainder of the title and insert "amending RCW 46.61.507 and 9.94A.533; reenacting and amending RCW 46.61.5055; and prescribing penalties."

## MOTION

On motion of Senator Kline, the rules were suspended, Engrossed Substitute House Bill No. 2302 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Kline spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 2302 as amended by the Senate.

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 2302 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Baumgartner, Becker, Benton, Brown, Carrell, Chase, Conway, Delvin, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hatfield, Haugen, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles, Litzow, McAuliffe, Morton, Murray, Nelson, Padden, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rolfes, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2302 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SUBSTITUTE HOUSE BILL NO. 2349, by House Committee on Agriculture & Natural Resources (originally sponsored by Representatives Kretz, Blake, Billig, Short, Hinkle, Upthegrove, Fitzgibbon and McCune)

Concerning the management of beavers.

The measure was read the second time.

## MOTION

Senator Ranker moved that the following committee striking amendment by the Committee on Energy, Natural Resources & Marine Waters be adopted:

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** The legislature finds that beavers have historically played a significant role in maintaining the health of watersheds in the Pacific Northwest and act as key agents in riparian ecology. The live trapping and relocating of beavers has long been recognized as a beneficial wildlife management practice, and has been successfully utilized to restore and maintain stream ecosystems for over fifty years. The benefits of active beaver

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populations include reduced stream sedimentation, stream temperature moderation, higher dissolved oxygen levels, overall improved water quality, increased natural water storage capabilities within watersheds, and reduced stream velocities. These benefits improve and create habitat for many other species, including endangered salmon, river otters, sandhill cranes, trumpeter swans, and other riparian and aquatic species. Relocating beavers into their historic habitat provides a natural mechanism for improving the environmental conditions in Washington's riparian ecosystems without having to resort to governmental regulation or expensive publicly funded engineering projects.

**NEW SECTION. Sec. 2.** A new section is added to chapter 77.32 RCW to read as follows:

(1) The department shall permit the release of wild beavers on public and private lands with agreement from the property owner.

(2) The department may limit the release of wild beavers to areas of the state where:

(a) There is a low probability of released beavers becoming a nuisance or causing damage;

(b) Conditions exist for released beavers to improve, maintain, or manage stream or riparian ecosystem functions; and

(c) There is evidence of historic endemic beaver populations.

(3) The department may condition the release of beaver to maximize the relocation's success and minimize risk. Factors that the department may condition include:

(a) Stream gradient;

(b) Sufficiency of the water supply;

(c) Stream geomorphology;

(d) Adequacy of a food source;

(e) Proper site elevation and valley width;

(f) Age of the beavers relocated;

(g) Times of year for capture and relocation;

(h) Requirements for the capture, handling, and transport of the live beavers;

(i) Minimum and maximum numbers of beavers that can be relocated in one area; and

(j) Requirements for the permit holder to initially provide supplemental food and lodge building materials.

(4) The department may require specific training for those involved with capture, handling, and release of beavers.

(5) Nothing in this section creates any liability against the state or those releasing beavers nor authorizes any private right of action for any damages subsequently caused by beavers released pursuant to this section.

(6) For the purposes of this section, "beaver" means the American beaver (*Castor canadensis*).

(7) For the purposes of this section, beavers may only be released to carry out relocation: (a) Between two areas east of the crest of the Cascade mountains; or (b) from an area west of the crest of the Cascade mountains to an area east of the crest of the Cascade mountains.

**NEW SECTION. Sec. 3.** A new section is added to chapter 77.36 RCW to read as follows:

(1) Whenever the department receives a request for relocating beaver, the department must inform the requesting party of locations, if available, of surplus beaver available for capture and relocation. The department may identify nuisance beaver or areas with thriving beaver populations as a source population for capturing and relocating beaver.

(2) The department shall post on the agency's web site quarterly reports of nuisance beaver activity, beaver trapping, and beaver relocations reported to the department.

**NEW SECTION. Sec. 4.** (1) The department of fish and wildlife must initiate a beaver management stakeholder's forum by

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January 1, 2013, and report the outcomes of the forum to the legislature consistent with RCW 43.01.036.

(2) This section expires July 31, 2014."

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Energy, Natural Resources & Marine Waters to Substitute House Bill No. 2349.

The motion by Senator Ranker carried and the committee striking amendment was adopted by voice vote.

#### MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 1 of the title, after "beavers;" strike the remainder of the title and insert "adding a new section to chapter 77.32 RCW; adding a new section to chapter 77.36 RCW; creating new sections; and providing an expiration date."

#### MOTION

On motion of Senator Ranker, the rules were suspended, Substitute House Bill No. 2349 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Ranker, Morton and Brown spoke in favor of passage of the bill.

Senators Delvin, Honeyford and Kline spoke on final passage.

#### POINT OF INQUIRY

Senator Holmquist Newbry: "I was going to ask the good Chair of the Committee this question. The Senator from the Seventh District, would you yield to a question? Ok, well, I'm just going to say this out to the abyss I guess. My question would be since it was pointed out that our beavers are one of our best natural engineers in our world, I was, just wondering if this bill before us would require them to have to take continued education credits and whether they would have to follow and work with L & I in regards to codes."

Senator Ranker: "Only if we can include domestic partnership for beavers."

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 2349 as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2349 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Baumgartner, Becker, Benton, Brown, Carrell, Chase, Conway, Delvin, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hatfield, Haugen, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles, Litzow, McAuliffe, Morton, Murray, Nelson, Padden, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rolfes, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

SUBSTITUTE HOUSE BILL NO. 2349 as amended by the Senate, having received the constitutional majority, was declared

passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SUBSTITUTE HOUSE BILL NO. 2617, by House Committee on Education Appropriations & Oversight (originally sponsored by Representatives Anderson and Haigh)

Regarding school district financial insolvency.

The measure was read the second time.

#### MOTION

Senator McAuliffe moved that the following committee amendment by the Committee on Ways & Means be adopted:

On page 23, line 6, after "RCW 28A.315.225 must be ", strike all material through the end of line 8, and insert "the established official boundaries of such districts existing on the first day of September of the year in which the property tax levy is made."

Senator McAuliffe spoke in favor of adoption of the committee amendment.

The President declared the question before the Senate to be the adoption of the committee amendment by the Committee on Ways & Means to Substitute House Bill No. 2617.

The motion by Senator McAuliffe carried and the committee amendment was adopted by voice vote.

#### MOTION

On motion of Senator McAuliffe, the rules were suspended, Substitute House Bill No. 2617 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator McAuliffe spoke in favor of passage of the bill.

#### MOTION

On motion of Senator Frockt, Senator Kline was excused.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 2617 as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2617 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 45; Nays, 3; Absent, 0; Excused, 1.

Voting yea: Senators Baumgartner, Becker, Benton, Brown, Carrell, Chase, Conway, Delvin, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hatfield, Haugen, Hewitt, Hill, Hobbs, Kastama, Keiser, Kilmer, King, Kohl-Welles, Litzow, McAuliffe, Morton, Murray, Nelson, Padden, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rolfes, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Voting nay: Senators Holmquist Newbry, Honeyford and Schoesler

Excused: Senator Kline

SUBSTITUTE HOUSE BILL NO. 2617 as amended by the Senate, having received the constitutional majority, was declared

passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MOTION

On motion of Senator Harper, Senators Keiser and Ranker were excused.

#### SECOND READING

SUBSTITUTE HOUSE BILL NO. 2389, by House Committee on Ways & Means (originally sponsored by Representative Orcutt)

Modifying the submission dates for economic and revenue forecasts.

The measure was read the second time.

#### MOTION

On motion of Senator Murray, the rules were suspended, Substitute House Bill No. 2389 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Murray spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 2389.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2389 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 1; Excused, 2.

Voting yea: Senators Baumgartner, Becker, Benton, Brown, Carrell, Chase, Conway, Delvin, Eide, Ericksen, Fain, Fraser, Frockt, Harper, Hatfield, Haugen, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Kastama, Keiser, Kilmer, King, Kohl-Welles, Litzow, McAuliffe, Morton, Murray, Nelson, Padden, Parlette, Pflug, Prentice, Pridemore, Regala, Roach, Rolfes, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Absent: Senator Hargrove

Excused: Senators Kline and Ranker

SUBSTITUTE HOUSE BILL NO. 2389, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MOTION

At 3:25 p.m., on motion of Senator Eide, the Senate was declared to be at ease subject to the call of the President.

#### EVENING SESSION

The Senate was called to order at 5:05 p.m. by President Owen.

#### SIGNED BY THE PRESIDENT

The President signed:

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5292,

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ENGROSSED SUBSTITUTE SENATE BILL NO. 5575,  
 SUBSTITUTE SENATE BILL NO. 5631,  
 SENATE BILL NO. 6133,  
 SENATE BILL NO. 6157,  
 SENATE BILL NO. 6175,  
 SUBSTITUTE SENATE BILL NO. 6187,  
 ENGROSSED SENATE BILL NO. 6296,  
 SENATE BILL NO. 6385,  
 SUBSTITUTE SENATE BILL NO. 6423,  
 SENATE BILL NO. 6465,  
 SUBSTITUTE SENATE BILL NO. 6472.

## SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2314, by House Committee on Health Care & Wellness (originally sponsored by Representatives Cody and Green)

Concerning long-term care workers.

The measure was read the second time.

## MOTION

Senator Keiser moved that the following committee striking amendment by the Committee on Health & Long-Term Care be adopted:

Strike everything after the enacting clause and insert the following:

### I. INTENT

**NEW SECTION. Sec. 101.** The legislature finds that numerous enactments and amendments to long-term care services statutes over many years have resulted in duplicated provisions, ambiguities, and other technical errors. The legislature intends to make corrections and clarify provisions governing services by long-term care workers.

### II. DEFINITIONS

**Sec. 201.** RCW 18.88B.010 and 2009 c 2 s 17 are each amended to read as follows:

The definitions in ~~((RCW 74.39A.009))~~ this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Community residential service business" has the same meaning as defined in RCW 74.39A.009.

(2) "Department" means the department of health.

(3) "Home care aide" means a person certified under this chapter.

(4) "Individual provider" has the same meaning as defined in RCW 74.39A.009.

(5) "Personal care services" has the same meaning as defined in RCW 74.39A.009.

(6) "Secretary" means the secretary of the department of health.

(7) "Long-term care worker" has the same meaning as defined in RCW 74.39A.009.

**Sec. 202.** RCW 74.39A.009 and 2009 c 580 s 1 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Adult family home" means a home licensed under chapter 70.128 RCW.

(2) "Adult residential care" means services provided by a boarding home that is licensed under chapter 18.20 RCW and that has a contract with the department under RCW 74.39A.020 to provide personal care services.

(3) "Assisted living services" means services provided by a boarding home that has a contract with the department under RCW 74.39A.010 to provide personal care services, intermittent nursing services, and medication administration services, and the resident is housed in a private apartment-like unit.

(4) "Boarding home" means a facility licensed under chapter 18.20 RCW.

(5) "Community residential service business" means a business that:

(a) Is certified by the department of social and health services to provide to individuals who have a developmental disability as defined in RCW 71A.10.020(4):

(i) Group home services;

(ii) Group training home services;

(iii) Supported living services; or

(iv) Voluntary placement services provided in a licensed staff residential facility for children;

(b) Has a contract with the division of developmental disabilities to provide the services identified in (a) of this subsection; and

(c) All of the business's long-term care workers are subject to statutory or regulatory training requirements that are required to provide the services identified in (a) of this subsection.

(6) "Core competencies" means basic training topics, including but not limited to, communication skills, worker self-care, problem solving, maintaining dignity, consumer directed care, cultural sensitivity, body mechanics, fall prevention, skin and body care, long-term care worker roles and boundaries, supporting activities of daily living, and food preparation and handling.

~~((6))~~ (7) "Cost-effective care" means care provided in a setting of an individual's choice that is necessary to promote the most appropriate level of physical, mental, and psychosocial well-being consistent with client choice, in an environment that is appropriate to the care and safety needs of the individual, and such care cannot be provided at a lower cost in any other setting. But this in no way precludes an individual from choosing a different residential setting to achieve his or her desired quality of life.

~~((7))~~ (8) "Department" means the department of social and health services.

~~((8))~~ (9) "Developmental disability" has the same meaning as defined in RCW 71A.10.020.

~~((9))~~ (10) "Direct care worker" means a paid caregiver who provides direct, hands-on personal care services to persons with disabilities or the elderly requiring long-term care.

~~((10))~~ (11) "Enhanced adult residential care" means services provided by a boarding home that is licensed under chapter 18.20 RCW and that has a contract with the department under RCW 74.39A.010 to provide personal care services, intermittent nursing services, and medication administration services.

~~((11))~~ (12) "Functionally disabled person" or "person who is functionally disabled" is synonymous with chronic functionally disabled and means a person who because of a recognized chronic physical or mental condition or disease, or developmental disability, including chemical dependency, is impaired to the extent of being dependent upon others for direct care, support, supervision, or monitoring to perform activities of daily living. "Activities of daily living", in this context, means self-care abilities related to personal care such as bathing, eating, using the toilet, dressing, and transfer. Instrumental activities of daily living may also be used to assess a person's functional abilities as they are related to the mental capacity to perform activities in the home and the community such as

cooking, shopping, house cleaning, doing laundry, working, and managing personal finances.

~~((42))~~ (13) "Home and community-based services" means adult family homes, in-home services, and other services administered or provided by contract by the department directly or through contract with area agencies on aging or similar services provided by facilities and agencies licensed by the department.

~~((43))~~ (14) "Home care aide" means a long-term care worker who has obtained certification as a home care aide by the department of health.

~~((44))~~ (15) "Individual provider" is defined according to RCW 74.39A.240.

~~((45))~~ (16) "Long-term care" is synonymous with chronic care and means care and supports delivered indefinitely, intermittently, or over a sustained time to persons of any age disabled by chronic mental or physical illness, disease, chemical dependency, or a medical condition that is permanent, not reversible or curable, or is long-lasting and severely limits their mental or physical capacity for self-care. The use of this definition is not intended to expand the scope of services, care, or assistance by any individuals, groups, residential care settings, or professions unless otherwise expressed by law.

~~((46))~~ (17)(a) "Long-term care workers (~~for the elderly or persons with disabilities~~) or "long term care workers)" include(s) all persons who (~~are long term care workers~~) provide paid, hands-on personal care services for the elderly or persons with disabilities, including but not limited to individual providers of home care services, direct care (~~employees of~~) workers employed by home care agencies, providers of home care services to persons with developmental disabilities under Title 71A RCW, all direct care workers in state-licensed boarding homes, assisted living facilities, and adult family homes, respite care providers, direct care workers employed by community residential service (~~providers~~) businesses, and any other direct care worker providing home or community-based services to the elderly or persons with functional disabilities or developmental disabilities.

(b) "Long-term care workers" do not include: (i) Persons employed by the following facilities or agencies: Nursing homes subject to chapter 18.51 RCW, hospitals or other acute care settings, residential habilitation centers under chapter 71A.20 RCW, facilities certified under 42 C.F.R., Part 483, hospice agencies subject to chapter 70.127 RCW, adult day care centers, and adult day health care centers; or (ii) persons who are not paid by the state or by a private agency or facility licensed by the state to provide personal care services.

~~((47))~~ (18) "Nursing home" means a facility licensed under chapter 18.51 RCW.

~~((48))~~ (19) "Personal care services" means physical or verbal assistance with activities of daily living and instrumental activities of daily living provided because of a person's functional disability.

~~((49))~~ (20) "Population specific competencies" means basic training topics unique to the care needs of the population the long-term care worker is serving, including but not limited to, mental health, dementia, developmental disabilities, young adults with physical disabilities, and older adults.

~~((20))~~ (21) "Qualified instructor" means a registered nurse or other person with specific knowledge, training, and work experience in the provision of direct, hands-on personal care and other assistance services to the elderly or persons with disabilities requiring long-term care.

~~((21))~~ (22) "Secretary" means the secretary of social and health services.

~~((22))~~ (23) "Secretary of health" means the secretary of health or the secretary's designee.

~~((23))~~ (24) "Training partnership" means a joint partnership or trust that includes the office of the governor and the exclusive bargaining representative of individual providers under RCW 74.39A.270 with the capacity to provide training, peer mentoring, and workforce development, or other services to individual providers.

~~((24))~~ (25) "Tribally licensed boarding home" means a boarding home licensed by a federally recognized Indian tribe which home provides services similar to boarding homes licensed under chapter 18.20 RCW.

### III. CREDENTIAL REQUIREMENT

**Sec. 301.** RCW 18.88B.021 and 2012 c 1 s 103 (Initiative Measure No. 1163) are each amended to read as follows:

(1) ~~(Effective January 1, 2011,)~~ Beginning January 7, 2012, except as provided in RCW ~~((18.88B.040, the department of health shall require that))~~ 18.88B.041, any person hired as a long-term care worker ~~(for the elderly or persons with disabilities)~~ must be certified as a home care aide as provided in this chapter within one hundred fifty calendar days ~~(from)~~ after the date of being hired or within one hundred fifty calendar days after the effective date of this section, whichever is later. In computing the time periods in this subsection, the first day is the date of hire or the effective date of this section, whichever is applicable.

(2) ~~(Except as provided in RCW 18.88B.040, certification as a home care aide requires both completion of seventy-five hours of training and successful completion of a certification examination pursuant to RCW 74.39A.073 and 18.88B.030.~~

(3) ~~(a)~~ (a) No person may practice or, by use of any title or description, represent himself or herself as a certified home care aide without being certified ~~(pursuant to)~~ as provided in this chapter.

~~((4))~~ (b) This section does not prohibit a person: (i) From practicing a profession for which the person has been issued a license or which is specifically authorized under this state's laws; or (ii) who is exempt from certification under RCW 18.88B.041 from providing services as a long-term care worker.

(c) In consultation with consumer and worker representatives, the department shall, by January 1, 2013, establish by rule a single scope of practice that encompasses both long-term care workers who are certified home care aides and long-term care workers who are exempted from certification under RCW 18.88B.041.

(3) The department ~~(of health)~~ shall adopt rules ~~(by August 1, 2010,)~~ to implement this section.

**Sec. 302.** RCW 18.88B.041 and 2012 c 1 s 105 (Initiative Measure No. 1163) are each amended to read as follows:

(1) The following long-term care workers are not required to become a certified home care aide pursuant to this chapter~~(-~~ ~~(+))~~:

~~(a)(i)(A)~~ (a)(i)(A) Registered nurses, licensed practical nurses, certified nursing assistants or persons who are in an approved training program for certified nursing assistants under chapter 18.88A RCW, medicare-certified home health aides, or other persons who hold a similar health credential, as determined by the secretary ~~(of health)~~, or persons with special education training and an endorsement granted by the superintendent of public instruction, as described in RCW 28A.300.010, if the secretary ~~(of health)~~ determines that the circumstances do not require certification. ~~(Individuals exempted by this subsection may obtain certification as a home care aide from the department of health without fulfilling the training requirements in RCW 74.39A.073 but must successfully complete a certification examination pursuant to RCW 18.88B.030.~~

~~(2))~~ (B) A person ~~(already employed)~~ who was initially hired as a long-term care worker prior to January ~~((1, 2011))~~ 7, 2012, and



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who completes all of his or her training requirements in effect as of the date he or she was hired ~~((is not required to obtain certification))~~.

~~((ii))~~ Individuals exempted by ~~((a))~~~~((i))~~ of this subsection may obtain certification as a home care aide ~~((from the department of health))~~ without fulfilling the training requirements in RCW ~~((74.39A.073))~~ 74.39A.074(1)(d)(ii) but must successfully complete a certification examination pursuant to RCW ~~((18.88B.030))~~ 18.88B.031.

~~((3))~~ ~~((b))~~ All long-term care workers employed by ~~((supported living providers are not required to obtain certification under this chapter))~~ community residential service businesses.

~~((4))~~ ~~((c))~~ An individual provider caring only for his or her biological, step, or adoptive child or parent ~~((is not required to obtain certification under this chapter))~~.

~~((5))~~ ~~((d))~~ Prior to ~~((June 30))~~ July 1, 2014, a person hired as an individual provider who provides twenty hours or less of care for one person in any calendar month ~~((is not required to obtain certification under this chapter))~~.

~~((6))~~ ~~((2))~~ A long-term care worker exempted by this section from the training requirements contained in RCW ~~((74.39A.073))~~ 74.39A.074 may not be prohibited from enrolling in training pursuant to that section.

~~((7))~~ ~~((3))~~ The department ~~((of health))~~ shall adopt rules ~~((by August 1, 2010,))~~ to implement this section.

**NEW SECTION. Sec. 303.** A new section is added to chapter 18.88B RCW to read as follows:

(1) The department has the authority to:

(a) Establish forms, procedures, and examinations necessary to certify home care aides pursuant to this chapter;

(b) Hire clerical, administrative, and investigative staff as needed to implement this section;

(c) Issue certification as a home care aide to any applicant who has successfully completed the home care aide examination, and renew such certificates;

(d) Maintain the official record of all applicants and persons with certificates;

(e) Exercise disciplinary authority as authorized in chapter 18.130 RCW; and

(f) Deny certification to applicants who do not meet training, competency examination, and conduct requirements, including background checks, for certification.

(2) The department shall adopt rules that establish the procedures, including criteria for reviewing an applicant's state and federal background checks, and examinations necessary to implement this section.

**Sec. 304.** RCW 18.88B.031 and 2012 c 1 s 104 (Initiative Measure No. 1163) are each amended to read as follows:

~~((1))~~ ~~((Effective January 1, 2011,))~~ Except as provided in RCW ~~((18.88B.040))~~ 18.88B.041 and subject to the other requirements of this chapter, ~~((the department of health shall require that all))~~ to be certified as a home care aide, a long-term care worker(s) must successfully complete the training required under RCW 74.39A.074(1) and a certification examination. Any long-term care worker failing to make the required grade for the examination ~~((will))~~ may not be certified as a home care aide.

(2) The department ~~((of health))~~, in consultation with consumer and worker representatives, shall develop a home care aide certification examination to evaluate whether an applicant possesses the skills and knowledge necessary to practice competently. ~~((Unless excluded))~~ Except as provided by RCW ((18.88B.040 (1) and (2)) 18.88B.041(1)(a)(ii), only those who have completed the training requirements in RCW ((74.39A.073)) 74.39A.074(1) shall be eligible to sit for this examination.

(3) The examination shall include both a skills demonstration and a written or oral knowledge test. The examination papers, all

grading of the papers, and records related to the grading of skills demonstration shall be preserved for a period of not less than one year. The department ~~((of health))~~ shall establish rules governing the number of times and under what circumstances individuals who have failed the examination may sit for the examination, including whether any intermediate remedial steps should be required.

(4) All examinations shall be conducted by fair and wholly impartial methods. The certification examination shall be administered and evaluated by the department ~~((of health))~~ or by a contractor to the department ~~((of health))~~ that is neither an employer of long-term care workers or a private contractor(s) providing training services under this chapter.

(5) ~~((The department of health has the authority to:~~

(a) Establish forms, procedures, and examinations necessary to certify home care aides pursuant to this chapter;

(b) Hire clerical, administrative, and investigative staff as needed to implement this section;

(c) Issue certification as a home care aide to any applicant who has successfully completed the home care aide examination;

(d) Maintain the official record of all applicants and persons with certificates;

(e) Exercise disciplinary authority as authorized in chapter 18.130 RCW; and

(f) Deny certification to applicants who do not meet training, competency examination, and conduct requirements for certification.

~~((6))~~ The department ~~((of health))~~ shall adopt rules ~~((by August 1, 2010, that establish the procedures, including criteria for reviewing an applicant's state and federal background checks, and examinations necessary to carry this section into effect))~~ to implement this section.

#### IV. TRAINING PROVISIONS

**Sec. 401.** RCW 74.39A.074 and 2012 c 1 s 107 (Initiative Measure No. 1163) are each amended to read as follows:

~~((1))~~ ~~((Effective January 1, 2011,))~~ (a) Beginning January 7, 2012, except ~~((as provided in RCW 18.88B.040))~~ for long-term care workers exempt from certification under RCW 18.88B.041(1)(a) and, until January 1, 2016, those exempt under RCW 18.88B.041(1)(b), all persons ~~((employed))~~ hired as long-term care workers ~~((for the elderly or persons with disabilities))~~ must meet the minimum training requirements in this section within one hundred twenty calendar days ~~((of employment))~~ after the date of being hired or within one hundred twenty calendar days after the effective date of this section, whichever is later. In computing the time periods in this subsection, the first day is the date of hire or the effective date of this section, whichever is applicable.

~~((2))~~ ~~All persons employed as long-term care workers must obtain~~ (b) Except as provided in RCW 74.39A.076, the minimum training requirement is seventy-five hours of entry-level training approved by the department. A long-term care worker must ~~((accomplish))~~ successfully complete five of these seventy-five hours before ~~((becoming))~~ being eligible to provide care.

~~((3))~~ ~~((c))~~ Training required by ~~((d))~~ of this subsection ~~((4))~~ ~~((e))~~ of this section ~~((will be applied))~~ applies toward(s) ~~((the))~~ training required under RCW 18.20.270 or 70.128.230 ~~((as well as))~~ or any statutory or regulatory training requirements for long-term care workers employed by ~~((supportive living providers))~~ community residential service businesses.

~~((4))~~ Only training curriculum approved by the department may be used to fulfill the training requirements specified in this section.) (d) The seventy-five hours of entry-level training required shall be as follows:

~~((a))~~ (i) Before a long-term care worker is eligible to provide care, he or she must complete:

(A) Two hours of orientation training regarding his or her role as caregiver and the applicable terms of employment; and

~~((b) Before a long-term care worker is eligible to provide care, he or she must complete))~~ (B) Three hours of safety training, including basic safety precautions, emergency procedures, and infection control; and

~~((c) All long-term care workers must complete))~~ (ii) Seventy hours of long-term care basic training, including training related to core competencies and population specific competencies.

~~((5))~~ (2) Only training curriculum approved by the department may be used to fulfill the training requirements specified in this section. The department shall only approve training curriculum that:

(a) Has been developed with input from consumer and worker representatives; and

(b) Requires comprehensive instruction by qualified instructors on the competencies and training topics in this section.

~~((6))~~ (3) Individual providers under RCW 74.39A.270 shall be compensated for training time required by this section.

~~((7))~~ The department of health shall adopt rules by August 1, 2010, to implement subsections (1), (2), and (3) of this section.

(8)) (4) The department shall adopt rules ((by August 1, 2010,)) to implement ((subsections (4) and (5) of)) this section.

**Sec. 402.** RCW 74.39A.076 and 2012 c 1 s 108 (Initiative Measure No. 1163) are each amended to read as follows:

(1) ~~((Effective January 1, 2011,))~~ Beginning January 7, 2012, except for long-term care workers exempt from certification under RCW 18.88B.041(1)(a):

(a) A biological, step, or adoptive parent who is the individual provider only for his or her developmentally disabled son or daughter must receive twelve hours of training relevant to the needs of adults with developmental disabilities within the first one hundred twenty days ~~((of))~~ after becoming an individual provider or within one hundred twenty calendar days after the effective date of this section, whichever is later.

~~((2) Effective January 1, 2011,))~~ (b) Individual providers identified in ~~((a) and))~~ (b)(i) and (ii) of this subsection must complete thirty-five hours of training within the first one hundred twenty days ~~((of))~~ after becoming an individual provider or within one hundred twenty calendar days after the effective date of this section, whichever is later. Five of the thirty-five hours must be completed before becoming eligible to provide care. Two of these five hours shall be devoted to an orientation training regarding an individual provider's role as caregiver and the applicable terms of employment, and three hours shall be devoted to safety training, including basic safety precautions, emergency procedures, and infection control. Individual providers subject to this requirement include:

~~((a))~~ (i) An individual provider caring only for his or her biological, step, or adoptive child or parent unless covered by (a) of this subsection ~~((1) of this section))~~; and

~~((b) Before))~~ (ii) Until January 1, 2014, a person hired as an individual provider who provides twenty hours or less of care for one person in any calendar month.

(2) In computing the time periods in this section, the first day is the date of hire or the effective date of this section, whichever is applicable.

(3) Only training curriculum approved by the department may be used to fulfill the training requirements specified in this section. The department shall only approve training curriculum that:

(a) Has been developed with input from consumer and worker representatives; and

(b) Requires comprehensive instruction by qualified instructors.

(4) The department shall adopt rules ~~((by August 1, 2010,))~~ to implement this section.

**Sec. 403.** RCW 74.39A.331 and 2012 c 1 s 111 (Initiative Measure No. 1163) are each amended to read as follows:

Long-term care workers shall be offered on-the-job training or peer mentorship for at least one hour per week in the first ninety days of work from a long-term care worker who has completed at least twelve hours of mentor training and is mentoring no more than ten other workers at any given time. This requirement applies to long-term care workers who begin work on or after July 1, ~~((2011))~~ 2012, except that it does not apply to long-term care workers employed by community residential service businesses until January 1, 2016.

**Sec. 404.** RCW 74.39A.351 and 2012 c 1 s 113 (Initiative Measure No. 1163) are each amended to read as follows:

(1) The department shall offer, directly or through contract, training opportunities sufficient for a long-term care worker to accumulate seventy hours of training within a reasonable time period. For individual providers represented by an exclusive bargaining representative under RCW 74.39A.270, the training opportunities shall be offered through the training partnership established under RCW 74.39A.360.

(2) Training topics offered under this section shall include, but are not limited to: Client rights; personal care; mental illness; dementia; developmental disabilities; depression; medication assistance; advanced communication skills; positive client behavior support; developing or improving client-centered activities; dealing with wandering or aggressive client behaviors; medical conditions; nurse delegation core training; peer mentor training; and advocacy for quality care training.

(3) The department may not require long-term care workers to obtain the training described in this section. ~~((This))~~

(4) The requirement to offer advanced training applies beginning January 1, ~~((2012))~~ 2013, except that it does not apply to long-term care workers employed by community residential service businesses until January 1, 2016.

**Sec. 405.** RCW 74.39A.341 and 2012 c 1 s 112 (Initiative Measure No. 1163) are each amended to read as follows:

(1) ~~((The department of health shall ensure that))~~ All long-term care workers shall complete twelve hours of continuing education training in advanced training topics each year. This requirement applies beginning ~~((on))~~ July 1, ~~((2011))~~ 2012.

(2) Completion of continuing education as required in this section is a prerequisite to maintaining home care aide certification under chapter ~~((2, Laws of 2009))~~ 18.88B RCW.

(3) Unless voluntarily certified as a home care aide under chapter ~~((2, Laws of 2009))~~ 18.88B RCW, subsection (1) of this section does not apply to:

(a) An individual provider caring only for his or her biological, step, or adoptive child; ~~((and))~~

(b) Before January 1, 2016, a long-term care worker employed by a community residential service business; or

(c) Before ~~((June 30))~~ July 1, 2014, a person hired as an individual provider who provides twenty hours or less of care for one person in any calendar month.

(4) Only training curriculum approved by the department may be used to fulfill the training requirements specified in this section. The department shall only approve training curriculum that:

(a) Has been developed with input from consumer and worker representatives; and

(b) Requires comprehensive instruction by qualified instructors.

(5) Individual providers under RCW 74.39A.270 shall be compensated for training time required by this section.

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(6) The department of health shall adopt rules ~~((by August 1, 2010))~~ to implement subsection~~((s))~~ (1)~~((, (2), and (3)))~~ of this section.

(7) The department shall adopt rules ~~((by August 1, 2010))~~ to implement subsection ~~((4))~~ (2) of this section.

**NEW SECTION. Sec. 406.** A new section is added to chapter 18.88B RCW to read as follows:

(1) The legislature recognizes that nurses have been successfully delegating nursing care tasks to family members and others for many years. The opportunity for a nurse to delegate nursing care tasks to home care aides certified under this chapter may enhance the viability and quality of health care services in community-based care settings and in-home care settings to allow individuals to live as independently as possible with maximum safeguards.

(2)(a) A certified home care aide who wishes to perform a nurse delegated task pursuant to RCW 18.79.260 must complete nurse delegation core training under chapter 18.88A RCW before the home care aide may be delegated a nursing care task by a registered nurse delegator. Before administering insulin, a home care aide must also complete the specialized diabetes nurse delegation training under chapter 18.88A RCW. Before commencing any specific nursing care tasks authorized under RCW 18.79.260, the home care aide must:

(i) Provide to the delegating nurse a transcript or certificate of successful completion of training issued by an approved instructor or approved training entity indicating the completion of basic core nurse delegation training; and

(ii) Meet any additional training requirements mandated by the nursing care quality assurance commission. Any exception to these training requirements is subject to RCW 18.79.260(3)(e)(vi).

(b) In addition to meeting the requirements of (a) of this subsection, before providing delegated nursing care tasks that involve administration of insulin by injection to individuals with diabetes, the home care aide must provide to the delegating nurse a transcript or certificate of successful completion of training issued by an approved instructor or approved training entity indicating completion of specialized diabetes nurse delegation training. The training must include, but is not limited to, instruction regarding diabetes, insulin, sliding scale insulin orders, and proper injection procedures.

(3) The home care aide is accountable for his or her own individual actions in the delegation process. Home care aides accurately following written delegation instructions from a registered nurse are immune from liability regarding the performance of the delegated duties.

(4) Home care aides are not subject to any employer reprisal or disciplinary action by the secretary for refusing to accept delegation of a nursing care task based on his or her concerns about patient safety issues. No provider of a community-based care setting as defined in RCW 18.79.260, or in-home services agency as defined in RCW 70.127.010, may discriminate or retaliate in any manner against a person because the person made a complaint about the nurse delegation process or cooperated in the investigation of the complaint.

**Sec. 407.** RCW 18.79.260 and 2009 c 203 s 1 are each amended to read as follows:

(1) A registered nurse under his or her license may perform for compensation nursing care, as that term is usually understood, to individuals with illnesses, injuries, or disabilities.

(2) A registered nurse may, at or under the general direction of a licensed physician and surgeon, dentist, osteopathic physician and surgeon, naturopathic physician, optometrist, podiatric physician and surgeon, physician assistant, osteopathic physician assistant, or advanced registered nurse practitioner acting within the scope of his

or her license, administer medications, treatments, tests, and inoculations, whether or not the severing or penetrating of tissues is involved and whether or not a degree of independent judgment and skill is required. Such direction must be for acts which are within the scope of registered nursing practice.

(3) A registered nurse may delegate tasks of nursing care to other individuals where the registered nurse determines that it is in the best interest of the patient.

(a) The delegating nurse shall:

(i) Determine the competency of the individual to perform the tasks;

(ii) Evaluate the appropriateness of the delegation;

(iii) Supervise the actions of the person performing the delegated task; and

(iv) Delegate only those tasks that are within the registered nurse's scope of practice.

(b) A registered nurse, working for a home health or hospice agency regulated under chapter 70.127 RCW, may delegate the application, instillation, or insertion of medications to a registered or certified nursing assistant under a plan of care.

(c) Except as authorized in (b) or (e) of this subsection, a registered nurse may not delegate the administration of medications. Except as authorized in (e) of this subsection, a registered nurse may not delegate acts requiring substantial skill, and may not delegate piercing or severing of tissues. Acts that require nursing judgment shall not be delegated.

(d) No person may coerce a nurse into compromising patient safety by requiring the nurse to delegate if the nurse determines that it is inappropriate to do so. Nurses shall not be subject to any employer reprisal or disciplinary action by the nursing care quality assurance commission for refusing to delegate tasks or refusing to provide the required training for delegation if the nurse determines delegation may compromise patient safety.

(e) For delegation in community-based care settings or in-home care settings, a registered nurse may delegate nursing care tasks only to registered or certified nursing assistants or home care aides certified under chapter 18.88B RCW. Simple care tasks such as blood pressure monitoring, personal care service, diabetic insulin device set up, verbal verification of insulin dosage for sight-impaired individuals, or other tasks as defined by the nursing care quality assurance commission are exempted from this requirement.

(i) "Community-based care settings" includes: Community residential programs for people with developmental disabilities, certified by the department of social and health services under chapter 71A.12 RCW; adult family homes licensed under chapter 70.128 RCW; and boarding homes licensed under chapter 18.20 RCW. Community-based care settings do not include acute care or skilled nursing facilities.

(ii) "In-home care settings" include an individual's place of temporary or permanent residence, but does not include acute care or skilled nursing facilities, and does not include community-based care settings as defined in (e)(i) of this subsection.

(iii) Delegation of nursing care tasks in community-based care settings and in-home care settings is only allowed for individuals who have a stable and predictable condition. "Stable and predictable condition" means a situation in which the individual's clinical and behavioral status is known and does not require the frequent presence and evaluation of a registered nurse.

(iv) The determination of the appropriateness of delegation of a nursing task is at the discretion of the registered nurse. Other than delegation of the administration of insulin by injection for the purpose of caring for individuals with diabetes, the administration of medications by injection, sterile procedures, and central line maintenance may never be delegated.

(v) When delegating insulin injections under this section, the registered nurse delegator must instruct the individual regarding proper injection procedures and the use of insulin, demonstrate proper injection procedures, and must supervise and evaluate the individual performing the delegated task weekly during the first four weeks of delegation of insulin injections. If the registered nurse delegator determines that the individual is competent to perform the injection properly and safely, supervision and evaluation shall occur at least every ninety days thereafter.

(vi)(A) The registered nurse shall verify that the nursing assistant or home care aide, as the case may be, has completed the required core nurse delegation training required in chapter 18.88A or 18.88B RCW prior to authorizing delegation.

(B) Before commencing any specific nursing tasks authorized to be delegated in this section, a home care aide must be certified pursuant to chapter 18.88B RCW and must comply with section 406 of this act.

(vii) The nurse is accountable for his or her own individual actions in the delegation process. Nurses acting within the protocols of their delegation authority are immune from liability for any action performed in the course of their delegation duties.

(viii) Nursing task delegation protocols are not intended to regulate the settings in which delegation may occur, but are intended to ensure that nursing care services have a consistent standard of practice upon which the public and the profession may rely, and to safeguard the authority of the nurse to make independent professional decisions regarding the delegation of a task.

(f) The nursing care quality assurance commission may adopt rules to implement this section.

(4) Only a person licensed as a registered nurse may instruct nurses in technical subjects pertaining to nursing.

(5) Only a person licensed as a registered nurse may hold herself or himself out to the public or designate herself or himself as a registered nurse.

**NEW SECTION. Sec. 408.** By September 1, 2012, the department of social and health services shall adopt rules that reflect all statutory and regulatory training requirements for long-term care workers, as defined in RCW 74.39A.009, to provide the services identified in RCW 74.39A.009(5)(a).

## V. BACKGROUND CHECK REQUIREMENT

**NEW SECTION. Sec. 501.** A new section is added to chapter 18.88B RCW to read as follows:

A long-term care worker disqualified from working with vulnerable persons under chapter 74.39A RCW may not be certified or maintain certification as a home care aide under this chapter. To allow the department to satisfy its certification responsibilities under this chapter, the department of social and health services shall share the results of state and federal background checks conducted pursuant to RCW 74.39A.056 with the department. Neither department may share the federal background check results with any other state agency or person.

**Sec. 502.** RCW 74.39A.261 and 2012 c 1 s 102 (Initiative Measure No. 1163) are each amended to read as follows:

The department must perform criminal background checks for individual providers and prospective individual providers ((and ensure that the authority has ready access to any long-term care abuse and neglect registry used by the department. Individual providers who are hired after January 1, 2012, are subject to background checks)) under RCW ((74.39A.055)) 74.39A.056.

**Sec. 503.** RCW 74.39A.056 and 2012 c 1 s 101 (Initiative Measure No. 1163) are each amended to read as follows:

(1)(a) All long-term care workers ((for the elderly or persons with disabilities hired after January 1, 2012,)) shall be screened

through state and federal background checks in a uniform and timely manner to ((ensure)) verify that they do not have a criminal history that would disqualify them from working with vulnerable persons. ((These)) The department must perform criminal background checks for individual providers and prospective individual providers and make the information available as provided by law.

(b)(i) Except as provided in (b)(ii) of this subsection, for long-term care workers hired after January 7, 2012, the background checks required under this section shall include checking against the federal bureau of investigation fingerprint identification records system and against the national sex offenders registry or their successor programs. The department shall require these long-term care workers to submit fingerprints for the purpose of investigating conviction records through both the Washington state patrol and the federal bureau of investigation. The department shall not pass on the cost of these criminal background checks to the workers or their employers.

(ii) This subsection does not apply to long-term care workers employed by community residential service businesses until January 1, 2016.

((2) To allow the department of health to satisfy its certification responsibilities under chapter 18.88B RCW,) (c) The department shall share state and federal background check results with the department of health((. Neither department may share the federal background check results with any other state agency or person)) in accordance with section 501 of this act.

((3) ~~The department shall not pass on the cost of these criminal background checks to the workers or their employers.~~) (2) No provider, or its staff, or long-term care worker, or prospective provider or long-term care worker, with a stipulated finding of fact, conclusion of law, an agreed order, or finding of fact, conclusion of law, or final order issued by a disciplining authority or a court of law or entered into a state registry with a final substantiated finding of abuse, neglect, exploitation, or abandonment of a minor or a vulnerable adult as defined in chapter 74.34 RCW shall be employed in the care of and have unsupervised access to vulnerable adults.

(3) The department shall establish, by rule, a state registry which contains identifying information about long-term care workers identified under this chapter who have final substantiated findings of abuse, neglect, financial exploitation, or abandonment of a vulnerable adult as defined in RCW 74.34.020. The rule must include disclosure, disposition of findings, notification, findings of fact, appeal rights, and fair hearing requirements. The department shall disclose, upon request, final substantiated findings of abuse, neglect, financial exploitation, or abandonment to any person so requesting this information. This information must also be shared with the department of health to advance the purposes of chapter 18.88B RCW.

(4) The department shall adopt rules to implement ((the provisions of)) this section ((by August 1, 2010)).

**Sec. 504.** RCW 18.20.125 and 2011 1st sp.s. c 31 s 15 are each amended to read as follows:

(1) Inspections must be outcome based and responsive to resident complaints and based on a clear set of health, quality of care, and safety standards that are easily understandable and have been made available to facilities, residents, and other interested parties. This includes that when conducting licensing inspections, the department shall interview an appropriate percentage of residents, family members, and advocates in addition to interviewing appropriate staff.

(2) Prompt and specific enforcement remedies shall also be implemented without delay, consistent with RCW 18.20.190, for facilities found to have delivered care or failed to deliver care

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resulting in problems that are serious, recurring, or uncorrected, or that create a hazard that is causing or likely to cause death or serious harm to one or more residents. These enforcement remedies may also include, when appropriate, reasonable conditions on a license. In the selection of remedies, the safety, health, and well-being of residents shall be of paramount importance.

(3)(a) To the extent funding is available, the licensee, administrator, and their staff should be screened through background checks in a uniform and timely manner to ensure that they do not have a criminal history that would disqualify them from working with vulnerable adults. Employees may be provisionally hired pending the results of the background check if they have been given three positive references.

(b) Long-term care workers, as defined in RCW 74.39A.009, who are hired after January (~~(4, 2014)~~) 7, 2012, are subject to background checks under RCW (~~(74.39A.055)~~) 74.39A.056.

(4) No licensee, administrator, or staff, or prospective licensee, administrator, or staff, with a stipulated finding of fact, conclusion of law, and agreed order, or finding of fact, conclusion of law, or final order issued by a disciplining authority, a court of law, or entered into the state registry finding him or her guilty of abuse, neglect, exploitation, or abandonment of a minor or a vulnerable adult as defined in chapter 74.34 RCW shall be employed in the care of and have unsupervised access to vulnerable adults.

**Sec. 505.** RCW 43.20A.710 and 2011 1st sp.s. c 31 s 16 are each amended to read as follows:

(1) The secretary shall investigate the conviction records, pending charges and disciplinary board final decisions of:

(a) Any current employee or applicant seeking or being considered for any position with the department who will or may have unsupervised access to children, vulnerable adults, or individuals with mental illness or developmental disabilities. This includes, but is not limited to, positions conducting comprehensive assessments, financial eligibility determinations, licensing and certification activities, investigations, surveys, or case management; or for state positions otherwise required by federal law to meet employment standards;

(b) Individual providers who are paid by the state and providers who are paid by home care agencies to provide in-home services involving unsupervised access to persons with physical, mental, or developmental disabilities or mental illness, or to vulnerable adults as defined in chapter 74.34 RCW, including but not limited to services provided under chapter 74.39 or 74.39A RCW; and

(c) Individuals or businesses or organizations for the care, supervision, case management, or treatment of children, persons with developmental disabilities, or vulnerable adults, including but not limited to services contracted for under chapter 18.20, 70.127, 70.128, 72.36, or 74.39A RCW or Title 71A RCW.

(2) The secretary shall require a fingerprint-based background check through both the Washington state patrol and the federal bureau of investigation as provided in RCW 43.43.837. Unless otherwise authorized by law, the secretary shall use the information solely for the purpose of determining the character, suitability, and competence of the applicant.

(3) Except as provided in subsection (4) of this section, an individual provider or home care agency provider who has resided in the state less than three years before applying for employment involving unsupervised access to a vulnerable adult as defined in chapter 74.34 RCW must be fingerprinted for the purpose of investigating conviction records through both the Washington state patrol and the federal bureau of investigation. This subsection applies only with respect to the provision of in-home services funded by medicaid personal care under RCW 74.09.520, community options program entry system waiver services under

RCW 74.39A.030, or chore services under RCW 74.39A.110. However, this subsection does not supersede RCW 74.15.030(2)(b).

(4) Long-term care workers, as defined in RCW 74.39A.009, who are hired after January (~~(4, 2014)~~) 7, 2012, are subject to background checks under RCW (~~(74.39A.055)~~) 74.39A.056, except that the department may require a background check at any time under RCW 43.43.837. For the purposes of this subsection, "background check" includes, but is not limited to, a fingerprint check submitted for the purpose of investigating conviction records through both the Washington state patrol and the federal bureau of investigation.

(5) An individual provider or home care agency provider hired to provide in-home care for and having unsupervised access to a vulnerable adult as defined in chapter 74.34 RCW must have no conviction for a disqualifying crime under RCW 43.43.830 and 43.43.842. An individual or home care agency provider must also have no conviction for a crime relating to drugs as defined in RCW 43.43.830. This subsection applies only with respect to the provision of in-home services funded by medicaid personal care under RCW 74.09.520, community options program entry system waiver services under RCW 74.39A.030, or chore services under RCW 74.39A.110.

(6) The secretary shall provide the results of the state background check on long-term care workers, including individual providers, to the persons hiring them or to their legal guardians, if any, for their determination of the character, suitability, and competence of the applicants. If the person elects to hire or retain an individual provider after receiving notice from the department that the applicant has a conviction for an offense that would disqualify the applicant from having unsupervised access to persons with physical, mental, or developmental disabilities or mental illness, or to vulnerable adults as defined in chapter 74.34 RCW, then the secretary shall deny payment for any subsequent services rendered by the disqualified individual provider.

(7) Criminal justice agencies shall provide the secretary such information as they may have and that the secretary may require for such purpose.

**Sec. 506.** RCW 43.43.837 and 2011 1st sp.s. c 31 s 17 are each amended to read as follows:

(1) Except as provided in subsection (2) of this section, in order to determine the character, competence, and suitability of any applicant or service provider to have unsupervised access, the secretary may require a fingerprint-based background check through both the Washington state patrol and the federal bureau of investigation at any time, but shall require a fingerprint-based background check when the applicant or service provider has resided in the state less than three consecutive years before application, and:

(a) Is an applicant or service provider providing services to children or people with developmental disabilities under RCW 74.15.030;

(b) Is an individual residing in an applicant or service provider's home, facility, entity, agency, or business or who is authorized by the department to provide services to children or people with developmental disabilities under RCW 74.15.030; or

(c) Is an applicant or service provider providing in-home services funded by:

(i) Medicaid personal care under RCW 74.09.520;

(ii) Community options program entry system waiver services under RCW 74.39A.030;

(iii) Chore services under RCW 74.39A.110; or

(iv) Other home and community long-term care programs, established pursuant to chapters 74.39 and 74.39A RCW, administered by the department.

(2) Long-term care workers, as defined in RCW 74.39A.009, who are hired after January ~~((4, 2014))~~ 7, 2012, are subject to background checks under RCW ~~((74.39A.055))~~ 74.39A.056.

(3) To satisfy the shared background check requirements provided for in RCW 43.215.215 and 43.20A.710, the department of early learning and the department of social and health services shall share federal fingerprint-based background check results as permitted under the law. The purpose of this provision is to allow both departments to fulfill their joint background check responsibility of checking any individual who may have unsupervised access to vulnerable adults, children, or juveniles. Neither department may share the federal background check results with any other state agency or person.

(4) The secretary shall require a fingerprint-based background check through the Washington state patrol identification and criminal history section and the federal bureau of investigation when the department seeks to approve an applicant or service provider for a foster or adoptive placement of children in accordance with federal and state law.

(5) Any secure facility operated by the department under chapter 71.09 RCW shall require applicants and service providers to undergo a fingerprint-based background check through the Washington state patrol identification and criminal history section and the federal bureau of investigation.

(6) Service providers and service provider applicants who are required to complete a fingerprint-based background check may be hired for a one hundred twenty-day provisional period as allowed under law or program rules when:

(a) A fingerprint-based background check is pending; and

(b) The applicant or service provider is not disqualified based on the immediate result of the background check.

(7) Fees charged by the Washington state patrol and the federal bureau of investigation for fingerprint-based background checks shall be paid by the department for applicants or service providers providing:

(a) Services to people with a developmental disability under RCW 74.15.030;

(b) In-home services funded by medicaid personal care under RCW 74.09.520;

(c) Community options program entry system waiver services under RCW 74.39A.030;

(d) Chore services under RCW 74.39A.110;

(e) Services under other home and community long-term care programs, established pursuant to chapters 74.39 and 74.39A RCW, administered by the department;

(f) Services in, or to residents of, a secure facility under RCW 71.09.115; and

(g) Foster care as required under RCW 74.15.030.

(8) Service providers licensed under RCW 74.15.030 must pay fees charged by the Washington state patrol and the federal bureau of investigation for conducting fingerprint-based background checks.

(9) Children's administration service providers licensed under RCW 74.15.030 may not pass on the cost of the background check fees to their applicants unless the individual is determined to be disqualified due to the background information.

(10) The department shall develop rules identifying the financial responsibility of service providers, applicants, and the department for paying the fees charged by law enforcement to roll, print, or scan fingerprints-based for the purpose of a Washington state patrol or federal bureau of investigation fingerprint-based background check.

(11) For purposes of this section, unless the context plainly indicates otherwise:

(a) "Applicant" means a current or prospective department or service provider employee, volunteer, student, intern, researcher, contractor, or any other individual who will or may have unsupervised access because of the nature of the work or services he or she provides. "Applicant" includes but is not limited to any individual who will or may have unsupervised access and is:

(i) Applying for a license or certification from the department;

(ii) Seeking a contract with the department or a service provider;

(iii) Applying for employment, promotion, reallocation, or transfer;

(iv) An individual that a department client or guardian of a department client chooses to hire or engage to provide services to himself or herself or another vulnerable adult, juvenile, or child and who might be eligible to receive payment from the department for services rendered; or

(v) A department applicant who will or may work in a department-covered position.

(b) "Authorized" means the department grants an applicant, home, or facility permission to:

(i) Conduct licensing, certification, or contracting activities;

(ii) Have unsupervised access to vulnerable adults, juveniles, and children;

(iii) Receive payments from a department program; or

(iv) Work or serve in a department-covered position.

(c) "Department" means the department of social and health services.

(d) "Secretary" means the secretary of the department of social and health services.

(e) "Secure facility" has the meaning provided in RCW 71.09.020.

(f) "Service provider" means entities, facilities, agencies, businesses, or individuals who are licensed, certified, authorized, or regulated by, receive payment from, or have contracts or agreements with the department to provide services to vulnerable adults, juveniles, or children. "Service provider" includes individuals whom a department client or guardian of a department client may choose to hire or engage to provide services to himself or herself or another vulnerable adult, juvenile, or child and who might be eligible to receive payment from the department for services rendered. "Service provider" does not include those certified under chapter 70.96A RCW.

**Sec. 507.** RCW 74.39A.095 and 2011 1st sp.s. c 31 s 14 and 2011 1st sp.s. c 21 s 5 are each reenacted and amended to read as follows:

(1) In carrying out case management responsibilities established under RCW 74.39A.090 for consumers who are receiving services under the medicaid personal care, community options programs entry system or chore services program through an individual provider, each area agency on aging shall provide oversight of the care being provided to consumers receiving services under this section to the extent of available funding. Case management responsibilities incorporate this oversight, and include, but are not limited to:

(a) Verification that any individual provider has met any training requirements established by the department;

(b) Verification of a sample of worker time sheets;

(c) Monitoring the consumer's plan of care to verify that it adequately meets the needs of the consumer, through activities such as home visits, telephone contacts, and responses to information received by the area agency on aging indicating that a consumer may be experiencing problems relating to his or her home care;

(d) Reassessing and reauthorizing services;

(e) Monitoring of individual provider performance; and

(f) Conducting criminal background checks or verifying that criminal background checks have been conducted for any individual

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provider. Individual providers who are hired after January ~~(4, 2014)~~ 7, 2012, are subject to background checks under RCW ~~((74.39A.055))~~ 74.39A.056.

(2) The area agency on aging case manager shall work with each consumer to develop a plan of care under this section that identifies and ensures coordination of health and long-term care services that meet the consumer's needs. In developing the plan, they shall utilize, and modify as needed, any comprehensive community service plan developed by the department as provided in RCW 74.39A.040. The plan of care shall include, at a minimum:

(a) The name and telephone number of the consumer's area agency on aging case manager, and a statement as to how the case manager can be contacted about any concerns related to the consumer's well-being or the adequacy of care provided;

(b) The name and telephone numbers of the consumer's primary health care provider, and other health or long-term care providers with whom the consumer has frequent contacts;

(c) A clear description of the roles and responsibilities of the area agency on aging case manager and the consumer receiving services under this section;

(d) The duties and tasks to be performed by the area agency on aging case manager and the consumer receiving services under this section;

(e) The type of in-home services authorized, and the number of hours of services to be provided;

(f) The terms of compensation of the individual provider;

(g) A statement by the individual provider that he or she has the ability and willingness to carry out his or her responsibilities relative to the plan of care; and

(h)(i) Except as provided in (h)(ii) of this subsection, a clear statement indicating that a consumer receiving services under this section has the right to waive any of the case management services offered by the area agency on aging under this section, and a clear indication of whether the consumer has, in fact, waived any of these services.

(ii) The consumer's right to waive case management services does not include the right to waive reassessment or reauthorization of services, or verification that services are being provided in accordance with the plan of care.

(3) Each area agency on aging shall retain a record of each waiver of services included in a plan of care under this section.

(4) Each consumer has the right to direct and participate in the development of their plan of care to the maximum practicable extent of their abilities and desires, and to be provided with the time and support necessary to facilitate that participation.

(5) A copy of the plan of care must be distributed to the consumer's primary care provider, individual provider, and other relevant providers with whom the consumer has frequent contact, as authorized by the consumer.

(6) The consumer's plan of care shall be an attachment to the contract between the department, or their designee, and the individual provider.

(7) If the department or area agency on aging case manager finds that an individual provider's inadequate performance or inability to deliver quality care is jeopardizing the health, safety, or well-being of a consumer receiving service under this section, the department or the area agency on aging may take action to terminate the contract between the department and the individual provider. If the department or the area agency on aging has a reasonable, good faith belief that the health, safety, or well-being of a consumer is in imminent jeopardy, the department or area agency on aging may summarily suspend the contract pending a fair hearing. The consumer may request a fair hearing to contest the planned action of the case manager, as provided in chapter 34.05 RCW. The

department may by rule adopt guidelines for implementing this subsection.

(8) The department or area agency on aging may reject a request by a consumer receiving services under this section to have a family member or other person serve as his or her individual provider if the case manager has a reasonable, good faith belief that the family member or other person will be unable to appropriately meet the care needs of the consumer. The consumer may request a fair hearing to contest the decision of the case manager, as provided in chapter 34.05 RCW. The department may by rule adopt guidelines for implementing this subsection.

## VI. ENFORCEMENT

**Sec. 601.** RCW 18.88B.050 and 2011 1st sp.s. c 31 s 4 are each amended to read as follows:

(1) The uniform disciplinary act, chapter 18.130 RCW, governs uncertified practice, issuance and renewal of certificates, and the discipline of persons with certificates under this chapter. The secretary ~~((of health))~~ shall be the disciplinary authority under this chapter.

(2) The secretary ~~((of health))~~ may take action to immediately suspend the certification of a ~~((long term care worker))~~ home care aide upon finding that conduct of the ~~((long term care worker))~~ home care aide has caused or presents an imminent threat of harm to a functionally disabled person in his or her care.

(3) If the secretary ~~((of health))~~ imposes suspension or conditions for continuation or renewal of certification, the suspension or conditions for continuation or renewal are effective immediately upon notice and shall continue in effect pending the outcome of any hearing.

(4) The department ~~((of health))~~ shall take appropriate enforcement action related to the licensure of a private agency or facility licensed by the state, to provide personal care services, other than an individual provider, who knowingly employs a long-term care worker who is not a certified home care aide as required under this chapter or whose certification is revoked or, if exempted from certification by RCW ~~((18.88B.040))~~ 18.88B.041, who has not completed his or her required training pursuant to ~~((this chapter))~~ RCW 74.39A.074.

(5) Chapter 34.05 RCW shall govern actions by the department ~~((of health))~~ under this section.

(6) The department ~~((of health))~~ shall adopt rules ~~((by August 1, 2013))~~ to implement this section.

**Sec. 602.** RCW 74.39A.086 and 2012 c 1 s 109 (Initiative Measure No. 1163) are each amended to read as follows:

(1) The department;

(a) Shall deny payment to any individual provider of home care services who has not been certified ((by the department of health)) as a home care aide as required under chapter ((2, Laws of 2009 or, if exempted from certification by RCW 18.88B.040,)) 18.88B RCW or whose certification is revoked or, if exempted from certification under RCW 18.88B.041, who has not completed his or her required training pursuant to ((chapter 2, Laws of 2009)) RCW 74.39A.074.

~~((2))~~ The department (b) May terminate the contract of any individual provider of home care services, or take any other enforcement measure deemed appropriate by the department if the individual provider has not been certified or the individual provider's certification is revoked under chapter ((2, Laws of 2009)) 18.88B RCW or, if exempted from certification by RCW ((18.88B.040)) 18.88B.041, the individual provider has not completed his or her required training pursuant to ((chapter 2, Laws of 2009)) RCW 74.39A.074.

~~((3))~~ (2) The department shall take appropriate enforcement action related to the contract of a private agency or facility licensed

by the state~~(s)~~ to provide personal care services, other than an individual provider, who knowingly employs a long-term care worker who is not a certified home care aide as required under chapter ~~(2, Laws of 2009 or, if exempted from certification by RCW 18.88B.040,))~~ 18.88B RCW or whose certification is revoked or, if exempted from certification under RCW 18.88B.041, who has not completed his or her required training pursuant to ((chapter 2, Laws of 2009)) RCW 74.39A.074.

~~((4))~~ (3) Chapter 34.05 RCW shall govern actions by the department under this section.

~~((5))~~ (4) The department shall adopt rules ~~((by August 1, 2010,))~~ to implement this section.

## VII. MISCELLANEOUS

**Sec. 701.** RCW 74.39A.051 and 2012 c 1 s 106 (Initiative Measure No. 1163) are each amended to read as follows:

The department's system of quality improvement for long-term care services shall use the following principles, consistent with applicable federal laws and regulations:

(1) The system shall be client-centered and promote privacy, independence, dignity, choice, and a home or home-like environment for consumers consistent with chapter 392, Laws of 1997.

(2) The goal of the system is continuous quality improvement with the focus on consumer satisfaction and outcomes for consumers. This includes that when conducting licensing or contract inspections, the department shall interview an appropriate percentage of residents, family members, resident case managers, and advocates in addition to interviewing providers and staff.

(3) Providers should be supported in their efforts to improve quality and address identified problems initially through training, consultation, technical assistance, and case management.

(4) The emphasis should be on problem prevention both in monitoring and in screening potential providers of service.

(5) Monitoring should be outcome based and responsive to consumer complaints and based on a clear set of health, quality of care, and safety standards that are easily understandable and have been made available to providers, residents, and other interested parties.

(6) Prompt and specific enforcement remedies shall also be implemented without delay, pursuant to RCW 74.39A.080~~((; RCW))~~ or 70.128.160, or chapter 18.51 ~~((RCW,))~~ or ~~((chapter))~~ 74.42 RCW, for providers found to have delivered care or failed to deliver care resulting in problems that are serious, recurring, or uncorrected, or that create a hazard that is causing or likely to cause death or serious harm to one or more residents. These enforcement remedies may also include, when appropriate, reasonable conditions on a contract or license. In the selection of remedies, the safety, health, and well-being of residents shall be of paramount importance.

(7) ~~((All long-term care workers shall be screened through background checks in a uniform and timely manner to ensure that they do not have a criminal history that would disqualify them from working with vulnerable persons. Long-term care workers who are hired after January 1, 2012, are subject to background checks under RCW 74.39A.055. This information will be shared with the department of health in accordance with RCW 74.39A.055 to advance the purposes of chapter 2, Laws of 2009.~~

(8) No provider, or its staff, or long-term care worker, or prospective provider or long-term care worker, with a stipulated finding of fact, conclusion of law, an agreed order, or finding of fact, conclusion of law, or final order issued by a disciplining authority, a court of law, or entered into a state registry finding him or her guilty of abuse, neglect, exploitation, or abandonment of a minor or a

vulnerable adult as defined in chapter 74.34 RCW shall be employed in the care of and have unsupervised access to vulnerable adults.

(9) The department shall establish, by rule, a state registry which contains identifying information about long-term care workers identified under this chapter who have substantiated findings of abuse, neglect, financial exploitation, or abandonment of a vulnerable adult as defined in RCW 74.34.020. The rule must include disclosure, disposition of findings, notification, findings of fact, appeal rights, and fair hearing requirements. The department shall disclose, upon request, substantiated findings of abuse, neglect, financial exploitation, or abandonment to any person so requesting this information. This information will also be shared with the department of health to advance the purposes of chapter 2, Laws of 2009.

~~((10) Until December 31, 2010,))~~ Background checks of long-term care workers must be conducted as provided in RCW 74.39A.056.

~~((11) Except as provided in RCW 74.39A.074 and 74.39A.076, individual providers and home care agency providers must satisfactorily complete department-approved orientation, basic training, and continuing education within the time period specified by the department in rule. The department shall adopt rules ((by March 1, 2002,)) for the implementation of this section. The department shall deny payment to an individual provider or a home care provider who does not complete the training requirements within the time limit specified by the department by rule.~~

~~((12) Until December 31, 2010, in an effort to improve access to training and education and reduce costs, especially for rural communities, the coordinated system of long-term care training and education must include the use of innovative types of learning strategies such as internet resources, videotapes, and distance learning using satellite technology coordinated through community colleges or other entities, as defined by the department.~~

~~((13) The department shall create an approval system by March 1, 2002, for those seeking to conduct department-approved training.~~

~~((14) The department shall establish, by rule, background checks and other quality assurance requirements for long-term care workers who provide in-home services funded by medicaid personal care as described in RCW 74.09.520, community options program entry system waiver services as described in RCW 74.39A.030, or chore services as described in RCW 74.39A.110 that are equivalent to requirements for individual providers. Long-term care workers who are hired after January 1, 2012, are subject to background checks under RCW 74.39A.055.~~

~~((15))~~ (9) Under existing funds the department shall establish internally a quality improvement standards committee to monitor the development of standards and to suggest modifications.

~~((16))~~ (15) Within existing funds, the department shall design, develop, and implement a long-term care training program that is flexible, relevant, and qualifies towards the requirements for a nursing assistant certificate as established under chapter 18.88A RCW. This subsection does not require completion of the nursing assistant certificate training program by providers or their staff. The long-term care teaching curriculum must consist of a fundamental module, or modules, and a range of other available relevant training modules that provide the caregiver with appropriate options that assist in meeting the resident's care needs. Some of the training modules may include, but are not limited to, specific training on the special care needs of persons with developmental disabilities, dementia, mental illness, and the care needs of the elderly. No less than one training module must be dedicated to workplace violence prevention. The nursing care quality assurance commission shall work together with the department to develop the curriculum modules. The nursing care



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quality assurance commission shall direct the nursing assistant training programs to accept some or all of the skills and competencies from the curriculum modules towards meeting the requirements for a nursing assistant certificate as defined in chapter 18.88A RCW. A process may be developed to test persons completing modules from a caregiver's class to verify that they have the transferable skills and competencies for entry into a nursing assistant training program. The department may review whether facilities can develop their own related long-term care training programs. The department may develop a review process for determining what previous experience and training may be used to waive some or all of the mandatory training. The department of social and health services and the nursing care quality assurance commission shall work together to develop an implementation plan by December 12, 1998.)

**Sec. 702.** RCW 18.20.270 and 2002 c 233 s 1 are each amended to read as follows:

(1) The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

(a) "Caregiver" includes any person who provides residents with hands-on personal care on behalf of a boarding home, except volunteers who are directly supervised.

(b) "Direct supervision" means oversight by a person who has demonstrated competency in the core areas or has been fully exempted from the training requirements pursuant to this section, is on the premises, and is quickly and easily available to the caregiver.

(2) Training must have the following components: Orientation, basic training, specialty training as appropriate, and continuing education. All boarding home employees or volunteers who routinely interact with residents shall complete orientation. Boarding home administrators, or their designees, and caregivers shall complete orientation, basic training, specialty training as appropriate, and continuing education.

(3) Orientation consists of introductory information on residents' rights, communication skills, fire and life safety, and universal precautions. Orientation must be provided at the facility by appropriate boarding home staff to all boarding home employees before the employees have routine interaction with residents.

(4) Basic training consists of modules on the core knowledge and skills that caregivers need to learn and understand to effectively and safely provide care to residents. Basic training must be outcome-based, and the effectiveness of the basic training must be measured by demonstrated competency in the core areas through the use of a competency test. Basic training must be completed by caregivers within one hundred twenty days of the date on which they begin to provide hands-on care (~~(or within one hundred twenty days of September 1, 2002, whichever is later)~~). Until competency in the core areas has been demonstrated, caregivers shall not provide hands-on personal care to residents without direct supervision. Boarding home administrators, or their designees, must complete basic training and demonstrate competency within one hundred twenty days of employment (~~(or within one hundred twenty days of September 1, 2002, whichever is later)~~).

(5) For boarding homes that serve residents with special needs such as dementia, developmental disabilities, or mental illness, specialty training is required of administrators, or designees, and caregivers.

(a) Specialty training consists of modules on the core knowledge and skills that caregivers need to effectively and safely provide care to residents with special needs. Specialty training should be integrated into basic training wherever appropriate. Specialty training must be outcome-based, and the effectiveness of the specialty training measured by demonstrated competency in the core specialty areas through the use of a competency test.

(b) Specialty training must be completed by caregivers within one hundred twenty days of the date on which they begin to provide hands-on care to a resident having special needs (~~(or within one hundred twenty days of September 1, 2002, whichever is later)~~). However, if specialty training is not integrated with basic training, the specialty training must be completed within ninety days of completion of basic training. Until competency in the core specialty areas has been demonstrated, caregivers shall not provide hands-on personal care to residents with special needs without direct supervision.

(c) Boarding home administrators, or their designees, must complete specialty training and demonstrate competency within one hundred twenty days (~~(of September 1, 2002, or one hundred twenty days)~~) from the date on which the administrator or his or her designee is hired, (~~(whichever is later)~~) if the boarding home serves one or more residents with special needs.

(6) Continuing education consists of ongoing delivery of information to caregivers on various topics relevant to the care setting and care needs of residents. Competency testing is not required for continuing education. Continuing education is not required in the same calendar year in which basic or modified basic training is successfully completed. Continuing education is required in each calendar year thereafter. If specialty training is completed, the specialty training applies toward any continuing education requirement for up to two years following the completion of the specialty training.

(7) Persons who successfully challenge the competency test for basic training are fully exempt from the basic training requirements of this section. Persons who successfully challenge the specialty training competency test are fully exempt from the specialty training requirements of this section.

(8) Licensed persons who perform the tasks for which they are licensed are fully or partially exempt from the training requirements of this section, as specified by the department in rule.

(9) In an effort to improve access to training and education and reduce costs, especially for rural communities, the coordinated system of long-term care training and education must include the use of innovative types of learning strategies such as internet resources, videotapes, and distance learning using satellite technology coordinated through community colleges or other entities, as defined by the department.

(10) The department shall develop criteria for the approval of orientation, basic training, and specialty training programs.

(11) Boarding homes that desire to deliver facility-based training with facility designated trainers, or boarding homes that desire to pool their resources to create shared training systems, must be encouraged by the department in their efforts. The department shall develop criteria for reviewing and approving trainers and training materials that are substantially similar to or better than the materials developed by the department. The department may approve a curriculum based upon attestation by a boarding home administrator that the boarding home's training curriculum addresses basic and specialty training competencies identified by the department, and shall review a curriculum to verify that it meets these requirements. The department may conduct the review as part of the next regularly scheduled yearly inspection and investigation required under RCW 18.20.110. The department shall rescind approval of any curriculum if it determines that the curriculum does not meet these requirements.

(12) The department shall adopt rules (~~(by September 1, 2002)~~) for the implementation of this section.

(13)(a) Except as provided in (b) of this subsection, the orientation, basic training, specialty training, and continuing education requirements of this section commence September 1, 2002, or one hundred twenty days from the date of employment,

whichever is later, and shall be applied to ~~((a))~~ (i) employees hired subsequent to September 1, 2002; and ~~((b))~~ (ii) existing employees that on September 1, 2002, have not successfully completed the training requirements under RCW 74.39A.010 or 74.39A.020 and this section. Existing employees who have not successfully completed the training requirements under RCW 74.39A.010 or 74.39A.020 shall be subject to all applicable requirements of this section. ~~((However, prior to September 1, 2002, nothing in this section affects the current training requirements under RCW 74.39A.010.))~~

(b) Beginning January 7, 2012, long-term care workers, as defined in RCW 74.39A.009, employed by facilities licensed under this chapter are also subject to the training requirements under RCW 74.39A.074.

**Sec. 703.** RCW 70.128.120 and 2011 1st sp.s. c 3 s 205 are each amended to read as follows:

Each adult family home provider, applicant, and each resident manager shall have the following minimum qualifications, except that only applicants are required to meet the provisions of subsections (10) and (11) of this section:

- (1) Twenty-one years of age or older;
- (2) For those applying after September 1, 2001, to be licensed as providers, and for resident managers whose employment begins after September 1, 2001, a United States high school diploma or general educational development (GED) certificate or any English or translated government documentation of the following:
  - (a) Successful completion of government-approved public or private school education in a foreign country that includes an annual average of one thousand hours of instruction over twelve years or no less than twelve thousand hours of instruction;
  - (b) A foreign college, foreign university, or United States community college two-year diploma;
  - (c) Admission to, or completion of coursework at, a foreign university or college for which credit was granted;
  - (d) Admission to, or completion of coursework at, a United States college or university for which credits were awarded;
  - (e) Admission to, or completion of postgraduate coursework at, a United States college or university for which credits were awarded; or
  - (f) Successful passage of the United States board examination for registered nursing, or any professional medical occupation for which college or university education preparation was required;
- (3) Good moral and responsible character and reputation;
- (4) Literacy and the ability to communicate in the English language;
- (5) Management and administrative ability to carry out the requirements of this chapter;
- (6) Satisfactory completion of department-approved basic training and continuing education training as required by RCW ~~((74.39A.073))~~ 74.39A.074, and in rules adopted by the department;
- (7) Satisfactory completion of department-approved, or equivalent, special care training before a provider may provide special care services to a resident;
- (8) Not been convicted of any crime that is disqualifying under RCW 43.43.830 or 43.43.842, or department rules adopted under this chapter, or been found to have abused, neglected, exploited, or abandoned a minor or vulnerable adult as specified in RCW ~~((74.39A.050(8)))~~ 74.39A.056(2);
- (9) For those applying to be licensed as providers, and for resident managers whose employment begins after August 24, 2011, at least one thousand hours in the previous sixty months of successful, direct caregiving experience obtained after age eighteen to vulnerable adults in a licensed or contracted setting prior to operating or managing an adult family home. The applicant or resident manager must have credible evidence of the successful,

direct caregiving experience or, currently hold one of the following professional licenses: Physician licensed under chapter 18.71 RCW; osteopathic physician licensed under chapter 18.57 RCW; osteopathic physician assistant licensed under chapter 18.57A RCW; physician assistant licensed under chapter 18.71A RCW; registered nurse, advanced registered nurse practitioner, or licensed practical nurse licensed under chapter 18.79 RCW;

(10) For applicants, proof of financial solvency, as defined in rule; and

(11) Applicants must successfully complete an adult family home administration and business planning class, prior to being granted a license. The class must be a minimum of forty-eight hours of classroom time and approved by the department. The department shall promote and prioritize bilingual capabilities within available resources and when materials are available for this purpose.

**Sec. 704.** RCW 70.128.130 and 2011 1st sp.s. c 3 s 206 are each amended to read as follows:

(1) The provider is ultimately responsible for the day-to-day operations of each licensed adult family home.

(2) The provider shall promote the health, safety, and well-being of each resident residing in each licensed adult family home.

(3) Adult family homes shall be maintained internally and externally in good repair and condition. Such homes shall have safe and functioning systems for heating, cooling, hot and cold water, electricity, plumbing, garbage disposal, sewage, cooking, laundry, artificial and natural light, ventilation, and any other feature of the home.

(4) In order to preserve and promote the residential home-like nature of adult family homes, adult family homes licensed after August 24, 2011, shall:

(a) Have sufficient space to accommodate all residents at one time in the dining and living room areas;

(b) Have hallways and doorways wide enough to accommodate residents who use mobility aids such as wheelchairs and walkers; and

(c) Have outdoor areas that are safe and accessible for residents to use.

(5) The adult family home must provide all residents access to resident common areas throughout the adult family home including, but not limited to, kitchens, dining and living areas, and bathrooms, to the extent that they are safe under the resident's care plan.

(6) Adult family homes shall be maintained in a clean and sanitary manner, including proper sewage disposal, food handling, and hygiene practices.

(7) Adult family homes shall develop a fire drill plan for emergency evacuation of residents, shall have working smoke detectors in each bedroom where a resident is located, shall have working fire extinguishers on each floor of the home, and shall not keep nonambulatory patients above the first floor of the home.

(8) The adult family home shall ensure that all residents can be safely evacuated in an emergency.

(9) Adult family homes shall have clean, functioning, and safe household items and furnishings.

(10) Adult family homes shall provide a nutritious and balanced diet and shall recognize residents' needs for special diets.

(11) Adult family homes shall establish health care procedures for the care of residents including medication administration and emergency medical care.

(a) Adult family home residents shall be permitted to self-administer medications.

(b) Adult family home providers may administer medications and deliver special care only to the extent authorized by law.

(12) Adult family home providers shall either: (a) Reside at the adult family home; or (b) employ or otherwise contract with a

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qualified resident manager to reside at the adult family home. The department may exempt, for good cause, a provider from the requirements of this subsection by rule.

(13) A provider will ensure that any volunteer, student, employee, or person residing within the adult family home who will have unsupervised access to any resident shall not have been convicted of a crime listed under RCW 43.43.830 or 43.43.842, or been found to have abused, neglected, exploited, or abandoned a minor or vulnerable adult as specified in RCW ~~((74.39A.050(8)))~~ 74.39A.056(2). A provider may conditionally employ a person pending the completion of a criminal conviction background inquiry, but may not allow the person to have unsupervised access to any resident.

(14) A provider shall offer activities to residents under care as defined by the department in rule.

(15) An adult family home must be financially solvent, and upon request for good cause, shall provide the department with detailed information about the home's finances. Financial records of the adult family home may be examined when the department has good cause to believe that a financial obligation related to resident care or services will not be met.

(16) An adult family home provider must ensure that staff are competent and receive necessary training to perform assigned tasks. Staff must satisfactorily complete department-approved staff orientation, basic training, and continuing education as specified by the department by rule. The provider shall ensure that a qualified caregiver is on-site whenever a resident is at the adult family home; any exceptions will be specified by the department in rule. Notwithstanding RCW 70.128.230, until orientation and basic training are successfully completed, a caregiver may not provide hands-on personal care to a resident without on-site supervision by a person who has successfully completed basic training or been exempted from the training pursuant to statute.

(17) The provider and resident manager must assure that there is:

(a) A mechanism to communicate with the resident in his or her primary language either through a qualified person on-site or readily available at all times, or other reasonable accommodations, such as language lines; and

(b) Staff on-site at all times capable of understanding and speaking English well enough to be able to respond appropriately to emergency situations and be able to read and understand resident care plans.

**Sec. 705.** RCW 70.128.230 and 2002 c 233 s 3 are each amended to read as follows:

(1) The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

(a) "Caregiver" includes all adult family home resident managers and any person who provides residents with hands-on personal care on behalf of an adult family home, except volunteers who are directly supervised.

(b) "Indirect supervision" means oversight by a person who has demonstrated competency in the core areas or has been fully exempted from the training requirements pursuant to this section and is quickly and easily available to the caregiver, but not necessarily on-site.

(2) Training must have three components: Orientation, basic training, and continuing education. All adult family home providers, resident managers, and employees, or volunteers who routinely interact with residents shall complete orientation. Caregivers shall complete orientation, basic training, and continuing education.

(3) Orientation consists of introductory information on residents' rights, communication skills, fire and life safety, and universal precautions. Orientation must be provided at the facility

by appropriate adult family home staff to all adult family home employees before the employees have routine interaction with residents.

(4) Basic training consists of modules on the core knowledge and skills that caregivers need to learn and understand to effectively and safely provide care to residents. Basic training must be outcome-based, and the effectiveness of the basic training must be measured by demonstrated competency in the core areas through the use of a competency test. Basic training must be completed by caregivers within one hundred twenty days of the date on which they begin to provide hands-on care ~~((or within one hundred twenty days of September 1, 2002, whichever is later))~~. Until competency in the core areas has been demonstrated, caregivers shall not provide hands-on personal care to residents without indirect supervision.

(5) For adult family homes that serve residents with special needs such as dementia, developmental disabilities, or mental illness, specialty training is required of providers and resident managers.

(a) Specialty training consists of modules on the core knowledge and skills that providers and resident managers need to effectively and safely provide care to residents with special needs. Specialty training should be integrated into basic training wherever appropriate. Specialty training must be outcome-based, and the effectiveness of the specialty training measured by demonstrated competency in the core specialty areas through the use of a competency test.

(b) Specialty training must be completed by providers and resident managers before admitting and serving residents who have been determined to have special needs related to mental illness, dementia, or a developmental disability. Should a resident develop special needs while living in a home without specialty designation, the provider and resident manager have one hundred twenty days to complete specialty training.

(6) Continuing education consists of ongoing delivery of information to caregivers on various topics relevant to the care setting and care needs of residents. Competency testing is not required for continuing education. Continuing education is not required in the same calendar year in which basic or modified basic training is successfully completed. Continuing education is required in each calendar year thereafter. If specialty training is completed, the specialty training applies toward any continuing education requirement for up to two years following the completion of the specialty training.

(7) Persons who successfully challenge the competency test for basic training are fully exempt from the basic training requirements of this section. Persons who successfully challenge the specialty training competency test are fully exempt from the specialty training requirements of this section.

(8) Licensed persons who perform the tasks for which they are licensed are fully or partially exempt from the training requirements of this section, as specified by the department in rule.

(9) In an effort to improve access to training and education and reduce costs, especially for rural communities, the coordinated system of long-term care training and education must include the use of innovative types of learning strategies such as internet resources, videotapes, and distance learning using satellite technology coordinated through community colleges, private associations, or other entities, as defined by the department.

(10) Adult family homes that desire to deliver facility-based training with facility designated trainers, or adult family homes that desire to pool their resources to create shared training systems, must be encouraged by the department in their efforts. The department shall develop criteria for reviewing and approving trainers and training materials. The department may approve a curriculum based upon attestation by an adult family home administrator that

the adult family home's training curriculum addresses basic and specialty training competencies identified by the department, and shall review a curriculum to verify that it meets these requirements. The department may conduct the review as part of the next regularly scheduled inspection authorized under RCW 70.128.070. The department shall rescind approval of any curriculum if it determines that the curriculum does not meet these requirements.

(11) The department shall adopt rules by September 1, 2002, for the implementation of this section.

(12)(a) ~~Except as provided in (b) of this subsection, the orientation, basic training, specialty training, and continuing education requirements of this section commence September 1, 2002, and shall be applied to ((a)) (i) employees hired subsequent to September 1, 2002; or ((b)) (ii) existing employees that on September 1, 2002, have not successfully completed the training requirements under RCW 70.128.120 or 70.128.130 and this section. Existing employees who have not successfully completed the training requirements under RCW 70.128.120 or 70.128.130 shall be subject to all applicable requirements of this section. ((However, until September 1, 2002, nothing in this section affects the current training requirements under RCW 70.128.120 and 70.128.130.))~~

(b) Beginning January 7, 2012, long-term care workers, as defined in RCW 74.39A.009, employed by an adult family home are also subject to the training requirements under RCW 74.39A.074.

**Sec. 706.** RCW 74.39A.010 and 1995 1st sp.s. c 18 s 14 are each amended to read as follows:

(1) To the extent of available funding, the department of social and health services may contract with licensed boarding homes under chapter 18.20 RCW and tribally licensed boarding homes for assisted living services and enhanced adult residential care. The department shall develop rules for facilities that contract with the department for assisted living services or enhanced adult residential care to establish:

(a) Facility service standards consistent with the principles in RCW ~~((74.39A.050))~~ 74.39A.051 and consistent with chapter 70.129 RCW;

(b) Standards for resident living areas consistent with RCW 74.39A.030;

(c) Training requirements for providers and their staff.

(2) The department's rules shall provide that services in assisted living and enhanced adult residential care:

(a) Recognize individual needs, privacy, and autonomy;

(b) Include, but not be limited to, personal care, nursing services, medication administration, and supportive services that promote independence and self-sufficiency;

(c) Are of sufficient scope to assure that each resident who chooses to remain in the assisted living or enhanced adult residential care may do so, to the extent that the care provided continues to be cost-effective and safe and promote the most appropriate level of physical, mental, and psychosocial well-being consistent with client choice;

(d) Are directed first to those persons most likely, in the absence of enhanced adult residential care or assisted living services, to need hospital, nursing facility, or other out-of-home placement; and

(e) Are provided in compliance with applicable facility and professional licensing laws and rules.

(3) When a facility contracts with the department for assisted living services or enhanced adult residential care, only services and facility standards that are provided to or in behalf of the assisted living services or enhanced adult residential care client shall be subject to the department's rules.

**Sec. 707.** RCW 74.39A.020 and 2004 c 142 s 15 are each amended to read as follows:

(1) To the extent of available funding, the department of social and health services may contract for adult residential care.

(2) The department shall, by rule, develop terms and conditions for facilities that contract with the department for adult residential care to establish:

(a) Facility service standards consistent with the principles in RCW ~~((74.39A.050))~~ 74.39A.051 and consistent with chapter 70.129 RCW; and

(b) Training requirements for providers and their staff.

(3) The department shall, by rule, provide that services in adult residential care facilities:

(a) Recognize individual needs, privacy, and autonomy;

(b) Include personal care and other services that promote independence and self-sufficiency and aging in place;

(c) Are directed first to those persons most likely, in the absence of adult residential care services, to need hospital, nursing facility, or other out-of-home placement; and

(d) Are provided in compliance with applicable facility and professional licensing laws and rules.

(4) When a facility contracts with the department for adult residential care, only services and facility standards that are provided to or in behalf of the adult residential care client shall be subject to the adult residential care rules.

(5) To the extent of available funding, the department may also contract under this section with a tribally licensed boarding home for the provision of services of the same nature as the services provided by adult residential care facilities. The provisions of subsections (2)(a) and (b) and (3)(a) through (d) of this section apply to such a contract.

**Sec. 708.** RCW 74.39A.250 and 2011 1st sp.s. c 21 s 8 are each amended to read as follows:

(1) The department shall provide assistance to consumers and prospective consumers in finding individual providers and prospective individual providers through the establishment of a referral registry of individual providers and prospective individual providers. Before placing an individual provider or prospective individual provider on the referral registry, the department shall determine that:

(a) The individual provider or prospective individual provider has met the minimum requirements for training set forth in RCW ~~((74.39A.050))~~ 74.39A.051;

(b) The individual provider or prospective individual provider has satisfactorily undergone a criminal background check conducted within the prior twelve months; and

(c) The individual provider or prospective individual provider is not listed on any long-term care abuse and neglect registry used by the department.

(2) The department shall remove from the referral registry any individual provider or prospective individual provider that does not meet the qualifications set forth in subsection (1) of this section or to have committed misfeasance or malfeasance in the performance of his or her duties as an individual provider. The individual provider or prospective individual provider, or the consumer to which the individual provider is providing services, may request a fair hearing to contest the removal from the referral registry, as provided in chapter 34.05 RCW.

(3) The department shall provide routine, emergency, and respite referrals of individual providers and prospective individual providers to consumers and prospective consumers who are authorized to receive long-term in-home care services through an individual provider.

(4) The department shall give preference in the recruiting, training, referral, and employment of individual providers and prospective individual providers to recipients of public assistance or

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other low-income persons who would qualify for public assistance in the absence of such employment.

**Sec. 709.** 2012 c 1 s 201 (uncodified) (Initiative Measure No. 1163) is amended to read as follows:

The state auditor shall conduct performance audits of the long-term in-home care program. The first audit must be completed within twelve months after January 7, 2012, and must be completed on a ~~((biannual))~~ biennial basis thereafter. As part of this auditing process, the state shall hire five additional fraud investigators to ensure that clients receiving services at taxpayers' expense are medically and financially qualified to receive the services and are actually receiving the services.

**Sec. 710.** 2012 c 1 s 303 (uncodified) (Initiative Measure No. 1163) is amended to read as follows:

Notwithstanding any action of the legislature during 2011, all long-term care workers as defined under RCW 74.39A.009(16), as it existed on April 1, 2011, are covered by sections 101 through 113 of this act or by the corresponding original versions of the statutes, as referenced in section 302 (1) through (13) on the schedules set forth in those sections, as amended by chapter . . . , Laws of 2012 (this act), except that long-term care workers employed ((as)) by community residential service ((providers are covered by sections 101 through 113 of this act beginning January 1, 2016)) businesses are exempt to the extent provided in RCW 18.88B.041, 74.39A.056, 74.39A.074, 74.39A.331, 74.39A.341, and 74.39A.351.

**NEW SECTION. Sec. 711.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

Senator Keiser spoke in favor of adoption of the committee striking amendment.

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Health & Long-Term Care to Engrossed Substitute House Bill No. 2314.

The motion by Senator Keiser carried and the committee striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 7 of the title, after "requirements;" strike the remainder of the title and insert "amending RCW 18.88B.010, 74.39A.009, 18.88B.021, 18.88B.041, 18.88B.031, 74.39A.074, 74.39A.076, 74.39A.331, 74.39A.351, 74.39A.341, 18.79.260, 74.39A.261, 74.39A.056, 18.20.125, 43.20A.710, 43.43.837, 18.88B.050, 74.39A.086, 74.39A.051, 18.20.270, 70.128.120, 70.128.130, 70.128.230, 74.39A.010, 74.39A.020, and 74.39A.250; amending 2012 c 1 ss 201 and 303 (uncodified); reenacting and amending RCW 74.39A.095; adding new sections to chapter 18.88B RCW; creating new sections; and declaring an emergency."

MOTION

On motion of Senator Keiser, the rules were suspended, Engrossed Substitute House Bill No. 2314 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Keiser and Becker spoke in favor of passage of the bill.

MOTION

On motion of Senator Hatfield, Senator Hobbs was excused.

MOTION

On motion of Senator Schoesler, Senator Roach was excused.

MOTION

On motion of Senator Holmquist Newbry, Senators Benton and Ericksen were excused.

The President declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 2314 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 2314 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 45; Nays, 2; Absent, 0; Excused, 2.

Voting yea: Senators Baumgartner, Becker, Benton, Brown, Carrell, Chase, Conway, Delvin, Eide, Fain, Fraser, Frockt, Hargrove, Harper, Hatfield, Haugen, Hewitt, Hill, Hobbs, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles, Litzow, McAuliffe, Morton, Murray, Nelson, Padden, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Rolfes, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Voting nay: Senators Holmquist Newbry and Honeyford

Excused: Senators Ericksen and Roach

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2314 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2692, by House Committee on Public Safety & Emergency Preparedness (originally sponsored by Representatives Orwall, Asay, Parker, Carlyle, Kelley, Hurst, Ormsby, Kagi, Dickerson, Upthegrove, Goodman, Pettigrew, Maxwell, Dahlquist, Dammeier, Moscoso, Pearson and Kenney)

Concerning the reduction of the commercial sale of sex.

The measure was read the second time.

MOTION

Senator Kline moved that the following committee striking amendment by the Committee on Judiciary be adopted:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 9A.88.120 and 2007 c 368 s 12 are each amended to read as follows:

(1)(a) In addition to penalties set forth in RCW 9A.88.010, 9A.88.030, and 9A.88.090, a person who is either convicted or given a deferred sentence or a deferred prosecution or who has entered into a statutory or nonstatutory diversion agreement as a result of an arrest for violating RCW 9A.88.010, 9A.88.030, 9A.88.090, or comparable county or municipal ordinances shall be assessed a fifty dollar fee.

(b)(i) In addition to penalties set forth in RCW 9A.88.110, a person who is either convicted or given a deferred sentence or a deferred prosecution or who has entered into a statutory or nonstatutory diversion agreement as a result of an arrest for

violating RCW 9A.88.110 or a comparable county or municipal ordinance shall be assessed a ~~((one hundred fifty dollar))~~ fee in the amount of:

(A) One thousand five hundred dollars for the first offense;

(B) Two thousand five hundred dollars for the second offense; and

(C) Five thousand dollars for the third and each subsequent offense.

(ii) The court shall not reduce, waive, or suspend payment of all or part of the assessed fees in this section unless it finds, on the record, that the offender does not have the ability to pay the fees, in which case it may reduce the fees by an amount up to two-thirds of the maximum allowable fees.

(iii) Fees assessed under this subsection (1)(b) shall be collected by the clerk of court and be remitted to the treasurer of the county where the offense occurred for deposit in the county general fund, except in cases in which the offense occurred in a city or town that provides for its own law enforcement, in which case these amounts shall be remitted to the treasurer of the city or town for deposit in the general fund of the city or town. Revenue from the fees must be used for local efforts to reduce the commercial sale of sex including, but not limited to, increased enforcement of commercial sex laws.

(A) At least fifty percent of the revenue from fees imposed under this subsection (1)(b) must be spent on prevention, including education programs for offenders, such as john school, and rehabilitative services, such as mental health and substance abuse counseling, parenting skills training, housing relief, education, vocational training, drop-in centers, and employment counseling.

(B) Revenues from these fees are not subject to the distribution requirements under RCW 3.50.100, 3.62.020, 3.62.040, 10.82.070, or 35.20.220.

(c) In addition to penalties set forth in RCW 9A.88.070 and 9A.88.080, a person who is either convicted or given a deferred sentence or a deferred prosecution or who has entered into a statutory or nonstatutory diversion agreement as a result of an arrest for violating RCW 9A.88.070, 9A.88.080, or comparable county or municipal ordinances shall be assessed a three hundred dollar fee.

(2) The court may not suspend payment of all or part of the fee unless it finds that the person does not have the ability to pay.

(3) When a minor has been adjudicated a juvenile offender or has entered into a statutory or nonstatutory diversion agreement for an offense which, if committed by an adult, would constitute a violation under this chapter or comparable county or municipal ordinances, the court shall assess the fee as specified under subsection (1) of this section. The court may not suspend payment of all or part of the fee unless it finds that the minor does not have the ability to pay the fee.

(4) Any fee assessed under this section shall be collected by the clerk of the court and distributed each month to the state treasurer for deposit in the prostitution prevention and intervention account under RCW 43.63A.740 for the purpose of funding prostitution prevention and intervention activities.

(5) For the purposes of this section:

(a) "Statutory or nonstatutory diversion agreement" means an agreement under RCW 13.40.080 or any written agreement between a person accused of an offense listed in subsection (1) of this section and a court, county, or city prosecutor, or designee thereof, whereby the person agrees to fulfill certain conditions in lieu of prosecution.

(b) "Deferred sentence" means a sentence that will not be carried out if the defendant meets certain requirements, such as complying with the conditions of probation.

**Sec. 2.** RCW 9A.88.130 and 1999 c 327 s 2 are each amended to read as follows:

(1) When sentencing or imposing conditions on a person convicted of, or receiving a deferred sentence or deferred

prosecution for, violating RCW 9A.88.110 or 9.68A.100, the court must impose a requirement that the offender:

(a) Not be subsequently arrested for patronizing a prostitute or ~~((patronizing a juvenile prostitute))~~ commercial sexual abuse of a minor; ((and))

(b) Remain outside the geographical area, prescribed by the court, in which the person was arrested for violating RCW 9A.88.110 or 9.68A.100, unless such a requirement would interfere with the person's legitimate employment or residence or otherwise be infeasible; and

(c) Fulfill the terms of a program, if a first-time offender, designated by the sentencing court, designed to educate offenders about the negative costs of prostitution.

(2) This requirement is in addition to the penalties set forth in RCW 9A.88.110, 9A.88.120, and 9.68A.100.

**Sec. 3.** RCW 3.50.100 and 2009 c 479 s 3 are each amended to read as follows:

(1) Costs in civil and criminal actions may be imposed as provided in district court. All fees, costs, fines, forfeitures and other money imposed by any municipal court for the violation of any municipal or town ordinances shall be collected by the court clerk and, together with any other noninterest revenues received by the clerk, shall be deposited with the city or town treasurer as a part of the general fund of the city or town, or deposited in such other fund of the city or town, or deposited in such other funds as may be designated by the laws of the state of Washington.

(2) Except as provided in RCW 9A.88.120 and 10.99.080, the city treasurer shall remit monthly thirty-two percent of the noninterest money received under this section, other than for parking infractions, and certain costs to the state treasurer. "Certain costs" as used in this subsection, means those costs awarded to prevailing parties in civil actions under RCW 4.84.010 or 36.18.040, or those costs awarded against convicted defendants in criminal actions under RCW 10.01.160, 10.46.190, or 36.18.040, or other similar statutes if such costs are specifically designated as costs by the court and are awarded for the specific reimbursement of costs incurred by the state, county, city, or town in the prosecution of the case, including the fees of defense counsel. Money remitted under this subsection to the state treasurer shall be deposited in the state general fund.

(3) The balance of the noninterest money received under this section shall be retained by the city and deposited as provided by law.

(4) Penalties, fines, bail forfeitures, fees, and costs may accrue interest at the rate of twelve percent per annum, upon assignment to a collection agency. Interest may accrue only while the case is in collection status.

(5) Interest retained by the court on penalties, fines, bail forfeitures, fees, and costs shall be split twenty-five percent to the state treasurer for deposit in the state general fund, twenty-five percent to the state treasurer for deposit in the judicial information system account as provided in RCW 2.68.020, twenty-five percent to the city general fund, and twenty-five percent to the city general fund to fund local courts.

**Sec. 4.** RCW 3.62.020 and 2011 1st sp.s. c 44 s 1 are each amended to read as follows:

(1) Except as provided in subsection (4) of this section, all costs, fees, fines, forfeitures and penalties assessed and collected in whole or in part by district courts, except costs, fines, forfeitures and penalties assessed and collected, in whole or in part, because of the violation of city ordinances, shall be remitted by the clerk of the district court to the county treasurer at least monthly, together with a financial statement as required by the state auditor, noting the information necessary for crediting of such funds as required by law.

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(2) Except as provided in RCW 9A.88.120, 10.99.080, and this section, the county treasurer shall remit thirty-two percent of the noninterest money received under subsection (1) of this section except certain costs to the state treasurer. "Certain costs" as used in this subsection, means those costs awarded to prevailing parties in civil actions under RCW 4.84.010 or 36.18.040, or those costs awarded against convicted defendants in criminal actions under RCW 10.01.160, 10.46.190, or 36.18.040, or other similar statutes if such costs are specifically designated as costs by the court and are awarded for the specific reimbursement of costs incurred by the state or county in the prosecution of the case, including the fees of defense counsel. With the exception of funds to be transferred to the judicial stabilization trust account under RCW 3.62.060(2), money remitted under this subsection to the state treasurer shall be deposited in the state general fund.

(3) The balance of the noninterest money received by the county treasurer under subsection (1) of this section shall be deposited in the county current expense fund. Funds deposited under this subsection that are attributable to the county's portion of a surcharge imposed under RCW 3.62.060(2) must be used to support local trial court and court-related functions.

(4) All money collected for county parking infractions shall be remitted by the clerk of the district court at least monthly, with the information required under subsection (1) of this section, to the county treasurer for deposit in the county current expense fund.

(5) Penalties, fines, bail forfeitures, fees, and costs may accrue interest at the rate of twelve percent per annum, upon assignment to a collection agency. Interest may accrue only while the case is in collection status.

(6) Interest retained by the court on penalties, fines, bail forfeitures, fees, and costs shall be split twenty-five percent to the state treasurer for deposit in the state general fund, twenty-five percent to the state treasurer for deposit in the judicial information system account as provided in RCW 2.68.020, twenty-five percent to the county current expense fund, and twenty-five percent to the county current expense fund to fund local courts.

**Sec. 5.** RCW 3.62.040 and 2009 c 479 s 6 are each amended to read as follows:

(1) Except as provided in subsection (4) of this section, all costs, fines, forfeitures and penalties assessed and collected, in whole or in part, by district courts because of violations of city ordinances shall be remitted by the clerk of the district court at least monthly directly to the treasurer of the city wherein the violation occurred.

(2) Except as provided in RCW 9A.88.120 and 10.99.080, the city treasurer shall remit monthly thirty-two percent of the noninterest money received under this section, other than for parking infractions and certain costs, to the state treasurer. "Certain costs" as used in this subsection, means those costs awarded to prevailing parties in civil actions under RCW 4.84.010 or 36.18.040, or those costs awarded against convicted defendants in criminal actions under RCW 10.01.160, 10.46.190, or 36.18.040, or other similar statutes if such costs are specifically designated as costs by the court and are awarded for the specific reimbursement of costs incurred by the state, county, city, or town in the prosecution of the case, including the fees of defense counsel. Money remitted under this subsection to the state treasurer shall be deposited in the state general fund.

(3) The balance of the noninterest money received under this section shall be retained by the city and deposited as provided by law.

(4) All money collected for city parking infractions shall be remitted by the clerk of the district court at least monthly to the city treasurer for deposit in the city's general fund.

(5) Penalties, fines, bail forfeitures, fees, and costs may accrue interest at the rate of twelve percent per annum, upon assignment to

a collection agency. Interest may accrue only while the case is in collection status.

(6) Interest retained by the court on penalties, fines, bail forfeitures, fees, and costs shall be split twenty-five percent to the state treasurer for deposit in the state general fund, twenty-five percent to the state treasurer for deposit in the judicial information system account as provided in RCW 2.68.020, twenty-five percent to the city general fund, and twenty-five percent to the city general fund to fund local courts.

**Sec. 6.** RCW 10.82.070 and 2009 c 479 s 13 are each amended to read as follows:

(1) All sums of money derived from costs, fines, penalties, and forfeitures imposed or collected, in whole or in part, by a superior court for violation of orders of injunction, mandamus and other like writs, for contempt of court, or for breach of the penal laws shall be paid in cash by the person collecting the same, within twenty days after the collection, to the county treasurer of the county in which the same have accrued.

(2) Except as provided in RCW 9A.88.120 and 10.99.080, the county treasurer shall remit monthly thirty-two percent of the money received under this section except for certain costs to the state treasurer for deposit in the state general fund and shall deposit the remainder as provided by law. "Certain costs" as used in this subsection, means those costs awarded to prevailing parties in civil actions under RCW 4.84.010 or 36.18.040, or those costs awarded against convicted defendants in criminal actions under RCW 10.01.160, 10.46.190, or 36.18.040, or other similar statutes if such costs are specifically designated as costs by the court and are awarded for the specific reimbursement of costs incurred by the state or county in the prosecution of the case, including the fees of defense counsel. Costs or assessments awarded to dedicated accounts, state or local, are not subject to this state allocation or to RCW 7.68.035.

(3) All fees, fines, forfeitures and penalties collected or assessed by a district court because of the violation of a state law shall be remitted as provided in chapter 3.62 RCW as now exists or is later amended. All fees, fines, forfeitures, and penalties collected or assessed by a superior court in cases on appeal from a lower court shall be remitted to the municipal or district court from which the cases were appealed.

**Sec. 7.** RCW 35.20.220 and 2009 c 479 s 19 are each amended to read as follows:

(1) The chief clerk, under the supervision and direction of the court administrator of the municipal court, shall have the custody and care of the books, papers and records of the court. The chief clerk or a deputy shall be present during the session of the court and has the power to swear all witnesses and jurors, administer oaths and affidavits, and take acknowledgments. The chief clerk shall keep the records of the court and shall issue all process under his or her hand and the seal of the court. The chief clerk shall do and perform all things and have the same powers pertaining to the office as the clerks of the superior courts have in their office. He or she shall receive all fines, penalties, and fees of every kind and keep a full, accurate, and detailed account of the same. The chief clerk shall on each day pay into the city treasury all money received for the city during the day previous, with a detailed account of the same, and taking the treasurer's receipt therefor.

(2) Except as provided in RCW 9A.88.120 and 10.99.080, the city treasurer shall remit monthly thirty-two percent of the noninterest money received under this section, other than for parking infractions and certain costs to the state treasurer. "Certain costs" as used in this subsection, means those costs awarded to prevailing parties in civil actions under RCW 4.84.010 or 36.18.040, or those costs awarded against convicted defendants in criminal actions under RCW 10.01.160, 10.46.190, or 36.18.040, or other

similar statutes if such costs are specifically designated as costs by the court and are awarded for the specific reimbursement of costs incurred by the state, county, city, or town in the prosecution of the case, including the fees of defense counsel. Money remitted under this subsection to the state treasurer shall be deposited in the state general fund.

(3) The balance of the noninterest money received under this section shall be retained by the city and deposited as provided by law.

(4) Penalties, fines, bail forfeitures, fees, and costs may accrue interest at the rate of twelve percent per annum, upon assignment to a collection agency. Interest may accrue only while the case is in collection status.

(5) Interest retained by the court on penalties, fines, bail forfeitures, fees, and costs shall be split twenty-five percent to the state treasurer for deposit in the state general fund, twenty-five percent to the state treasurer for deposit in the judicial information system account as provided in RCW 2.68.020, twenty-five percent to the city general fund, and twenty-five percent to the city general fund to fund local courts."

Senator Kline spoke in favor of adoption of the committee striking amendment.

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Judiciary to Engrossed Substitute House Bill No. 2692.

The motion by Senator Kline carried and the committee striking amendment was adopted by voice vote.

#### MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 1 of the title, after "sex;" strike the remainder of the title and insert "amending RCW 9A.88.120, 9A.88.130, 3.50.100, 3.62.020, 3.62.040, 10.82.070, and 35.20.220; and prescribing penalties."

#### MOTION

On motion of Senator Kline, the rules were suspended, Engrossed Substitute House Bill No. 2692 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Kline and Pflug spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 2692 as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 2692 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Baumgartner, Becker, Benton, Brown, Carrell, Chase, Conway, Delvin, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hatfield, Haugen, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles, Litzow, McAuliffe, Morton, Murray, Nelson, Padden, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Rolfes, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Excused: Senator Roach

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2692 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2048, by House Committee on Ways & Means (originally sponsored by Representatives Kenney, Darneille, Dunshee, Hasegawa, Green, Upthegrove, Ormsby, Haigh, McCoy, Pedersen, Ryu, Pettigrew, Ladenburg, Moscoso, Hunt, Kagi, Dickerson, Appleton, Sells, Roberts, Reykdal, Frockt, Fitzgibbon, Finn, Goodman and Rolfes)

Concerning low-income and homeless housing assistance surcharges.

The measure was read the second time.

#### MOTION

Senator Hobbs moved that the following committee striking amendment by the Committee on Ways & Means be adopted:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 36.22.179 and 2011 c 110 s 2 are each amended to read as follows:

(1) In addition to the surcharge authorized in RCW 36.22.178, and except as provided in subsection (2) of this section, an additional surcharge of ten dollars shall be charged by the county auditor for each document recorded, which will be in addition to any other charge allowed by law. (~~During the 2009-11 and 2011-13 biennia~~) From July 1, 2009, through August 31, 2012, and from July 1, 2015, through June 30, 2017, the surcharge shall be thirty dollars. From September 1, 2012, through June 30, 2015, the surcharge shall be forty dollars. The funds collected pursuant to this section are to be distributed and used as follows:

(a) The auditor shall retain two percent for collection of the fee, and of the remainder shall remit sixty percent to the county to be deposited into a fund that must be used by the county and its cities and towns to accomplish the purposes of chapter 484, Laws of 2005, six percent of which may be used by the county for administrative costs related to its homeless housing plan, and the remainder for programs which directly accomplish the goals of the county's local homeless housing plan, except that for each city in the county which elects as authorized in RCW 43.185C.080 to operate its own local homeless housing program, a percentage of the surcharge assessed under this section equal to the percentage of the city's local portion of the real estate excise tax collected by the county shall be transmitted at least quarterly to the city treasurer, without any deduction for county administrative costs, for use by the city for program costs which directly contribute to the goals of the city's local homeless housing plan; of the funds received by the city, it may use six percent for administrative costs for its homeless housing program.

(b) The auditor shall remit the remaining funds to the state treasurer for deposit in the home security fund account. The department may use twelve and one-half percent of this amount for administration of the program established in RCW 43.185C.020, including the costs of creating the statewide homeless housing strategic plan, measuring performance, providing technical assistance to local governments, and managing the homeless



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housing grant program. The remaining eighty-seven and one-half percent is to be used by the department to:

- (i) Provide housing and shelter for homeless people including, but not limited to: Grants to operate, repair, and staff shelters; grants to operate transitional housing; partial payments for rental assistance; consolidated emergency assistance; overnight youth shelters; grants and vouchers designated for victims of human trafficking and their families; and emergency shelter assistance; and
- (ii) Fund the homeless housing grant program.

(2) The surcharge imposed in this section applies to documents required to be recorded or filed under RCW 65.04.030(1) including, but not limited to: Full reconveyance; deeds of trust; deeds; liens related to real property; release of liens related to real property; notice of trustee sales; judgments related to real property; and all other documents pertaining to real property as determined by the department. However, the surcharge does not apply to (a) assignments or substitutions of previously recorded deeds of trust, or (b) documents recording a birth, marriage, divorce, or death or any documents otherwise exempted from a recording fee under state law.

(3) By August 31, 2012, the department shall submit to each county auditor a list of documents that are subject to the surcharge established in subsection (1) of this section.

(4) If section 2, chapter . . . , Laws of 2012 (section 2 of this act) is not enacted into law by July 31, 2012, section 1, chapter . . . , Laws of 2012 (section 1 of this act) is null and void.

**NEW SECTION. Sec. 2.** A new section is added to chapter 43.185C RCW to read as follows:

(1) As a means of efficiently and cost-effectively providing housing assistance to very-low income and homeless households:

(a) Any local government that has the authority to issue housing vouchers, directly or through a contractor, using document recording surcharge funds collected pursuant to RCW 36.22.178, 36.22.179, or 36.22.1791 must:

(i)(A) Maintain an interested landlord list, which at a minimum, includes information on rental properties in buildings with fewer than fifty units;

(B) Update the list at least once per quarter;

(C) Distribute the list to agencies providing services to individuals and households receiving housing vouchers;

(D) Ensure that a copy of the list or information for accessing the list online is provided with voucher paperwork; and

(E) Use reasonable best efforts to communicate and interact with landlord and tenant associations located within its jurisdiction to facilitate development, maintenance, and distribution of the list;

(ii) Using cost-effective methods of communication, convene, on a semiannual or more frequent basis, landlords represented on the interested landlord list and agencies providing services to individuals and households receiving housing vouchers to identify successes, barriers, and process improvements. The local government is not required to reimburse any participants for expenses related to attendance;

(iii) Produce data, limited to document recording fee uses and expenditures, on a calendar year basis in consultation with landlords represented on the interested landlord list and agencies providing services to individuals and households receiving housing vouchers, that include the following: Total amount expended from document recording fees; amount expended on, number of households that received, and number of housing vouchers issued in each of the private, public, and nonprofit markets; amount expended on, number of households that received, and number of housing placement payments provided in each of the private, public, and nonprofit markets; amount expended on and number of eviction prevention services provided in the private market; and amount expended on and number of other tenant-based rent assistance

services provided in the private market. If these data elements are not readily available, the reporting government may request the department to use the sampling methodology established pursuant to (c)(iii) of this subsection to obtain the data; and

(iv) Annually submit the calendar year data to the department by October 1st, with preliminary data submitted by October 1, 2012, and full calendar year data submitted beginning October 1, 2013.

(b) Any local government receiving more than three million five hundred thousand dollars during the previous calendar year from document recording surcharge funds collected pursuant to RCW 36.22.178, 36.22.179, and 36.22.1791, must apply to the Washington state quality award program, or similar Baldrige assessment organization, for an independent assessment of its quality management, accountability, and performance system. The first assessment may be a lite assessment. After submitting an application, a local government is required to reapply at least every two years.

(c) The department must:

(i) Require contractors that provide housing vouchers to distribute the interested landlord list created by the appropriate local government to individuals and households receiving the housing vouchers;

(ii) Using cost-effective methods of communication, annually convene local governments issuing housing vouchers, landlord association representatives, and agencies providing services to individuals and households receiving housing vouchers to identify successes, barriers, and process improvements. The department is not required to reimburse any participants for expenses related to attendance;

(iii) Develop a sampling methodology to obtain data required under this section when a local government or contractor does not have such information readily available. The process for developing the sampling methodology must include providing notification to and the opportunity for public comment by local governments issuing housing vouchers, landlord association representatives, and agencies providing services to individuals and households receiving housing vouchers;

(iv) Develop a report, limited to document recording fee uses and expenditures, on a calendar year basis in consultation with local governments, landlord association representatives, and agencies providing services to individuals and households receiving housing vouchers, that includes the following: Total amount expended from document recording fees; amount expended on, number of households that received, and number of housing vouchers issued in each of the private, public, and nonprofit markets; amount expended on, number of households that received, and number of housing placement payments provided in each of the private, public, and nonprofit markets; amount expended on and number of eviction prevention services provided in the private market; and amount expended on and number of other tenant-based rent assistance services provided in the private market. The information in the report must include data submitted by local governments and data on all additional document recording fee activities for which the department contracted that were not otherwise reported;

(v) Annually submit the calendar year report to the legislature by December 15th, with a preliminary report submitted by December 15, 2012, and full calendar year reports submitted beginning December 15, 2013; and

(vi) Work with the Washington state quality award program, local governments, and any other organizations to ensure the appropriate scheduling of assessments for all local governments meeting the criteria described in subsection (1)(b) of this section.

(2) For purposes of this section:

(a) "Housing placement payments" means one-time payments, such as first and last month's rent and move-in costs, funded by

document recording surcharges collected pursuant to RCW 36.22.178, 36.22.179, or 36.22.1791 that are made to secure a unit on behalf of a tenant.

(b) "Housing vouchers" means payments funded by document recording surcharges collected pursuant to RCW 36.22.178, 36.22.179, or 36.22.1791 that are made by a local government or contractor to secure: (i) A rental unit on behalf of an individual tenant; or (ii) a block of units on behalf of multiple tenants.

(c) "Interested landlord list" means a list of landlords who have indicated to a local government or contractor interest in renting to individuals or households receiving a housing voucher funded by document recording surcharges.

(3) This section expires June 30, 2017.

(4) If section 1, chapter . . . , Laws of 2012 (section 1 of this act) is not enacted into law by July 31, 2012, this section is null and void."

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Ways & Means to Engrossed Substitute House Bill No. 2048.

The motion by Senator Hobbs carried and the committee striking amendment was adopted by voice vote.

#### MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 2 of the title, after "surcharges;" strike the remainder of the title and insert "amending RCW 36.22.179; adding a new section to chapter 43.185C RCW; and providing an expiration date."

#### MOTION

On motion of Senator Hobbs, the rules were suspended, Engrossed Substitute House Bill No. 2048 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Hobbs, Benton and Kohl-Welles spoke in favor of passage of the bill.

Senators Honeyford, Sheldon, Ericksen and Schoesler spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 2048 as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 2048 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 30; Nays, 18; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Brown, Chase, Conway, Eide, Fain, Fraser, Frockt, Hargrove, Harper, Hatfield, Haugen, Hill, Hobbs, Kastama, Keiser, Kilmer, Kline, Kohl-Welles, Litzow, McAuliffe, Murray, Nelson, Parlette, Prentice, Pridemore, Ranker, Regala, Rolfes and Shin

Voting nay: Senators Baumgartner, Becker, Carrell, Delvin, Ericksen, Hewitt, Holmquist Newbry, Honeyford, King, Morton, Padden, Pflug, Schoesler, Sheldon, Stevens, Swecker, Tom and Zarelli

Excused: Senator Roach

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2048 as amended by the Senate, having received the constitutional

majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MOTION

On motion of Senator Eide, Rule 15 was suspended for the remainder of the day for the purpose of allowing continued floor action.

EDITOR'S NOTE: Senate Rule 15 establishes the floor schedule and calls for a lunch and dinner break of 90 minutes each per day during regular daily sessions.

#### MOTION

At 5:36 p.m., on motion of Senator Eide, the Senate recessed until 6:30 p.m.

The Senate was called to order at 6:30 p.m. by President Owen.

#### MOTION

On motion of Senator Eide, the Senate reverted to the fourth order of business.

#### MESSAGE FROM THE HOUSE

February 29, 2012

MR. PRESIDENT:

The House has passed:

SUBSTITUTE SENATE BILL NO. 5984.  
and the same is herewith transmitted.

BARBARA BAKER, Chief Clerk

#### SIGNED BY THE PRESIDENT

The President signed:

SUBSTITUTE SENATE BILL NO. 5984.

#### MESSAGE FROM THE HOUSE

February 29, 2012

MR. PRESIDENT:

The Speaker has signed:

SUBSTITUTE SENATE BILL NO. 5984.  
and the same is herewith transmitted.

BARBARA BAKER, Chief Clerk

#### MOTION

On motion of Senator Eide, the Senate advanced to the sixth order of business.

#### SECOND READING

SUBSTITUTE HOUSE BILL NO. 2188, by House Committee on Business & Financial Services (originally sponsored by Representatives Ryu and Parker)

Regulating air rescue or evacuation services.

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The measure was read the second time.

MOTION

On motion of Senator Hobbs, the rules were suspended, Substitute House Bill No. 2188 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Hobbs spoke in favor of passage of the bill.

MOTION

On motion of Senator Delvin, Senators Ericksen and Roach were excused.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 2188.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2188 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 2; Excused, 2.

Voting yea: Senators Baumgartner, Becker, Brown, Carrell, Chase, Conway, Delvin, Eide, Fain, Fraser, Frockt, Hargrove, Harper, Hatfield, Haugen, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles, Litzow, McAuliffe, Morton, Murray, Nelson, Padden, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Rolfes, Schoesler, Sheldon, Stevens, Swecker, Tom and Zarelli

Absent: Senators Benton and Shind

Excused: Senators Ericksen and Roach

SUBSTITUTE HOUSE BILL NO. 2188, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Fain, Senator Benton was excused.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1983, by House Committee on Public Safety & Emergency Preparedness (originally sponsored by Representatives Parker, Kenney, McCune, Hunt, Johnson, Pearson, Ryu, Fagan and Nealey)

Increasing fee assessments for prostitution crimes.

The measure was read the second time.

MOTION

Senator Regala moved that the following committee striking amendment by the Committee on Human Services & Corrections be adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 9A.40.100 and 2011 c 111 s 1 are each amended to read as follows:

(1)(a) A person is guilty of trafficking in the first degree when:

(i) Such person:

(A) Recruits, harbors, transports, transfers, provides, obtains, or receives by any means another person knowing that force, fraud, or

coercion as defined in RCW 9A.36.070 will be used to cause the person to engage in forced labor, involuntary servitude, or a commercial sex act; or

(B) Benefits financially or by receiving anything of value from participation in a venture that has engaged in acts set forth in (a)(i)(A) of this subsection; and

(ii) The acts or venture set forth in (a)(i) of this subsection:

(A) Involve committing or attempting to commit kidnapping;

(B) Involve a finding of sexual motivation under RCW 9.94A.835;

(C) Involve the illegal harvesting or sale of human organs; or

(D) Result in a death.

(b) Trafficking in the first degree is a class A felony.

(2)(a) A person is guilty of trafficking in the second degree when such person:

(i) Recruits, harbors, transports, transfers, provides, obtains, or receives by any means another person knowing that force, fraud, or coercion as defined in RCW 9A.36.070 will be used to cause the person to engage in forced labor, involuntary servitude, or a commercial sex act; or

(ii) Benefits financially or by receiving anything of value from participation in a venture that has engaged in acts set forth in (a)(i) of this subsection.

(b) Trafficking in the second degree is a class A felony.

(3)(a) A person who is either convicted or given a deferred sentence or a deferred prosecution or who has entered into a statutory or nonstatutory diversion agreement as a result of an arrest for a violation of a trafficking crime shall be assessed a three thousand dollar fee.

(b) The court shall not reduce, waive, or suspend payment of all or part of the fee assessed in this section unless it finds, on the record, that the offender does not have the ability to pay the fee in which case it may reduce the fee by an amount up to two-thirds of the maximum allowable fee.

(c) Fees assessed under this section shall be collected by the clerk of the court and remitted to the treasurer of the county where the offense occurred for deposit in the county general fund, except in cases in which the offense occurred in a city or town that provides for its own law enforcement, in which case these amounts shall be remitted to the treasurer of the city or town for deposit in the general fund of the city or town. Revenue from the fees must be used for local efforts to reduce the commercial sale of sex including, but not limited to, increasing enforcement of commercial sex laws.

(i) At least fifty percent of the revenue from fees imposed under this section must be spent on prevention, including education programs for offenders, such as john school, and rehabilitative services, such as mental health and substance abuse counseling, parenting skills, training, housing relief, education, vocational training, drop-in centers, and employment counseling.

(ii) Revenues from these fees are not subject to the distribution requirements under RCW 3.50.100, 3.62.020, 3.62.040, 10.82.070, or 35.20.220.

**Sec. 2.** RCW 9A.44.128 and 2011 c 337 s 2 are each amended to read as follows:

For the purposes of RCW 9A.44.130 through 9A.44.145, 10.01.200, 43.43.540, 70.48.470, and 72.09.330, the following definitions apply:

(1) "Business day" means any day other than Saturday, Sunday, or a legal local, state, or federal holiday.

(2) "Conviction" means any adult conviction or juvenile adjudication for a sex offense or kidnapping offense.

(3) "Disqualifying offense" means a conviction for: Any offense that is a felony; a sex offense as defined in this section; a crime against children or persons as defined in RCW 43.43.830(5) and 9.94A.411(2)(a); an offense with a domestic violence

designation as provided in RCW 10.99.020; permitting the commercial sexual abuse of a minor as defined in RCW 9.68A.103; or any violation of chapter 9A.88 RCW.

(4) "Employed" or "carries on a vocation" means employment that is full time or part time for a period of time exceeding fourteen days, or for an aggregate period of time exceeding thirty days during any calendar year. A person is employed or carries on a vocation whether the person's employment is financially compensated, volunteered, or for the purpose of government or educational benefit.

(5) "Fixed residence" means a building that a person lawfully and habitually uses as living quarters a majority of the week. Uses as living quarters means to conduct activities consistent with the common understanding of residing, such as sleeping; eating; keeping personal belongings; receiving mail; and paying utilities, rent, or mortgage. A nonpermanent structure including, but not limited to, a motor home, travel trailer, camper, or boat may qualify as a residence provided it is lawfully and habitually used as living quarters a majority of the week, primarily kept at one location with a physical address, and the location it is kept at is either owned or rented by the person or used by the person with the permission of the owner or renter. A shelter program may qualify as a residence provided it is a shelter program designed to provide temporary living accommodations for the homeless, provides an offender with a personally assigned living space, and the offender is permitted to store belongings in the living space.

(6) "In the community" means residing outside of confinement or incarceration for a disqualifying offense.

(7) "Institution of higher education" means any public or private institution dedicated to postsecondary education, including any college, university, community college, trade, or professional school.

(8) "Kidnapping offense" means:

(a) The crimes of kidnapping in the first degree, kidnapping in the second degree, and unlawful imprisonment, as defined in chapter 9A.40 RCW, where the victim is a minor and the offender is not the minor's parent;

(b) Any offense that is, under chapter 9A.28 RCW, a criminal attempt, criminal solicitation, or criminal conspiracy to commit an offense that is classified as a kidnapping offense under this subsection; and

(c) Any federal or out-of-state conviction for: An offense for which the person would be required to register as a kidnapping offender if residing in the state of conviction; or, if not required to register in the state of conviction, an offense that under the laws of this state would be classified as a kidnapping offense under this subsection.

(9) "Lacks a fixed residence" means the person does not have a living situation that meets the definition of a fixed residence and includes, but is not limited to, a shelter program designed to provide temporary living accommodations for the homeless, an outdoor sleeping location, or locations where the person does not have permission to stay.

(10) "Sex offense" means:

(a) Any offense defined as a sex offense by RCW 9.94A.030;

(b) Any violation under RCW 9A.44.096 (sexual misconduct with a minor in the second degree);

(c) Any violation under RCW 9.68A.090 (communication with a minor for immoral purposes);

(d) A violation under RCW 9A.88.070 (promoting prostitution in the first degree) or RCW 9A.88.080 (promoting prostitution in the second degree) if the person has a prior conviction for one of these offenses;

(e) Any gross misdemeanor that is, under chapter 9A.28 RCW, a criminal attempt, criminal solicitation, or criminal conspiracy to

commit an offense that is classified as a sex offense under RCW 9.94A.030 or this subsection;

~~((e))~~ (f) Any out-of-state conviction for an offense for which the person would be required to register as a sex offender while residing in the state of conviction; or, if not required to register in the state of conviction, an offense that under the laws of this state would be classified as a sex offense under this subsection;

~~((f))~~ (g) Any federal conviction classified as a sex offense under 42 U.S.C. Sec. 16911 (SORNA);

~~((g))~~ (h) Any military conviction for a sex offense. This includes sex offenses under the uniform code of military justice, as specified by the United States secretary of defense;

~~((h))~~ (i) Any conviction in a foreign country for a sex offense if it was obtained with sufficient safeguards for fundamental fairness and due process for the accused under guidelines or regulations established pursuant to 42 U.S.C. Sec. 16912.

(11) "School" means a public or private school regulated under Title 28A RCW or chapter 72.40 RCW.

(12) "Student" means a person who is enrolled, on a full-time or part-time basis, in any school or institution of higher education.

**Sec. 3.** RCW 9A.88.120 and 2007 c 368 s 12 are each amended to read as follows:

(1)(a) In addition to penalties set forth in RCW 9A.88.010~~(c)~~ and 9A.88.030~~(c, and 9A.88.090)~~, a person who is either convicted or given a deferred sentence or a deferred prosecution or who has entered into a statutory or nonstatutory diversion agreement as a result of an arrest for violating RCW 9A.88.010, 9A.88.030, ~~(9A.88.090)~~ or comparable county or municipal ordinances shall be assessed a fifty dollar fee.

(b) In addition to penalties set forth in RCW 9A.88.090, a person who is either convicted or given a deferred sentence or a deferred prosecution or who has entered into a statutory or nonstatutory diversion agreement as a result of an arrest for violating RCW 9A.88.090 or comparable county or municipal ordinances shall be assessed a fee in the amount of:

(i) One thousand five hundred dollars if the defendant has no prior convictions, deferred sentences, deferred prosecutions, or statutory or nonstatutory diversion agreements for this offense;

(ii) Two thousand five hundred dollars if the defendant has one prior conviction, deferred sentence, deferred prosecution, or statutory or nonstatutory diversion agreement for this offense; and

(iii) Five thousand dollars if the defendant has two or more prior convictions, deferred sentences, deferred prosecutions, or statutory or nonstatutory diversion agreements for this offense.

(c) In addition to penalties set forth in RCW 9A.88.110, a person who is either convicted or given a deferred sentence or a deferred prosecution or who has entered into a statutory or nonstatutory diversion agreement as a result of an arrest for violating RCW 9A.88.110 or a comparable county or municipal ordinance shall be assessed a ~~((one hundred fifty dollar))~~ fee in the amount of:

(i) One thousand five hundred dollars if the defendant has no prior convictions, deferred sentences, deferred prosecutions, or statutory or nonstatutory diversion agreements for this offense;

(ii) Two thousand five hundred dollars if the defendant has one prior conviction, deferred sentence, deferred prosecution, or statutory or nonstatutory diversion agreement for this offense; and

(iii) Five thousand dollars if the defendant has two or more prior convictions, deferred sentences, deferred prosecutions, or statutory or nonstatutory diversion agreements for this offense.

~~((e))~~ (d) In addition to penalties set forth in RCW 9A.88.070 and 9A.88.080, a person who is either convicted or given a deferred sentence or a deferred prosecution or who has entered into a statutory or nonstatutory diversion agreement as a result of an arrest for violating RCW 9A.88.070, 9A.88.080, or comparable county or

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municipal ordinances shall be assessed a (~~three hundred dollar~~) fee in the amount of:

(i) Three thousand dollars if the defendant has no prior convictions, deferred sentences, deferred prosecutions, or statutory or nonstatutory diversion agreements for this offense;

(ii) Six thousand dollars if the defendant has one prior conviction, deferred sentence, deferred prosecution, or statutory or nonstatutory diversion agreement for this offense; and

(iii) Ten thousand dollars if the defendant has two or more prior convictions, deferred sentences, deferred prosecutions, or statutory or nonstatutory diversion agreements for this offense.

(2) ((The court may not suspend payment of all or part of the fee unless it finds that the person does not have the ability to pay.

(3)) When a minor has been adjudicated a juvenile offender or has entered into a statutory or nonstatutory diversion agreement for an offense which, if committed by an adult, would constitute a violation under this chapter or comparable county or municipal ordinances, the court shall assess the fee as specified under subsection (1) of this section. ((The court may not suspend payment of all or part of the fee unless it finds that the minor does not have the ability to pay the fee.

(4) Any fee assessed under this section shall be collected by the clerk of the court and distributed each month to the state treasurer for deposit in the prostitution prevention and intervention account under RCW 43.63A.740 for the purpose of funding prostitution prevention and intervention activities.))

(3) The court shall not reduce, waive, or suspend payment of all or part of the assessed fee in this section unless it finds, on the record, that the offender does not have the ability to pay the fee in which case it may reduce the fee by an amount up to two-thirds of the maximum allowable fee.

(4) Fees assessed under this section shall be collected by the clerk of the court and remitted to the treasurer of the county where the offense occurred for deposit in the county general fund, except in cases in which the offense occurred in a city or town that provides for its own law enforcement, in which case these amounts shall be remitted to the treasurer of the city or town for deposit in the general fund of the city or town. Revenue from the fees must be used for local efforts to reduce the commercial sale of sex including, but not limited to, increasing enforcement of commercial sex laws.

(a) At least fifty percent of the revenue from fees imposed under this section must be spent on prevention, including education programs for offenders, such as john school, and rehabilitative services, such as mental health and substance abuse counseling, parenting skills, training, housing relief, education, vocational training, drop-in centers, and employment counseling.

(b) Revenues from these fees are not subject to the distribution requirements under RCW 3.50.100, 3.62.020, 3.62.040, 10.82.070, or 35.20.220.

(5) For the purposes of this section:

(a) "Statutory or nonstatutory diversion agreement" means an agreement under RCW 13.40.080 or any written agreement between a person accused of an offense listed in subsection (1) of this section and a court, county, or city prosecutor, or designee thereof, whereby the person agrees to fulfill certain conditions in lieu of prosecution.

(b) "Deferred sentence" means a sentence that will not be carried out if the defendant meets certain requirements, such as complying with the conditions of probation.

**Sec. 4.** RCW 9.68A.105 and 2010 c 289 s 15 are each amended to read as follows:

(1)(a) In addition to penalties set forth in RCW 9.68A.100, 9.68A.101, and 9.68A.102, a person who is either convicted or given a deferred sentence or a deferred prosecution or who has entered into a statutory or nonstatutory diversion agreement as a result of an arrest for violating RCW 9.68A.100, 9.68A.101, or

9.68A.102, or a comparable county or municipal ordinance shall be assessed a five thousand dollar fee.

(b) The court may not reduce, waive, or suspend payment of all or part of the fee assessed unless it finds, on the record, that the person does not have the ability to pay in which case it may reduce the fee by an amount up to two-thirds of the maximum allowable fee.

(c) When a minor has been adjudicated a juvenile offender or has entered into a statutory or nonstatutory diversion agreement for an offense which, if committed by an adult, would constitute a violation of RCW 9.68A.100, 9.68A.101, or 9.68A.102, or a comparable county or municipal ordinance, the court shall assess the fee under (a) of this subsection. The court may not reduce, waive, or suspend payment of all or part of the fee assessed unless it finds, on the record, that the minor does not have the ability to pay the fee in which case it may reduce the fee by an amount up to two-thirds of the maximum allowable fee.

(2) ((The fee assessed under subsection (1) of this section shall be collected by the clerk of the court and distributed each month to the state treasurer for deposit in the prostitution prevention and intervention account under RCW 43.63A.740 for the purpose of funding prostitution prevention and intervention activities.)) Fees assessed under this section shall be collected by the clerk of the court and remitted to the treasurer of the county where the offense occurred for deposit in the county general fund, except in cases in which the offense occurred in a city or town that provides for its own law enforcement, in which case these amounts shall be remitted to the treasurer of the city or town for deposit in the general fund of the city or town. Revenue from the fees must be used for local efforts to reduce the commercial sale of sex including, but not limited to, increasing enforcement of commercial sex laws.

(a) At least fifty percent of the revenue from fees imposed under this section must be spent on prevention, including education programs for offenders, such as john school, and rehabilitative services, such as mental health and substance abuse counseling, parenting skills, training, housing relief, education, vocational training, drop-in centers, and employment counseling.

(b) Revenues from these fees are not subject to the distribution requirements under RCW 3.50.100, 3.62.020, 3.62.040, 10.82.070, or 35.20.220.

(3) For the purposes of this section:

(a) "Statutory or nonstatutory diversion agreement" means an agreement under RCW 13.40.080 or any written agreement between a person accused of an offense listed in subsection (1) of this section and a court, county or city prosecutor, or designee thereof, whereby the person agrees to fulfill certain conditions in lieu of prosecution.

(b) "Deferred sentence" means a sentence that will not be carried out if the defendant meets certain requirements, such as complying with the conditions of probation.

**Sec. 5.** RCW 3.50.100 and 2009 c 479 s 3 are each amended to read as follows:

(1) Costs in civil and criminal actions may be imposed as provided in district court. All fees, costs, fines, forfeitures and other money imposed by any municipal court for the violation of any municipal or town ordinances shall be collected by the court clerk and, together with any other noninterest revenues received by the clerk, shall be deposited with the city or town treasurer as a part of the general fund of the city or town, or deposited in such other fund of the city or town, or deposited in such other funds as may be designated by the laws of the state of Washington.

(2) Except as provided in RCW 9A.88.120 and 10.99.080, the city treasurer shall remit monthly thirty-two percent of the noninterest money received under this section, other than for parking infractions, and certain costs to the state treasurer. "Certain costs" as used in this subsection, means those costs awarded to

prevailing parties in civil actions under RCW 4.84.010 or 36.18.040, or those costs awarded against convicted defendants in criminal actions under RCW 10.01.160, 10.46.190, or 36.18.040, or other similar statutes if such costs are specifically designated as costs by the court and are awarded for the specific reimbursement of costs incurred by the state, county, city, or town in the prosecution of the case, including the fees of defense counsel. Money remitted under this subsection to the state treasurer shall be deposited in the state general fund.

(3) The balance of the noninterest money received under this section shall be retained by the city and deposited as provided by law.

(4) Penalties, fines, bail forfeitures, fees, and costs may accrue interest at the rate of twelve percent per annum, upon assignment to a collection agency. Interest may accrue only while the case is in collection status.

(5) Interest retained by the court on penalties, fines, bail forfeitures, fees, and costs shall be split twenty-five percent to the state treasurer for deposit in the state general fund, twenty-five percent to the state treasurer for deposit in the judicial information system account as provided in RCW 2.68.020, twenty-five percent to the city general fund, and twenty-five percent to the city general fund to fund local courts.

**Sec. 6.** RCW 3.62.020 and 2011 1st sp.s. c 44 s 1 are each amended to read as follows:

(1) Except as provided in subsection (4) of this section, all costs, fees, fines, forfeitures and penalties assessed and collected in whole or in part by district courts, except costs, fines, forfeitures and penalties assessed and collected, in whole or in part, because of the violation of city ordinances, shall be remitted by the clerk of the district court to the county treasurer at least monthly, together with a financial statement as required by the state auditor, noting the information necessary for crediting of such funds as required by law.

(2) Except as provided in RCW 9A.88.120, 10.99.080, and this section, the county treasurer shall remit thirty-two percent of the noninterest money received under subsection (1) of this section except certain costs to the state treasurer. "Certain costs" as used in this subsection, means those costs awarded to prevailing parties in civil actions under RCW 4.84.010 or 36.18.040, or those costs awarded against convicted defendants in criminal actions under RCW 10.01.160, 10.46.190, or 36.18.040, or other similar statutes if such costs are specifically designated as costs by the court and are awarded for the specific reimbursement of costs incurred by the state or county in the prosecution of the case, including the fees of defense counsel. With the exception of funds to be transferred to the judicial stabilization trust account under RCW 3.62.060(2), money remitted under this subsection to the state treasurer shall be deposited in the state general fund.

(3) The balance of the noninterest money received by the county treasurer under subsection (1) of this section shall be deposited in the county current expense fund. Funds deposited under this subsection that are attributable to the county's portion of a surcharge imposed under RCW 3.62.060(2) must be used to support local trial court and court-related functions.

(4) All money collected for county parking infractions shall be remitted by the clerk of the district court at least monthly, with the information required under subsection (1) of this section, to the county treasurer for deposit in the county current expense fund.

(5) Penalties, fines, bail forfeitures, fees, and costs may accrue interest at the rate of twelve percent per annum, upon assignment to a collection agency. Interest may accrue only while the case is in collection status.

(6) Interest retained by the court on penalties, fines, bail forfeitures, fees, and costs shall be split twenty-five percent to the

state treasurer for deposit in the state general fund, twenty-five percent to the state treasurer for deposit in the judicial information system account as provided in RCW 2.68.020, twenty-five percent to the county current expense fund, and twenty-five percent to the county current expense fund to fund local courts.

**Sec. 7.** RCW 3.62.040 and 2009 c 479 s 6 are each amended to read as follows:

(1) Except as provided in subsection (4) of this section, all costs, fines, forfeitures and penalties assessed and collected, in whole or in part, by district courts because of violations of city ordinances shall be remitted by the clerk of the district court at least monthly directly to the treasurer of the city wherein the violation occurred.

(2) Except as provided in RCW 9A.88.120 and 10.99.080, the city treasurer shall remit monthly thirty-two percent of the noninterest money received under this section, other than for parking infractions and certain costs, to the state treasurer. "Certain costs" as used in this subsection, means those costs awarded to prevailing parties in civil actions under RCW 4.84.010 or 36.18.040, or those costs awarded against convicted defendants in criminal actions under RCW 10.01.160, 10.46.190, or 36.18.040, or other similar statutes if such costs are specifically designated as costs by the court and are awarded for the specific reimbursement of costs incurred by the state, county, city, or town in the prosecution of the case, including the fees of defense counsel. Money remitted under this subsection to the state treasurer shall be deposited in the state general fund.

(3) The balance of the noninterest money received under this section shall be retained by the city and deposited as provided by law.

(4) All money collected for city parking infractions shall be remitted by the clerk of the district court at least monthly to the city treasurer for deposit in the city's general fund.

(5) Penalties, fines, bail forfeitures, fees, and costs may accrue interest at the rate of twelve percent per annum, upon assignment to a collection agency. Interest may accrue only while the case is in collection status.

(6) Interest retained by the court on penalties, fines, bail forfeitures, fees, and costs shall be split twenty-five percent to the state treasurer for deposit in the state general fund, twenty-five percent to the state treasurer for deposit in the judicial information system account as provided in RCW 2.68.020, twenty-five percent to the city general fund, and twenty-five percent to the city general fund to fund local courts.

**Sec. 8.** RCW 10.82.070 and 2009 c 479 s 13 are each amended to read as follows:

(1) All sums of money derived from costs, fines, penalties, and forfeitures imposed or collected, in whole or in part, by a superior court for violation of orders of injunction, mandamus and other like writs, for contempt of court, or for breach of the penal laws shall be paid in cash by the person collecting the same, within twenty days after the collection, to the county treasurer of the county in which the same have accrued.

(2) Except as provided in RCW 9A.88.120 and 10.99.080, the county treasurer shall remit monthly thirty-two percent of the money received under this section except for certain costs to the state treasurer for deposit in the state general fund and shall deposit the remainder as provided by law. "Certain costs" as used in this subsection, means those costs awarded to prevailing parties in civil actions under RCW 4.84.010 or 36.18.040, or those costs awarded against convicted defendants in criminal actions under RCW 10.01.160, 10.46.190, or 36.18.040, or other similar statutes if such costs are specifically designated as costs by the court and are awarded for the specific reimbursement of costs incurred by the state or county in the prosecution of the case, including the fees of defense counsel. Costs or assessments awarded to dedicated

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accounts, state or local, are not subject to this state allocation or to RCW 7.68.035.

(3) All fees, fines, forfeitures and penalties collected or assessed by a district court because of the violation of a state law shall be remitted as provided in chapter 3.62 RCW as now exists or is later amended. All fees, fines, forfeitures, and penalties collected or assessed by a superior court in cases on appeal from a lower court shall be remitted to the municipal or district court from which the cases were appealed.

**Sec. 9.** RCW 35.20.220 and 2009 c 479 s 19 are each amended to read as follows:

(1) The chief clerk, under the supervision and direction of the court administrator of the municipal court, shall have the custody and care of the books, papers and records of the court. The chief clerk or a deputy shall be present during the session of the court and has the power to swear all witnesses and jurors, administer oaths and affidavits, and take acknowledgments. The chief clerk shall keep the records of the court and shall issue all process under his or her hand and the seal of the court. The chief clerk shall do and perform all things and have the same powers pertaining to the office as the clerks of the superior courts have in their office. He or she shall receive all fines, penalties, and fees of every kind and keep a full, accurate, and detailed account of the same. The chief clerk shall on each day pay into the city treasury all money received for the city during the day previous, with a detailed account of the same, and taking the treasurer's receipt therefor.

(2) Except as provided in RCW 9A.88.120 and 10.99.080, the city treasurer shall remit monthly thirty-two percent of the noninterest money received under this section, other than for parking infractions and certain costs to the state treasurer. "Certain costs" as used in this subsection, means those costs awarded to prevailing parties in civil actions under RCW 4.84.010 or 36.18.040, or those costs awarded against convicted defendants in criminal actions under RCW 10.01.160, 10.46.190, or 36.18.040, or other similar statutes if such costs are specifically designated as costs by the court and are awarded for the specific reimbursement of costs incurred by the state, county, city, or town in the prosecution of the case, including the fees of defense counsel. Money remitted under this subsection to the state treasurer shall be deposited in the state general fund.

(3) The balance of the noninterest money received under this section shall be retained by the city and deposited as provided by law.

(4) Penalties, fines, bail forfeitures, fees, and costs may accrue interest at the rate of twelve percent per annum, upon assignment to a collection agency. Interest may accrue only while the case is in collection status.

(5) Interest retained by the court on penalties, fines, bail forfeitures, fees, and costs shall be split twenty-five percent to the state treasurer for deposit in the state general fund, twenty-five percent to the state treasurer for deposit in the judicial information system account as provided in RCW 2.68.020, twenty-five percent to the city general fund, and twenty-five percent to the city general fund to fund local courts."

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Human Services & Corrections to Engrossed Substitute House Bill No. 1983.

The motion by Senator Regala carried and the committee striking amendment was adopted by voice vote.

#### MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 1 of the title, after "prostitution" strike the remainder of the title and insert "and trafficking crimes and requiring sex offender registration for second and subsequent convictions of promoting prostitution in the first or second degree; amending RCW 9A.40.100, 9A.44.128, 9A.88.120, 9.68A.105, 3.50.100, 3.62.020, 3.62.040, 10.82.070, and 35.20.220; and prescribing penalties."

#### MOTION

On motion of Senator Regala, the rules were suspended, Engrossed Substitute House Bill No. 1983 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Regala and Stevens spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 1983 as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1983 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Baumgartner, Becker, Benton, Brown, Carrell, Chase, Conway, Delvin, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hatfield, Haugen, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles, Litzow, McAuliffe, Morton, Murray, Nelson, Padden, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Rolfes, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Excused: Senator Roach

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1983 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MOTION

At 6:49 p.m., on motion of Senator Eide, the Senate was declared to be at ease subject to the call of the President.

The Senate was called to order at 6:58 p.m. by President Owen.

#### SECOND READING

HOUSE BILL NO. 2346, by Representatives Walsh, Reykdal, Pearson, Hurst, Kristiansen, Nealey, McCune, Appleton, Orwall, Moscoso, Goodman, DeBolt, Rivers, Shea, Armstrong, Maxwell, Johnson, Springer, Darneille, Sells, Fitzgibbon, Eddy, Angel, Upthegrove, Kelley, Ryu, Stanford, Hudgins, Seaquist and Ormsby

Removing the requirement that correctional officers of the department of corrections purchase uniforms from correctional industries.

The measure was read the second time.

#### MOTION

Senator Regala moved that the following committee striking amendment by the Committee on Human Services & Corrections be not adopted:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 43.19.534 and 2011 1st sp.s. c 43 s 227 and 2011 c 367 s 707 are each reenacted and amended to read as follows:

(1) State agencies, the legislature, and departments shall purchase for their use all goods and services required by the legislature, agencies, or departments that are produced or provided in whole or in part from class II inmate work programs operated by the department of corrections through state contract. These goods and services shall not be purchased from any other source unless, upon application by the department or agency: (a) The department finds that the articles or products do not meet the reasonable requirements of the agency or department, (b) are not of equal or better quality, or (c) the price of the product or service is higher than that produced by the private sector. However, the criteria contained in (a), (b), and (c) of this subsection for purchasing goods and services from sources other than correctional industries do not apply to goods and services produced by correctional industries that primarily replace goods manufactured or services obtained from outside the state. The department of corrections and department shall adopt administrative rules that implement this section.

(2) During the 2009-2011 and 2011-2013 fiscal biennia, and in conformance with section 223(11), chapter 470, Laws of 2009 and section 221(2), chapter 367, Laws of 2011, this section does not apply to the purchase of uniforms by the Washington state ferries.

(3) Effective July 1, 2012, this section does not apply to the purchase of uniforms by the Washington state department of corrections or its employees.

**Sec. 2.** RCW 72.09.100 and 2011 1st sp.s. c 21 s 37 and 2011 c 100 s 1 are each reenacted and amended to read as follows:

It is the intent of the legislature to vest in the department the power to provide for a comprehensive inmate work program and to remove statutory and other restrictions which have limited work programs in the past. It is also the intent of the legislature to ensure that the department, in developing and selecting correctional industries work programs, does not encourage the development of, or provide for selection of or contracting for, or the significant expansion of, any new or existing class I correctional industries work programs that unfairly compete with Washington businesses. The legislature intends that the requirements relating to fair competition in the correctional industries work programs be liberally construed by the department to protect Washington businesses from unfair competition. For purposes of establishing such a comprehensive program, the legislature recommends that the department consider adopting any or all, or any variation of, the following classes of work programs:

(1) **CLASS I: FREE VENTURE INDUSTRIES.**

(a) The employer model industries in this class shall be operated and managed in total or in part by any profit or nonprofit organization pursuant to an agreement between the organization and the department. The organization shall produce goods or services for sale to both the public and private sector.

(b) The customer model industries in this class shall be operated and managed by the department to provide Washington state manufacturers or businesses with products or services currently produced or provided by out-of-state or foreign suppliers.

(c) The department shall review these proposed industries, including any potential new class I industries work program or the significant expansion of an existing class I industries work program, before the department contracts to provide such products or services. The review shall include the analysis required under RCW 72.09.115 to

determine if the proposed correctional industries work program will compete with any Washington business. An agreement for a new class I correctional industries work program, or an agreement for a significant expansion of an existing class I correctional industries work program, that unfairly competes with any Washington business is prohibited.

(d) The department shall supply appropriate security and custody services without charge to the participating firms.

(e) Inmates who work in free venture industries shall do so at their own choice. They shall be paid a wage comparable to the wage paid for work of a similar nature in the locality in which the industry is located, as determined by the director of correctional industries. If the director cannot reasonably determine the comparable wage, then the pay shall not be less than the federal minimum wage.

(f) An inmate who is employed in the class I program of correctional industries shall not be eligible for unemployment compensation benefits pursuant to any of the provisions of Title 50 RCW until released on parole or discharged.

(2) **CLASS II: TAX REDUCTION INDUSTRIES.**

(a) Industries in this class shall be state-owned and operated enterprises designed primarily to reduce the costs for goods and services for tax-supported agencies and for nonprofit organizations.

(b)(i) The industries selected for development within this class shall, as much as possible, match the available pool of inmate work skills and aptitudes with the work opportunities in the free community. The industries shall be closely patterned after private sector industries but with the objective of reducing public support costs rather than making a profit.

(ii) Except as provided in RCW 43.19.534(3) and this section, the products and services of this industry, including purchased products and services necessary for a complete product line, may be sold to the following:

(A) Public agencies;

(B) Nonprofit organizations;

(C) Private contractors when the goods purchased will be ultimately used by a public agency or a nonprofit organization;

(D) An employee and immediate family members of an employee of the department;

(E) A person under the supervision of the department and his or her immediate family members; and

(F) A licensed health professional for the sole purpose of providing eyeglasses to enrollees of the state medical program at no more than the health professional's cost of acquisition.

(iii) The department shall authorize the type and quantity of items that may be purchased and sold under (b)(ii)(D) and (E) of this subsection.

(iv) It is prohibited to purchase any item purchased under (b)(ii)(D) and (E) of this subsection for the purpose of resale.

(v) Clothing manufactured by an industry in this class may be donated to nonprofit organizations that provide clothing free of charge to low-income persons.

(c) Under no circumstance shall offenders under the custody of the department of corrections make or assemble uniforms to be worn by department of corrections personnel.

(d)(i) Class II correctional industries products and services shall be reviewed by the department before offering such products and services for sale to private contractors.

(ii) The secretary shall conduct a yearly marketing review of the products and services offered under this subsection. Such review shall include an analysis of the potential impact of the proposed products and services on the Washington state business community. To avoid waste or spoilage and consequent loss to the state, when there is no public sector market for such goods, by-products and surpluses of timber, agricultural, and animal husbandry enterprises may be sold to private persons, at private sale. Surplus by-products



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and surpluses of timber, agricultural and animal husbandry enterprises that cannot be sold to public agencies or to private persons may be donated to nonprofit organizations. All sales of surplus products shall be carried out in accordance with rules prescribed by the secretary.

~~((e))~~ ~~(e)~~ Security and custody services shall be provided without charge by the department.

~~((f))~~ ~~(f)~~ Inmates working in this class of industries shall do so at their own choice and shall be paid for their work on a gratuity scale which shall not exceed the wage paid for work of a similar nature in the locality in which the industry is located and which is approved by the director of correctional industries.

~~((g))~~ ~~(g)~~ Provisions of RCW 41.06.142 shall not apply to contracts with Washington state businesses entered into by the department through class II industries.

(3) CLASS III: INSTITUTIONAL SUPPORT INDUSTRIES.

(a) Industries in this class shall be operated by the department. They shall be designed and managed to accomplish the following objectives:

(i) Whenever possible, to provide basic work training and experience so that the inmate will be able to qualify for better work both within correctional industries and the free community. It is not intended that an inmate's work within this class of industries should be his or her final and total work experience as an inmate.

(ii) Whenever possible, to provide forty hours of work or work training per week.

(iii) Whenever possible, to offset tax and other public support costs.

(b) Class III correctional industries shall be reviewed by the department to set policy for work crews. The department shall prepare quarterly detail statements showing where work crews worked, what correctional industry class, and the hours worked.

(c) Supervising, management, and custody staff shall be employees of the department.

(d) All able and eligible inmates who are assigned work and who are not working in other classes of industries shall work in this class.

(e) Except for inmates who work in work training programs, inmates in this class shall be paid for their work in accordance with an inmate gratuity scale. The scale shall be adopted by the secretary of corrections.

(4) CLASS IV: COMMUNITY WORK INDUSTRIES.

(a) Industries in this class shall be operated by the department. They shall be designed and managed to provide services in the inmate's resident community at a reduced cost. The services shall be provided to public agencies, to persons who are poor or infirm, or to nonprofit organizations.

(b) Class IV correctional industries shall be reviewed by the department to set policy for work crews. The department shall prepare quarterly detail statements showing where work crews worked, what correctional industry class, and the hours worked. Class IV correctional industries operated in work camps established pursuant to RCW 72.64.050 are exempt from the requirements of this subsection (4)(b).

(c) Inmates in this program shall reside in facilities owned by, contracted for, or licensed by the department. A unit of local government shall provide work supervision services without charge to the state and shall pay the inmate's wage.

(d) The department shall reimburse participating units of local government for liability and workers compensation insurance costs.

(e) Inmates who work in this class of industries shall do so at their own choice and shall receive a gratuity which shall not exceed the wage paid for work of a similar nature in the locality in which the industry is located.

(5) CLASS V: COMMUNITY RESTITUTION PROGRAMS.

(a) Programs in this class shall be subject to supervision by the department. The purpose of this class of industries is to enable an

inmate, placed on community supervision, to work off all or part of a community restitution order as ordered by the sentencing court.

(b) Employment shall be in a community restitution program operated by the state, local units of government, or a nonprofit agency.

(c) To the extent that funds are specifically made available for such purposes, the department shall reimburse nonprofit agencies for workers compensation insurance costs.

NEW SECTION. **Sec. 3.** If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2012, in the omnibus appropriations act, this act is null and void."

On page 1, line 3 of the title, after "industries;" strike the remainder of the title and insert "reenacting and amending RCW 43.19.534 and 72.09.100; and creating a new section."

The President declared the question before the Senate to be the motion by Senator Regala to not adopt the committee striking amendment by the Committee on Human Services & Corrections to House Bill No. 2346.

The motion by Senator Regala carried and the committee striking amendment was not adopted by voice vote.

MOTION

Senator Regala moved that the following striking amendment by Senators Regala and Hewitt be adopted:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 43.19.534 and 2011 1st sp.s. c 43 s 227 and 2011 c 367 s 707 are each reenacted and amended to read as follows:

(1) State agencies, the legislature, and departments shall purchase for their use all goods and services required by the legislature, agencies, or departments that are produced or provided in whole or in part from class II inmate work programs operated by the department of corrections through state contract. These goods and services shall not be purchased from any other source unless, upon application by the department or agency: (a) The department finds that the articles or products do not meet the reasonable requirements of the agency or department, (b) are not of equal or better quality, or (c) the price of the product or service is higher than that produced by the private sector. However, the criteria contained in (a), (b), and (c) of this subsection for purchasing goods and services from sources other than correctional industries do not apply to goods and services produced by correctional industries that primarily replace goods manufactured or services obtained from outside the state. The department of corrections and department shall adopt administrative rules that implement this section.

(2) During the 2009-2011 and 2011-2013 fiscal biennia, and in conformance with section 223(11), chapter 470, Laws of 2009 and section 221(2), chapter 367, Laws of 2011, this section does not apply to the purchase of uniforms by the Washington state ferries.

(3) Effective July 1, 2012, this section does not apply to the purchase of uniforms for correctional officers employed with the Washington state department of corrections.

**Sec. 2.** RCW 72.09.100 and 2011 1st sp.s. c 21 s 37 and 2011 c 100 s 1 are each reenacted and amended to read as follows:

It is the intent of the legislature to vest in the department the power to provide for a comprehensive inmate work program and to remove statutory and other restrictions which have limited work programs in the past. It is also the intent of the legislature to ensure that the department, in developing and selecting correctional industries work programs, does not encourage the development of, or provide for selection of or contracting for, or the significant expansion of, any new or existing class I correctional industries work programs

that unfairly compete with Washington businesses. The legislature intends that the requirements relating to fair competition in the correctional industries work programs be liberally construed by the department to protect Washington businesses from unfair competition. For purposes of establishing such a comprehensive program, the legislature recommends that the department consider adopting any or all, or any variation of, the following classes of work programs:

(1) CLASS I: FREE VENTURE INDUSTRIES.

(a) The employer model industries in this class shall be operated and managed in total or in part by any profit or nonprofit organization pursuant to an agreement between the organization and the department. The organization shall produce goods or services for sale to both the public and private sector.

(b) The customer model industries in this class shall be operated and managed by the department to provide Washington state manufacturers or businesses with products or services currently produced or provided by out-of-state or foreign suppliers.

(c) The department shall review these proposed industries, including any potential new class I industries work program or the significant expansion of an existing class I industries work program, before the department contracts to provide such products or services. The review shall include the analysis required under RCW 72.09.115 to determine if the proposed correctional industries work program will compete with any Washington business. An agreement for a new class I correctional industries work program, or an agreement for a significant expansion of an existing class I correctional industries work program, that unfairly competes with any Washington business is prohibited.

(d) The department shall supply appropriate security and custody services without charge to the participating firms.

(e) Inmates who work in free venture industries shall do so at their own choice. They shall be paid a wage comparable to the wage paid for work of a similar nature in the locality in which the industry is located, as determined by the director of correctional industries. If the director cannot reasonably determine the comparable wage, then the pay shall not be less than the federal minimum wage.

(f) An inmate who is employed in the class I program of correctional industries shall not be eligible for unemployment compensation benefits pursuant to any of the provisions of Title 50 RCW until released on parole or discharged.

(2) CLASS II: TAX REDUCTION INDUSTRIES.

(a) Industries in this class shall be state-owned and operated enterprises designed primarily to reduce the costs for goods and services for tax-supported agencies and for nonprofit organizations.

(b)(i) The industries selected for development within this class shall, as much as possible, match the available pool of inmate work skills and aptitudes with the work opportunities in the free community. The industries shall be closely patterned after private sector industries but with the objective of reducing public support costs rather than making a profit.

(ii) Except as provided in RCW 43.19.534(3) and this section, the products and services of this industry, including purchased products and services necessary for a complete product line, may be sold to the following:

(A) Public agencies;

(B) Nonprofit organizations;

(C) Private contractors when the goods purchased will be ultimately used by a public agency or a nonprofit organization;

(D) An employee and immediate family members of an employee of the department;

(E) A person under the supervision of the department and his or her immediate family members; and

(F) A licensed health professional for the sole purpose of providing eyeglasses to enrollees of the state medical program at no more than the health professional's cost of acquisition.

(iii) The department shall authorize the type and quantity of items that may be purchased and sold under (b)(ii)(D) and (E) of this subsection.

(iv) It is prohibited to purchase any item purchased under (b)(ii)(D) and (E) of this subsection for the purpose of resale.

(v) Clothing manufactured by an industry in this class may be donated to nonprofit organizations that provide clothing free of charge to low-income persons.

(c) Under no circumstance shall offenders under the custody of the department of corrections make or assemble uniforms to be worn by correctional officers employed with the department.

(d)(i) Class II correctional industries products and services shall be reviewed by the department before offering such products and services for sale to private contractors.

(ii) The secretary shall conduct a yearly marketing review of the products and services offered under this subsection. Such review shall include an analysis of the potential impact of the proposed products and services on the Washington state business community. To avoid waste or spoilage and consequent loss to the state, when there is no public sector market for such goods, by-products and surpluses of timber, agricultural, and animal husbandry enterprises may be sold to private persons, at private sale. Surplus by-products and surpluses of timber, agricultural and animal husbandry enterprises that cannot be sold to public agencies or to private persons may be donated to nonprofit organizations. All sales of surplus products shall be carried out in accordance with rules prescribed by the secretary.

~~((f))~~ (e) Security and custody services shall be provided without charge by the department.

~~((g))~~ (f) Inmates working in this class of industries shall do so at their own choice and shall be paid for their work on a gratuity scale which shall not exceed the wage paid for work of a similar nature in the locality in which the industry is located and which is approved by the director of correctional industries.

~~((h))~~ (g) Provisions of RCW 41.06.142 shall not apply to contracts with Washington state businesses entered into by the department through class II industries.

(3) CLASS III: INSTITUTIONAL SUPPORT INDUSTRIES.

(a) Industries in this class shall be operated by the department. They shall be designed and managed to accomplish the following objectives:

(i) Whenever possible, to provide basic work training and experience so that the inmate will be able to qualify for better work both within correctional industries and the free community. It is not intended that an inmate's work within this class of industries should be his or her final and total work experience as an inmate.

(ii) Whenever possible, to provide forty hours of work or work training per week.

(iii) Whenever possible, to offset tax and other public support costs.

(b) Class III correctional industries shall be reviewed by the department to set policy for work crews. The department shall prepare quarterly detail statements showing where work crews worked, what correctional industry class, and the hours worked.

(c) Supervising, management, and custody staff shall be employees of the department.

(d) All able and eligible inmates who are assigned work and who are not working in other classes of industries shall work in this class.

(e) Except for inmates who work in work training programs, inmates in this class shall be paid for their work in accordance with an inmate gratuity scale. The scale shall be adopted by the secretary of corrections.

(4) CLASS IV: COMMUNITY WORK INDUSTRIES.

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(a) Industries in this class shall be operated by the department. They shall be designed and managed to provide services in the inmate's resident community at a reduced cost. The services shall be provided to public agencies, to persons who are poor or infirm, or to nonprofit organizations.

(b) Class IV correctional industries shall be reviewed by the department to set policy for work crews. The department shall prepare quarterly detail statements showing where work crews worked, what correctional industry class, and the hours worked. Class IV correctional industries operated in work camps established pursuant to RCW 72.64.050 are exempt from the requirements of this subsection (4)(b).

(c) Inmates in this program shall reside in facilities owned by, contracted for, or licensed by the department. A unit of local government shall provide work supervision services without charge to the state and shall pay the inmate's wage.

(d) The department shall reimburse participating units of local government for liability and workers compensation insurance costs.

(e) Inmates who work in this class of industries shall do so at their own choice and shall receive a gratuity which shall not exceed the wage paid for work of a similar nature in the locality in which the industry is located.

(5) CLASS V: COMMUNITY RESTITUTION PROGRAMS.

(a) Programs in this class shall be subject to supervision by the department. The purpose of this class of industries is to enable an inmate, placed on community supervision, to work off all or part of a community restitution order as ordered by the sentencing court.

(b) Employment shall be in a community restitution program operated by the state, local units of government, or a nonprofit agency.

(c) To the extent that funds are specifically made available for such purposes, the department shall reimburse nonprofit agencies for workers compensation insurance costs.

**NEW SECTION. Sec. 3.** If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2012, in the omnibus appropriations act, this act is null and void."

Senator Regala spoke in favor of adoption of the striking amendment.

The President declared the question before the Senate to be the adoption of the striking amendment by Senators Regala and Hewitt to House Bill No. 2346.

The motion by Senator Regala carried and the striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 3 of the title, after "industries;" strike the remainder of the title and insert "reenacting and amending RCW 43.19.534 and 72.09.100; and creating a new section."

MOTION

On motion of Senator Hewitt, the rules were suspended, House Bill No. 2346 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Hewitt spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 2346 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2346 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 45; Nays, 3; Absent, 0; Excused, 1.

Voting yea: Senators Baumgartner, Becker, Benton, Brown, Carrell, Chase, Conway, Delvin, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hatfield, Haugen, Hewitt, Hill, Hobbs, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles, Litzow, McAuliffe, Morton, Murray, Nelson, Padden, Parlette, Pflug, Prentice, Pridemore, Ranker, Rolfes, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Voting nay: Senators Holmquist Newbry, Honeyford and Regala

Excused: Senator Roach

HOUSE BILL NO. 2346 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2354, by House Committee on Public Safety & Emergency Preparedness (originally sponsored by Representatives Orwall, Asay, Hurst, Upthegrove, Armstrong, Ladenburg and Kenney)

Adding trafficking in stolen property in the first and second degrees to the six-year statute of limitations provisions.

The measure was read the second time.

MOTION

On motion of Senator Kline, the rules were suspended, Substitute House Bill No. 2354 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Kline and Pflug spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 2354.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2354 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 1; Excused, 1.

Voting yea: Senators Baumgartner, Becker, Benton, Brown, Carrell, Chase, Conway, Delvin, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hatfield, Haugen, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles, Litzow, McAuliffe, Morton, Murray, Nelson, Padden, Parlette, Pflug, Prentice, Ranker, Regala, Rolfes, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Absent: Senator Pridemore

Excused: Senator Roach

SUBSTITUTE HOUSE BILL NO. 2354, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2473, by House Committee on Health Care & Wellness (originally sponsored by Representatives Green, Hinkle, Johnson, Van De Wege, Ryu and Roberts)

Creating a medication assistant endorsement for certified nursing assistants who work in nursing homes.

The measure was read the second time.

#### MOTION

Senator Keiser moved that the following committee amendment by the Committee on Human Services & Corrections be adopted:

On page 1, after line 7, insert the following:

"**NEW SECTION. Sec. 1.** (1) The legislature finds that many residents of skilled nursing facilities are vulnerable and their health and well-being are dependent on their caregivers. The quality, skills, and knowledge of their caregivers are often the key to good care and the need for well-trained caregivers with diverse skill sets is growing as the state's population ages and residents' needs increase.

(2) The legislature further finds that the evidence-based practice of allowing nursing assistants certified to administer certain medications and treatments promotes quality and safety for residents in skilled nursing facilities, and that creating opportunities for career advancement and pay improvement through additional training and credentialing will help enhance the working environment for nursing assistants certified in skilled nursing facilities.

(3) The legislature further finds that creating continued opportunities for recruitment into nursing practice and career advancement for nursing assistants certified will help ensure quality care for residents, and nurse training programs should recognize the relevant training and experience obtained by these credentialed professionals."

Re-number the remaining sections consecutively and correct any internal references accordingly.

The President declared the question before the Senate to be the adoption of the committee amendment by the Committee on Human Services & Corrections to Engrossed Substitute House Bill No. 2473.

The motion by Senator Keiser carried and the committee amendment was adopted by voice vote.

#### MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 5 of the title, after "RCW;" strike "creating a new section" and insert "creating new sections"

#### MOTION

On motion of Senator Keiser, the rules were suspended, Engrossed Substitute House Bill No. 2473 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Keiser and Becker spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 2473 as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 2473 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 44; Nays, 4; Absent, 0; Excused, 1.

Voting yea: Senators Baumgartner, Becker, Benton, Brown, Carrell, Chase, Conway, Delvin, Eide, Fain, Fraser, Frockt, Hargrove, Harper, Hatfield, Haugen, Hewitt, Hill, Hobbs, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles, Litzow, McAuliffe, Morton, Murray, Nelson, Padden, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Rolfes, Schoesler, Sheldon, Shin, Swecker, Tom and Zarelli

Voting nay: Senators Ericksen, Holmquist Newbry, Honeyford and Stevens

Excused: Senator Roach

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2473 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2363, by House Committee on Judiciary (originally sponsored by Representatives Goodman, Kenney, Orwall, Darneille, Ryu, Roberts, Appleton, Dickerson, Ladenburg, Reykdal, Jinkins, Santos and Kagi)

Protecting victims of domestic violence and harassment.

The measure was read the second time.

#### MOTION

Senator Hargrove moved that the following committee striking amendment by the Committee on Human Services & Corrections be not adopted:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 9A.46.040 and 2011 c 307 s 4 are each amended to read as follows:

(1) Because of the likelihood of repeated harassment directed at those who have been victims of harassment in the past, when any defendant charged with a crime involving harassment is released from custody before trial on bail or personal recognizance, the court authorizing the release may require that the defendant:

(a) Stay away from the home, school, business, or place of employment of the victim or victims of the alleged offense or other location, as shall be specifically named by the court in the order;

(b) Refrain from contacting, intimidating, threatening, or otherwise interfering with the victim or victims of the alleged offense and such other persons, including but not limited to members of the family or household of the victim, as shall be specifically named by the court in the order.

(2) ((An intentional)) **Willful** violation of a court order issued under this section or an equivalent local ordinance is a **gross** misdemeanor. The written order releasing the defendant shall contain the court's directives and shall bear the legend: Violation of this order is a criminal offense under chapter 9A.46 RCW. A certified copy of the order shall be provided to the victim by the clerk of the court.

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**Sec. 2.** RCW 9A.46.080 and 2011 c 307 s 5 are each amended to read as follows:

The victim shall be informed by local law enforcement agencies or the prosecuting attorney of the final disposition of the case in which the victim is involved. If a defendant is found guilty of a crime of harassment and a condition of the sentence restricts the defendant's ability to have contact with the victim or witnesses, the condition shall be recorded and a written certified copy of that order shall be provided to the victim or witnesses by the clerk of the court. Willful violation of a court order issued under this section or an equivalent local ordinance is a gross misdemeanor. The written order shall contain the court's directives and shall bear the legend: Violation of this order is a criminal offense under chapter 9A.46 RCW and will subject a violator to arrest.

**Sec. 3.** RCW 10.99.040 and 2010 c 274 s 309 are each amended to read as follows:

(1) Because of the serious nature of domestic violence, the court in domestic violence actions:

- (a) Shall not dismiss any charge or delay disposition because of concurrent dissolution or other civil proceedings;
- (b) Shall not require proof that either party is seeking a dissolution of marriage prior to instigation of criminal proceedings;
- (c) Shall waive any requirement that the victim's location be disclosed to any person, other than the attorney of a criminal defendant, upon a showing that there is a possibility of further violence: PROVIDED, That the court may order a criminal defense attorney not to disclose to his or her client the victim's location; and
- (d) Shall identify by any reasonable means on docket sheets those criminal actions arising from acts of domestic violence.

(2)(a) Because of the likelihood of repeated violence directed at those who have been victims of domestic violence in the past, when any person charged with or arrested for a crime involving domestic violence is released from custody before arraignment or trial on bail or personal recognizance, the court authorizing the release may prohibit that person from having any contact with the victim. The jurisdiction authorizing the release shall determine whether that person should be prohibited from having any contact with the victim. If there is no outstanding restraining or protective order prohibiting that person from having contact with the victim, the court authorizing release may issue, by telephone, a no-contact order prohibiting the person charged or arrested from having contact with the victim or from knowingly coming within, or knowingly remaining within, a specified distance of a location.

(b) In issuing the order, the court shall consider the provisions of RCW 9.41.800.

(c) The no-contact order shall also be issued in writing as soon as possible, and shall state that it may be extended as provided in subsection (3) of this section. By January 1, 2011, the administrative office of the courts shall develop a pattern form for all no-contact orders issued under this chapter. A no-contact order issued under this chapter must substantially comply with the pattern form developed by the administrative office of the courts.

(3) At the time of arraignment the court shall determine whether a no-contact order shall be issued or extended. So long as the court finds probable cause, the court may issue or extend a no-contact order even if the defendant fails to appear at arraignment. The no-contact order shall terminate if the defendant is acquitted or the charges are dismissed. If a no-contact order is issued or extended, the court may also include in the conditions of release a requirement that the defendant submit to electronic monitoring. If electronic monitoring is ordered, the court shall specify who shall provide the monitoring services, and the terms under which the monitoring shall be performed. Upon conviction, the court may require as a

condition of the sentence that the defendant reimburse the providing agency for the costs of the electronic monitoring.

(4)(a) Willful violation of a court order issued under subsection (2) ~~((or)), (3), or (7)~~ of this section is punishable under RCW 26.50.110.

(b) The written order releasing the person charged or arrested shall contain the court's directives and shall bear the legend: "Violation of this order is a criminal offense under chapter 26.50 RCW and will subject a violator to arrest; any assault, drive-by shooting, or reckless endangerment that is a violation of this order is a felony. You can be arrested even if any person protected by the order invites or allows you to violate the order's prohibitions. You have the sole responsibility to avoid or refrain from violating the order's provisions. Only the court can change the order."

(c) A certified copy of the order shall be provided to the victim.

(5) If a no-contact order has been issued prior to charging, that order shall expire at arraignment or within seventy-two hours if charges are not filed. ~~((Such orders need not be entered into the computer-based criminal intelligence information system in this state which is used by law enforcement agencies to list outstanding warrants.))~~

(6) Whenever a no-contact order is issued, modified, or terminated under subsection (2) or (3) of this section, the clerk of the court shall forward a copy of the order on or before the next judicial day to the appropriate law enforcement agency specified in the order. Upon receipt of the copy of the order the law enforcement agency shall enter the order for one year or until the expiration date specified on the order into any computer-based criminal intelligence information system available in this state used by law enforcement agencies to list outstanding warrants. Entry into the computer-based criminal intelligence information system constitutes notice to all law enforcement agencies of the existence of the order. The order is fully enforceable in any jurisdiction in the state. Upon receipt of notice that an order has been terminated under subsection (3) of this section, the law enforcement agency shall remove the order from the computer-based criminal intelligence information system.

(7) All courts shall develop policies and procedures by January 1, 2011, to grant victims a process to modify or rescind a no-contact order issued under this chapter. The administrative office of the courts shall develop a model policy to assist the courts in implementing the requirements of this subsection.

**NEW SECTION. Sec. 4.** A new section is added to chapter 10.14 RCW to read as follows:

(1) A defendant arrested for violating any civil antiharassment protection order issued pursuant to this chapter is required to appear in person before a magistrate within one judicial day after the arrest. At the time of the appearance, the court shall determine the necessity of imposing a no-contact order or other conditions of pretrial release in accordance with RCW 9A.46.050.

(2) A defendant who is charged by citation, complaint, or information with violating any civil antiharassment protection order issued pursuant to this chapter and not arrested shall appear in court for arraignment in accordance with RCW 9A.46.050.

(3) Appearances required pursuant to this section are mandatory and cannot be waived.

**Sec. 5.** RCW 26.09.060 and 2008 c 6 s 1009 are each amended to read as follows:

(1) In a proceeding for:

- (a) Dissolution of marriage or domestic partnership, legal separation, or a declaration of invalidity; or
- (b) Disposition of property or liabilities, maintenance, or support following dissolution of the marriage or the domestic partnership by a court which lacked personal jurisdiction over the absent spouse or absent domestic partner; either party may move for temporary maintenance or for temporary support of children entitled to

support. The motion shall be accompanied by an affidavit setting forth the factual basis for the motion and the amounts requested.

(2) As a part of a motion for temporary maintenance or support or by independent motion accompanied by affidavit, either party may request the court to issue a temporary restraining order or preliminary injunction, providing relief proper in the circumstances, and restraining or enjoining any person from:

(a) Transferring, removing, encumbering, concealing, or in any way disposing of any property except in the usual course of business or for the necessities of life, and, if so restrained or enjoined, requiring him or her to notify the moving party of any proposed extraordinary expenditures made after the order is issued;

(b) Molesting or disturbing the peace of the other party or of any child;

(c) Going onto the grounds of or entering the home, workplace, or school of the other party or the day care or school of any child upon a showing of the necessity therefor;

(d) Knowingly coming within, or knowingly remaining within, a specified distance from a specified location; and

(e) Removing a child from the jurisdiction of the court.

(3)(a) Either party may request a domestic violence protection order under chapter 26.50 RCW or an antiharassment protection order under chapter 10.14 RCW on a temporary basis. The court may grant any of the relief provided in RCW 26.50.060 except relief pertaining to residential provisions for the children which provisions shall be provided for under this chapter, and any of the relief provided in RCW 10.14.080. Ex parte orders issued under this subsection shall be effective for a fixed period not to exceed fourteen days, or upon court order, not to exceed twenty-four days if necessary to ensure that all temporary motions in the case can be heard at the same time.

(b) In cases in which the court has made a finding of domestic violence or child abuse, the court may not require a victim of domestic violence or the custodial parent of a victim of child abuse to disclose to the other party information that would reasonably be expected to enable the perpetrator of domestic violence or child abuse to obtain previously undisclosed information regarding the name, location, or address of a victim's residence, employer, or school during the period of an initial temporary order or after a permanent order has been issued.

(c) In cases in which domestic violence or child abuse has been alleged but the court has not yet made a finding regarding such allegations, the court shall provide the party alleging domestic violence or child abuse with the opportunity to prove the allegations before ordering the disclosure of information that would reasonably be expected to enable the alleged perpetrator of domestic violence or child abuse to obtain previously undisclosed information regarding the name, location, or address of a victim's residence, employer, or school during the period of an initial temporary order or after a permanent order has been issued.

(4) In issuing the order, the court shall consider the provisions of RCW 9.41.800.

(5) The court may issue a temporary restraining order without requiring notice to the other party only if it finds on the basis of the moving affidavit or other evidence that irreparable injury could result if an order is not issued until the time for responding has elapsed.

(6) The court may issue a temporary restraining order or preliminary injunction and an order for temporary maintenance or support in such amounts and on such terms as are just and proper in the circumstances. The court may in its discretion waive the filing of the bond or the posting of security.

(7) Restraining orders issued under this section restraining the person from molesting or disturbing another party, or from going onto the grounds of or entering the home, workplace, or school of

the other party or the day care or school of any child, or prohibiting the person from knowingly coming within, or knowingly remaining within, a specified distance of a location, shall prominently bear on the front page of the order the legend: VIOLATION OF THIS ORDER WITH ACTUAL NOTICE OF ITS TERMS IS A CRIMINAL OFFENSE UNDER CHAPTER 26.50 RCW AND WILL SUBJECT A VIOLATOR TO ARREST.

(8) The court shall order that any temporary restraining order bearing a criminal offense legend, any domestic violence protection order, or any antiharassment protection order granted under this section be forwarded by the clerk of the court on or before the next judicial day to the appropriate law enforcement agency specified in the order. Upon receipt of the order, the law enforcement agency shall enter the order into any computer-based criminal intelligence information system available in this state used by law enforcement agencies to list outstanding warrants. Entry into the computer-based criminal intelligence information system constitutes notice to all law enforcement agencies of the existence of the order. The order is fully enforceable in any county in the state.

(9) If a restraining order issued pursuant to this section is modified or terminated, the clerk of the court shall notify the law enforcement agency specified in the order on or before the next judicial day. Upon receipt of notice that an order has been terminated, the law enforcement agency shall remove the order from any computer-based criminal intelligence system.

(10) A temporary order, temporary restraining order, or preliminary injunction:

(a) Does not prejudice the rights of a party or any child which are to be adjudicated at subsequent hearings in the proceeding;

(b) May be revoked or modified;

(c) Terminates when the final decree is entered, except as provided under subsection (11) of this section, or when the petition for dissolution, legal separation, or declaration of invalidity is dismissed;

(d) May be entered in a proceeding for the modification of an existing decree.

(11) Delinquent support payments accrued under an order for temporary support remain collectible and are not extinguished when a final decree is entered unless the decree contains specific language to the contrary. A support debt under a temporary order owed to the state for public assistance expenditures shall not be extinguished by the final decree if:

(a) The obligor was given notice of the state's interest under chapter 74.20A RCW; or

(b) The temporary order directs the obligor to make support payments to the office of support enforcement or the Washington state support registry.

**Sec. 6.** RCW 43.235.040 and 2000 c 50 s 4 are each amended to read as follows:

(1) An oral or written communication or a document shared within or produced by a ((regional)) domestic violence fatality review panel related to a domestic violence fatality review is confidential and not subject to disclosure or discoverable by a third party. An oral or written communication or a document provided by a third party to a ((regional)) domestic violence fatality review panel, or between a third party and a ((regional)) domestic violence fatality review panel is confidential and not subject to disclosure or discovery by a third party. Notwithstanding the foregoing, recommendations from the ((regional)) domestic violence fatality review panel and the coordinating entity generally may be disclosed minus personal identifiers.

(2) The ((regional)) review panels, only to the extent otherwise permitted by law or court rule, shall have access to information and records regarding the domestic violence victims and perpetrators under review held by domestic violence perpetrators' treatment

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providers; dental care providers; hospitals, medical providers, and pathologists; coroners and medical examiners; mental health providers; lawyers; the state and local governments; the courts; and employers. The coordinating entity and the ((regional)) review panels shall maintain the confidentiality of such information to the extent required by any applicable law.

(3) The ((regional)) review panels shall review, only to the extent otherwise permitted by law or court rule when determined to be relevant and necessary to an investigation, guardian ad litem reports, parenting evaluations, and victim impact statements; probation information; mental health evaluations done for court; presentence interviews and reports, and any recommendations made regarding bail and release on own recognizance; child protection services, welfare, and other information held by the department; any law enforcement incident documentation, such as incident reports, dispatch records, victim, witness, and suspect statements, and any supplemental reports, probable cause statements, and 911 call taker's reports; corrections and postsentence supervision reports; and any other information determined to be relevant to the review. The coordinating entity and the ((regional)) review panels shall maintain the confidentiality of such information to the extent required by any applicable law.

**Sec. 7.** RCW 43.235.050 and 2000 c 50 s 5 are each amended to read as follows:

If acting in good faith, without malice, and within the parameters of this chapter and the protocols established, representatives of the coordinating entity and the statewide and regional domestic violence fatality review panels are immune from civil liability for an activity related to reviews of particular fatalities.

**NEW SECTION. Sec. 8.** A new section is added to chapter 26.12 RCW to read as follows:

The court shall act in accordance with the requirements of the address confidentiality program pursuant to chapter 40.24 RCW in the course of all proceedings under this title. A court order for information protected by the address confidentiality program may only be issued upon completing the requirements of RCW 40.24.075.

**NEW SECTION. Sec. 9.** A new section is added to chapter 26.50 RCW to read as follows:

(1) Except as otherwise provided in subsection (2) of this section, no court or administrative body may compel any person or domestic violence program as defined in RCW 70.123.020 to disclose the name, address, or location of any domestic violence program, including a shelter or transitional housing facility location in any civil or criminal case or in any administrative proceeding.

(2)(a) A court may compel disclosure of the name, address, or location of a domestic violence program only if the court finds, following a hearing, that there is clear and convincing evidence that failure to disclose would be likely to result in an imminent risk of serious bodily harm or death to a domestic violence victim or another person. In a proceeding where the domestic violence program is a party to the proceeding, a court may compel disclosure of the name, address, or location of a domestic violence program if the court finds that such information is necessary and relevant to the facts of the case.

(b) A court may only compel the disclosure of the name, address, or location of a domestic violence program following a written pretrial motion made to a court stating that discovery is requested of the information about the domestic violence program. The written motion must be accompanied by an affidavit or affidavits setting forth specifically the reasons why discovery is requested, and the court shall review the domestic violence program's information in camera to determine whether disclosure is permitted under (a) of this subsection.

(c) In any proceeding where the confidential name, address, or location of a domestic violence program is ordered to be disclosed, the court shall additionally order that the parties be prohibited from further dissemination of the confidential information, and that any portion of any records containing such confidential information be sealed.

(3) Any person who obtains access to and intentionally and maliciously releases confidential information about the location of a domestic violence program for any purpose other than required by a court proceeding is guilty of a gross misdemeanor.

**NEW SECTION. Sec. 10.** A new section is added to chapter 26.50 RCW to read as follows:

(1) The Washington state institute for public policy shall conduct a statewide study to assess recidivism by domestic violence offenders involved in the criminal justice system, examine effective community supervision practices of domestic violence offenders as it relates to Washington state institute for public policy findings on evidence-based community supervision, and assess domestic violence perpetrator treatment. The institute shall report recidivism rates of domestic violence offenders in Washington, and if data is available, the report must also include an estimate of the number of domestic violence offenders sentenced to certified domestic violence perpetrator treatment in Washington state and completion rates for those entering treatment.

(2) The study must be done in collaboration with the Washington state gender and justice commission and experts on domestic violence and must include a review and update of the literature on domestic violence perpetrator treatment, and provide a description of studies used in meta-analysis of domestic violence perpetrator treatment. The institute shall report on other treatments and programs, including related findings on evidence-based community supervision, that are effective at reducing recidivism among the general offender population. The institute shall survey other states to study how misdemeanor and felony domestic violence cases are handled and assess whether domestic violence perpetrator treatment is required by law and whether a treatment modality is codified in law. The institute shall complete the review and report results to the legislature by January 1, 2013.

**NEW SECTION. Sec. 11.** If specific funding for the purposes of section 10 of this act, referencing section 10 of this act by bill or chapter number and section number, is not provided by June 30, 2012, in the omnibus appropriations act, section 10 of this act is null and void."

On page 1, line 2 of the title, after "harassment;" strike the remainder of the title and insert "amending RCW 9A.46.040, 9A.46.080, 10.99.040, 26.09.060, 43.235.040, and 43.235.050; adding a new section to chapter 10.14 RCW; adding a new section to chapter 26.12 RCW; adding new sections to chapter 26.50 RCW; creating a new section; and prescribing penalties."

The President declared the question before the Senate to be the motion by Senator Hargrove to not adopt the committee striking amendment by the Committee on Human Services & Corrections to Engrossed Substitute House Bill No. 2363.

The motion by Senator Hargrove carried and the committee striking amendment was not adopted by voice vote.

#### MOTION

Senator Hargrove moved that the following striking amendment by Senator Hargrove and others be adopted:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 9A.46.040 and 2011 c 307 s 4 are each amended to read as follows:

(1) Because of the likelihood of repeated harassment directed at those who have been victims of harassment in the past, when any defendant charged with a crime involving harassment is released from custody before trial on bail or personal recognizance, the court authorizing the release may require that the defendant:

- (a) Stay away from the home, school, business, or place of employment of the victim or victims of the alleged offense or other location, as shall be specifically named by the court in the order;
- (b) Refrain from contacting, intimidating, threatening, or otherwise interfering with the victim or victims of the alleged offense and such other persons, including but not limited to members of the family or household of the victim, as shall be specifically named by the court in the order.

(2) ~~(An intentional)~~ Willful violation of a court order issued under this section or an equivalent local ordinance is a gross misdemeanor. The written order releasing the defendant shall contain the court's directives and shall bear the legend: Violation of this order is a criminal offense under chapter 9A.46 RCW. A certified copy of the order shall be provided to the victim by the clerk of the court.

**Sec. 2.** RCW 9A.46.080 and 2011 c 307 s 5 are each amended to read as follows:

The victim shall be informed by local law enforcement agencies or the prosecuting attorney of the final disposition of the case in which the victim is involved. If a defendant is found guilty of a crime of harassment and a condition of the sentence restricts the defendant's ability to have contact with the victim or witnesses, the condition shall be recorded and a written certified copy of that order shall be provided to the victim or witnesses by the clerk of the court. Willful violation of a court order issued under this section or an equivalent local ordinance is a gross misdemeanor. The written order shall contain the court's directives and shall bear the legend: Violation of this order is a criminal offense under chapter 9A.46 RCW and will subject a violator to arrest.

**Sec. 3.** RCW 10.99.040 and 2010 c 274 s 309 are each amended to read as follows:

(1) Because of the serious nature of domestic violence, the court in domestic violence actions:

- (a) Shall not dismiss any charge or delay disposition because of concurrent dissolution or other civil proceedings;
- (b) Shall not require proof that either party is seeking a dissolution of marriage prior to instigation of criminal proceedings;
- (c) Shall waive any requirement that the victim's location be disclosed to any person, other than the attorney of a criminal defendant, upon a showing that there is a possibility of further violence: PROVIDED, That the court may order a criminal defense attorney not to disclose to his or her client the victim's location; and
- (d) Shall identify by any reasonable means on docket sheets those criminal actions arising from acts of domestic violence.

(2)(a) Because of the likelihood of repeated violence directed at those who have been victims of domestic violence in the past, when any person charged with or arrested for a crime involving domestic violence is released from custody before arraignment or trial on bail or personal recognizance, the court authorizing the release may prohibit that person from having any contact with the victim. The jurisdiction authorizing the release shall determine whether that person should be prohibited from having any contact with the victim. If there is no outstanding restraining or protective order prohibiting that person from having contact with the victim, the court authorizing release may issue, by telephone, a no-contact order prohibiting the person charged or arrested from having contact with the victim or from knowingly coming within, or knowingly remaining within, a specified distance of a location.

(b) In issuing the order, the court shall consider the provisions of RCW 9.41.800.

(c) The no-contact order shall also be issued in writing as soon as possible, and shall state that it may be extended as provided in subsection (3) of this section. By January 1, 2011, the administrative office of the courts shall develop a pattern form for all no-contact orders issued under this chapter. A no-contact order issued under this chapter must substantially comply with the pattern form developed by the administrative office of the courts.

(3) At the time of arraignment the court shall determine whether a no-contact order shall be issued or extended. So long as the court finds probable cause, the court may issue or extend a no-contact order even if the defendant fails to appear at arraignment. The no-contact order shall terminate if the defendant is acquitted or the charges are dismissed. If a no-contact order is issued or extended, the court may also include in the conditions of release a requirement that the defendant submit to electronic monitoring. If electronic monitoring is ordered, the court shall specify who shall provide the monitoring services, and the terms under which the monitoring shall be performed. Upon conviction, the court may require as a condition of the sentence that the defendant reimburse the providing agency for the costs of the electronic monitoring.

(4)(a) Willful violation of a court order issued under subsection (2) ~~((or)~~, (3), or (7) of this section is punishable under RCW 26.50.110.

(b) The written order releasing the person charged or arrested shall contain the court's directives and shall bear the legend: "Violation of this order is a criminal offense under chapter 26.50 RCW and will subject a violator to arrest; any assault, drive-by shooting, or reckless endangerment that is a violation of this order is a felony. You can be arrested even if any person protected by the order invites or allows you to violate the order's prohibitions. You have the sole responsibility to avoid or refrain from violating the order's provisions. Only the court can change the order."

(c) A certified copy of the order shall be provided to the victim.

(5) If a no-contact order has been issued prior to charging, that order shall expire at arraignment or within seventy-two hours if charges are not filed. ~~((Such orders need not be entered into the computer-based criminal intelligence information system in this state which is used by law enforcement agencies to list outstanding warrants.))~~

(6) Whenever a no-contact order is issued, modified, or terminated under subsection (2) or (3) of this section, the clerk of the court shall forward a copy of the order on or before the next judicial day to the appropriate law enforcement agency specified in the order. Upon receipt of the copy of the order the law enforcement agency shall enter the order for one year or until the expiration date specified on the order into any computer-based criminal intelligence information system available in this state used by law enforcement agencies to list outstanding warrants. Entry into the computer-based criminal intelligence information system constitutes notice to all law enforcement agencies of the existence of the order. The order is fully enforceable in any jurisdiction in the state. Upon receipt of notice that an order has been terminated under subsection (3) of this section, the law enforcement agency shall remove the order from the computer-based criminal intelligence information system.

(7) All courts shall develop policies and procedures by January 1, 2011, to grant victims a process to modify or rescind a no-contact order issued under this chapter. The administrative office of the courts shall develop a model policy to assist the courts in implementing the requirements of this subsection.

**NEW SECTION. Sec. 4.** A new section is added to chapter 10.14 RCW to read as follows:

(1) A defendant arrested for violating any civil antiharassment protection order issued pursuant to this chapter is required to appear in person before a magistrate within one judicial day after the arrest. At the time of the appearance, the court shall determine the necessity



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of imposing a no-contact order or other conditions of pretrial release in accordance with RCW 9A.46.050.

(2) A defendant who is charged by citation, complaint, or information with violating any civil antiharassment protection order issued pursuant to this chapter and not arrested shall appear in court for arraignment in accordance with RCW 9A.46.050.

(3) Appearances required pursuant to this section are mandatory and cannot be waived.

**Sec. 5.** RCW 26.09.013 and 2007 c 496 s 401 are each amended to read as follows:

In order to provide judicial officers with better information and to facilitate decision making which allows for the protection of children from physical, mental, or emotional harm and in order to facilitate consistent healthy contact between both parents and their children:

(1) Parties and witnesses who require the assistance of interpreters shall be provided access to qualified interpreters pursuant to chapter 2.42 or 2.43 RCW. To the extent practicable and within available resources, interpreters shall also be made available at dissolution-related proceedings.

(2) Parties and witnesses who require literacy assistance shall be referred to the multipurpose service centers established in chapter 28B.04 RCW.

(3) In matters involving guardians ad litem(s), the court shall specify the hourly rate the guardian ad litem may charge for his or her services, and shall specify the maximum amount the guardian ad litem may charge without additional review. Counties may, and to the extent state funding is provided therefor counties shall, provide indigent parties with guardian ad litem services at a reduced or waived fee.

(4) Parties may request to participate by telephone or interactive videoconference. The court may allow telephonic or interactive videoconference participation of one or more parties at any proceeding in its discretion. The court may also allow telephonic or interactive videoconference participation of witnesses.

(5) In cases involving domestic violence or child abuse, if residential time is ordered, the court may:

(a) Order exchange of a child to occur in a protected setting;

(b) Order residential time supervised by a neutral and independent adult and pursuant to an adequate plan for supervision of such residential time. The court shall not approve of a supervisor for contact between the child and the parent unless the supervisor is willing to and capable of protecting the child from harm. The court shall revoke court approval of the supervisor if the court determines, after a hearing, that the supervisor has failed to protect the child or is no longer willing or capable of protecting the child. If the court allows a family or household member to supervise residential time, the court shall establish conditions to be followed during residential time.

(6)(a) In cases in which the court has made a finding of domestic violence or child abuse, the court may not require a victim of domestic violence or the custodial parent of a victim of child abuse to disclose to the other party information that would reasonably be expected to enable the perpetrator of domestic violence or child abuse to obtain previously undisclosed information regarding the name, location, or address of a victim's residence, employer, or school at an initial hearing, and shall carefully weigh the safety interests of the victim before issuing orders which would require disclosure in a future hearing.

(b) In cases in which domestic violence or child abuse has been alleged but the court has not yet made a finding regarding such allegations, the court shall provide the party alleging domestic violence or child abuse with the opportunity to prove the allegations before ordering the disclosure of information that would reasonably be expected to enable the alleged perpetrator of domestic violence or

child abuse to obtain previously undisclosed information regarding the name, location, or address of a victim's residence, employer, or school.

(7) In cases in which the court finds that the parties do not have a satisfactory history of cooperation or there is a high level of parental conflict, the court may order the parties to use supervised visitation and safe exchange centers or alternative safe locations to facilitate the exercise of residential time.

**Sec. 6.** RCW 43.235.040 and 2000 c 50 s 4 are each amended to read as follows:

(1) An oral or written communication or a document shared within or produced by a ((regional)) domestic violence fatality review panel related to a domestic violence fatality review is confidential and not subject to disclosure or discoverable by a third party. An oral or written communication or a document provided by a third party to a ((regional)) domestic violence fatality review panel, or between a third party and a ((regional)) domestic violence fatality review panel is confidential and not subject to disclosure or discovery by a third party. Notwithstanding the foregoing, recommendations from the ((regional)) domestic violence fatality review panel and the coordinating entity generally may be disclosed minus personal identifiers.

(2) The ((regional)) review panels, only to the extent otherwise permitted by law or court rule, shall have access to information and records regarding the domestic violence victims and perpetrators under review held by domestic violence perpetrators' treatment providers; dental care providers; hospitals, medical providers, and pathologists; coroners and medical examiners; mental health providers; lawyers; the state and local governments; the courts; and employers. The coordinating entity and the ((regional)) review panels shall maintain the confidentiality of such information to the extent required by any applicable law.

(3) The ((regional)) review panels shall review, only to the extent otherwise permitted by law or court rule when determined to be relevant and necessary to an investigation, guardian ad litem reports, parenting evaluations, and victim impact statements; probation information; mental health evaluations done for court; presentence interviews and reports, and any recommendations made regarding bail and release on own recognizance; child protection services, welfare, and other information held by the department; any law enforcement incident documentation, such as incident reports, dispatch records, victim, witness, and suspect statements, and any supplemental reports, probable cause statements, and 911 call taker's reports; corrections and postsentence supervision reports; and any other information determined to be relevant to the review. The coordinating entity and the ((regional)) review panels shall maintain the confidentiality of such information to the extent required by any applicable law.

**Sec. 7.** RCW 43.235.050 and 2000 c 50 s 5 are each amended to read as follows:

If acting in good faith, without malice, and within the parameters of this chapter and the protocols established, representatives of the coordinating entity and the statewide and regional domestic violence fatality review panels are immune from civil liability for an activity related to reviews of particular fatalities.

**NEW SECTION. Sec. 8.** A new section is added to chapter 26.12 RCW to read as follows:

The court shall act in accordance with the requirements of the address confidentiality program pursuant to chapter 40.24 RCW in the course of all proceedings under this title. A court order for information protected by the address confidentiality program may only be issued upon completing the requirements of RCW 40.24.075.

**NEW SECTION. Sec. 9.** A new section is added to chapter 26.50 RCW to read as follows:

(1)(a) No court or administrative body may compel any person or domestic violence program as defined in RCW 70.123.020 to disclose the name, address, or location of any domestic violence program, including a shelter or transitional housing facility location, in any civil or criminal case or in any administrative proceeding unless the court finds by clear and convincing evidence that disclosure is necessary for the implementation of justice after consideration of safety and confidentiality concerns of the parties and other residents of the domestic violence program, and other alternatives to disclosure that would protect the interests of the parties.

(b) The court's findings shall be made following a hearing in which the domestic violence program has been provided notice of the request for disclosure and an opportunity to respond.

(2) In any proceeding where the confidential name, address, or location of a domestic violence program is ordered to be disclosed, the court shall order that the parties be prohibited from further dissemination of the confidential information, and that any portion of any records containing such confidential information be sealed.

(3) Any person who obtains access to and intentionally and maliciously releases confidential information about the location of a domestic violence program for any purpose other than required by a court proceeding is guilty of a gross misdemeanor.

**NEW SECTION. Sec. 10.** A new section is added to chapter 26.50 RCW to read as follows:

(1) The Washington state institute for public policy shall conduct a statewide study to assess recidivism by domestic violence offenders involved in the criminal justice system, examine effective community supervision practices of domestic violence offenders as it relates to Washington state institute for public policy findings on evidence-based community supervision, and assess domestic violence perpetrator treatment. The institute shall report recidivism rates of domestic violence offenders in Washington, and if data is available, the report must also include an estimate of the number of domestic violence offenders sentenced to certified domestic violence perpetrator treatment in Washington state and completion rates for those entering treatment.

(2) The study must be done in collaboration with the Washington state gender and justice commission and experts on domestic violence and must include a review and update of the literature on domestic violence perpetrator treatment, and provide a description of studies used in meta-analysis of domestic violence perpetrator treatment. The institute shall report on other treatments and programs, including related findings on evidence-based community supervision, that are effective at reducing recidivism among the general offender population. The institute shall survey other states to study how misdemeanor and felony domestic violence cases are handled and assess whether domestic violence perpetrator treatment is required by law and whether a treatment modality is codified in law. The institute shall complete the review and report results to the legislature by January 1, 2013.

**NEW SECTION. Sec. 11.** If specific funding for the purposes of section 10 of this act, referencing section 10 of this act by bill or chapter number and section number, is not provided by June 30, 2012, in the omnibus appropriations act, section 10 of this act is null and void."

Senator Hargrove spoke in favor of adoption of the striking amendment.

The President declared the question before the Senate to be the adoption of the striking amendment by Senator Hargrove and others to Engrossed Substitute House Bill No. 2363.

The motion by Senator Hargrove carried and the striking amendment was adopted by voice vote.

## MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 2 of the title, after "harassment;" strike the remainder of the title and insert "amending RCW 9A.46.040, 9A.46.080, 10.99.040, 26.09.013, 43.235.040, and 43.235.050; adding a new section to chapter 10.14 RCW; adding a new section to chapter 26.12 RCW; adding new sections to chapter 26.50 RCW; creating a new section; and prescribing penalties."

## MOTION

On motion of Senator Hargrove, the rules were suspended, Engrossed Substitute House Bill No. 2363 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Hargrove spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 2363 as amended by the Senate.

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 2363 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Baumgartner, Becker, Benton, Brown, Carrell, Chase, Conway, Delvin, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hatfield, Haugen, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles, Litzow, McAuliffe, Morton, Murray, Nelson, Padden, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Rolfes, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Excused: Senator Roach

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2363 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SUBSTITUTE HOUSE BILL NO. 2492, by House Committee on Education Appropriations & Oversight (originally sponsored by Representatives Haigh, Dammeier, Maxwell, Dahlquist, Lias, Finn and Santos)

Requiring the state board of education to provide fiscal impact statements before making rule changes.

The measure was read the second time.

## MOTION

On motion of Senator McAuliffe, the rules were suspended, Substitute House Bill No. 2492 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators McAuliffe and Litzow spoke in favor of passage of the bill.

Senator Tom spoke on final passage.

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The President declared the question before the Senate to be the final passage of Substitute House Bill No. 2492.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2492 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 1; Absent, 0; Excused, 1.

Voting yea: Senators Baumgartner, Becker, Benton, Brown, Carrell, Chase, Conway, Delvin, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hatfield, Haugen, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles, Litzow, McAuliffe, Morton, Murray, Nelson, Padden, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Rolfes, Schoesler, Sheldon, Shin, Stevens, Swecker and Zarelli

Voting nay: Senator Tom

Excused: Senator Roach

SUBSTITUTE HOUSE BILL NO. 2492, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2337, by House Committee on Ways & Means (originally sponsored by Representatives Carlyle, Orwall, Sullivan, Maxwell, Lytton, Zeiger, Reykdal, Pettigrew, Liias, Dammeier, Fitzgibbon, Pedersen, Hunt and Hudgins)

Regarding open educational resources in K-12 education.

The measure was read the second time.

MOTION

Senator McAuliffe moved that the following committee striking amendment by the Committee on Early Learning & K-12 Education be adopted:

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** The legislature finds the state's recent adoption of common core K-12 standards provides an opportunity to develop a library of high-quality, openly licensed K-12 courseware that is aligned with these standards. By developing this library of openly licensed courseware and making it available to school districts free of charge, the state and school districts will be able to provide students with curricula and texts while substantially reducing the expenses that districts would otherwise incur in purchasing these materials. In addition, this library of openly licensed courseware will provide districts and students with a broader selection of materials, and materials that are more up-to-date.

**NEW SECTION. Sec. 2.** A new section is added to chapter 28A.300 RCW to read as follows:

(1)(a) Subject to availability of amounts appropriated for this specific purpose, the superintendent of public instruction shall take the lead in identifying and developing a library of openly licensed courseware aligned with the common core state standards and placed under an attribution license, registered by a nonprofit or for-profit organization with domain expertise in open courseware, that allows others to use, distribute, and create derivative works based upon the digital material, while still allowing the authors or creators to retain the copyright and to receive credit for their efforts.

(b) During the course of identification and development of a library of openly licensed courseware, the superintendent:

- (i) May contract with third parties for all or part of the development;
- (ii) May adopt or adapt existing high quality openly licensed K-12 courseware aligned with the common core state standards;
- (iii) May consider multiple sources of openly licensed courseware;
- (iv) Must use best efforts to seek additional outside funding by actively partnering with private organizations;
- (v) Must work collaboratively with other states that have adopted the common core state standards and collectively share results; and
- (vi) Must include input from classroom practitioners, including teacher-librarians as defined by RCW 28A.320.240, in the results reported under subsection (2)(d) of this section.

(2) The superintendent of public instruction must also:

- (a) Advertise to school districts the availability of openly licensed courseware, with an emphasis on the fact that the courseware is available at no cost to the districts;
- (b) Identify an open courseware repository to which openly licensed courseware identified and developed under this section may be submitted, in which openly licensed courseware may be housed, and from which openly licensed courseware may be easily accessed, all at no cost to school districts;
- (c) Provide professional development programs that offer support, guidance, and instruction regarding the creation, use, and continuous improvement of open courseware; and
- (d) Report to the governor and the education committees of the legislature on a biennial basis, beginning December 1, 2013, and ending December 1, 2017, regarding identification and development of a library of openly licensed courseware aligned with the common core state standards and placed under an attribution license, use by school districts of openly licensed courseware, and professional development programs provided.

(3) School districts may, but are not required to, use any of the openly licensed courseware.

(4) As used in this section, "courseware" includes the course syllabus, scope and sequence, instructional materials, modules, textbooks, including the teacher's edition, student guides, supplemental materials, formative and summative assessment supports, research articles, research data, laboratory activities, simulations, videos, open-ended inquiry activities, and any other educationally useful materials.

(5) The open educational resources account is created in the custody of the state treasurer. All receipts from funds collected under this section must be deposited into the account. Expenditures from the account may be used only for the development of openly licensed courseware as described in this section. Only the superintendent of public instruction or the superintendent's designee may authorize expenditures from the account. The account is subject to allotment procedures under chapter 43.88 RCW, but an appropriation is not required for expenditures.

(6) This section expires June 30, 2018."

Senators McAuliffe and Litzow spoke in favor of adoption of the committee striking amendment.

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Early Learning & K-12 Education to Engrossed Second Substitute House Bill No. 2337.

The motion by Senator McAuliffe carried and the committee striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 1 of the title, after "education;" strike the remainder of the title and insert "adding a new section to chapter 28A.300 RCW; creating a new section; and providing an expiration date."

#### MOTION

On motion of Senator McAuliffe, the rules were suspended, Engrossed Second Substitute House Bill No. 2337 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators McAuliffe and Tom spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Second Substitute House Bill No. 2337 as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute House Bill No. 2337 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 47; Nays, 1; Absent, 0; Excused, 1.

Voting yea: Senators Baumgartner, Becker, Benton, Brown, Carrell, Chase, Conway, Delvin, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hatfield, Haugen, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles, Litzow, McAuliffe, Morton, Murray, Nelson, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Rolfes, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Voting nay: Senator Padden

Excused: Senator Roach

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2337 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

THIRD SUBSTITUTE HOUSE BILL NO. 2585, by House Committee on Ways & Means (originally sponsored by Representatives Springer, Haler, Eddy, Seaquist and Zeiger)

Creating efficiencies for institutions of higher education.

The measure was read the second time.

#### MOTION

Senator Tom moved that the following committee striking amendment by the Committee on Ways & Means be adopted:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 43.88.160 and 2006 c 1 s 6 are each amended to read as follows:

This section sets forth the major fiscal duties and responsibilities of officers and agencies of the executive branch. The regulations issued by the governor pursuant to this chapter shall provide for a comprehensive, orderly basis for fiscal management and control, including efficient accounting and reporting therefor, for the executive branch of the state government and may include, in

addition, such requirements as will generally promote more efficient public management in the state.

(1) Governor; director of financial management. The governor, through the director of financial management, shall devise and supervise a modern and complete accounting system for each agency to the end that all revenues, expenditures, receipts, disbursements, resources, and obligations of the state shall be properly and systematically accounted for. The accounting system shall include the development of accurate, timely records and reports of all financial affairs of the state. The system shall also provide for central accounts in the office of financial management at the level of detail deemed necessary by the director to perform central financial management. The director of financial management shall adopt and periodically update an accounting procedures manual. Any agency maintaining its own accounting and reporting system shall comply with the updated accounting procedures manual and the rules of the director adopted under this chapter. An agency may receive a waiver from complying with this requirement if the waiver is approved by the director. Waivers expire at the end of the fiscal biennium for which they are granted. The director shall forward notice of waivers granted to the appropriate legislative fiscal committees. The director of financial management may require such financial, statistical, and other reports as the director deems necessary from all agencies covering any period.

(2) Except as provided in chapter 43.88C RCW, the director of financial management is responsible for quarterly reporting of primary operating budget drivers such as applicable workloads, caseload estimates, and appropriate unit cost data. These reports shall be transmitted to the legislative fiscal committees or by electronic means to the legislative evaluation and accountability program committee. Quarterly reports shall include actual monthly data and the variance between actual and estimated data to date. The reports shall also include estimates of these items for the remainder of the budget period.

(3) The director of financial management shall report at least annually to the appropriate legislative committees regarding the status of all appropriated capital projects, including transportation projects, showing significant cost overruns or underruns. If funds are shifted from one project to another, the office of financial management shall also reflect this in the annual variance report. Once a project is complete, the report shall provide a final summary showing estimated start and completion dates of each project phase compared to actual dates, estimated costs of each project phase compared to actual costs, and whether or not there are any outstanding liabilities or unsettled claims at the time of completion.

(4) In addition, the director of financial management, as agent of the governor, shall:

(a) Develop and maintain a system of internal controls and internal audits comprising methods and procedures to be adopted by each agency that will safeguard its assets, check the accuracy and reliability of its accounting data, promote operational efficiency, and encourage adherence to prescribed managerial policies for accounting and financial controls. The system developed by the director shall include criteria for determining the scope and comprehensiveness of internal controls required by classes of agencies, depending on the level of resources at risk.

Each agency head or authorized designee shall be assigned the responsibility and authority for establishing and maintaining internal audits following the standards of internal auditing of the institute of internal auditors;

(b) Make surveys and analyses of agencies with the object of determining better methods and increased effectiveness in the use of manpower and materials; and the director shall authorize

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expenditures for employee training to the end that the state may benefit from training facilities made available to state employees;

(c) Establish policies for allowing the contracting of child care services;

(d) Report to the governor with regard to duplication of effort or lack of coordination among agencies;

(e) Review any pay and classification plans, and changes thereunder, developed by any agency for their fiscal impact: PROVIDED, That none of the provisions of this subsection shall affect merit systems of personnel management now existing or hereafter established by statute relating to the fixing of qualifications requirements for recruitment, appointment, or promotion of employees of any agency. The director shall advise and confer with agencies including appropriate standing committees of the legislature as may be designated by the speaker of the house and the president of the senate regarding the fiscal impact of such plans and may amend or alter the plans, except that for the following agencies no amendment or alteration of the plans may be made without the approval of the agency concerned: Agencies headed by elective officials;

(f) Fix the number and classes of positions or authorized employee years of employment for each agency and during the fiscal period amend the determinations previously fixed by the director except that the director shall not be empowered to fix the number or the classes for the following: Agencies headed by elective officials;

(g) Adopt rules to effectuate provisions contained in (a) through (f) of this subsection.

(5) The treasurer shall:

(a) Receive, keep, and disburse all public funds of the state not expressly required by law to be received, kept, and disbursed by some other persons: PROVIDED, That this subsection shall not apply to those public funds of the institutions of higher learning which are not subject to appropriation;

(b) Receive, disburse, or transfer public funds under the treasurer's supervision or custody;

(c) Keep a correct and current account of all moneys received and disbursed by the treasurer, classified by fund or account;

(d) Coordinate agencies' acceptance and use of credit cards and other payment methods, if the agencies have received authorization under RCW 43.41.180;

(e) Perform such other duties as may be required by law or by regulations issued pursuant to this law.

It shall be unlawful for the treasurer to disburse public funds in the treasury except upon forms or by alternative means duly prescribed by the director of financial management. These forms or alternative means shall provide for authentication and certification by the agency head or the agency head's designee that the services have been rendered or the materials have been furnished; or, in the case of loans or grants, that the loans or grants are authorized by law; or, in the case of payments for periodic maintenance services to be performed on state owned equipment, that a written contract for such periodic maintenance services is currently in effect; and the treasurer shall not be liable under the treasurer's surety bond for erroneous or improper payments so made. When services are lawfully paid for in advance of full performance by any private individual or business entity other than equipment maintenance providers or as provided for by RCW 42.24.035, such individual or entity other than central stores rendering such services shall make a cash deposit or furnish surety bond coverage to the state as shall be fixed in an amount by law, or if not fixed by law, then in such amounts as shall be fixed by the director of the department of ~~(general administration)~~ enterprise services but in no case shall such required cash deposit or surety bond be less than an amount which will fully indemnify the state against any and all losses on account of breach of promise to fully perform such services. No

payments shall be made in advance for any equipment maintenance services to be performed more than twelve months after such payment except that institutions of higher education as defined in RCW 28B.10.016 may make payments in advance for equipment maintenance services to be performed up to sixty months after such payment. Any such bond so furnished shall be conditioned that the person, firm or corporation receiving the advance payment will apply it toward performance of the contract. The responsibility for recovery of erroneous or improper payments made under this section shall lie with the agency head or the agency head's designee in accordance with ~~((regulations))~~ rules issued pursuant to this chapter. Nothing in this section shall be construed to permit a public body to advance funds to a private service provider pursuant to a grant or loan before services have been rendered or material furnished.

(6) The state auditor shall:

(a) Report to the legislature the results of current post audits that have been made of the financial transactions of each agency; to this end the auditor may, in the auditor's discretion, examine the books and accounts of any agency, official, or employee charged with the receipt, custody, or safekeeping of public funds. Where feasible in conducting examinations, the auditor shall utilize data and findings from the internal control system prescribed by the office of financial management. The current post audit of each agency may include a section on recommendations to the legislature as provided in (c) of this subsection.

(b) Give information to the legislature, whenever required, upon any subject relating to the financial affairs of the state.

(c) Make the auditor's official report on or before the thirty-first of December which precedes the meeting of the legislature. The report shall be for the last complete fiscal period and shall include determinations as to whether agencies, in making expenditures, complied with the laws of this state. The state auditor is authorized to perform or participate in performance verifications and performance audits as expressly authorized by the legislature in the omnibus biennial appropriations acts or in the performance audit work plan approved by the joint legislative audit and review committee. The state auditor, upon completing an audit for legal and financial compliance under chapter 43.09 RCW or a performance verification, may report to the joint legislative audit and review committee or other appropriate committees of the legislature, in a manner prescribed by the joint legislative audit and review committee, on facts relating to the management or performance of governmental programs where such facts are discovered incidental to the legal and financial audit or performance verification. The auditor may make such a report to a legislative committee only if the auditor has determined that the agency has been given an opportunity and has failed to resolve the management or performance issues raised by the auditor. If the auditor makes a report to a legislative committee, the agency may submit to the committee a response to the report. This subsection (6) shall not be construed to authorize the auditor to allocate other than de minimis resources to performance audits except as expressly authorized in the appropriations acts or in the performance audit work plan. The results of a performance audit conducted by the state auditor that has been requested by the joint legislative audit and review committee must only be transmitted to the joint legislative audit and review committee.

(d) Be empowered to take exception to specific expenditures that have been incurred by any agency or to take exception to other practices related in any way to the agency's financial transactions and to cause such exceptions to be made a matter of public record, including disclosure to the agency concerned and to the director of financial management. It shall be the duty of the director of financial management to cause corrective action to be taken within

six months, such action to include, as appropriate, the withholding of funds as provided in RCW 43.88.110. The director of financial management shall annually report by December 31st the status of audit resolution to the appropriate committees of the legislature, the state auditor, and the attorney general. The director of financial management shall include in the audit resolution report actions taken as a result of an audit including, but not limited to, types of personnel actions, costs and types of litigation, and value of recouped goods or services.

(e) Promptly report any irregularities to the attorney general.

(f) Investigate improper governmental activity under chapter 42.40 RCW.

~~((g))~~ In addition to the authority given to the state auditor in this subsection (6), the state auditor is authorized to conduct performance audits identified in RCW 43.09.470. Nothing in this subsection (6) shall limit, impede, or restrict the state auditor from conducting performance audits identified in RCW 43.09.470.

(7) The joint legislative audit and review committee may:

(a) Make post audits of the financial transactions of any agency and management surveys and program reviews as provided for in chapter 44.28 RCW as well as performance audits and program evaluations. To this end the joint committee may in its discretion examine the books, accounts, and other records of any agency, official, or employee.

(b) Give information to the legislature or any legislative committee whenever required upon any subject relating to the performance and management of state agencies.

(c) Make a report to the legislature which shall include at least the following:

(i) Determinations as to the extent to which agencies in making expenditures have complied with the will of the legislature and in this connection, may take exception to specific expenditures or financial practices of any agencies; and

(ii) Such plans as it deems expedient for the support of the state's credit, for lessening expenditures, for promoting frugality and economy in agency affairs, and generally for an improved level of fiscal management.

**Sec. 2.** RCW 41.06.157 and 2011 1st sp.s. c 43 s 411 are each amended to read as follows:

(1) To promote the most effective use of the state's workforce and improve the effectiveness and efficiency of the delivery of services to the citizens of the state, the director shall adopt and maintain a comprehensive classification plan for all positions in the classified service. The classification plan must:

(a) Be simple and streamlined;

(b) Support state agencies in responding to changing technologies, economic and social conditions, and the needs of its citizens;

(c) Value workplace diversity;

(d) Facilitate the reorganization and decentralization of governmental services;

(e) Enhance mobility and career advancement opportunities; and

(f) Consider rates in other public employment and private employment in the state.

(2) An appointing authority and an employee organization representing classified employees of the appointing authority for collective bargaining purposes may jointly request the human resources director to initiate a classification study.

(3) For institutions of higher education and related boards, the director may adopt special salary ranges to be competitive with positions of a similar nature in the state or the locality in which the institution of higher education or related board is located.

(4) For health care classifications, institutions of higher education may implement higher education health care special pay plans to be competitive with positions of a similar nature in the locality in which the institution of higher education is located. In administering a

special pay plan, institutions may authorize compensation changes including but not limited to increases in salary ranges, new top steps in salary ranges, premium pay, and adjustments for community practice. Such special pay plans are not subject to director approval or adoption; however, institutions of higher education shall report annually to the director the actions they have taken under the provisions of this section.

(5) The director may undertake salary surveys of positions in other public and private employment to establish market rates. Any salary survey information collected from private employers which identifies a specific employer with salary rates which the employer pays to its employees shall not be subject to public disclosure under chapter 42.56 RCW.

**Sec. 3.** RCW 41.04.240 and 1977 ex.s. c 269 s 1 are each amended to read as follows:

(1) Except with regard to institutions of higher education as defined in RCW 28B.10.016, any official of the state or of any political subdivision, municipal corporation, or quasi-municipal corporation authorized to disburse funds in payment of salaries and wages of employees is authorized upon written request of at least twenty-five employees to pay all or part of such salaries or wages to any financial institution for either: ~~((+))~~ (a) Credit to the employees' accounts in such financial institution; or ~~((=))~~ (b) immediate transfer therefrom to the employees' accounts in any other financial institutions(~~(= PROVIDED, That)~~).

(2) In disbursing funds for payment of salaries and wages of employees, institutions of higher education as defined in RCW 28B.10.016 are authorized to require the following payment methods:

(a) For employees who have an account in a financial institution, payment to any financial institution for either: (i) Credit to the employees' accounts in such financial institution; or (ii) immediate transfer therefrom to the employees' accounts in any other financial institutions; and

(b) For employees who do not have an account in a financial institution, payment by alternate methods such as payroll cards.

(3) Nothing in this section shall be construed as authorizing any employer to require the employees to have an account in any particular financial institution or type of financial institution. A single warrant may be drawn in favor of such financial institution, for the total amount due the employees involved, and written directions provided to such financial institution of the amount to be credited to the account of an employee or to be transferred to an account in another financial institution for such employee. The issuance and delivery by the disbursing officer of a warrant in accordance with the procedure set forth herein and proper indorsement thereof by the financial institution shall have the same legal effect as payment directly to the employee.

For the purposes of this section "financial institution" means any bank or trust company established in this state pursuant to chapter 2, Title 12, United States Code, or Title 30 RCW, and any credit union established in this state pursuant to chapter 14, Title 12, United States Code, or chapter 31.12 RCW, and any mutual savings bank established in this state pursuant to Title 32 RCW, and any savings and loan association established in this state pursuant to chapter 12, Title 12, United States Code, or Title 33 RCW.

**Sec. 4.** RCW 28B.10.029 and 2011 1st sp.s. c 43 s 303 and 2011 c 198 s 1 are each reenacted and amended to read as follows:

(1)(a) An institution of higher education may exercise independently those powers otherwise granted to the director of enterprise services in chapter 43.19 RCW in connection with the purchase and disposition of all material, supplies, services, and equipment needed for the support, maintenance, and use of the respective institution of higher education.

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(b) Property disposition policies followed by institutions of higher education shall be consistent with policies followed by the department of enterprise services.

(c)(i) Except as provided in (c)(ii) and (iii) of this subsection, purchasing policies and procedures followed by institutions of higher education shall be in compliance with chapters 39.19, 39.29, and 43.03 RCW, and RCW 43.19.1901, 43.19.1906, 43.19.1911, 43.19.1917, 43.19.1937, 43.19.685, 43.19.700 through 43.19.704, and 43.19.560 through 43.19.637.

(ii) Institutions of higher education may use all appropriate means for making and paying for travel arrangements including, but not limited to, electronic booking and reservations, advance payment and deposits for tours, lodging, and other necessary expenses, and other travel transactions based on standard industry practices and federal accountable plan requirements. Such arrangements shall support student, faculty, staff, and other participants' travel, by groups and individuals, both domestic and international, in the most cost-effective and efficient manner possible, regardless of the source of funds.

(iii) Formal sealed, electronic, or web-based competitive bidding is not necessary for purchases or personal services contracts by institutions of higher education for less than one hundred thousand dollars. However, for purchases and personal services contracts of ten thousand dollars or more and less than one hundred thousand dollars, quotations must be secured from at least three vendors to assure establishment of a competitive price and may be obtained by telephone, electronic, or written quotations, or any combination thereof. As part of securing the three vendor quotations, institutions of higher education must invite at least one quotation each from a certified minority and a certified woman-owned vendor that otherwise qualifies to perform the work. A record of competition for all such purchases and personal services contracts of ten thousand dollars or more and less than one hundred thousand dollars must be documented for audit purposes.

(d) Purchases under chapter 39.29, 43.19, or 43.105 RCW by institutions of higher education may be made by using contracts for materials, supplies, services, or equipment negotiated or entered into by, for, or through group purchasing organizations.

(e) The community and technical colleges shall comply with RCW 43.19.450.

(f) Except for the University of Washington, institutions of higher education shall comply with RCW 43.19.769, 43.19.763, and 43.19.781.

(g) If an institution of higher education can satisfactorily demonstrate to the director of the office of financial management that the cost of compliance is greater than the value of benefits from any of the following statutes, then it shall be exempt from them: RCW 43.19.685 and 43.19.637.

(h) Any institution of higher education that chooses to exercise independent purchasing authority for a commodity or group of commodities shall notify the director of enterprise services. Thereafter the director of enterprise services shall not be required to provide those services for that institution for the duration of the enterprise services contract term for that commodity or group of commodities.

(2) The council of presidents and the state board for community and technical colleges shall convene its correctional industries business development advisory committee, and work collaboratively with correctional industries, to:

(a) Reaffirm purchasing criteria and ensure that quality, service, and timely delivery result in the best value for expenditure of state dollars;

(b) Update the approved list of correctional industries products from which higher education shall purchase; and

(c) Develop recommendations on ways to continue to build correctional industries' business with institutions of higher education.

(3) Higher education and correctional industries shall develop a plan to build higher education business with correctional industries to increase higher education purchases of correctional industries products, based upon the criteria established in subsection (2) of this section. The plan shall include the correctional industries' production and sales goals for higher education and an approved list of products from which higher education institutions shall purchase, based on the criteria established in subsection (2) of this section. Higher education and correctional industries shall report to the legislature regarding the plan and its implementation no later than January 30, 2005.

(4)(a) Institutions of higher education shall set as a target to contract, beginning not later than June 30, 2006, to purchase one percent of the total goods and services required by the institutions each year produced or provided in whole or in part from class II inmate work programs operated by the department of corrections. Institutions of higher education shall set as a target to contract, beginning not later than June 30, 2008, to purchase two percent of the total goods and services required by the institutions each year produced or provided in whole or in part from class II inmate work programs operated by the department of corrections.

(b) Institutions of higher education shall endeavor to assure the department of corrections has notifications of bid opportunities with the goal of meeting or exceeding the purchasing target in (a) of this subsection.

**NEW SECTION. Sec. 5.** By January 1, 2017, institutions of higher education as defined in RCW 28B.10.016 must report to the legislature and the governor on: (1) The amount of savings resulting from use of the higher education provisions of sections 1 through 3 of this act; and (2) the manner in which such savings were used to promote student academic success.

**Sec. 6.** RCW 28B.15.031 and 2011 1st sp.s. c 10 s 2 and 2011 c 274 s 2 are each reenacted and amended to read as follows:

(1) The term "operating fees" as used in this chapter shall include the fees, other than building fees, charged all students registering at the state's colleges and universities but shall not include fees for short courses, self-supporting degree credit programs and courses, marine station work, experimental station work, correspondence or extension courses, and individual instruction and student deposits or rentals, disciplinary and library fines, which colleges and universities shall have the right to impose, laboratory, gymnasium, health, technology and student activity fees, or fees, charges, rentals, and other income derived from any or all revenue producing lands, buildings and facilities of the colleges or universities heretofore or hereafter acquired, constructed or installed, including but not limited to income from rooms, dormitories, dining rooms, hospitals, infirmaries, housing or student activity buildings, vehicular parking facilities, land, or the appurtenances thereon, or such other special fees as may be established by any college or university board of trustees or regents from time to time. All moneys received as operating fees at any institution of higher education shall be deposited in a local account containing only operating fees revenue and related interest: PROVIDED, That a minimum of five percent of operating fees shall be retained by the four-year institutions of higher education that increase tuition for resident undergraduate students above assumed tuition increases in the omnibus appropriations act, a minimum of four percent of operating fees shall be retained by four-year institutions of higher education that do not increase tuition for resident undergraduates above assumed increases in the omnibus appropriations act, and a minimum of three and one-half percent of operating fees shall be retained by the community and technical colleges for the purposes of RCW

28B.15.820. At least thirty percent of operating fees required to be retained by the four-year institutions for purposes of RCW 28B.15.820 shall be used only for the purposes of RCW 28B.15.820(10).

(2) In addition to the three and one-half percent of operating fees retained by the institutions under subsection (1) of this section, up to three percent of operating fees charged to students at community and technical colleges shall be transferred to the community and technical college innovation account for the implementation of the college board's strategic technology plan in RCW 28B.50.515. The percentage to be transferred to the community and technical college innovation account shall be determined by the college board each year but shall not exceed three percent of the operating fees collected each year.

(3) Local operating fee accounts shall not be subject to appropriation by the legislature ~~((€))~~ but shall be subject to allotment procedures by budget program and fiscal year under chapter 43.88 RCW.

**Sec. 7.** RCW 43.88.150 and 2011 1st sp.s. c 50 s 948 are each amended to read as follows:

(1) For those agencies that make expenditures from both appropriated and nonappropriated funds for the same purpose, the governor shall direct such agencies to charge their expenditures in such ratio, as between appropriated and nonappropriated funds, as will conserve appropriated funds. ~~((This subsection does not apply to))~~ For institutions of higher education, as defined in RCW 28B.10.016, ~~((except during the 2011-2013 fiscal biennium))~~ this subsection applies only to operating fee accounts.

(2) Unless otherwise provided by law, if state moneys are appropriated for a capital project and matching funds or other contributions are required as a condition of the receipt of the state moneys, the state moneys shall be disbursed in proportion to and only to the extent that the matching funds or other contributions have been received and are available for expenditure.

(3) The office of financial management shall adopt guidelines for the implementation of this section. The guidelines may account for federal matching requirements or other requirements to spend other moneys in a particular manner."

#### MOTION

Senator Tom moved that the following amendment by Senators Tom and Hill to the committee striking amendment be adopted:

On page 12, line 20 of the amendment, after "provisions of" strike "sections 1 through 3 of"

Senators Tom and Hill spoke in favor of adoption of the amendment to the committee striking amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senators Tom and Hill on page 12, line 20 to the committee striking amendment to Third Substitute House Bill No. 2585.

The motion by Senator Tom carried and the amendment to the committee striking amendment was adopted by voice vote.

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Ways & Means as amended to Third Substitute House Bill No. 2585.

The motion by Senator Tom carried and the committee striking amendment as amended was adopted by voice vote.

#### MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 2 of the title, after "education;" strike the remainder of the title and insert "amending RCW 43.88.160, 41.06.157, 41.04.240, and 43.88.150; reenacting and amending RCW 28B.10.029 and 28B.15.031; and creating a new section."

#### MOTION

On motion of Senator Tom, the rules were suspended, Third Substitute House Bill No. 2585 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Tom spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Third Substitute House Bill No. 2585 as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of Third Substitute House Bill No. 2585 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Baumgartner, Becker, Benton, Brown, Carrell, Chase, Conway, Delvin, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hatfield, Haugen, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles, Litzow, McAuliffe, Morton, Murray, Nelson, Padden, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Rolfes, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Excused: Senator Roach

THIRD SUBSTITUTE HOUSE BILL NO. 2585 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

HOUSE BILL NO. 2499, by Representatives Billig, Finn, Hunt, Appleton, Hasegawa, Reykdal, Liias, Ormsby, Sells, Jinkins, Fitzgibbon, Kagi, Miloscia, Kelley, Hudgins, Roberts and Pollet

Expanding disclosure of political advertising to include advertising supporting or opposing ballot measures.

The measure was read the second time.

#### MOTION

Senator Swecker moved that the following amendment by Senators Swecker and Pridemore be adopted:

On page 2, line 38, after "period" strike all material through "advertisement" and insert "~~((before the date of the advertisement))~~ preceding the date on which the advertisement is initially published or otherwise presented to the public"

On page 3, beginning on line 13, after "period" strike all material through "advertisement" on line 14 and insert "~~((before the date of the advertisement))~~ preceding the date on which the advertisement is initially published or otherwise presented to the public"

Senators Swecker and Pridemore spoke in favor of adoption of the amendment.



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Senator Fraser spoke on adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senators Swecker and Pridemore on page 2, line 38 to House Bill No. 2499.

The motion by Senator Swecker carried and the amendment was adopted by voice vote.

MOTION

On motion of Senator Pridemore, the rules were suspended, House Bill No. 2499 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Pridemore spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 2499 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2499 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 34; Nays, 14; Absent, 0; Excused, 1.

Voting yea: Senators Baumgartner, Benton, Brown, Chase, Conway, Eide, Fain, Frockt, Hargrove, Harper, Hatfield, Haugen, Hewitt, Hill, Hobbs, Kastama, Keiser, Kilmer, Kline, Kohl-Welles, Litzow, Murray, Nelson, Prentice, Pridemore, Ranker, Regala, Rolfes, Schoesler, Sheldon, Shin, Swecker, Tom and Zarelli

Voting nay: Senators Becker, Carrell, Delvin, Ericksen, Fraser, Holmquist Newbry, Honeyford, King, McAuliffe, Morton, Padden, Parlette, Pflug and Stevens

Excused: Senator Roach

HOUSE BILL NO. 2499 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Harper, Senator Kline was excused.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2259, by House Committee on Higher Education (originally sponsored by Representatives Zeiger, Seaquist, Haler and Roberts)

Eliminating certain duplicative higher education reporting requirements.

The measure was read the second time.

MOTION

On motion of Senator Eide, the rules were suspended, Substitute House Bill No. 2259 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Eide spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 2259.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2259 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 1; Excused, 2.

Voting yea: Senators Baumgartner, Becker, Brown, Carrell, Chase, Conway, Delvin, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hatfield, Haugen, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Kastama, Keiser, Kilmer, King, Kohl-Welles, Litzow, McAuliffe, Morton, Murray, Nelson, Padden, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Rolfes, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Absent: Senator Benton

Excused: Senators Kline and Roach

SUBSTITUTE HOUSE BILL NO. 2259, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2567, by House Committee on Local Government (originally sponsored by Representative Fitzgibbon)

Authorizing an optional system of rates and charges for conservation districts.

The measure was read the second time.

MOTION

Senator Hatfield moved that the following committee striking amendment by the Committee on Agriculture & Rural Economic Development be adopted:

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** A new section is added to chapter 89.08 RCW to read as follows:

(1) Any county legislative authority may approve by resolution revenues to a conservation district by fixing rates and charges. The county legislative authority may provide for this system of rates and charges as an alternative to, but not in addition to, a special assessment provided by RCW 89.08.400. In fixing rates and charges, the county legislative authority may in its discretion consider the information proposed to the county legislative authority by a conservation district consistent with this section.

(2) A conservation district, in proposing a system of rates and charges, may consider:

- (a) Services furnished, to be furnished, or available to the landowner;
- (b) Benefits received, to be received, or available to the property;
- (c) The character and use of land;
- (d) The nonprofit public benefit status, as defined in RCW 24.03.490, of the land user;
- (e) The income level of persons served or provided benefits under this chapter, including senior citizens and disabled persons; or
- (f) Any other matters that present a reasonable difference as a ground for distinction.

(3)(a) The maximum annual per acre rate or charge shall not exceed ten cents per acre. The maximum annual per parcel rate shall not

exceed five dollars, except that for counties with a population of over one million five hundred thousand persons, the maximum annual per parcel rate shall not exceed ten dollars.

(b) Public land, including lands owned or held by the state, shall be subject to rates and charges to the same extent as privately owned lands. The procedures provided in chapter 79.44 RCW shall be followed if lands owned or held by the state are subject to the rates and charges of a conservation district.

(c) Forest lands used solely for the planting, growing, or harvesting of trees may be subject to rates and charges if such lands are served by the activities of the conservation district, but the per acre rate or charge on such forest lands shall not exceed one-tenth of the weighted average per acre rate or charge on all other lands within the conservation district that are subject to rates and charges. The calculation of the weighted average per acre shall be a ratio calculated as follows: (i) The numerator shall be the total amount of money estimated to be derived from the per acre special rates and charges on the nonforest lands in the conservation district; and (ii) the denominator shall be the total number of nonforest land acres in the conservation district that are served by the activities of the conservation district and that are subject to the rates or charges of the conservation district. No more than ten thousand acres of such forest lands that is both owned by the same person or entity and is located in the same conservation district may be subject to the rates and charges that are imposed for that conservation district in any year. Per parcel charges shall not be imposed on forest land parcels. However, in lieu of a per parcel charge, a charge of up to three dollars per forest landowner may be imposed on each owner of forest lands whose forest lands are subject to a per acre rate or charge.

(4) The consideration, development, adoption, and implementation of a system of rates and charges shall follow the same public notice and hearing process and be subject to the same procedure and authority of RCW 89.08.400(2).

(5)(a) Following the adoption of a system of rates and charges, the conservation district board of supervisors shall establish by resolution a process providing for landowner appeals of the individual rates and charges as applicable to a parcel or parcels.

(b) Any appeal must be filed by the landowner with the conservation district no later than twenty-one days after the date property taxes are due. The decision of the board of supervisors regarding any appeal shall be final and conclusive.

(c) Any appeal of the decision of the board shall be to the superior court of the county in which the district is located, and served and filed within twenty-one days of the date of the board's written decision.

(6) A conservation district shall prepare a roll that implements the system of rates and charges approved by the county legislative authority. The rates and charges from the roll shall be spread by the county assessor as a separate item on the tax rolls and shall be collected and accounted for with property taxes by the county treasurer. The amount of the rates and charges shall constitute a lien against the land that shall be subject to the same conditions as a tax lien, and collected by the treasurer in the same manner as delinquent real property taxes, and subject to the same interest and penalty as for delinquent property taxes. The county treasurer shall deduct an amount from the collected rates and charges, as established by the county legislative authority, to cover the costs incurred by the county assessor and county treasurer in spreading and collecting the rates and charges, but not to exceed the actual costs of such work. All remaining funds collected under this section shall be transferred to the conservation district and used by the conservation district in accordance with this section.

(7) The rates and charges for a conservation district shall not be spread on the tax rolls and shall not be allocated with property tax

collections in the following year if, after the system of rates and charges has been approved by the county legislative authority but before the fifteenth day of December in that year, a petition has been filed with the county legislative authority objecting to the imposition of such rates and charges, which petition has been signed by at least twenty percent of the owners of land that would be subject to the rate or charge to be imposed for a conservation district.

**NEW SECTION. Sec. 2.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

**NEW SECTION. Sec. 3.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

#### MOTION

Senator Hatfield moved that the following amendment by Senator Hatfield and others to the committee striking amendment and others be adopted:

On page 1, line 26 of the amendment, after "(3)(a)" strike "The" and insert "The system of rates and charges may include an annual per acre amount, an annual per parcel amount, or an annual per parcel amount plus an annual per acre amount. If included in the system of rates and charges, the"

On page 2, line 8 of the amendment, after "district" strike ", but" and insert ". However, if the system of rates and charges includes an annual per acre amount or an annual per parcel amount plus an annual per acre amount,"

Senator Hatfield spoke in favor of adoption of the amendment to the committee striking amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Hatfield and others on page 1, line 26 to the committee striking amendment to Engrossed Substitute House Bill No. 2567.

The motion by Senator Hatfield carried and the amendment to the committee striking amendment was adopted by voice vote.

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Agriculture & Rural Economic Development as amended to Engrossed Substitute House Bill No. 2567.

The motion by Senator Hatfield carried and the committee striking amendment as amended was adopted by voice vote.

#### MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 2 of the title, after "districts;" strike the remainder of the title and insert "adding a new section to chapter 89.08 RCW; and declaring an emergency."

#### MOTION

On motion of Senator Hatfield, the rules were suspended, Engrossed Substitute House Bill No. 2567 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Hatfield and Nelson spoke in favor of passage of the bill.

Senator Sheldon spoke on final passage of the bill.

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The President declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 2567 as amended by the Senate.

objection, the title of the bill was ordered to stand as the title of the act.

ROLL CALL

SECOND READING

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 2567 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 45; Nays, 2; Absent, 0; Excused, 2.

SUBSTITUTE HOUSE BILL NO. 2657, by House Committee on Health & Human Services Appropriations & Oversight (originally sponsored by Representatives Roberts, Kagi, Maxwell and Kenney)

Voting yea: Senators Baumgartner, Becker, Benton, Brown, Carrell, Chase, Conway, Delvin, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hatfield, Haugen, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Kastama, Keiser, Kilmer, King, Kohl-Welles, Litzow, McAuliffe, Murray, Nelson, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Rolfes, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Revising provisions affecting adoption support expenditures.

The measure was read the second time.

Voting nay: Senators Morton and Padden

Excused: Senators Kline and Roach

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2567 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Regala, the rules were suspended, Substitute House Bill No. 2657 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Regala and Stevens spoke in favor of passage of the bill.

SECOND READING

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 2657.

SUBSTITUTE HOUSE BILL NO. 2574, by House Committee on Transportation (originally sponsored by Representatives Kristiansen and Pearson)

ROLL CALL

Allowing special year tabs on special license plates for persons with disabilities subject to annual vehicle registration. Revised for 1st Substitute: Allowing special year tabs on certain special license plates for persons with disabilities.

The Secretary called the roll on the final passage of Substitute House Bill No. 2657 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

The measure was read the second time.

Voting yea: Senators Baumgartner, Becker, Benton, Brown, Carrell, Chase, Conway, Delvin, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hatfield, Haugen, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles, Litzow, McAuliffe, Morton, Murray, Nelson, Padden, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rolfes, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

MOTION

On motion of Senator King, the rules were suspended, Substitute House Bill No. 2574 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

SUBSTITUTE HOUSE BILL NO. 2657, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

Senator King spoke in favor of passage of the bill.

SECOND READING

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 2574.

HOUSE BILL NO. 2482, by Representatives Kenney, Finn, Ryu, Hasegawa and Stanford

ROLL CALL

Designating innovation partnership zones.

The Secretary called the roll on the final passage of Substitute House Bill No. 2574 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

The measure was read the second time.

Voting yea: Senators Baumgartner, Becker, Benton, Brown, Carrell, Chase, Conway, Delvin, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hatfield, Haugen, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Kastama, Keiser, Kilmer, King, Kohl-Welles, Litzow, McAuliffe, Morton, Murray, Nelson, Padden, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rolfes, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

MOTION

Senator Kastama moved that the following committee striking amendment by the Committee on Economic Development, Trade & Innovation be adopted:

Excused: Senator Kline

SUBSTITUTE HOUSE BILL NO. 2574, having received the constitutional majority, was declared passed. There being no

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 43.330.270 and 2009 c 72 s 1 are each amended to read as follows:

(1) The department (~~shall~~) must design and implement an innovation partnership zone program through which the state will encourage and support research institutions, workforce training

organizations, and globally competitive companies to work cooperatively in close geographic proximity to create commercially viable products and jobs.

(2) The director ~~((shall))~~ must designate innovation partnership zones on the basis of the following criteria:

(a) Innovation partnership zones must have three types of institutions operating within their boundaries, or show evidence of planning and local partnerships that will lead to dense concentrations of these institutions:

(i) Research capacity in the form of a university or community college fostering commercially valuable research, nonprofit institutions creating commercially applicable innovations, or a national laboratory;

(ii) An industry cluster as defined in RCW 43.330.090. The cluster must include a dense proximity of globally competitive firms in a research-based industry or industries or ~~((of))~~ individual firms with innovation strategies linked to (a)(i) of this subsection. A globally competitive firm may be signified through international organization for standardization 9000 or 1400 certification, or ~~((other recognized))~~ evidence of sales in international ~~((success))~~ markets; and

(iii) Training capacity either within the zone or readily accessible to the zone. The training capacity requirement may be met by the same institution as the research capacity requirement, to the extent both are associated with an educational institution in the proposed zone.

(b) The support of a local jurisdiction, a research institution, an educational institution, an industry or cluster association, a workforce development council, and an associate development organization, port, or chamber of commerce;

(c) Identifiable boundaries for the zone within which the applicant will concentrate efforts to connect innovative researchers, entrepreneurs, investors, industry associations or clusters, and training providers. The geographic area defined should lend itself to a distinct identity and have the capacity to accommodate firm growth;

(d) The innovation partnership zone administrator must be an economic development council, port, workforce development council, city, or county.

(3) With respect solely to the research capacity required in subsection (2)(a)(i) of this section, the director may waive the requirement that the research institution be located within the zone. To be considered for such a waiver, an applicant must provide a specific plan that demonstrates the research institution's unique qualifications and suitability for the zone, and the types of jointly executed activities that will be used to ensure ongoing, face-to-face interaction and research collaboration among the zone's partners.

(4) On October 1st of each odd-numbered year, the director ~~((shall))~~ must designate innovation partnership zones on the basis of applications that meet the legislative criteria, estimated economic impact of the zone, evidence of forward planning for the zone, and other criteria as ~~((recommended by))~~ developed by the department in consultation with the Washington state economic development commission. Estimated economic impact must include evidence of anticipated private investment, job creation, innovation, and commercialization. The director ~~((shall))~~ must require evidence that zone applicants will promote commercialization, innovation, and collaboration among zone residents.

(5) Innovation partnership zones are eligible for funds and other resources as provided by the legislature or at the discretion of the governor.

(6) If the innovation partnership zone meets the other requirements of the fund sources, then the zone is eligible for the following funds relating to:

(a) The local infrastructure financing tools program;

(b) The sales and use tax for public facilities in rural counties; ~~((and))~~

(c) Job skills;

(d) Local improvement districts; and

(e) Community economic revitalization board projects under chapter 43.160 RCW.

(7) An innovation partnership zone ~~((shall))~~ must be designated as a zone for a four-year period. At the end of the four-year period, the zone must reapply for the designation through the department.

(8) If the director finds that an applicant does not meet all of the statutory criteria or additional criteria recommended by the department in consultation with the Washington state economic development commission to be designated as an innovation partnership zone, the department must:

(a) Identify the deficiencies in the proposal and recommended steps for the applicant to take to strengthen the proposal;

(b) Provide the applicant with the opportunity to appeal the decision to the director; and

(c) Allow the applicant to reapply for innovation partnership designation on October 1st of the following calendar year or during any subsequent application cycle.

(9) If the director finds at any time after the initial year of designation that an innovation partnership zone is failing to meet the performance standards required in its contract with the department, the director may withdraw such designation and cease state funding of the zone.

~~((9))~~ (10) The department ~~((shall))~~ must convene annual information sharing events for innovation partnership zone administrators and other interested parties.

~~((10))~~ (11) An innovation partnership zone ~~((shall))~~ must annually provide performance measures as required by the director, including but not limited to private investment measures, job creation measures, and measures of innovation such as licensing of ideas in research institutions, patents, or other recognized measures of innovation.

~~((11))~~ (12) The department ~~((shall))~~ must compile a biennial report on the innovation partnership zone program by December 1st of every even-numbered year. The report ~~((shall))~~ must provide information for each zone on its: Objectives; funding, tax incentives, and other support obtained from public sector sources; major activities; partnerships; performance measures; and outcomes achieved since the inception of the zone or since the previous biennial report. The Washington state economic development commission ~~((shall))~~ must review the department's draft report and make recommendations on ways to increase the effectiveness of individual zones and the program overall. The department ~~((shall))~~ must submit the report, including the commission's recommendations, to the governor and legislature beginning December 1, 2010.

**Sec. 2.** RCW 43.160.010 and 2008 c 327 s 1 are each amended to read as follows:

(1) The legislature finds that it is the public policy of the state of Washington to direct financial resources toward the fostering of economic development through the stimulation of investment and job opportunities and the retention of sustainable existing employment for the general welfare of the inhabitants of the state. Reducing unemployment and reducing the time citizens remain jobless is important for the economic welfare of the state. A valuable means of fostering economic development is the construction of public facilities which contribute to the stability and growth of the state's economic base. Expenditures made for these purposes as authorized in this chapter are declared to be in the public interest, and constitute a proper use of public funds. A community economic revitalization board is needed which shall aid the

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development of economic opportunities. The general objectives of the board should include:

- (a) Strengthening the economies of areas of the state which have experienced or are expected to experience chronically high unemployment rates or below average growth in their economies;
- (b) Encouraging the diversification of the economies of the state and regions within the state in order to provide greater seasonal and cyclical stability of income and employment;
- (c) Encouraging wider access to financial resources for both large and small industrial development projects;
- (d) Encouraging new economic development or expansions to maximize employment;
- (e) Encouraging the retention of viable existing firms and employment; ~~(and)~~
- (f) Providing incentives for expansion of employment opportunities for groups of state residents that have been less successful relative to other groups in efforts to gain permanent employment; and  
(g) Enhancing job and business growth through facility development and other improvements in innovation partnership zones designated under RCW 43.330.270.

(2) The legislature also finds that the state's economic development efforts can be enhanced by, in certain instances, providing funds to improve state highways, county roads, or city streets for industries considering locating or expanding in this state.

(3) The legislature finds it desirable to provide a process whereby the need for diverse public works improvements necessitated by planned economic development can be addressed in a timely fashion and with coordination among all responsible governmental entities.

(4) The legislature also finds that the state's economic development efforts can be enhanced by, in certain instances, providing funds to assist development of telecommunications infrastructure that supports business development, retention, and expansion in the state.

(5) The legislature also finds that the state's economic development efforts can be enhanced by providing funds to improve markets for those recyclable materials representing a large fraction of the waste stream. The legislature finds that public facilities which result in private construction of processing or remanufacturing facilities for recyclable materials are eligible for consideration from the board.

(6) The legislature finds that sharing economic growth statewide is important to the welfare of the state. The ability of communities to pursue business and job retention, expansion, and development opportunities depends on their capacity to ready necessary economic development project plans, sites, permits, and infrastructure for private investments. Project-specific planning, predevelopment, and infrastructure are critical ingredients for economic development. It is, therefore, the intent of the legislature to increase the amount of funding available through the community economic revitalization board and to authorize flexibility for available resources in these areas to help fund planning, predevelopment, and construction costs of infrastructure and facilities and sites that foster economic vitality and diversification.

**Sec. 3.** RCW 43.160.020 and 2009 c 565 s 35 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

- (1) "Board" means the community economic revitalization board.
- (2) "Department" means the department of commerce.
- (3) "Local government" or "political subdivision" means any port district, county, city, town, special purpose district, and any other municipal corporations or quasi-municipal corporations in the state providing for public facilities under this chapter.
- (4) "Public facilities" means a project of a local government or a federally recognized Indian tribe for the planning, acquisition,

construction, repair, reconstruction, replacement, rehabilitation, or improvement of: ~~Bridges((:)); roads((:)); research, testing, training, and incubation facilities in areas designated as innovation partnership zones under RCW 43.330.270; buildings or structures;~~ domestic and industrial water, earth stabilization, sanitary sewer, storm sewer, railroad, electricity, telecommunications, transportation, natural gas, ~~((buildings or structures,))~~ and port facilities((:)); all for the purpose of job creation, job retention, or job expansion.

(5) "Rural county" means a county with a population density of fewer than one hundred persons per square mile or a county smaller than two hundred twenty-five square miles, as determined by the office of financial management and published each year by the department for the period July 1st to June 30th.

**Sec. 4.** RCW 82.14.370 and 2009 c 511 s 1 are each amended to read as follows:

(1) The legislative authority of a rural county may impose a sales and use tax in accordance with the terms of this chapter. The tax is in addition to other taxes authorized by law and ~~((shall))~~ must be collected from those persons who are taxable by the state under chapters 82.08 and 82.12 RCW upon the occurrence of any taxable event within the county. The rate of tax ~~((shall))~~ may not exceed 0.09 percent of the selling price in the case of a sales tax or value of the article used in the case of a use tax, except that for rural counties with population densities between sixty and one hundred persons per square mile, the rate shall not exceed 0.04 percent before January 1, 2000.

(2) The tax imposed under subsection (1) of this section ~~((shall))~~ must be deducted from the amount of tax otherwise required to be collected or paid over to the department of revenue under chapter 82.08 or 82.12 RCW. The department of revenue ~~((shall))~~ must perform the collection of such taxes on behalf of the county at no cost to the county.

(3)(a) Moneys collected under this section ~~((shall))~~ may only be used to finance public facilities serving economic development purposes in rural counties and finance personnel in economic development offices. The public facility must be listed as an item in the officially adopted county overall economic development plan, or the economic development section of the county's comprehensive plan, or the comprehensive plan of a city or town located within the county for those counties planning under RCW 36.70A.040. For those counties that do not have an adopted overall economic development plan and do not plan under the growth management act, the public facility must be listed in the county's capital facilities plan or the capital facilities plan of a city or town located within the county.

(b) In implementing this section, the county ~~((shall))~~ must consult with cities, towns, and port districts located within the county and the associate development organization serving the county to ensure that the expenditure meets the goals of chapter 130, Laws of 2004 and the requirements of (a) of this subsection. Each county collecting money under this section ~~((shall))~~ must report, as follows, to the office of the state auditor, within one hundred fifty days after the close of each fiscal year: (i) A list of new projects begun during the fiscal year, showing that the county has used the funds for those projects consistent with the goals of chapter 130, Laws of 2004 and the requirements of (a) of this subsection; and (ii) expenditures during the fiscal year on projects begun in a previous year. Any projects financed prior to June 10, 2004, from the proceeds of obligations to which the tax imposed under subsection (1) of this section has been pledged ~~((shall))~~ may not be deemed to be new projects under this subsection. No new projects funded with money collected under this section may be for justice system facilities.

(c) The definitions in this section apply throughout this section.

(i) "Public facilities" means bridges, roads, domestic and industrial water facilities, sanitary sewer facilities, earth stabilization, storm sewer facilities, railroads, ~~((electricity))~~ electrical facilities, natural gas facilities, research, testing, training, and incubation facilities in innovation partnership zones designated under RCW 43.330.270, buildings, structures, telecommunications infrastructure, transportation infrastructure, or commercial infrastructure, and port facilities in the state of Washington.

(ii) "Economic development purposes" means those purposes which facilitate the creation or retention of businesses and jobs in a county.

(iii) "Economic development office" means an office of a county, port districts, or an associate development organization as defined in RCW 43.330.010, which promotes economic development purposes within the county.

(4) No tax may be collected under this section before July 1, 1998.

(a) Except as provided in (b) of this subsection, no tax may be collected under this section by a county more than twenty-five years after the date that a tax is first imposed under this section.

(b) For counties imposing the tax at the rate of 0.09 percent before August 1, 2009, the tax expires on the date that is twenty-five years after the date that the 0.09 percent tax rate was first imposed by that county.

(5) For purposes of this section, "rural county" means a county with a population density of less than one hundred persons per square mile or a county smaller than two hundred twenty-five square miles as determined by the office of financial management and published each year by the department for the period July 1st to June 30th."

Senators Kastama and Schoesler spoke in favor of adoption of the committee striking amendment.

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Economic Development, Trade & Innovation to House Bill No. 2482.

The motion by Senator Kastama carried and the committee striking amendment was adopted by voice vote.

#### MOTION

There being no objection, the following title amendment was adopted:

On page 1, beginning on line 1 of the title, after "zones;" strike the remainder of the title and insert "and amending RCW 43.330.270, 43.160.010, 43.160.020, and 82.14.370."

#### MOTION

On motion of Senator Kastama, the rules were suspended, House Bill No. 2482 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Kastama spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 2482 as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2482 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 48; Nays, 1; Absent, 0; Excused, 0.

Voting yea: Senators Baumgartner, Becker, Benton, Brown, Carrell, Chase, Conway, Delvin, Eide, Ericksen, Fain, Fraser,

Frockt, Hargrove, Harper, Hatfield, Haugen, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles, Litzow, McAuliffe, Morton, Murray, Nelson, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rolfes, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Voting nay: Senator Padden

HOUSE BILL NO. 2482 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

HOUSE BILL NO. 2535, by Representatives Ladenburg, Johnson, Moscoso, Walsh, Ross, Klippert, Goodman, Nealey, Fitzgibbon, Appleton, Pollet, Green, Billig, Roberts, Kirby, Probst, Jinkins, Kagi, Lytton, Dickerson, Darneille, Santos and Kenney

Creating a juvenile gang court.

The measure was read the second time.

#### MOTION

Senator Hargrove moved that the following committee striking amendment by the Committee on Human Services & Corrections be not adopted:

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** The legislature finds that juvenile gang activity in Washington state poses a significant threat to communities and to the positive development of juveniles as they mature into adulthood. Thus, a strategic and collaborative approach is needed to address the problem of juvenile gangs. Many juveniles who become involved in gang activity have been exposed to risk factors such as antisocial behavior, alcohol and drug use, mental health problems, and victimization. Evidence-based and research-based gang intervention programs and strategies can provide services to these youth such as mental health counseling, education, chemical dependency treatment, and skill building. The legislature further finds that a court specifically developed to facilitate the delivery of these critical services to gang-involved juveniles and that provides a supportive team will assist juveniles in breaking out of a cycle of gang activity, reduce criminal activity, and increase their ability to develop into successful adults.

**NEW SECTION. Sec. 2.** A new section is added to chapter 13.40 RCW to read as follows:

(1) Counties may establish and operate juvenile gang courts.

(2) For the purposes of this section, "juvenile gang court" means a court that has special calendars or dockets designed to achieve a reduction in gang-related offenses among juvenile offenders by increasing their likelihood for successful rehabilitation through early, continuous, and judicially supervised and integrated evidence-based services proven to reduce juvenile recidivism and gang involvement or through the use of research-based or promising practices identified by the Washington state partnership council on juvenile justice.

(3) Any county that establishes a juvenile gang court pursuant to this section shall establish minimum requirements for the participation of offenders in the program. The juvenile gang court may adopt local requirements that are more stringent than the minimum. The minimum requirements are:

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- (a) The juvenile offender participates in gang activity, is repeatedly in the company of known gang members, or openly admits that he or she has been admitted to a gang;
- (b) The juvenile offender has not previously been convicted of a serious violent offense or sex offense as defined in RCW 9.94A.030; and
- (c) The juvenile offender is not currently charged with an offense:
  - (i) That is a class A felony offense;
  - (ii) That is a sex offense;
  - (iii) During which the juvenile offender intentionally discharged, threatened to discharge, or attempted to discharge a firearm in furtherance of the offense;
  - (iv) That subjects the juvenile offender to adult court original jurisdiction pursuant to RCW 13.04.030(1)(e)(v); or
  - (v) That constitutes assault of a child in the second degree.
- (4) For the purposes of this act, a "gang" means a group which consists of three or more persons; has identifiable leadership; and on an ongoing basis, regularly conspires and acts in concert mainly for criminal purposes.
- (5) The juvenile offender who is admitted to juvenile gang court must:
  - (a) Stipulate to the admissibility of the facts contained in the written police report;
  - (b) Acknowledge that the report will be entered and used to support a finding of guilt and to impose a disposition if the juvenile fails to comply with the requirements of the juvenile gang court; and
  - (c) Waive the following rights to: (i) A speedy disposition; and (ii) call and confront witnesses.
- (6) The adjudicatory hearing shall be limited to a reading of the court's record.
- (7) Following the stipulation to the facts in the police report, acknowledgment, waiver, and entry of a finding or plea of guilt, the court shall defer entry of an order of disposition of the juvenile.
- (8) Upon admission to juvenile gang court, an individualized plan shall be developed for the juvenile, identifying goals for the juvenile and a team to support the juvenile, which may include mental health and chemical dependency treatment providers, a probation officer, teachers, defense counsel, the prosecuting attorney, law enforcement, guardians or family members, and other participants deemed appropriate by the court. At least one member of the support team must have daily contact with the juvenile.
- (9) Upon successful completion of the juvenile gang court requirements over a twelve-month period, the conviction entered by the court shall be vacated and the charge shall be dismissed with prejudice.
- (10) A juvenile may only be admitted to juvenile gang court once. If the juvenile fails to complete the requirements of gang court after being admitted, or successfully completes the requirements of gang court after being admitted, the juvenile may not be admitted again.
- (11) If the juvenile fails to complete the juvenile gang court requirements, the court shall enter an order of disposition pursuant to RCW 13.40.0357.

**NEW SECTION. Sec. 3.** A new section is added to chapter 13.40 RCW to read as follows:

- (1) Counties that create a juvenile gang court pursuant to section 2 of this act shall track and document data regarding the criteria that led to a juvenile's admission to gang court, the successful and unsuccessful completion of juvenile gang court requirements, and any subsequent criminal charges of juvenile gang court participants and provide such data to the administrative office of the courts.
- (2) Subject to the availability of funds appropriated for this purpose, the administrative office of the courts shall study the data provided by the counties pursuant to subsection (1) of this section and report to the appropriate legislative committees regarding the recidivism outcomes for juvenile gang court participants. A preliminary

report shall be completed by December 1, 2013. A final report shall be completed by December 1, 2015."

On page 1, line 1 of the title, after "court;" strike the remainder of the title and insert "adding new sections to chapter 13.40 RCW; and creating a new section."

The President declared the question before the Senate to be the motion by Senator Hargrove to not adopt the committee striking amendment by the Committee on Human Services & Corrections to House Bill No. 2535.

The motion by Senator Hargrove carried and the committee striking amendment was not adopted by voice vote.

MOTION

Senator Padden moved that the following striking amendment by Senator Padden and others be adopted:

Strike everything after the enacting clause and insert the following:

**NEW SECTION. Sec. 1.** The legislature finds that juvenile gang activity in Washington state poses a significant threat to communities and to the positive development of juveniles as they mature into adulthood. Thus, a strategic and collaborative approach is needed to address the problem of juvenile gangs. Many juveniles who become involved in gang activity have been exposed to risk factors such as antisocial behavior, alcohol and drug use, mental health problems, and victimization. Evidence-based and research-based gang intervention programs and strategies can provide services to these youth such as mental health counseling, education, chemical dependency treatment, and skill building. The legislature further finds that a court specifically developed to facilitate the delivery of these critical services to gang-involved juveniles and that provides a supportive team will assist juveniles in breaking out of a cycle of gang activity, reduce criminal activity, and increase their ability to develop into successful adults.

**NEW SECTION. Sec. 2.** A new section is added to chapter 13.40 RCW to read as follows:

- (1) Counties may establish and operate juvenile gang courts.
- (2) For the purposes of this section, "juvenile gang court" means a court that has special calendars or dockets designed to achieve a reduction in gang-related offenses among juvenile offenders by increasing their likelihood for successful rehabilitation through early, continuous, and judicially supervised and integrated evidence-based services proven to reduce juvenile recidivism and gang involvement or through the use of research-based or promising practices identified by the Washington state partnership council on juvenile justice.
- (3) Any county that establishes a juvenile gang court pursuant to this section shall establish minimum requirements for the participation of offenders in the program. The juvenile gang court may adopt local requirements that are more stringent than the minimum. The minimum requirements are:
  - (a) The juvenile offender participates in gang activity, is repeatedly in the company of known gang members, or openly admits that he or she has been admitted to a gang;
  - (b) The juvenile offender has not previously been convicted of a serious violent offense or sex offense as defined in RCW 9.94A.030; and
  - (c) The juvenile offender is not currently charged with an offense:
    - (i) That is a class A felony offense;
    - (ii) That is a sex offense;
    - (iii) During which the juvenile offender intentionally discharged, threatened to discharge, or attempted to discharge a firearm in furtherance of the offense;

- (iv) That subjects the juvenile offender to adult court original jurisdiction pursuant to RCW 13.04.030(1)(e)(v); or
- (v) That constitutes assault of a child in the second degree.
- (4) The court, the prosecutor, and the juvenile must agree to the juvenile's admission to a gang court created under this section.
- (5) For the purposes of this act, a "gang" means a group which consists of three or more persons; has identifiable leadership; and on an ongoing basis, regularly conspires and acts in concert mainly for criminal purposes.
- (6) The juvenile offender who is admitted to juvenile gang court must:
- (a) Stipulate to the admissibility of the facts contained in the written police report;
- (b) Acknowledge that the report will be entered and used to support a finding of guilt and to impose a disposition if the juvenile fails to comply with the requirements of the juvenile gang court; and
- (c) Waive the following rights to: (i) A speedy disposition; and (ii) call and confront witnesses.
- (7) The adjudicatory hearing shall be limited to a reading of the court's record.
- (8) Following the stipulation to the facts in the police report, acknowledgment, waiver, and entry of a finding or plea of guilt, the court shall defer entry of an order of disposition of the juvenile.
- (9) Upon admission to juvenile gang court, an individualized plan shall be developed for the juvenile, identifying goals for the juvenile and a team to support the juvenile, which may include mental health and chemical dependency treatment providers, a probation officer, teachers, defense counsel, the prosecuting attorney, law enforcement, guardians or family members, and other participants deemed appropriate by the court. The individualized plan shall include a requirement that the juvenile remain in the gang court program for at least twelve months. At least one member of the support team must have daily contact with the juvenile.
- (10) Upon successful completion of the juvenile gang court requirements, the conviction entered by the court shall be vacated and the charge shall be dismissed with prejudice.
- (11) A juvenile may only be admitted to juvenile gang court once. If the juvenile fails to complete the requirements of gang court after being admitted, or successfully completes the requirements of gang court after being admitted, the juvenile may not be admitted again.
- (12) If the juvenile fails to complete the juvenile gang court requirements, the court shall enter an order of disposition pursuant to RCW 13.40.0357.

**NEW SECTION. Sec. 3.** A new section is added to chapter 13.40 RCW to read as follows:

- (1) Counties that create a juvenile gang court pursuant to section 2 of this act shall track and document data regarding the criteria that led to a juvenile's admission to gang court, the successful and unsuccessful completion of juvenile gang court requirements, and any subsequent criminal charges of juvenile gang court participants and provide such data to the administrative office of the courts.
- (2) Subject to the availability of funds appropriated for this purpose, the administrative office of the courts shall study the data provided by the counties pursuant to subsection (1) of this section and report to the appropriate legislative committees regarding the recidivism outcomes for juvenile gang court participants. A preliminary report shall be completed by December 1, 2013. A final report shall be completed by December 1, 2015."

Senator Padden spoke in favor of adoption of the striking amendment.

The President declared the question before the Senate to be the adoption of the striking amendment by Senator Padden and others to House Bill No. 2535.

The motion by Senator Padden carried and the striking amendment was adopted by voice vote.

#### MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 1 of the title, after "court;" strike the remainder of the title and insert "adding new sections to chapter 13.40 RCW; and creating a new section."

#### MOTION

On motion of Senator Hargrove, the rules were suspended, House Bill No. 2535 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Hargrove and King spoke in favor of passage of the bill.

#### MOTION

On motion of Senator Harper, Senator Prentice was excused.

The President declared the question before the Senate to be the final passage of House Bill No. 2535 as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2535 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Baumgartner, Becker, Benton, Brown, Carrell, Chase, Conway, Delvin, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hatfield, Haugen, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles, Litzow, McAuliffe, Morton, Murray, Nelson, Padden, Parlette, Pflug, Pridemore, Ranker, Regala, Roach, Rolfes, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Excused: Senator Prentice

HOUSE BILL NO. 2535 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2197, by House Committee on Judiciary (originally sponsored by Representatives Pedersen, Rodne and Eddy)

Concerning the Uniform Commercial Code.

The measure was read the second time.

#### MOTION

Senator Kline moved that the following committee striking amendment by the Committee on Judiciary be adopted:

Strike everything after the enacting clause and insert the following:



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**"PART I  
AMENDMENTS TO UNIFORM COMMERCIAL CODE  
ARTICLE 1**

**Sec. 101.** RCW 62A.1-101 and 1965 ex.s. c 157 s 1-101 are each amended to read as follows:

**SHORT TITLES.** (a) This title (~~shall be known as~~) may be cited as the Uniform Commercial Code.

(b) This Article may be cited as Uniform Commercial Code--General Provisions.

**Sec. 102.** RCW 62A.1-102 and 1965 ex.s. c 157 s 1-102 are each amended to read as follows:

((PURPOSES; RULES OF CONSTRUCTION; VARIATION BY AGREEMENT.)) **SCOPE OF ARTICLE.**((1) This Title shall be liberally construed and applied to promote its underlying purposes and policies.

(2) Underlying purposes and policies of this Title are

(a) to simplify, clarify and modernize the law governing commercial transactions;

(b) to permit the continued expansion of commercial practices through custom, usage and agreement of the parties;

(c) to make uniform the law among the various jurisdictions.

(3) The effect of provisions of this Title may be varied by agreement, except as otherwise provided in this Title and except that the obligations of good faith, diligence, reasonableness and care prescribed by this Title may not be disclaimed by agreement but the parties may by agreement determine the standards by which the performance of such obligations is to be measured if such standards are not manifestly unreasonable.

(4) The presence in certain provisions of this Title of the words "unless otherwise agreed" or words of similar import does not imply that the effect of other provisions may not be varied by agreement under subsection (3).

(5) In this Title unless the context otherwise requires

(a) words in the singular number include the plural, and in the plural include the singular;

(b) words of the masculine gender include the feminine and the neuter, and when the sense so indicates words of the neuter gender may refer to any gender.)) This Article applies to a transaction to the extent that it is governed by another article of this title.

**Sec. 103.** RCW 62A.1-103 and 1965 ex.s. c 157 s 1-103 are each amended to read as follows:

((~~SUPPLEMENTARY GENERAL PRINCIPLES OF LAW APPLICABLE.~~) CONSTRUCTION OF UNIFORM COMMERCIAL CODE TO PROMOTE ITS PURPOSES AND POLICIES; APPLICABILITY OF SUPPLEMENTAL PRINCIPLES OF LAW. (a) This title must be liberally construed and applied to promote its underlying purposes and policies, which are:

(1) To simplify, clarify, and modernize the law governing commercial transactions;

(2) To permit the continued expansion of commercial practices through custom, usage, and agreement of the parties; and

(3) To make uniform the law among the various jurisdictions.

(b) Unless displaced by the particular provisions of this title, the principles of law and equity, including the law merchant and the law relative to capacity to contract, principal and agent, estoppel, fraud, misrepresentation, duress, coercion, mistake, bankruptcy, ((~~or~~)) and other validating or invalidating cause (~~shall~~) supplement its provisions.

**Sec. 104.** RCW 62A.1-104 and 1965 ex.s. c 157 s 1-104 are each amended to read as follows:

CONSTRUCTION AGAINST ((~~IMPLICIT~~) **IMPLIED REPEAL.** This title being a general act intended as a unified coverage of its subject matter, no part of it shall be deemed to be impliedly repealed

by subsequent legislation if such construction can reasonably be avoided.

**Sec. 105.** RCW 62A.1-105 and 2001 c 32 s 8 are each amended to read as follows:

((TERRITORIAL APPLICATION OF THE TITLE; PARTIES' POWER TO CHOOSE APPLICABLE LAW.))

**SEVERABILITY.**((1) Except as provided hereafter in this section, when a transaction bears a reasonable relation to this state and also to another state or nation the parties may agree that the law either of this state or of such other state or nation shall govern their rights and duties. Failing such agreement this Title applies to transactions bearing an appropriate relation to this state.

(2) Where one of the following provisions of this Title specifies the applicable law, that provision governs and a contrary agreement is effective only to the extent permitted by the law (including the conflict of laws rules) so specified:

Rights of creditors against sold goods. RCW 62A.2-402.

Applicability of the Article on Leases. RCW 62A.2A-105 and 62A.2A-106.

Applicability of the Article on Bank Deposits and Collections. RCW 62A.4-102.

Governing law in the Article on Funds Transfers. RCW 62A.4A-507.

Letters of Credit. RCW 62A.5-116.

Applicability of the Article on Investment Securities. RCW 62A.8-110.

Law governing perfection, the effect of perfection or nonperfection, and the priority of security interests and agricultural liens. RCW 62A.9A-301 through 62A.9A-307.)) If any provision or clause of this title or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this title which can be given effect without the invalid provision or application, and to this end the provisions of this title are severable.

**Sec. 106.** RCW 62A.1-106 and 1965 ex.s. c 157 s 1-106 are each amended to read as follows:

((REMEDIES TO BE LIBERALLY ADMINISTERED.)) **USE OF SINGULAR AND PLURAL; GENDER.**((1) The remedies provided by this Title shall be liberally administered to the end that the aggrieved party may be put in as good a position as if the other party had fully performed but neither consequential or special nor penal damages may be had except as specifically provided in this Title or by other rule of law.

(2) Any right or obligation declared by this Title is enforceable by action unless the provision declaring it specifies a different and limited effect.)) In this title, unless the statutory context otherwise requires:

(1) Words in the singular number include the plural, and those in the plural include the singular; and

(2) Words of any gender also refer to any other gender.

**Sec. 107.** RCW 62A.1-107 and 1965 ex.s. c 157 s 1-107. Cf. former RCW sections: (i) RCW 62.01.119(3) are each amended to read as follows:

((WAIVER OR RENUNCIATION OF CLAIM OR RIGHT AFTER BREACH.)) **SECTION CAPTIONS.**((Any claim or right arising out of an alleged breach can be discharged in whole or in part without consideration by a written waiver or renunciation signed and delivered by the aggrieved party.)) Section captions are part of this title.

**Sec. 108.** RCW 62A.1-108 and 1965 ex.s. c 157 s 1-108 are each amended to read as follows:

((SEVERABILITY.)) **RELATION TO ELECTRONIC SIGNATURES IN GLOBAL AND NATIONAL COMMERCE ACT.**((If any provision or clause of this Title or application thereof to any person or circumstances is held invalid, such invalidity shall

not affect other provisions or applications of the Title which can be given effect without the invalid provision or application, and to this end the provisions of this Title are declared to be severable.) Except as provided in this section, this Article modifies, limits, and supersedes the federal electronic signatures in global and national commerce act, 15 U.S.C. Sec. 7001 et seq., except that nothing in this Article modifies, limits, or supersedes section 7001(c) of that act, and nothing in this section either authorizes or prohibits electronic delivery of any of the notices described in section 7003(b) of that act. This section does not modify, limit, or supersede application of the federal electronic signatures in global and national commerce act, 15 U.S.C. Sec. 7001 et seq., to transactions governed by Article 2 or 2A of this title.

**Sec. 109.** RCW 62A.1-201 and 2001 c 32 s 9 are each amended to read as follows:

**GENERAL DEFINITIONS.** (a) Unless the context otherwise requires, words or phrases defined in this section, or in the additional definitions contained in other articles of this title that apply to particular articles or parts thereof, have the meanings stated.

(b) Subject to ~~(additional)~~ definitions contained in ~~(the subsequent)~~ other articles of this title ~~(which are applicable to specific)~~ that apply to particular articles or parts thereof ~~(and unless the context otherwise requires, in this Title)~~:

(1) "Action," in the sense of a judicial proceeding, includes recoupment, counterclaim, set-off, suit in equity, and any other proceeding(s) in which rights are determined.

(2) "Aggrieved party" means a party entitled to ~~(resort to)~~ pursue a remedy.

(3) "Agreement," as distinguished from "contract," means the bargain of the parties in fact, as found in their language or ~~(by implication)~~ inferred from other circumstances, including course of performance, course of dealing, or usage of trade ~~(or course of performance)~~ as provided in ~~(this Title (RCW 62A.1-205, RCW 62A.2-208, and RCW 62A.2A-207). Whether an agreement has legal consequences is determined by the provisions of this Title, if applicable; otherwise by the law of contracts (RCW 62A.1-103)) RCW 62A.1-303. ((Compare "Contract".))~~

(4) "Bank" means ~~(any)~~ a person engaged in the business of banking and includes a savings bank, savings and loan association, credit union, and trust company.

(5) "Bearer" means ~~(the)~~ a person in control of a negotiable electronic document of title or a person in possession of (an) a negotiable instrument, negotiable tangible document of title, or certificated security that is payable to bearer or indorsed in blank.

(6) "Bill of lading" means a document of title evidencing the receipt of goods for shipment issued by a person engaged in the business of directly or indirectly transporting or forwarding goods ~~(and includes an airbill. "Airbill" means a document serving for air transportation as a bill of lading does for marine or rail transportation, and includes an air consignment note or air waybill).~~ The term does not include a warehouse receipt.

(7) "Branch" includes a separately incorporated foreign branch of a bank.

(8) "Burden of establishing" a fact means the burden of persuading the trier(s) of fact that the existence of the fact is more probable than its nonexistence.

(9) "Buyer in ordinary course of business" means a person that buys goods in good faith, without knowledge that the sale violates the rights of another person in the goods, and in the ordinary course from a person, other than a pawnbroker, in the business of selling goods of that kind. A person buys goods in the ordinary course if the sale to the person comports with the usual or customary practices in the kind of business in which the seller is engaged or with the seller's own usual or customary practices. A person that sells oil, gas, or other minerals at the wellhead or minehead is a person in the

business of selling goods of that kind. A buyer in ordinary course of business may buy for cash, by exchange of other property, or on secured or unsecured credit, and may acquire goods or documents of title under a ~~(pre-existing)~~ preexisting contract for sale. Only a buyer that takes possession of the goods or has a right to recover the goods from the seller under Article ~~((62A.2 RCW))~~ 2 of this title may be a buyer in ordinary course of business. "Buyer in ordinary course of business" does not include a person that acquires goods in a transfer in bulk or as security for or in total or partial satisfaction of a money debt ((is not a buyer in ordinary course of business)).

(10) "Conspicuous," ~~((with reference to a term ((or clause is conspicuous when it is)), means so written, displayed, or presented that a reasonable person against (whom) which it is to operate ought to have noticed it. ((A printed heading in capitals (as: NON NEGOTIABLE BILL OF LADING) is conspicuous. Language in the body of a form is "conspicuous" if it is in larger or other contrasting type or color. But in a telegram any stated term is "conspicuous".)) Whether a term ((or clause)) is "conspicuous" or not is ((for) a decision ((by) for the court. Conspicuous terms include the following:~~

(A) A heading in capitals equal to or greater in size than the surrounding text, or in contrasting type, font, or color to the surrounding text of the same or lesser size; and

(B) Language in the body of a record or display in larger type than the surrounding text, or in contrasting type, font, or color to the surrounding text of the same size, or set off from surrounding text of the same size by symbols or other marks that call attention to the language.

(11) "Consumer" means an individual who enters into a transaction primarily for personal, family, or household purposes.

(12) "Contract," as distinguished from "agreement," means the total legal obligation ~~(which)~~ that results from the parties' agreement as ~~(affected)~~ determined by this title ~~(and)~~ as supplemented by any other applicable ~~(rules of)~~ laws. ~~((Compare "Agreement".))~~

~~((42))~~ (13) "Creditor" includes a general creditor, a secured creditor, a lien creditor, and any representative of creditors, including an assignee for the benefit of creditors, a trustee in bankruptcy, a receiver in equity, and an executor or administrator of an insolvent debtor's or assignor's estate.

~~((43))~~ (14) "Defendant" includes a person in the position of defendant in a ~~(cross-action or)~~ counterclaim, cross-claim, or third-party claim.

~~((44))~~ (15) "Delivery," with respect to an electronic document of title means voluntary transfer of control and with respect to an instrument((s)), a tangible document((s)) of title, or chattel paper, ((or certificated securities)) means voluntary transfer of possession.

~~((15))~~ (16) "Document of title" ~~((includes bill of lading, dock warrant, dock receipt, warehouse receipt or order for the delivery of goods, and also any other document which)) means a record (i) that in the regular course of business or financing is treated as adequately evidencing that the person in possession or control of ((it) the record is entitled to receive, control, hold, and dispose of the ((document)) record and the goods ((it) the record covers(. To be a document of title a document must purport to be issued by or addressed to a bailee and purport to cover goods in the bailee's possession which are either identified or are fungible portions of an identified mass)) and (ii) that purports to be issued by or addressed to a bailee and to cover goods in the bailee's possession which are either identified or are fungible portions of an identified mass. The term includes a bill of lading, transport document, dock warrant, dock receipt, warehouse receipt, and order for delivery of goods. An electronic document of title means a document of title evidenced by a record consisting of information stored in an electronic medium. A tangible document of title means a~~

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document of title evidenced by a record consisting of information that is inscribed on a tangible medium.

~~((46))~~ (17) "Fault" means a default, breach, or wrongful act(;) or omission ~~((or breach)).~~

~~((47))~~ (18) "Fungible goods" ~~((with respect to goods or securities))~~ means:

(A) Goods ~~((or securities))~~ of which any unit ~~((is))~~, by nature or usage of trade, is the equivalent of any other like unit(;) or

(B) Goods ~~((which are not fungible shall be deemed fungible for the purposes of this Title to the extent))~~ that ~~((under a particular))~~ by agreement ~~((or document unlike units))~~ are treated as equivalent~~((s)).~~

~~((18))~~ (19) "Genuine" means free of forgery or counterfeiting.

~~((19))~~ (20) "Good faith," except as otherwise provided in Article 5 of this title, means honesty in fact ~~((in the conduct or transaction concerned))~~ and the observance of reasonable commercial standards of fair dealing.

~~((20))~~ (21) "Holder" with respect to a negotiable instrument, means:

(A) The person in possession ~~((if the))~~ of a negotiable instrument that is payable either to bearer or ~~((in the case of an instrument payable to an identified person, if the))~~ to an identified person that is the person in possession ~~((—"Holder" with respect to))~~;

(B) The person in possession of a negotiable tangible document of title ~~((means the person in possession))~~ if the goods are deliverable either to bearer or to the order of the person in possession; or

(C) The person in control of a negotiable electronic document of title.

~~((21))~~ To "honor" is to pay or to accept and pay, or where a credit so engages to purchase or discount a draft complying with the terms of the credit.)

(22) "Insolvency proceeding~~((s))~~" includes ~~((any))~~ an assignment for the benefit of creditors or other proceeding~~((s))~~ intended to liquidate or rehabilitate the estate of the person involved.

(23) ~~((A person is))~~ "Insolvent" ~~((who either has))~~ means:

(A) Having generally ceased to pay ~~((his or her))~~ debts in the ordinary course of business ~~((or cannot))~~ other than as a result of bona fide dispute;

(B) Being unable to pay ~~((his or her))~~ debts as they become due; or ~~((is))~~

(C) Being insolvent within the meaning of ~~((the))~~ federal bankruptcy law.

(24) "Money" means a medium of exchange currently authorized or adopted by a domestic or foreign government ~~((and))~~. The term includes a monetary unit of account established by an intergovernmental organization or by agreement between two or more ~~((nations))~~ countries.

(25) ((A person has "notice" of a fact when

(a) he or she has actual knowledge of it; or

(b) he or she has received a notice or notification of it; or

(c) from all the facts and circumstances known to him or her at the time in question he or she has reason to know that it exists.

A person "knows" or has "knowledge" of a fact when he or she has actual knowledge of it. "Discover" or "learn" or a word or phrase of similar import refers to knowledge rather than to reason to know. The time and circumstances under which a notice or notification may cease to be effective are not determined by this Title.

(26) A person "notifies" or "gives" a notice or notification to another by taking such steps as may be reasonably required to inform the other in ordinary course whether or not such other actually comes to know of it. A person "receives" a notice or notification when

(a) it comes to his or her attention; or

(b) it is duly delivered at the place of business through which the contract was made or at any other place held out by him or her as the place for receipt of such communications.

(27) Notice, knowledge or a notice or notification received by an organization is effective for a particular transaction from the time when it is brought to the attention of the individual conducting that transaction, and in any event from the time when it would have been brought to his or her attention if the organization had exercised due diligence. An organization exercises due diligence if it maintains reasonable routines for communicating significant information to the person conducting the transaction and there is reasonable compliance with the routines. Due diligence does not require an individual acting for the organization to communicate information unless such communication is part of his or her regular duties or unless he or she has reason to know of the transaction and that the transaction would be materially affected by the information.

(28)) "Organization" ~~((includes a corporation, government or governmental subdivision or agency, business trust, estate, trust, partnership or association, two or more persons having a joint or common interest, or any other legal or commercial entity))~~ means a person other than an individual.

~~((29))~~ (26) "Party,"(;) as ~~((distinct))~~ distinguished from "third party,"(;) means a person ~~((who))~~ that has engaged in a transaction or made an agreement ~~((within))~~ subject to this title.

~~((30))~~ (27) "Person" ~~((includes))~~ means an individual ~~((or an organization (See RCW 62A.1-102)).~~

(31) "Presumption" or "presumed" means that the trier of fact must find the existence of the fact presumed unless and until evidence is introduced which would support a finding of its nonexistence.

~~((32))~~, corporation, business trust, estate, trust, partnership, limited liability company, association, joint venture, government, governmental subdivision, agency, or instrumentality, public corporation, or any other legal or commercial entity.

~~((28))~~ "Present value" means the amount as of a date certain of one or more sums payable in the future, discounted to the date certain by use of either an interest rate specified by the parties if that rate is not manifestly unreasonable at the time the transaction is entered into or, if an interest rate is not so specified, a commercially reasonable rate that takes into account the facts and circumstances at the time the transaction is entered into.

~~((29))~~ "Purchase" ~~((includes))~~ means taking by sale, lease, discount, negotiation, mortgage, pledge, lien, security interest, issue or ~~((re-issue))~~ reissue, gift, or any other voluntary transaction creating an interest in property.

~~((33))~~ (30) "Purchaser" means a person ~~((who))~~ that takes by purchase.

~~((34))~~ (31) "Record" means information that is inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form.

(32) "Remedy" means any remedial right to which an aggrieved party is entitled with or without resort to a tribunal.

~~((35))~~ (33) "Representative" ~~((includes))~~ means a person empowered to act for another, including an agent, an officer of a corporation or association, and a trustee, executor, or administrator of an estate ~~((or any other person empowered to act for another)).~~

~~((36))~~ (34) "Right~~((s))~~" includes ~~((remedies))~~ remedy.

~~((37))~~ (35) "Security interest" means an interest in personal property or fixtures which secures payment or performance of an obligation ~~((except for lease purchase agreements under chapter 63.19 RCW. The term also)).~~ "Security interest" includes any interest of a consignor and a buyer of accounts, chattel paper, a payment intangible, or a promissory note in a transaction that is subject to Article 9A of this title. "Security interest" does not include the special property interest of a buyer of goods on

identification of ~~((such)) those~~ goods to a contract for sale under RCW 62A.2-401 ~~((is not a "security interest"))~~, but a buyer may also acquire a "security interest" by complying with Article 9A of this title. Except as otherwise provided in RCW 62A.2-505, the right of a seller or lessor of goods under Article 2 or 2A of this title to retain or acquire possession of the goods is not a "security interest," but a seller or lessor may also acquire a "security interest" by complying with Article 9A of this title. The retention or reservation of title by a seller of goods notwithstanding shipment or delivery to the buyer ~~((is))~~ under RCW 62A.2-401~~((is))~~ is limited in effect to a reservation of a "security interest." Whether a transaction in the form of a lease creates a ~~((lease or))~~ "security interest" is determined ~~((by the facts of each case. However, a transaction creates a security interest if the consideration the lessee is to pay the lessor for the right to possession and use of the goods is an obligation for the term of the lease not subject to termination by the lessee, and:~~

(a) ~~The original term of the lease is equal to or greater than the remaining economic life of the goods;~~

(b) ~~The lessee is bound to renew the lease for the remaining economic life of the goods or is bound to become the owner of the goods;~~

(c) ~~The lessee has an option to renew the lease for the remaining economic life of the goods for no additional consideration or nominal additional consideration upon compliance with the lease agreement; or~~

(d) ~~The lessee has an option to become the owner of the goods for no additional consideration or nominal additional consideration upon compliance with the lease agreement.~~

~~A transaction does not create a security interest merely because it provides that:~~

(a) ~~The present value of the consideration the lessee is obligated to pay the lessor for the right to possession and use of the goods is substantially equal to or is greater than the fair market value of the goods at the time the lease is entered into;~~

(b) ~~The lessee assumes risk of loss of the goods, or agrees to pay taxes, insurance, filing, recording, or registration fees, or service or maintenance costs with respect to the goods;~~

(c) ~~The lessee has an option to renew the lease or to become the owner of the goods;~~

(d) ~~The lessee has an option to renew the lease for a fixed rent that is equal to or greater than the reasonably predictable fair market rent for the use of the goods for the term of the renewal at the time the option is to be performed;~~

(e) ~~The lessee has an option to become the owner of the goods for a fixed price that is equal to or greater than the reasonably predictable fair market value of the goods at the time the option is to be performed; or~~

(f) ~~The amount of rental payments may or will be increased or decreased by reference to the amount realized by the lessor upon sale or disposition of the goods.~~

~~For purposes of this subsection (37):~~

(a) ~~Additional consideration is not nominal if (i) when the option to renew the lease is granted to the lessee the rent is stated to be the fair market rent for the use of the goods for the term of the renewal determined at the time the option is to be performed, or (ii) when the option to become the owner of the goods is granted to the lessee the price is stated to be the fair market value of the goods determined at the time the option is to be performed. Additional consideration is nominal if it is less than the lessee's reasonably predictable cost of performing under the lease agreement if the option is not exercised;~~

(b) ~~"Reasonably predictable" and "remaining economic life of the goods" are to be determined with reference to the facts and circumstances at the time the transaction is entered into; and~~

(c) ~~"Present value" means the amount as of a date certain of one~~

~~or more sums payable in the future, discounted to the date certain. The discount is determined by the interest rate specified by the parties if the rate is not manifestly unreasonable at the time the transaction is entered into; otherwise, the discount is determined by a commercially reasonable rate that takes into account the facts and circumstances of each case at the time the transaction was entered into)) pursuant to RCW 62A.1-203.~~

~~((38)) (36) "Send" in connection with ((any)) a writing, record, or notice means:~~

(A) ~~To deposit in the mail or deliver for transmission by any other usual means of communication with postage or cost of transmission provided for and properly addressed and, in the case of an instrument, to an address specified thereon or otherwise agreed, or if there be none to any address reasonable under the circumstances((The receipt of any writing)); or~~

(B) ~~In any other way to cause to be received any record or notice within the time ((at which)) it would have arrived if properly sent ((has the effect of a proper sending)).~~

~~((39)) (37) "Signed" includes using any symbol executed or adopted ((by a party)) with present intention to ((authenticate)) adopt or accept a writing.~~

~~((40)) (38) "State" means a State of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands, or any territory or insular possession subject to the jurisdiction of the United States.~~

(39) "Surety" includes a guarantor or other secondary obligor. ((41) "Telegram" includes a message transmitted by radio, teletype, cable, any mechanical method of transmission, or the like.

(42)) (40) "Term" means ((that)) a portion of an agreement ((which)) that relates to a particular matter.

~~((43)) (41) "Unauthorized((" signature" means ((one)) a signature made without actual, implied, or apparent authority ((and)). The term includes a forgery.~~

((44) "Value". Except as otherwise provided with respect to negotiable instruments and bank collections (RCW 62A.3-303, RCW 62A.4-210, and RCW 62A.4-211) a person gives "value" for rights if he or she acquires them

(a) in return for a binding commitment to extend credit or for the extension of immediately available credit whether or not drawn upon and whether or not a charge-back is provided for in the event of difficulties in collection; or

(b) as security for or in total or partial satisfaction of a preexisting claim; or

(c) by accepting delivery pursuant to a pre-existing contract for purchase; or

(d) generally, in return for any consideration sufficient to support a simple contract.

(45)) (42) "Warehouse receipt" means a ((receipt)) document of title issued by a person engaged in the business of storing goods for hire.

~~((46) "Written" or) (43) "Writing" includes printing, typewriting, or any other intentional reduction to tangible form. "Written" has a corresponding meaning.~~

**Sec. 110.** RCW 62A.1-202 and 1965 ex.s. c 157 s 1-202 are each amended to read as follows:

**(PRIMA FACIE EVIDENCE BY THIRD PARTY DOCUMENTS.)** NOTICE: KNOWLEDGE. ((A document in due form purporting to be a bill of lading, policy or certificate of insurance, official weigher's or inspector's certificate, consular invoice, or any other document authorized or required by the contract to be issued by a third party shall be prima facie evidence of its own authenticity and genuineness and of the facts stated in the document by the third party.)) (a) Subject to subsection (f) of this section, a person has "notice" of a fact if the person:

(1) Has actual knowledge of it;

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(2) Has received a notice or notification of it; or

(3) From all the facts and circumstances known to the person at the time in question, has reason to know that it exists.

(b) "Knowledge" means actual knowledge. "Knows" has a corresponding meaning.

(c) "Discover," "learn," or words of similar import refer to knowledge rather than to reason to know.

(d) A person "notifies" or "gives" a notice or notification to another person by taking such steps as may be reasonably required to inform the other person in ordinary course, whether or not the other person actually comes to know of it.

(e) Subject to subsection (f) of this section, a person "receives" a notice or notification when:

(1) It comes to that person's attention; or

(2) It is duly delivered in a form reasonable under the circumstances at the place of business through which the contract was made or at another location held out by that person as the place for receipt of such communications.

(f) Notice, knowledge, or a notice or notification received by an organization is effective for a particular transaction from the time it is brought to the attention of the individual conducting that transaction and, in any event, from the time it would have been brought to the individual's attention if the organization had exercised due diligence. An organization exercises due diligence if it maintains reasonable routines for communicating significant information to the person conducting the transaction and there is reasonable compliance with the routines. Due diligence does not require an individual acting for the organization to communicate information unless the communication is part of the individual's regular duties or the individual has reason to know of the transaction and that the transaction would be materially affected by the information.

**Sec. 111.** RCW 62A.1-203 and 1965 ex.s. c 157 s 1-203 are each amended to read as follows:

((OBLIGATION OF GOOD FAITH.)) LEASE DISTINGUISHED FROM SECURITY INTEREST.((Every contract or duty within this Title imposes an obligation of good faith in its performance or enforcement.)) (a) Whether a transaction in the form of a lease creates a lease or security interest is determined by the facts of each case.

(b) A transaction in the form of a lease creates a security interest if the consideration that the lessee is to pay the lessor for the right to possession and use of the goods is an obligation for the term of the lease and is not subject to termination by the lessee, and:

(1) The original term of the lease is equal to or greater than the remaining economic life of the goods;

(2) The lessee is bound to renew the lease for the remaining economic life of the goods or is bound to become the owner of the goods;

(3) The lessee has an option to renew the lease for the remaining economic life of the goods for no additional consideration or for nominal additional consideration upon compliance with the lease agreement; or

(4) The lessee has an option to become the owner of the goods for no additional consideration or for nominal additional consideration upon compliance with the lease agreement.

(c) A transaction in the form of a lease does not create a security interest merely because:

(1) The present value of the consideration the lessee is obligated to pay the lessor for the right to possession and use of the goods is substantially equal to or is greater than the fair market value of the goods at the time the lease is entered into;

(2) The lessee assumes risk of loss of the goods;

(3) The lessee agrees to pay, with respect to the goods, taxes, insurance, filing, recording, or registration fees, or service or

maintenance costs;

(4) The lessee has an option to renew the lease or to become the owner of the goods;

(5) The lessee has an option to renew the lease for a fixed rent that is equal to or greater than the reasonably predictable fair market rent for the use of the goods for the term of the renewal at the time the option is to be performed; or

(6) The lessee has an option to become the owner of the goods for a fixed price that is equal to or greater than the reasonably predictable fair market value of the goods at the time the option is to be performed.

(d) Additional consideration is nominal if it is less than the lessee's reasonably predictable cost of performing under the lease agreement if the option is not exercised. Additional consideration is not nominal if:

(1) When the option to renew the lease is granted to the lessee, the rent is stated to be the fair market rent for the use of the goods for the term of the renewal determined at the time the option is to be performed; or

(2) When the option to become the owner of the goods is granted to the lessee, the price is stated to be the fair market value of the goods determined at the time the option is to be performed.

(e) The "remaining economic life of the goods" and "reasonably predictable" fair market rent, fair market value, or cost of performing under the lease agreement must be determined with reference to the facts and circumstances at the time the transaction is entered into.

**Sec. 112.** RCW 62A.1-204 and 1965 ex.s. c 157 s 1-204 are each amended to read as follows:

((TIME; REASONABLE TIME; "SEASONABLY".)) VALUE.(((1) Whenever this Title requires any action to be taken within a reasonable time, any time which is not manifestly unreasonable may be fixed by agreement.

(2) What is a reasonable time for taking any action depends on the nature, purpose and circumstances of such action.

(3) An action is taken "seasonably" when it is taken at or within the time agreed or if no time is agreed at or within a reasonable time.)) Except as otherwise provided in Articles 3, 4, and 5 of this title, a person gives value for rights if the person acquires them:

(1) In return for a binding commitment to extend credit or for the extension of immediately available credit, whether or not drawn upon and whether or not a charge-back is provided for in the event of difficulties in collection;

(2) As security for, or in total or partial satisfaction of, a preexisting claim;

(3) By accepting delivery under a preexisting contract for purchase; or

(4) In return for any consideration sufficient to support a simple contract.

**Sec. 113.** RCW 62A.1-205 and 1965 ex.s. c 157 s 1-205 are each amended to read as follows:

((COURSE OF DEALING AND USAGE OF TRADE.)) REASONABLE TIME; SEASONABLENESS.(((1) A course of dealing is a sequence of previous conduct between the parties to a particular transaction which is fairly to be regarded as establishing a common basis of understanding for interpreting their expressions and other conduct.

(2) A usage of trade is any practice or method of dealing having such regularity of observance in a place, vocation or trade as to justify an expectation that it will be observed with respect to the transaction in question. The existence and scope of such a usage are to be proved as facts. If it is established that such a usage is embodied in a written trade code or similar writing the interpretation of the writing is for the court.

(3) A course of dealing between parties and any usage of trade

in the vocation or trade in which they are engaged or of which they are or should be aware give particular meaning to and supplement or qualify terms of an agreement.

(4) The express terms of an agreement and an applicable course of dealing or usage of trade shall be construed wherever reasonable as consistent with each other; but when such construction is unreasonable express terms control both course of dealing and usage of trade and course of dealing controls usage of trade.

(5) An applicable usage of trade in the place where any part of performance is to occur shall be used in interpreting the agreement as to that part of the performance.

(6) Evidence of a relevant usage of trade offered by one party is not admissible unless and until he has given the other party such notice as the court finds sufficient to prevent unfair surprise to the latter.) (a) Whether a time for taking an action required by this title is reasonable depends on the nature, purpose, and circumstances of the action.

(b) An action is taken seasonably if it is taken at or within the time agreed or, if no time is agreed, at or within a reasonable time.

**Sec. 114.** RCW 62A.1-206 and 1995 c 48 s 55 are each amended to read as follows:

((STATUTE OF FRAUDS FOR KINDS OF PERSONAL PROPERTY NOT OTHERWISE COVERED.))

PRESUMPTIONS.((1) Except in the cases described in subsection (2) of this section a contract for the sale of personal property is not enforceable by way of action or defense beyond five thousand dollars in amount or value of remedy unless there is some writing which indicates that a contract for sale has been made between the parties at a defined or stated price, reasonably identifies the subject matter, and is signed by the party against whom enforcement is sought or by his authorized agent.

(2) Subsection (1) of this section does not apply to contracts for the sale of goods (RCW 62A.2-201) nor of securities (RCW 62A.8-113) nor to security agreements (RCW 62A.9-203.)) Whenever this title creates a "presumption" with respect to a fact, or provides that a fact is "presumed," the trier of fact must find the existence of the fact unless and until evidence is introduced that supports a finding of its nonexistence.

**NEW SECTION. Sec. 115.** A new section is added to chapter 62A.1 RCW, to be codified as RCW 62A.1-301, to read as follows:

**TERRITORIAL APPLICABILITY; PARTIES' POWER TO CHOOSE APPLICABLE LAW.** (a) Except as otherwise provided in this section, when a transaction bears a reasonable relation to this state and also to another state or nation the parties may agree that the law either of this state or of such other state or nation shall govern their rights and duties.

(b) In the absence of an agreement effective under subsection (a) of this section, and except as provided in subsection (c) of this section, this title applies to transactions bearing an appropriate relation to this state.

(c) If one of the following provisions of this title specifies the applicable law, that provision governs and a contrary agreement is effective only to the extent permitted by the law so specified:

- (1) RCW 62A.2-402;
- (2) RCW 62A.2A-105 and 62A.2A-106;
- (3) RCW 62A.4-102;
- (4) RCW 62A.4A-507;
- (5) RCW 62A.5-116;
- (6) RCW 62A.8-110;
- (7) RCW 62A.9A-301 through 62A.9A-307.

**NEW SECTION. Sec. 116.** A new section is added to chapter 62A.1 RCW, to be codified as RCW 62A.1-302, to read as follows:

**VARIATION BY AGREEMENT.** (a) Except as otherwise provided in subsection (b) of this section or elsewhere in this title, the effect of provisions of this title may be varied by agreement.

(b) The obligations of good faith, diligence, reasonableness, and care prescribed by this title may not be disclaimed by agreement. The parties, by agreement, may determine the standards by which the performance of those obligations is to be measured if those standards are not manifestly unreasonable. Whenever this title requires an action to be taken within a reasonable time, a time that is not manifestly unreasonable may be fixed by agreement.

(c) The presence in certain provisions of this title of the phrase "unless otherwise agreed," or words of similar import, does not imply that the effect of other provisions may not be varied by agreement under this section.

**NEW SECTION. Sec. 117.** A new section is added to chapter 62A.1 RCW, to be codified as RCW 62A.1-303, to read as follows:

**COURSE OF PERFORMANCE, COURSE OF DEALING, AND USAGE OF TRADE.** (a) A "course of performance" is a sequence of conduct between the parties to a particular transaction that exists if:

- (1) The agreement of the parties with respect to the transaction involves repeated occasions for performance by a party; and
- (2) The other party, with knowledge of the nature of the performance and opportunity for objection to it, accepts the performance or acquiesces in it without objection.

(b) A "course of dealing" is a sequence of conduct concerning previous transactions between the parties to a particular transaction that is fairly to be regarded as establishing a common basis of understanding for interpreting their expressions and other conduct.

(c) A "usage of trade" is any practice or method of dealing having such regularity of observance in a place, vocation, or trade as to justify an expectation that it will be observed with respect to the transaction in question. The existence and scope of such a usage must be proved as facts. If it is established that such a usage is embodied in a trade code or similar record, the interpretation of the record is a question of law.

(d) A course of performance or course of dealing between the parties or usage of trade in the vocation or trade in which they are engaged or of which they are or should be aware is relevant in ascertaining the meaning of the parties' agreement, may give particular meaning to specific terms of the agreement, and may supplement or qualify the terms of the agreement. A usage of trade applicable in the place in which part of the performance under the agreement is to occur may be so utilized as to that part of the performance.

(e) Except as otherwise provided in subsection (f) of this section, the express terms of an agreement and any applicable course of performance, course of dealing, or usage of trade must be construed whenever reasonable as consistent with each other. If such a construction is unreasonable:

- (1) Express terms prevail over course of performance, course of dealing, and usage of trade;
- (2) Course of performance prevails over course of dealing and usage of trade; and
- (3) Course of dealing prevails over usage of trade.

(f) Subject to RCW 62A.2-209 and 62A.2A-208, a course of performance is relevant to show a waiver or modification of any term inconsistent with the course of performance.

(g) Evidence of a relevant usage of trade offered by one party is not admissible unless that party has given the other party notice that the court finds sufficient to prevent unfair surprise to the other party.

**NEW SECTION. Sec. 118.** A new section is added to chapter 62A.1 RCW, to be codified as RCW 62A.1-304, to read as follows:

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**OBLIGATION OF GOOD FAITH.** Every contract or duty within this title imposes an obligation of good faith in its performance and enforcement.

**NEW SECTION. Sec. 119.** A new section is added to chapter 62A.1 RCW, to be codified as RCW 62A.1-305, to read as follows:

**REMEDIES TO BE LIBERALLY ADMINISTERED.** (a) The remedies provided by this title must be liberally administered to the end that the aggrieved party may be put in as good a position as if the other party had fully performed but neither consequential or special damages nor penal damages may be had except as specifically provided in this title or by other rule of law.

(b) Any right or obligation declared by this title is enforceable by action unless the provision declaring it specifies a different and limited effect.

**NEW SECTION. Sec. 120.** A new section is added to chapter 62A.1 RCW, to be codified as RCW 62A.1-306, to read as follows:

**WAIVER OR RENUNCIATION OF CLAIM OR RIGHT AFTER BREACH.** A claim or right arising out of an alleged breach may be discharged in whole or in part without consideration by agreement of the aggrieved party in an authenticated record.

**NEW SECTION. Sec. 121.** A new section is added to chapter 62A.1 RCW, to be codified as RCW 62A.1-307, to read as follows:

**PRIMA FACIE EVIDENCE BY THIRD-PARTY DOCUMENTS.** A document in due form purporting to be a bill of lading, policy or certificate of insurance, official weigher's or inspector's certificate, consular invoice, or any other document authorized or required by the contract to be issued by a third party is prima facie evidence of its own authenticity and genuineness and of the facts stated in the document by the third party.

**NEW SECTION. Sec. 122.** A new section is added to chapter 62A.1 RCW, to be codified as RCW 62A.1-308, to read as follows:

**PERFORMANCE OR ACCEPTANCE UNDER RESERVATION OF RIGHTS.** (a) A party that with explicit reservation of rights performs or promises performance or assents to performance in a manner demanded or offered by the other party does not thereby prejudice the rights reserved. Such words as "without prejudice," "under protest," or the like are sufficient.

(b) Subsection (a) of this section does not apply to an accord and satisfaction.

**NEW SECTION. Sec. 123.** A new section is added to chapter 62A.1 RCW, to be codified as RCW 62A.1-309, to read as follows:

**OPTION TO ACCELERATE AT WILL.** A term providing that one party or that party's successor in interest may accelerate payment or performance or require collateral or additional collateral "at will" or when the party "deems itself insecure," or words of similar import, means that the party has power to do so only if that party in good faith believes that the prospect of payment or performance is impaired. The burden of establishing lack of good faith is on the party against which the power has been exercised.

**NEW SECTION. Sec. 124.** A new section is added to chapter 62A.1 RCW, to be codified as RCW 62A.1-310, to read as follows:

**SUBORDINATED OBLIGATIONS.** An obligation may be issued as subordinated to performance of another obligation of the person obligated, or a creditor may subordinate its right to performance of an obligation by agreement with either the person obligated or another creditor of the person obligated. Subordination does not create a security interest as against either the common debtor or a subordinated creditor.

**PART II  
AMENDMENTS TO UNIFORM COMMERCIAL CODE  
ARTICLE 7  
GENERAL**

**Sec. 201.** RCW 62A.7-101 and 1965 ex.s. c 157 s 7-101 are each amended to read as follows:

**SHORT TITLE.** This Article (~~shall be known as~~) may be cited as Uniform Commercial Code--Documents of Title.

**Sec. 202.** RCW 62A.7-102 and 2011 c 336 s 825 are each amended to read as follows:

**DEFINITIONS AND INDEX OF DEFINITIONS.** ((+)) (a) In this Article, unless the context otherwise requires:

((+)) (1) "Bailee" means ~~(the)~~ a person ~~(who)~~ that by a warehouse receipt, bill of lading, or other document of title acknowledges possession of goods and contracts to deliver them.

((+)) (2) "Carrier" means a person that issues a bill of lading.

(3) "Consignee" means ~~(the)~~ a person named in a bill of lading to ~~(whom)~~ which or to whose order the bill promises delivery.

((+)) (4) "Consignor" means ~~(the)~~ a person named in a bill of lading as the person from ~~(whom)~~ which the goods have been received for shipment.

((+)) (5) "Delivery order" means a ~~(written)~~ record that contains an order to deliver goods directed to a warehouse ~~(operator)~~, carrier, or other person ~~(who)~~ that in the ordinary course of business issues warehouse receipts or bills of lading.

((+)) "Document" means document of title as defined in the general definitions in Article 1 (RCW 62A.1-201).

(+)) (6) [Reserved.]

(7) "Goods" means all things ~~(which)~~ that are treated as movable for the purposes of a contract ~~(of)~~ for storage or transportation.

((+)) (8) "Issuer" means a bailee ~~(who)~~ that issues a document ~~(except that)~~ of title or, in ~~(relation to)~~ the case of an unaccepted delivery order ~~(it means)~~, the person ~~(who)~~ that orders the possessor of goods to deliver. ~~(Issuer)~~ The term includes ~~(any)~~ a person for ~~(whom)~~ which an agent or employee purports to act in issuing a document if the agent or employee has real or apparent authority to issue documents, ~~(notwithstanding that)~~ even if the issuer ~~(received no)~~ did not receive any goods ~~(or that)~~, the goods were misdescribed, or ~~(that)~~ in any other respect the agent or employee violated ~~(his or her)~~ the issuer's instructions.

((+)) (9) "Person entitled under the document" means the holder, in the case of a negotiable document of title, or the person to which delivery of the goods is to be made by the terms of, or pursuant to instructions in a record under, a nonnegotiable document of title.

(10) [Reserved.]

(11) "Sign" means, with present intent to authenticate or adopt a record:

(A) To execute or adopt a tangible symbol; or

(B) To attach to or logically associate with the record an electronic sound, symbol, or process.

(12) "Shipper" means a person that enters into a contract of transportation with a carrier.

(13) "Warehouse ~~(operator)~~" ~~(is)~~ means a person engaged in the business of storing goods for hire.

((2) Other definitions applying to this Article or to specified Parts thereof, and the sections in which they appear are:

"Duly negotiate." RCW 62A.7-501.

"Person entitled under the document." RCW 62A.7-403(4).

(3)) (b) Definitions in other articles applying to this Article and the sections in which they appear are:

(1) "Contract for sale~~(-)~~," RCW 62A.2-106~~(-)~~

"Overseas," RCW 62A.2-323~~(-)~~;

(2) "Lessee in ordinary course of business," RCW 62A.2A-103;

and

(3) "Receipt" of goods((:)), RCW 62A.2-103.

((4)) (c) In addition, Article 1 contains general definitions and principles of construction and interpretation applicable throughout this Article.

**Sec. 203.** RCW 62A.7-103 and 1965 ex.s. c 157 s 7-103 are each amended to read as follows:

RELATION OF ARTICLE TO TREATY((:)) OR STATUTE((: TARIFF, CLASSIFICATION OR REGULATION)). ((To the extent that)) (a) This Article is subject to any treaty or statute of the United States((:)) or regulatory statute of this state ((or tariff, classification or regulation filed or issued pursuant thereto)) to the extent the treaty, statute, or regulatory statute is applicable((the provisions of this Article are subject thereto)).

(b) This Article does not modify or repeal any law prescribing the form or content of a document of title or the services or facilities to be afforded by a bailee, or otherwise regulating a bailee's business in respects not specifically treated in this Article. However, violation of such a law does not affect the status of a document of title that otherwise is within the definition of a document of title.

(c) This act modifies, limits, and supersedes the federal electronic signatures in global and national commerce act (15 U.S.C. Sec. 7001, et seq.) but does not modify, limit, or supersede section 101(c) of that act (15 U.S.C. Sec. 7001(c)) or authorize electronic delivery of any of the notices described in section 103(b) of that act (15 U.S.C. Sec. 7003(b)).

(d) A person in its capacity as an electronic data storage provider or an electronic data transmitter is not subject to this Article.

**Sec. 204.** RCW 62A.7-104 and 1965 ex.s. c 157 s 7-104 are each amended to read as follows:

NEGOTIABLE AND NONNEGOTIABLE ((WAREHOUSE RECEIPT, BILL OF LADING OR OTHER)) DOCUMENT OF TITLE. ((1) A warehouse receipt, bill of lading or other document of title is negotiable)

(a) Except as otherwise provided in subsection (c) of this section, a document of title is negotiable if by its terms the goods are to be delivered to bearer or to the order of a named person((or

~~(b) where recognized in overseas trade, if it runs to a named person or assigns.~~

~~(2) Any other document).~~

(b) A document of title other than one described in subsection (a) of this section is nonnegotiable. A bill of lading ((in which it is stated)) that states that the goods are consigned to a named person is not made negotiable by a provision that the goods are to be delivered only against ((a written)) an order in a record signed by the same or another named person.

(c) A document of title is nonnegotiable if, at the time it is issued, the document has a conspicuous legend, however expressed, that it is nonnegotiable.

**Sec. 205.** RCW 62A.7-105 and 1965 ex.s. c 157 s 7-105 are each amended to read as follows:

((CONSTRUCTION AGAINST NEGATIVE IMPLICATION.)) REISSUANCE IN ALTERNATIVE MEDIUM.((The omission from either Part 2 or Part 3 of this Article of a provision corresponding to a provision made in the other Part does not imply that a corresponding rule of law is not applicable.)) (a) Upon request of a person entitled under an electronic document of title, the issuer of the electronic document may issue a tangible document of title as a substitute for the electronic document if:

(1) The person entitled under the electronic document surrenders control of the document to the issuer; and

(2) The tangible document when issued contains a statement that it is issued in substitution for the electronic document.

(b) Upon issuance of a tangible document of title in substitution

for an electronic document of title in accordance with subsection (a) of this section:

(1) The electronic document ceases to have any effect or validity; and

(2) The person that procured issuance of the tangible document warrants to all subsequent persons entitled under the tangible document that the warrantor was a person entitled under the electronic document when the warrantor surrendered control of the electronic document to the issuer.

(c) Upon request of a person entitled under a tangible document of title, the issuer of the tangible document may issue an electronic document of title as a substitute for the tangible document if:

(1) The person entitled under the tangible document surrenders possession of the document to the issuer; and

(2) The electronic document when issued contains a statement that it is issued in substitution for the tangible document.

(d) Upon issuance of an electronic document of title in substitution for a tangible document of title in accordance with subsection (c) of this section:

(1) The tangible document ceases to have any effect or validity; and

(2) The person that procured issuance of the electronic document warrants to all subsequent persons entitled under the electronic document that the warrantor was a person entitled under the tangible document when the warrantor surrendered possession of the tangible document to the issuer.

**NEW SECTION. Sec. 206.** A new section is added to chapter 62A.7 RCW, to be codified as RCW 62A.7-106, to read as follows:

**CONTROL OF ELECTRONIC DOCUMENT OF TITLE.** (a) A person has control of an electronic document of title if a system employed for evidencing the transfer of interests in the electronic document reliably establishes that person as the person to which the electronic document was issued or transferred.

(b) A system satisfies subsection (a) of this section, and a person is deemed to have control of an electronic document of title, if the document is created, stored, and assigned in such a manner that:

(1) A single authoritative copy of the document exists which is unique, identifiable, and, except as otherwise provided in (4), (5), and (6) of this subsection, unalterable;

(2) The authoritative copy identifies the person asserting control as:

(A) The person to which the document was issued; or

(B) If the authoritative copy indicates that the document has been transferred, the person to which the document was most recently transferred;

(3) The authoritative copy is communicated to and maintained by the person asserting control or its designated custodian;

(4) Copies or amendments that add or change an identified assignee of the authoritative copy can be made only with the consent of the person asserting control;

(5) Each copy of the authoritative copy and any copy of a copy is readily identifiable as a copy that is not the authoritative copy; and

(6) Any amendment of the authoritative copy is readily identifiable as authorized or unauthorized.

### PART III

#### AMENDMENTS TO UNIFORM COMMERCIAL CODE ARTICLE 7

##### WAREHOUSE RECEIPTS: SPECIAL PROVISIONS

**Sec. 301.** RCW 62A.7-201 and 2011 c 336 s 826 are each amended to read as follows:

((WHO)) PERSON THAT MAY ISSUE A WAREHOUSE RECEIPT; STORAGE UNDER ((GOVERNMENT)) BOND.



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~~((1))~~ (a) A warehouse receipt may be issued by any warehouse ~~((operator))~~.  
~~((2))~~ Where ~~(b)~~ If goods, including distilled spirits and agricultural commodities, are stored under a statute requiring a bond against withdrawal or a license for the issuance of receipts in the nature of warehouse receipts, a receipt issued for the goods ~~((has like effect as))~~ is deemed to be a warehouse receipt even ~~((though))~~ if issued by a person ~~((who))~~ that is the owner of the goods and is not a warehouse ~~((operator))~~.

**Sec. 302.** RCW 62A.7-202 and 2011 c 336 s 827 are each amended to read as follows:

FORM OF WAREHOUSE RECEIPT; ~~((ESSENTIAL TERMS; OPTIONAL TERMS))~~ EFFECT OF OMISSION. ~~((1))~~ (a) A warehouse receipt need not be in any particular form.

~~((2))~~ (b) Unless a warehouse receipt ~~((embodies within its written, printed, or electronic terms))~~ provides for each of the following, the warehouse ((operator)) is liable for damages caused ((by the omission)) to a person injured ((thereby)) by its omission:

~~((a))~~ (1) A statement of the location of the warehouse facility where the goods are stored;

~~((b))~~ (2) The date of issue of the receipt;

~~((c))~~ (3) The ~~((consecutive number))~~ unique identification code of the receipt;

~~((d))~~ (4) A statement whether the goods received will be delivered to the bearer, to a ~~((specified))~~ named person, or to a ((specified)) named person or ((his or her)) its order;

~~((e))~~ (5) The rate of storage and handling charges, ~~((except that where))~~ unless goods are stored under a field warehousing arrangement, in which case a statement of that fact is sufficient on a nonnegotiable receipt;

~~((f))~~ (6) A description of the goods or ~~((of))~~ the packages containing them;

~~((g))~~ (7) The signature of the warehouse ~~((operator, which may be made by his or her authorized))~~ or its agent;

~~((h))~~ (8) If the receipt is issued for goods ~~((of which the warehouse operator is owner))~~ that the warehouse owns, either solely ((of)), jointly, or in common with others, a statement of the fact of ((such)) that ownership; and

~~((i))~~ (9) A statement of the amount of advances made and of liabilities incurred for which the warehouse ~~((operator))~~ claims a lien or security interest ~~((RCW 62A.7-209. If))~~, unless the precise amount of ((such)) advances made or ((of such)) liabilities incurred ((is)), at the time of the issue of the receipt, is unknown to the warehouse ((operator)) or to ((his or her)) its agent ((who issues it)) that issued the receipt, in which case a statement of the fact that advances have been made or liabilities incurred and the purpose ~~((thereof))~~ of the advances or liabilities is sufficient.

~~((j))~~ (c) A warehouse ~~((operator))~~ may insert in ~~((his or her))~~ its receipt any ((other)) terms ((which)) that are not contrary to the provisions of this title and do not impair ((his or her)) its obligation of delivery ((6)) under RCW 62A.7-403((or his or her)) or its duty of care ((7)) under RCW 62A.7-204((9)). Any contrary provision((s shall be)) is ineffective.

**Sec. 303.** RCW 62A.7-203 and 1965 ex.s. c 157 s 7-203 are each amended to read as follows:

LIABILITY FOR NONRECEIPT OR MISDESCRIPTION. A party to or purchaser for value in good faith of a document of title, other than a bill of lading ~~((relying in either case))~~, that relies upon the description ((therein)) of the goods in the document may recover from the issuer damages caused by the nonreceipt or misdescription of the goods, except to the extent that:

(1) The document conspicuously indicates that the issuer does not know whether ((any)) all or part ((or all)) of the goods in fact were received or conform to the description, such as ((where)) a case in which the description is in terms of marks or labels or kind,

quantity, or condition, or the receipt or description is qualified by "contents, condition, and quality unknown," "said to contain," or ~~((the like))~~ words of similar import, if ((such)) the indication ((be)) is true((7)); or

(2) The party or purchaser otherwise has notice of the nonreceipt or misdescription.

**Sec. 304.** RCW 62A.7-204 and 2011 c 336 s 828 are each amended to read as follows:

DUTY OF CARE; CONTRACTUAL LIMITATION OF WAREHOUSE'S ~~((OPERATOR'S))~~ LIABILITY. ~~((1))~~ (a) A warehouse ~~((operator))~~ is liable for damages for loss of or injury to the goods caused by ~~((his or her))~~ its failure to exercise ((such)) care ((in)) with regard to ((them as)) the goods that a reasonably careful person would exercise under ((like)) similar circumstances ((but)), Unless otherwise agreed ((he or she)), the warehouse is not liable for damages ((which)) that could not have been avoided by the exercise of ((such)) that care.

~~((2))~~ (b) Damages may be limited by a term in the warehouse receipt or storage agreement limiting the amount of liability in case of loss or damage ~~((, and setting forth a specific liability per article or item, or value per unit of weight,))~~ beyond which the warehouse ~~((operator shall not be))~~ is not liable((; provided, however, that such liability may on written)). Such a limitation is not effective with respect to the warehouse's liability for conversion to its own use. On request of the bailor in a record at the time of signing ((such)) the storage agreement or within a reasonable time after receipt of the warehouse receipt, the warehouse's liability may be increased on part or all of the goods ((thereunder, in which)) covered by the storage agreement or the warehouse receipt. In this event, increased rates may be charged based on ((such)) an increased valuation((, but that no such increase shall be permitted contrary to a lawful limitation of liability contained in the warehouse operator's tariff, if any. No such limitation is effective with respect to the warehouse operator's liability for conversion to his or her own use)) of the goods.

~~((3))~~ (c) Reasonable provisions as to the time and manner of presenting claims and ~~((instituting))~~ commencing actions based on the bailment may be included in the warehouse receipt or ((tariff)) storage agreement.

~~((4))~~ (d) This section does not ~~((impair or repeal the duties of care or liabilities or penalties for breach thereof as provided in))~~ modify or repeal the provisions of chapters 22.09 and 22.32 RCW.

**Sec. 305.** RCW 62A.7-205 and 2011 c 336 s 829 are each amended to read as follows:

TITLE UNDER WAREHOUSE RECEIPT DEFEATED IN CERTAIN CASES. A buyer in ~~((the))~~ ordinary course of business of fungible goods sold and delivered by a warehouse ~~((operator who))~~ that is also in the business of buying and selling such goods takes the goods free of any claim under a warehouse receipt even ((though it)) if the receipt is negotiable and has been duly negotiated.

**Sec. 306.** RCW 62A.7-206 and 2011 c 336 s 830 are each amended to read as follows:

TERMINATION OF STORAGE AT ~~((WAREHOUSE OPERATOR'S))~~ WAREHOUSE'S OPTION. ~~((1))~~ (a) A warehouse ~~((operator may on notifying))~~, by giving notice to the person on whose account the goods are held and any other person known to claim an interest in the goods, may require payment of any charges and removal of the goods from the warehouse at the termination of the period of storage fixed by the document((7)) of title or, if ((no)) a period is not fixed, within a stated period not less than thirty days after the ((notification)) warehouse gives notice. If the goods are not removed before the date specified in the ((notification)) notice, the warehouse ((operator)) may sell them ((in

~~accordance with the provisions of the section on enforcement of a warehouse operator's lien~~) pursuant to RCW 62A.7-210((3)).

((2)) (b) If a warehouse ((operator)) in good faith believes that ((the)) goods are about to deteriorate or decline in value to less than the amount of ((his or her)) its lien within the time ((prescribed)) provided in subsection ((4)) (a) of this section ((for notification, advertisement, and sale)) and RCW 62A.7-210, the warehouse ((operator)) may specify in the ((notification)) notice given under subsection (a) of this section any reasonable shorter time for removal of the goods and ((in case)), if the goods are not removed, may sell them at public sale held not less than one week after a single advertisement or posting.

((3)) (c) If, as a result of a quality or condition of the goods of which the warehouse ((operator had no)) did not have notice at the time of deposit, the goods are a hazard to other property ((or to)), the warehouse facilities, or ((to)) other persons, the warehouse ((operator)) may sell the goods at public or private sale without advertisement or posting on reasonable notification to all persons known to claim an interest in the goods. If the warehouse ((operator)), after a reasonable effort, is unable to sell the goods ((he or she)), it may dispose of them in any lawful manner and ((shall)) does not incur ((no)) liability by reason of ((such)) that disposition.

((4)) (d) The warehouse ((operator must)) shall deliver the goods to any person entitled to them under this Article upon due demand made at any time ((prior to)) before sale or other disposition under this section.

((5)) (e) The warehouse ((operator)) may satisfy ((his or her)) its lien from the proceeds of any sale or disposition under this section but ((must)) shall hold the balance for delivery on the demand of any person to ((whom he or she)) which the warehouse would have been bound to deliver the goods.

**Sec. 307.** RCW 62A.7-207 and 2011 c 336 s 831 are each amended to read as follows:

GOODS MUST BE KEPT SEPARATE; FUNGIBLE GOODS.  
((4)) (a) Unless the warehouse receipt provides otherwise ((provides)), a warehouse ((operator must)) shall keep separate the goods covered by each receipt so as to permit at all times identification and delivery of those goods ((except that)), However, different lots of fungible goods may be commingled.

((2)) (b) If different lots of fungible goods ((so)) are commingled, the goods are owned in common by the persons entitled thereto and the warehouse ((operator)) is severally liable to each owner for that owner's share. ((Where)) If, because of over-issue, a mass of fungible goods is insufficient to meet all the receipts ((which)) the warehouse ((operator)) has issued against it, the persons entitled include all holders to ((whom)) which overissued receipts have been duly negotiated.

**Sec. 308.** RCW 62A.7-208 and 1965 ex.s. c 157 s 7-208 are each amended to read as follows:

ALTERED WAREHOUSE RECEIPTS. ((Where)) If a blank in a negotiable tangible warehouse receipt has been filled in without authority, a good-faith purchaser for value and without notice of the ((want)) lack of authority may treat the insertion as authorized. Any other unauthorized alteration leaves any tangible or electronic warehouse receipt enforceable against the issuer according to its original tenor.

**Sec. 309.** RCW 62A.7-209 and 2011 c 336 s 832 are each amended to read as follows:

LIEN OF WAREHOUSE ((OPERATOR)). ((4)) (a) A warehouse ((operator)) has a lien against the bailor on the goods covered by a warehouse receipt or storage agreement or on the proceeds thereof in ((his or her)) its possession for charges for storage or transportation ((of)), including demurrage and terminal charges((s)), insurance, labor, or other charges, present or future, in relation to the goods, and for expenses necessary for preservation of

the goods or reasonably incurred in their sale pursuant to law. If the person on whose account the goods are held is liable for ((like)) similar charges or expenses in relation to other goods whenever deposited and it is stated in the warehouse receipt or storage agreement that a lien is claimed for charges and expenses in relation to other goods, the warehouse ((operator)) also has a lien against ((him or her)) the goods covered by the warehouse receipt or storage agreement or on the proceeds thereof in its possession for ((such)) those charges and expenses, whether or not the other goods have been delivered by the warehouse ((operator)). ((But)) However, as against a person to ((whom)) which a negotiable warehouse receipt is duly negotiated, a ((warehouse operator's)) warehouse's lien is limited to charges in an amount or at a rate specified ((to)) in the warehouse receipt or, if no charges are so specified ((then)), to a reasonable charge for storage of the specific goods covered by the receipt subsequent to the date of the receipt. A ((warehouse operator's)) warehouse's lien as provided in this chapter takes priority over all other liens and perfected or unperfected security interests.

((2)) (b) The warehouse ((operator)) may also reserve a security interest against the bailor for ((a)) the maximum amount specified on the receipt for charges other than those specified in subsection ((4)) (a) of this section, such as for money advanced and interest. ((Such a)) The security interest is governed by ((the Article on Secured Transactions (Article 9))) Article 9A of this title.

((3)) (c) A ((warehouse operator's)) warehouse's lien for charges and expenses under subsection ((4)) (a) of this section or a security interest under subsection ((2)) (b) of this section is also effective against any person ((who)) that so entrusted the bailor with possession of the goods that a pledge of them by ((him or her)) the bailor to a good-faith purchaser for value would have been valid ((but is not effective against a person as to whom the document confers no right in the goods covered by it under RCW 62A.7-503)).

((4) A warehouse operator loses his or her lien on any goods which he or she voluntarily delivers or which he or she) However, the lien or security interest is not effective against a person that before issuance of a document of title had a legal interest or a perfected security interest in the goods and that did not:

(1) Deliver or entrust the goods or any document of title covering the goods to the bailor or the bailor's nominee with:

(A) Actual or apparent authority to ship, store, or sell;

(B) Power to obtain delivery under RCW 62A.7-403; or

(C) Power of disposition under RCW 62A.2-403, 62A.2A-304(2), 62A.2A-305(2), 62A.9A-320, or 62A.9A-321(c) or other statute or rule of law; or

(2) Acquiesce in the procurement by the bailor or its nominee of any document.

(d) A warehouse's lien on household goods for charges and expenses in relation to the goods under subsection (a) of this section is also effective against all persons if the depositor was the legal possessor of the goods at the time of deposit. In this subsection, "household goods" means furniture, furnishings, or personal effects used by the depositor in a dwelling.

(e) A warehouse loses its lien on any goods that it voluntarily delivers or unjustifiably refuses to deliver.

**Sec. 310.** RCW 62A.7-210 and 2011 c 336 s 833 are each amended to read as follows:

ENFORCEMENT OF WAREHOUSE ((OPERATOR'S)) LIEN.  
((4)) (a) Except as otherwise provided in subsection ((2)) (b) of this section, a ((warehouse operator's)) warehouse's lien may be enforced by public or private sale of the goods, in ((blee)) bulk or in ((paeels)) packages, at any time or place and on any terms ((which)) that are commercially reasonable, after notifying all persons known to claim an interest in the goods. ((Such)) The notification must include a statement of the amount due, the nature of the proposed

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sale, and the time and place of any public sale. The fact that a better price could have been obtained by a sale at a different time or in a ~~((different))~~ method different from that selected by the warehouse ~~((operator))~~ is not of itself sufficient to establish that the sale was not made in a commercially reasonable manner. The warehouse sells in a commercially reasonable manner if the warehouse ~~((operator either))~~ sells the goods in the usual manner in any recognized market therefor, ~~((or if he or she))~~ sells at the price current in ~~((such))~~ that market at the time of ~~((his or her))~~ the sale, or ~~((if he or she has))~~ otherwise ~~((sold))~~ sells in conformity with commercially reasonable practices among dealers in the type of goods sold ~~((he or she has sold in a commercially reasonable manner))~~. A sale of more goods than apparently necessary to be offered to ~~((insure))~~ ensure satisfaction of the obligation is not commercially reasonable, except in cases covered by the preceding sentence.

~~((2))~~ (b) A warehouse ~~((operator's))~~ may enforce its lien on goods, other than goods stored by a merchant in the course of ~~((his or her))~~ its business ~~((may be enforced))~~, only ~~((as follows))~~ if the following requirements are satisfied:

~~((a))~~ (1) All persons known to claim an interest in the goods must be notified.

(b) The notification must be delivered in person or sent by registered or certified letter to the last known address of any person to be notified.

(c) (2) The notification must include an itemized statement of the claim, a description of the goods subject to the lien, a demand for payment within a specified time not less than ten days after receipt of the notification, and a conspicuous statement that unless the claim is paid within that time the goods will be advertised for sale and sold by auction at a specified time and place.

~~((d))~~ (3) The sale must conform to the terms of the notification.

~~((e))~~ (4) The sale must be held at the nearest suitable place to that where the goods are held or stored.

~~((f))~~ (5) After the expiration of the time given in the notification, an advertisement of the sale must be published once a week for two weeks consecutively in a newspaper of general circulation where the sale is to be held. The advertisement must include a description of the goods, the name of the person on whose account ~~((they))~~ the goods are being held, and the time and place of the sale. The sale must take place at least fifteen days after the first publication. If there is no newspaper of general circulation where the sale is to be held, the advertisement must be posted at least ten days before the sale in not ~~((less))~~ fewer than six conspicuous places in the neighborhood of the proposed sale.

~~((3))~~ (c) Before any sale pursuant to this section, any person claiming a right in the goods may pay the amount necessary to satisfy the lien and the reasonable expenses incurred ~~((under))~~ in complying with this section. In that event, the goods ~~((must))~~ may not be sold, but must be retained by the warehouse ~~((operator))~~ subject to the terms of the receipt and this Article.

~~((4))~~ (d) A warehouse ~~((operator))~~ may buy at any public sale held pursuant to this section.

~~((5))~~ (e) A purchaser in good faith of goods sold to enforce a ~~((warehouse operator's))~~ warehouse's lien takes the goods free of any rights of persons against ~~((whom))~~ which the lien was valid, despite the warehouse's noncompliance ~~((by the warehouse operator))~~ with ~~((the requirements of))~~ this section.

~~((6))~~ (f) A warehouse ~~((operator))~~ may satisfy ~~((his or her))~~ its lien from the proceeds of any sale pursuant to this section but must hold the balance, if any, for delivery on demand to any person to ~~((whom he or she))~~ which the warehouse would have been bound to deliver the goods.

~~((7))~~ (g) The rights provided by this section ~~((shall be))~~ are in addition to all other rights allowed by law to a creditor against ~~((his or her))~~ a debtor.

~~((8))~~ (h) If a lien is on goods stored by a merchant in the course of ~~((his or her))~~ its business, the lien may be enforced in accordance with either subsection ~~((1) or (2))~~ (a) or (b) of this section.

~~((9))~~ (i) A warehouse ~~((operator))~~ is liable for damages caused by failure to comply with the requirements for sale under this section and, in case of willful violation, is liable for conversion.

**PART IV  
AMENDMENTS TO UNIFORM COMMERCIAL CODE  
ARTICLE 7  
BILLS OF LADING: SPECIAL PROVISIONS**

**Sec. 401.** RCW 62A.7-301 and 1965 ex.s. c 157 s 7-301 are each amended to read as follows:

LIABILITY FOR NONRECEIPT OR MISDESCRIPTION;  
"SAID TO CONTAIN"; "SHIPPER'S WEIGHT, LOAD, AND COUNT"; IMPROPER HANDLING. ~~((4))~~ (a) A consignee of a nonnegotiable bill ~~((who))~~ of lading which has given value in good faith, or a holder to ~~((whom))~~ which a negotiable bill has been duly negotiated, relying ~~((in either case))~~ upon the description ~~((therein))~~ of the goods ~~((;))~~ in the bill or upon the date ~~((therein))~~ shown in the bill, may recover from the issuer damages caused by the misdating of the bill or the nonreceipt or misdescription of the goods, except to the extent that the ~~((document))~~ bill indicates that the issuer does not know whether any part or all of the goods in fact were received or conform to the description, such as ~~((where))~~ in a case in which the description is in terms of marks or labels or kind, quantity, or condition or the receipt or description is qualified by "contents or condition of contents of packages unknown," ~~((;))~~ "said to contain," ~~((;))~~ "shipper's weight, load, and count," or ~~((the like))~~ words of similar import, if ~~((such))~~ that indication ~~((be))~~ is true.

~~((2))~~ (b) If goods are loaded by ~~((an))~~ the issuer ~~((who is a common carrier,))~~ of a bill of lading:

(1) The issuer ~~((must))~~ shall count the packages of goods if ~~((package freight))~~ shipped in packages and ascertain the kind and quantity if shipped in bulk ~~((freight. In))~~; and

(2) Words such ~~((eases))~~ as "shipper's weight, load, and count," or ~~((other))~~ words of similar import indicating that the description was made by the shipper are ineffective except as to ~~((freight))~~ goods concealed ~~((by))~~ in packages.

~~((3))~~ (c) If bulk ~~((freight is))~~ goods are loaded by a shipper ~~((who))~~ that makes available to the issuer of a bill of lading adequate facilities for weighing ~~((such freight, an))~~ those goods, the issuer ~~((who is a common carrier must))~~ shall ascertain the kind and quantity within a reasonable time after receiving the ~~((written))~~ shipper's request ~~((of the shipper))~~ in a record to do so. ~~((In such cases))~~ In that case, "shipper's weight" or ~~((other))~~ words of ~~((like purport))~~ similar import are ineffective.

~~((4))~~ (d) The issuer ~~((may))~~ of a bill of lading, by ~~((inserting))~~ including in the bill the words "shipper's weight, load, and count," or ~~((other))~~ words of ~~((like purport))~~ similar import, may indicate that the goods were loaded by the shipper ~~((;))~~, and, if ~~((such))~~ that statement ~~((be))~~ is true, the issuer ~~((shall))~~ is not ~~((be))~~ liable for damages caused by the improper loading. ~~((But their))~~ However, omission of such words does not imply liability for ~~((such))~~ damages caused by improper loading.

~~((5))~~ (e) A shipper ~~((shall be deemed to have guaranteed to the))~~ guarantees to an issuer the accuracy at the time of shipment of the description, marks, labels, number, kind, quantity, condition, and weight, as furnished by ~~((him,))~~ the shipper, and the shipper shall indemnify the issuer against damage caused by inaccuracies in ~~((such))~~ those particulars. ~~((The))~~ This right of ~~((the issuer to such))~~ indemnity ~~((shall in no way))~~ does not limit ~~((his))~~ the issuer's

responsibility ~~(and)~~ or liability under the contract of carriage to any person other than the shipper.

**Sec. 402.** RCW 62A.7-302 and 1965 ex.s. c 157 s 7-302 are each amended to read as follows:

**THROUGH BILLS OF LADING AND SIMILAR DOCUMENTS OF TITLE.** ~~((4))~~ (a) The issuer of a through bill of lading, or other document of title embodying an undertaking to be performed in part by ~~(persons)~~ a person acting as its agent(s) or by ~~(connecting carriers)~~ a performing carrier, is liable to ~~(anyone)~~ any person entitled to recover on the bill or other document for any breach by ~~(such other persons or by a connecting)~~ the other person or the performing carrier of its obligation under the bill or other document ~~(but)~~. However, to the extent that the bill or other document covers an undertaking to be performed overseas or in territory not contiguous to the continental United States or an undertaking including matters other than transportation, this liability for breach by the other person or the performing carrier may be varied by agreement of the parties.

~~((2) Where)~~ (b) If goods covered by a through bill of lading or other document of title embodying an undertaking to be performed in part by ~~(persons)~~ a person other than the issuer are received by ~~(any such)~~ that person, ~~(he)~~ the person is subject, with respect to ~~(his)~~ its own performance while the goods are in ~~(his)~~ its possession, to the obligation of the issuer. ~~(His)~~ The person's obligation is discharged by delivery of the goods to another ~~(such)~~ person pursuant to the bill or other document(s) and does not include liability for breach by any other ~~(such)~~ person(s) or by the issuer.

~~((3))~~ (c) The issuer of ~~(such)~~ a through bill of lading or other document ~~(shall be)~~ of title described in subsection (a) of this section is entitled to recover from the ~~(connecting)~~ performing carrier, or ~~(such)~~ other person in possession of the goods when the breach of the obligation under the bill or other document occurred(s);

(1) The amount it may be required to pay to ~~(anyone)~~ any person entitled to recover on the bill or other document ~~(therefor)~~ for the breach, as may be evidenced by any receipt, judgment, or transcript ~~(thereof, and)~~ of judgment; and

(2) The amount of any expense reasonably incurred by ~~(it)~~ the issuer in defending any action ~~(brought)~~ commenced by ~~(anyone)~~ any person entitled to recover on the bill or other document ~~(therefor)~~ for the breach.

**Sec. 403.** RCW 62A.7-303 and 1965 ex.s. c 157 s 7-303 are each amended to read as follows:

DIVERSION; RECONSIGNMENT; CHANGE OF INSTRUCTIONS. ~~((4))~~ (a) Unless the bill of lading otherwise provides, ~~(the)~~ a carrier may deliver the goods to a person or destination other than that stated in the bill or may otherwise dispose of the goods, without liability for misdelivery, on instructions from: ~~((a))~~ (1) The holder of a negotiable bill; ~~(or)~~

~~((b))~~ (2) The consignor on a nonnegotiable bill ~~(notwithstanding)~~, even if the consignee has given contrary instructions ~~(from the consignee)~~; ~~(or)~~

~~((c))~~ (3) The consignee on a nonnegotiable bill in the absence of contrary instructions from the consignor, if the goods have arrived at the billed destination or if the consignee is in possession of the tangible bill or in control of the electronic bill; or

~~((4))~~ (4) The consignee on a nonnegotiable bill, if ~~(he)~~ the consignee is entitled as against the consignor to dispose of ~~(them)~~ the goods.

~~((2))~~ (b) Unless ~~(such)~~ instructions described in subsection (a) of this section are ~~(noted on)~~ included in a negotiable bill of lading, a person to ~~(whom)~~ which the bill is duly negotiated ~~(can)~~ may hold the bailee according to the original terms.

**Sec. 404.** RCW 62A.7-304 and 1965 ex.s. c 157 s 7-304 are each amended to read as follows:

**TANGIBLE BILLS OF LADING IN A SET.** ~~((4))~~ (a) Except ~~(where)~~ as customary in ~~(overseas)~~ international transportation, a tangible bill of lading ~~(must)~~ may not be issued in a set of parts. The issuer is liable for damages caused by violation of this subsection.

~~((2) Where)~~ (b) If a tangible bill of lading is lawfully ~~(drawn)~~ issued in a set of parts, each of which ~~(is numbered)~~ contains an identification code and is expressed to be valid only if the goods have not been delivered against any other part, the whole of the parts constitutes one bill.

~~((3) Where)~~ (c) If a tangible negotiable bill of lading is lawfully issued in a set of parts and different parts are negotiated to different persons, the title of the holder to ~~(whom)~~ which the first due negotiation is made prevails as to both the document of title and the goods even ~~(though)~~ if any later holder may have received the goods from the carrier in good faith and discharged the carrier's obligation by ~~(surrender of his)~~ surrendering its part.

~~((4) Any)~~ (d) A person ~~(who)~~ that negotiates or transfers a single part of a tangible bill of lading ~~(drawn)~~ issued in a set is liable to holders of that part as if it were the whole set.

~~((5))~~ (e) The bailee ~~(is obliged to)~~ shall deliver in accordance with ~~(Part 4 of this Article)~~ RCW 62A.7-401 through 62A.7-404 against the first presented part of a tangible bill of lading lawfully ~~(drawn)~~ issued in a set. ~~(Such)~~ Delivery in this manner discharges the bailee's obligation on the whole bill.

**Sec. 405.** RCW 62A.7-305 and 1965 ex.s. c 157 s 7-305 are each amended to read as follows:

**DESTINATION BILLS.** ~~((4))~~ (a) Instead of issuing a bill of lading to the consignor at the place of shipment, a carrier ~~(may)~~, at the request of the consignor, may procure the bill to be issued at destination or at any other place designated in the request.

~~((2))~~ (b) Upon request of ~~(anyone)~~ any person entitled as against ~~(the)~~ a carrier to control the goods while in transit and on surrender of possession or control of any outstanding bill of lading or other receipt covering ~~(such)~~ the goods, the issuer, subject to RCW 62A.7-105, may procure a substitute bill to be issued at any place designated in the request.

**Sec. 406.** RCW 62A.7-307 and 1965 ex.s. c 157 s 7-307 are each amended to read as follows:

**LIEN OF CARRIER.** ~~((4))~~ (a) A carrier has a lien on the goods covered by a bill of lading or on the proceeds thereof in its possession for charges ~~(subsequent to)~~ after the date of ~~(its)~~ the carrier's receipt of the goods for storage or transportation ~~((f))~~, including demurrage and terminal charges(s), and for expenses necessary for preservation of the goods incident to their transportation or reasonably incurred in their sale pursuant to law. ~~(But)~~ However, against a purchaser for value of a negotiable bill of lading, a carrier's lien is limited to charges stated in the bill or the applicable tariffs(s) or, if no charges are stated ~~(then to)~~, a reasonable charge.

~~((2))~~ (b) A lien for charges and expenses under subsection ~~((4))~~ (a) of this section on goods ~~(which)~~ that the carrier was required by law to receive for transportation is effective against the consignor or any person entitled to the goods unless the carrier had notice that the consignor lacked authority to subject the goods to ~~(such)~~ those charges and expenses. Any other lien under subsection ~~((4))~~ (a) of this section is effective against the consignor and any person ~~(who)~~ that permitted the bailor to have control or possession of the goods unless the carrier had notice that the bailor lacked ~~(such)~~ authority.

~~((3))~~ (c) A carrier loses ~~(his)~~ its lien on any goods ~~(which he)~~ that it voluntarily delivers or ~~(which he)~~ unjustifiably refuses to deliver.

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**Sec. 407.** RCW 62A.7-308 and 1965 ex.s. c 157 s 7-308 are each amended to read as follows:

**ENFORCEMENT OF CARRIER'S LIEN.** ~~((4))~~ (a) A carrier's lien on goods may be enforced by public or private sale of the goods, in ~~((bale))~~ bulk or in ~~((parcels))~~ packages, at any time or place and on any terms ~~((which))~~ that are commercially reasonable, after notifying all persons known to claim an interest in the goods. ~~((Such))~~ The notification must include a statement of the amount due, the nature of the proposed sale, and the time and place of any public sale. The fact that a better price could have been obtained by a sale at a different time or in a method different ~~((method))~~ from that selected by the carrier is not of itself sufficient to establish that the sale was not made in a commercially reasonable manner. The carrier sells goods in a commercially reasonable manner if the carrier ~~((either))~~ sells the goods in the usual manner in any recognized market therefor ~~((or if he))~~, sells at the price current in ~~((such))~~ that market at the time of ~~((his))~~ the sale, or ~~((if he has))~~ otherwise ~~((sold))~~ sells in conformity with commercially reasonable practices among dealers in the type of goods sold ~~((he has sold in a commercially reasonable manner))~~. A sale of more goods than apparently necessary to be offered to ensure satisfaction of the obligation is not commercially reasonable, except in cases covered by the preceding sentence.

~~((2))~~ (b) Before any sale pursuant to this section, any person claiming a right in the goods may pay the amount necessary to satisfy the lien and the reasonable expenses incurred ~~((under))~~ in complying with this section. In that event, the goods ~~((must))~~ may not be sold ~~((;))~~ but must be retained by the carrier, subject to the terms of the bill of lading and this Article.

~~((3))~~ (c) A carrier may buy at any public sale pursuant to this section.

~~((4))~~ (d) A purchaser in good faith of goods sold to enforce a carrier's lien takes the goods free of any rights of persons against ~~((whom))~~ which the lien was valid, despite the carrier's noncompliance ~~((by the carrier))~~ with ~~((the requirements of))~~ this section.

~~((5))~~ (e) A carrier may satisfy ~~((his))~~ its lien from the proceeds of any sale pursuant to this section but ~~((must))~~ shall hold the balance, if any, for delivery on demand to any person to ~~((whom he))~~ which the carrier would have been bound to deliver the goods.

~~((6))~~ (f) The rights provided by this section ~~((shall be))~~ are in addition to all other rights allowed by law to a creditor against ~~((his))~~ a debtor.

~~((7))~~ (g) A carrier's lien may be enforced ~~((in accordance with))~~ pursuant to either subsection ~~((4))~~ (a) of this section or the procedure set forth in ~~((subsection (2) of))~~ RCW 62A.7-210 ~~((b))~~.

~~((8))~~ (h) A carrier is liable for damages caused by failure to comply with the requirements for sale under this section and, in case of willful violation, is liable for conversion.

**Sec. 408.** RCW 62A.7-309 and 2009 c 549 s 1017 are each amended to read as follows:

**DUTY OF CARE; CONTRACTUAL LIMITATION OF CARRIER'S LIABILITY.** Save as otherwise provided in RCW 81.29.010 and 81.29.020:

~~((4))~~ (a) A carrier ~~((who))~~ that issues a bill of lading, whether negotiable or nonnegotiable, ~~((must))~~ shall exercise the degree of care in relation to the goods which a reasonably careful person would exercise under ~~((like))~~ similar circumstances. This subsection does not affect any statute, regulation, or rule of law that imposes liability upon a common carrier for damages not caused by its negligence.

~~((2))~~ (b) Damages may be limited by a ~~((provision))~~ term in the bill of lading or in a transportation agreement that the carrier's liability ~~((shall))~~ may not exceed a value stated in the ~~((document))~~ bill of lading or transportation agreement if the carrier's rates are dependent

upon value and the consignor ~~((by the carrier's tariff))~~ is afforded an opportunity to declare a higher value ~~((or a value as lawfully provided in the tariff, or where no tariff))~~ and the consignor is ~~((filed he or she is otherwise))~~ advised of ~~((such))~~ the opportunity ~~((; but no))~~. However, such a limitation is not effective with respect to the carrier's liability for conversion to its own use.

~~((3))~~ (c) Reasonable provisions as to the time and manner of presenting claims and ~~((instituting))~~ commencing actions based on the shipment may be included in a bill of lading or ~~((tariff))~~ a transportation agreement.

**PART V**  
**AMENDMENTS TO UNIFORM COMMERCIAL CODE**  
**ARTICLE 7**  
**WAREHOUSE RECEIPTS AND BILLS OF LADING:**  
**GENERAL OBLIGATIONS**

**Sec. 501.** RCW 62A.7-401 and 2011 c 336 s 834 are each amended to read as follows:

**IRREGULARITIES IN ISSUE OF RECEIPT OR BILL OR CONDUCT OF ISSUER.** The obligations imposed by this Article on an issuer apply to a document of title ~~((regardless of the fact that))~~ even if:

~~((a))~~ (1) The document ~~((may))~~ does not comply with the requirements of this Article or of any other ~~((law))~~ statute, rule, or regulation regarding its ~~((issue))~~ issuance, form, or content; ~~((or~~

~~((b))~~ (2) The issuer ~~((may have))~~ violated laws regulating the conduct of ~~((his or her))~~ its business; ~~((or~~

~~((c))~~ (3) The goods covered by the document were owned by the bailee ~~((at the time))~~ when the document was issued; or

~~((d))~~ (4) The person issuing the document ~~((does not come within the definition of warehouse operator if it))~~ is not a warehouse but the document purports to be a warehouse receipt.

**Sec. 502.** RCW 62A.7-402 and 1965 ex.s. c 157 s 7-402 are each amended to read as follows:

**DUPLICATE ~~((RECEIPT OR BILL))~~ DOCUMENT OF TITLE; OVERISSUANCE.** ~~((Neither))~~ A duplicate ~~((or))~~ or any other document of title purporting to cover goods already represented by an outstanding document of the same issuer does not confer ~~((s))~~ any right in the goods, except as provided in the case of tangible bills of lading in a set of parts, overissue of documents for fungible goods ~~((and))~~, substitutes for lost, stolen, or destroyed documents, or substitute documents issued pursuant to RCW 62A.7-105. ~~((But))~~ The issuer is liable for damages caused by ~~((his))~~ its overissue or failure to identify a duplicate document ~~((as such))~~ by a conspicuous notation ~~((on its face)).~~

**Sec. 503.** RCW 62A.7-403 and 2011 c 336 s 835 are each amended to read as follows:

**OBLIGATION OF ~~((WAREHOUSE OPERATOR OR CARRIER))~~ BAILEE TO DELIVER; EXCUSE.** ~~((4))~~ (a) A bailee ~~((must))~~ shall deliver the goods to a person entitled under ~~((the))~~ a document ~~((who))~~ of title if the person complies with subsections ~~((2) and (3))~~ (b) and (c) of this section, unless and to the extent that the bailee establishes any of the following:

~~((a))~~ (1) Delivery of the goods to a person whose receipt was rightful as against the claimant;

~~((b))~~ (2) Damage to or delay, loss, or destruction of the goods for which the bailee is not liable;

~~((c))~~ (3) Previous sale or other disposition of the goods in lawful enforcement of a lien or on ~~((warehouse operator's))~~ a warehouse's lawful termination of storage;

~~((d))~~ (4) The exercise by a seller of ~~((his or her))~~ its right to stop delivery pursuant to ~~((the provisions of the Article on Sales))~~ RCW 62A.2-705 ~~((;))~~ or by a lessor of its right to stop delivery pursuant to RCW 62A.2A-526;

~~((e))~~ (5) A diversion, reconignment, or other disposition pursuant to ~~((the provisions of this Article (c))~~ RCW 62A.7-303 ~~(or tariff regulating such right)~~;

~~((f))~~ (6) Release, satisfaction, or any other ~~((fact affording a))~~ personal defense against the claimant; or

~~((g))~~ (7) Any other lawful excuse.

~~((2))~~ (b) A person claiming goods covered by a document of title ~~((must))~~ shall satisfy the bailee's lien ~~((where))~~ if the bailee so requests or ~~((where))~~ if the bailee is prohibited by law from delivering the goods until the charges are paid.

~~((3))~~ (c) Unless ~~((the))~~ a person claiming the goods is ~~((one))~~ a person against ~~((whom))~~ which the document ~~((confers no))~~ of title does not confer a right under RCW 62A.7-503 ~~((1), he or she must surrender for cancellation or notation of partial deliveries any outstanding negotiable document covering the goods, and)~~ (a):

(1) The person claiming under a document shall surrender possession or control of any outstanding negotiable document covering the goods for cancellation or indication of partial deliveries; and

(2) The bailee ~~((must))~~ shall cancel the document or conspicuously ~~((note))~~ indicate in the document the partial delivery ~~((thereon or be))~~ or the bailee is liable to any person to ~~((whom))~~ which the document is duly negotiated.

~~((4))~~ "Person entitled under the document" means holder in the case of a negotiable document, or the person to whom delivery is to be made by the terms of or pursuant to written instructions under a nonnegotiable document.)

**Sec. 504.** RCW 62A.7-404 and 1965 ex.s. c 157 s 7-404 are each amended to read as follows:

**NO LIABILITY FOR GOOD-FAITH DELIVERY PURSUANT TO ~~((RECEIPT OR BILL))~~ DOCUMENT OF TITLE.** A bailee ~~((who in))~~ that in good faith ~~((including observance of reasonable commercial standards))~~ has received goods and delivered or otherwise disposed of ~~((them))~~ the goods according to the terms of ~~((the))~~ a document of title or pursuant to this Article is not liable ~~((therefor. This rule applies even though))~~ for the goods even if:

(1) The person from ~~((whom he))~~ which the bailee received the goods ~~((had no))~~ did not have authority to procure the document or to dispose of the goods ~~((and even though))~~; or

(2) The person to ~~((whom he))~~ which the bailee delivered the goods ~~((had no))~~ did not have authority to receive ~~((them))~~ the goods.

**PART VI  
AMENDMENTS TO UNIFORM COMMERCIAL CODE  
ARTICLE 7  
WAREHOUSE RECEIPTS AND BILLS OF LADING:  
NEGOTIATION AND TRANSFER**

**Sec. 601.** RCW 62A.7-501 and 1965 ex.s. c 157 s 7-501 are each amended to read as follows:

**FORM OF NEGOTIATION AND REQUIREMENTS OF ~~((D))~~DUE NEGOTIATION~~((D))~~.** ~~((4))~~ (a) The following rules apply to a negotiable tangible document of title ~~((running))~~:

(1) If the document's original terms run to the order of a named person, the document is negotiated by ~~((his))~~ the named person's indorsement and delivery. After ~~((his))~~ the named person's indorsement in blank or to bearer, any person ~~((can))~~ may negotiate ~~((it))~~ the document by delivery alone.

(2) ~~((a))~~ A negotiable document of title is also negotiated by delivery alone when by its original terms it runs to bearer;

(b) when a document running) If the document's original terms run to bearer, it is negotiated by delivery alone.

(3) If the document's original terms run to the order of a named

person and it is delivered to ~~((him))~~ the named person, the effect is the same as if the document had been negotiated.

~~((3))~~ (4) Negotiation of ~~((a negotiable))~~ the document ~~((of title))~~ after it has been indorsed to a ~~((specified))~~ named person requires indorsement by the ~~((special indorsee as well as))~~ named person and delivery.

~~((4))~~ (5) A ~~((negotiable))~~ document ~~((of title))~~ is ~~((D))~~ duly negotiated ~~((when))~~ if it is negotiated in the manner stated in this ~~((section))~~ subsection to a holder ~~((who))~~ that purchases it in good faith, without notice of any defense against or claim to it on the part of any person, and for value, unless it is established that the negotiation is not in the regular course of business or financing or involves receiving the document in settlement or payment of a ~~((money))~~ monetary obligation.

~~((5))~~ (b) The following rules apply to a negotiable electronic document of title:

(1) If the document's original terms run to the order of a named person or to bearer, the document is negotiated by delivery of the document to another person. Indorsement by the named person is not required to negotiate the document.

(2) If the document's original terms run to the order of a named person and the named person has control of the document, the effect is the same as if the document had been negotiated.

(3) A document is duly negotiated if it is negotiated in the manner stated in this subsection to a holder that purchases it in good faith, without notice of any defense against or claim to it on the part of any person, and for value, unless it is established that the negotiation is not in the regular course of business or financing or involves taking delivery of the document in settlement or payment of a monetary obligation.

(c) Indorsement of a nonnegotiable document of title neither makes it negotiable nor adds to the transferee's rights.

~~((6))~~ (d) The naming in a negotiable bill of lading of a person to be notified of the arrival of the goods does not limit the negotiability of the bill ~~((nor))~~ or constitute notice to a purchaser ~~((thereof))~~ of the bill of any interest of ~~((such))~~ that person in the goods.

**Sec. 602.** RCW 62A.7-502 and 1965 ex.s. c 157 s 7-502 are each amended to read as follows:

**RIGHTS ACQUIRED BY DUE NEGOTIATION.** ~~((4))~~ (a) Subject to ~~((the following section and to the provisions of))~~ RCW 62A.7-205 ~~((on fungible goods))~~ and 62A.7-503, a holder to ~~((whom))~~ which a negotiable document of title has been duly negotiated acquires thereby:

~~((a))~~ (1) Title to the document;

~~((b))~~ (2) Title to the goods;

~~((c))~~ (3) All rights accruing under the law of agency or estoppel, including rights to goods delivered to the bailee after the document was issued; and

~~((d))~~ (4) The direct obligation of the issuer to hold or deliver the goods according to the terms of the document free of any defense or claim by ~~((him))~~ the issuer except those arising under the terms of the document or under this Article ~~((:))~~, but in the case of a delivery order, the bailee's obligation accrues only upon the bailee's acceptance of the delivery order and the obligation acquired by the holder is that the issuer and any indorser will procure the acceptance of the bailee.

~~((2))~~ (b) Subject to ~~((the following section))~~ RCW 62A.7-503, title and rights ~~((so))~~ acquired by due negotiation are not defeated by any stoppage of the goods represented by the document of title or by surrender of ~~((such))~~ the goods by the bailee ~~((:))~~ and are not impaired even ~~((though))~~ if:

(1) The due negotiation or any prior due negotiation constituted a breach of duty ~~((or even though))~~;

(2) Any person has been deprived of possession of ~~((the))~~ a negotiable tangible document or control of a negotiable electronic

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document by misrepresentation, fraud, accident, mistake, duress, loss, theft, or conversion~~(s)~~; or ~~((even though))~~  
~~(3) A~~ previous sale or other transfer of the goods or document has been made to a third person.

**Sec. 603.** RCW 62A.7-503 and 2000 c 250 s 9A-814 are each amended to read as follows:

DOCUMENT OF TITLE TO GOODS DEFEATED IN CERTAIN CASES. ~~((4))~~ ~~(a)~~ A document of title confers no right in goods against a person ~~((who))~~ that before issuance of the document had a legal interest or a perfected security interest in ~~((them and who neither))~~ the goods and that did not:

~~((a) delivered or entrusted them))~~ (1) Deliver or entrust the goods or any document of title covering ~~((them))~~ the goods to the bailor or ~~((his))~~ the bailor's nominee with:

(A) Actual or apparent authority to ship, store, or sell ~~((or with))~~;

(B) Power to obtain delivery under ~~((this Article))~~ RCW 62A.7-403~~(3)~~; or ~~((with))~~

(C) Power of disposition under ~~((this Title))~~ RCW 62A.2-403 ~~((and 62A.9A-320)), 62A.2A-304(2), 62A.2A-305(2), 62A.9A-320, or 62A.9A-321(c) or other statute or rule of law; ~~((or))~~ or ~~((b) acquiesced))~~ (2) Acquiesce in the procurement by the bailor or ~~((his))~~ its nominee of any document ~~((of title))~~.~~

~~((2))~~ (b) Title to goods based upon an unaccepted delivery order is subject to the rights of ~~((anyone to whom))~~ any person to which a negotiable warehouse receipt or bill of lading covering the goods has been duly negotiated. ~~((Such a))~~ That title may be defeated under ~~((the next section))~~ RCW 62A.7-504 to the same extent as the rights of the issuer or a transferee from the issuer.

~~((3))~~ (c) Title to goods based upon a bill of lading issued to a freight forwarder is subject to the rights of ~~((anyone to whom))~~ any person to which a bill issued by the freight forwarder is duly negotiated~~((but))~~. However, delivery by the carrier in accordance with ~~((Part 4 of this Article))~~ RCW 62A.7-401 through 62A.7-404 pursuant to its own bill of lading discharges the carrier's obligation to deliver.

**Sec. 604.** RCW 62A.7-504 and 1965 ex.s. c 157 s 7-504 are each amended to read as follows:

RIGHTS ACQUIRED IN ~~((THE))~~ ABSENCE OF DUE NEGOTIATION; EFFECT OF DIVERSION; ~~((SELLER'S))~~ STOPPAGE OF DELIVERY. ~~((4))~~ (a) A transferee of a document of title, whether negotiable or nonnegotiable, to ~~((whom))~~ which the document has been delivered but not duly negotiated, acquires the title and rights ~~((which his))~~ that its transferor had or had actual authority to convey.

~~((2))~~ (b) In the case of a transfer of a nonnegotiable document of title, until but not after the bailee receives ~~((notification))~~ notice of the transfer, the rights of the transferee may be defeated:

~~((a))~~ (1) By those creditors of the transferor ~~((who))~~ which could treat the ~~((sale))~~ transfer as void under RCW ~~((62A.7-402; or))~~ 62A.2-402 or 62A.2A-308;

~~((b))~~ (2) By a buyer from the transferor in ordinary course of business if the bailee has delivered the goods to the buyer or received notification of ~~((his))~~ the buyer's rights; ~~((or))~~

~~((c))~~ (3) By a lessee from the transferor in ordinary course of business if the bailee has delivered the goods to the lessee or received notification of the lessee's rights; or

(4) As against the bailee, by good-faith dealings of the bailee with the transferor.

~~((3))~~ (c) A diversion or other change of shipping instructions by the consignor in a nonnegotiable bill of lading which causes the bailee not to deliver the goods to the consignee defeats the consignee's title to the goods if ~~((they))~~ the goods have been delivered to a buyer in ordinary course of business or a lessee in

ordinary course of business and, in any event, defeats the consignee's rights against the bailee.

~~((4))~~ (d) Delivery of the goods pursuant to a nonnegotiable document of title may be stopped by a seller under RCW 62A.2-705~~((and))~~ or a lessor under RCW 62A.2A-526, subject to the requirements of due notification ~~((there provided))~~ in those statutes. A bailee ~~((honoring))~~ that honors the seller's or lessor's instructions is entitled to be indemnified by the seller or lessor against any resulting loss or expense.

**Sec. 605.** RCW 62A.7-505 and 1965 ex.s. c 157 s 7-505 are each amended to read as follows:

INDORSER NOT ~~((A))~~ GUARANTOR FOR OTHER PARTIES. The indorsement of a tangible document of title issued by a bailee does not make the indorser liable for any default by the bailee or ~~((by))~~ previous indorsers.

**Sec. 606.** RCW 62A.7-506 and 1965 ex.s. c 157 s 7-506 are each amended to read as follows:

DELIVERY WITHOUT INDORSEMENT: RIGHT TO COMPEL INDORSEMENT. The transferee of a negotiable tangible document of title has a specifically enforceable right to have ~~((his))~~ its transferor supply any necessary indorsement, but the transfer becomes a negotiation only as of the time the indorsement is supplied.

**Sec. 607.** RCW 62A.7-507 and 1965 ex.s. c 157 s 7-507 are each amended to read as follows:

WARRANTIES ON NEGOTIATION OR ~~((TRANSFER OF RECEIPT OR BILL))~~ DELIVERY OF DOCUMENT OF TITLE.

~~((Where))~~ If a person negotiates or ~~((transfers))~~ delivers a document of title for value, otherwise than as a mere intermediary under ~~((the next following section, then))~~ RCW 62A.7-508, unless otherwise agreed ~~((he warrants to his immediate purchaser only)),~~ the transferor, in addition to any warranty made in selling or leasing the goods, warrants to its immediate purchaser only that:

~~((a) that))~~ (1) The document is genuine; ~~((and (b) that he has no))~~ (2) The transferor does not have knowledge of any fact ~~((which))~~ that would impair ~~((its))~~ the document's validity or worth; and

~~((c) that his))~~ (3) The negotiation or ~~((transfer))~~ delivery is rightful and fully effective with respect to the title to the document and the goods it represents.

**Sec. 608.** RCW 62A.7-508 and 1965 ex.s. c 157 s 7-508 are each amended to read as follows:

WARRANTIES OF COLLECTING BANK AS TO DOCUMENTS OF TITLE.

A collecting bank or other intermediary known to be entrusted with documents of title on behalf of another or with collection of a draft or other claim against delivery of documents warrants by ~~((such))~~ the delivery of the documents only its own good faith and authority~~((—This rule applies))~~ even ~~((though))~~ if the collecting bank or other intermediary has purchased or made advances against the claim or draft to be collected.

**Sec. 609.** RCW 62A.7-509 and 1965 ex.s. c 157 s 7-509 are each amended to read as follows:

~~((RECEIPT OR BILL: WHEN))~~ ADEQUATE COMPLIANCE WITH COMMERCIAL CONTRACT. ~~((The question))~~ Whether a document of title is adequate to fulfill the obligations of a contract for sale, a contract for lease, or the conditions of a letter of credit is ~~((governed by the Articles on Sales (Article 2) and on Letters of Credit (Article 5)))~~ determined by Article 2, 2A, or 5 of this title.

PART VII

AMENDMENTS TO UNIFORM COMMERCIAL CODE  
 ARTICLE 7

WAREHOUSE RECEIPTS AND BILLS OF LADING:  
 MISCELLANEOUS PROVISIONS

**Sec. 701.** RCW 62A.7-601 and 1965 ex.s. c 157 s 7-601 are each amended to read as follows:

~~LOST ((AND MISSING)), STOLEN, OR DESTROYED DOCUMENTS OF TITLE. ((4)) (a) If a document ((has been)) of title is lost, stolen, or destroyed, a court may order delivery of the goods or issuance of a substitute document and the bailee may without liability to any person comply with ((such)) the order. If the document was negotiable ((the claimant must post security approved by the)), a court ((to indemnify)) may not order delivery of the goods or issuance of a substitute document without the claimant's posting security unless it finds that any person ((who)) that may suffer loss as a result of nonsurrender of possession or control of the document is adequately protected against the loss. If the document was ((not negotiable, such)) nonnegotiable, the court may require security ((may be required at the discretion of the court)). The court may also ((in its discretion)) order payment of the bailee's reasonable costs and ((counsel)) attorneys' fees in any action under this subsection.~~

~~((2)) (b) A bailee ((who)) that, without a court order, delivers goods to a person claiming under a missing negotiable document of title is liable to any person injured thereby((and)). If the delivery is not in good faith ((becomes)), the bailee is liable for conversion. Delivery in good faith is not conversion if ((made in accordance with a filed classification or tariff or, where no classification or tariff is filed, if)) the claimant posts security with the bailee in an amount at least double the value of the goods at the time of posting to indemnify any person injured by the delivery ((who)) which files a notice of claim within one year after the delivery.~~

**Sec. 702.** RCW 62A.7-602 and 1965 ex.s. c 157 s 7-602 are each amended to read as follows:

~~((ATTACHMENT OF)) JUDICIAL PROCESS AGAINST GOODS COVERED BY ((A)) NEGOTIABLE DOCUMENT OF TITLE. ((Except where the)) Unless a document of title was originally issued upon delivery of the goods by a person ((who had no)) that did not have power to dispose of them, ((no)) a lien ((attaches)) does not attach by virtue of any judicial process to goods in the possession of a bailee for which a negotiable document of title is outstanding unless possession or control of the document ((be)) is first surrendered to the bailee or ((its)) the document's negotiation is enjoined((and)). The bailee ((shall)) may not be compelled to deliver the goods pursuant to process until possession or control of the document is surrendered to ((him or impounded by)) the bailee or to the court. ((One who purchases)) A purchaser of the document for value without notice of the process or injunction takes free of the lien imposed by judicial process.~~

**Sec. 703.** RCW 62A.7-603 and 1965 ex.s. c 157 s 7-603 are each amended to read as follows:

**CONFLICTING CLAIMS; INTERPLEADER.** If more than one person claims title to or possession of the goods, the bailee is excused from delivery until ((he)) the bailee has ((had)) a reasonable time to ascertain the validity of the adverse claims or to ((bring an action to compel all claimants to interplead and may compel such)) commence an action for interpleader. The bailee may assert an interpleader((s)) either in defending an action for nondelivery of the goods((s)) or by original action((, whichever is appropriate)).

### PART VIII AMENDMENTS TO UNIFORM COMMERCIAL CODE ARTICLE 2

**Sec. 801.** RCW 62A.2-103 and 2000 c 250 s 9A-803 are each amended to read as follows:  
**DEFINITIONS AND INDEX OF DEFINITIONS.** (1) In this Article unless the context otherwise requires:

- (a) "Buyer" means a person who buys or contracts to buy goods.  
(b) ("Good faith" in the case of a merchant means honesty in fact and the observance of reasonable commercial standards of fair dealing in the trade.) [Reserved.]  
(c) "Receipt" of goods means taking physical possession of them.  
(d) "Seller" means a person who sells or contracts to sell goods.  
(2) Other definitions applying to this Article or to specified Parts thereof, and the sections in which they appear are:

"Acceptance."	RCW 62A.2-606.
"Banker's credit."	RCW 62A.2-325.
"Between merchants."	RCW 62A.2-104.
"Cancellation."	RCW 62A.2-106(4).
"Commercial unit."	RCW 62A.2-105.
"Confirmed credit."	RCW 62A.2-325.
"Conforming to contract."	RCW 62A.2-106.
"Contract for sale."	RCW 62A.2-106.
"Cover."	RCW 62A.2-712.
"Entrusting."	RCW 62A.2-403.
"Financing agency."	RCW 62A.2-104.
"Future goods."	RCW 62A.2-105.
"Goods."	RCW 62A.2-105.
"Identification."	RCW 62A.2-501.
"Installment contract."	RCW 62A.2-612.
"Letter of credit."	RCW 62A.2-325.
"Lot."	RCW 62A.2-105.
"Merchant."	RCW 62A.2-104.
"Overseas."	RCW 62A.2-323.
"Person in position of seller."	RCW 62A.2-707.
"Present sale."	RCW 62A.2-106.
"Sale."	RCW 62A.2-106.
"Sale on approval."	RCW 62A.2-326.
"Sale or return."	RCW 62A.2-326.
"Termination."	RCW 62A.2-106.

- (3) "Control" as provided in RCW 62A.7-106 and the following definitions in other articles apply to this Article:

"Check."	RCW 62A.3-104.
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"Consignee."	RCW 62A.7-102.
"Consignor."	RCW 62A.7-102.
"Consumer goods."	RCW 62A.9A-102.
"Dishonor."	RCW 62A.3-502.
"Draft."	RCW 62A.3-104.

(4) In addition Article 1 contains general definitions and principles of construction and interpretation applicable throughout this Article.

**Sec. 802.** RCW 62A.2-104 and 1965 ex.s. c 157 s 2-104 are each amended to read as follows:

DEFINITIONS: "MERCHANT"; "BETWEEN MERCHANTS"; "FINANCING AGENCY;"(c) (1) "Merchant" means a person who deals in goods of the kind or otherwise by his or her occupation holds himself or herself out as having knowledge or skill peculiar to the practices or goods involved in the transaction or to whom such knowledge or skill may be attributed by his or her employment of an agent or broker or other intermediary who by his or her occupation holds himself or herself out as having such knowledge or skill.

(2) "Financing agency" means a bank, finance company or other person who in the ordinary course of business makes advances against goods or documents of title or who by arrangement with either the seller or the buyer intervenes in ordinary course to make or collect payment due or claimed under the contract for sale, as by purchasing or paying the seller's draft or making advances against it or by merely taking it for collection whether or not documents of title accompany or are associated with the draft. "Financing agency" includes also a bank or other person who similarly intervenes between persons who are in the position of seller and buyer in respect to the goods (RCW 62A.2-707).

(3) "Between merchants" means in any transaction with respect to which both parties are chargeable with the knowledge or skill of merchants.

**Sec. 803.** RCW 62A.2-202 and 1965 ex.s. c 157 s 2-202 are each amended to read as follows:

FINAL WRITTEN EXPRESSION: PAROL OR EXTRINSIC EVIDENCE. Terms with respect to which the confirmatory memoranda of the parties agree or which are otherwise set forth in a writing intended by the parties as a final expression of their agreement with respect to such terms as are included therein may not be contradicted by evidence of any prior agreement or of a contemporaneous oral agreement but may be explained or supplemented;

(a) By course of performance, course of dealing, or usage of trade ~~((RCW 62A.1-205) or by course of performance (RCW 62A.2-208))~~ (RCW 62A.1-303); and

(b) By evidence of consistent additional terms unless the court finds the writing to have been intended also as a complete and exclusive statement of the terms of the agreement.

**Sec. 804.** RCW 62A.2-310 and 1965 ex.s. c 157 s 2-310 are each amended to read as follows:

OPEN TIME FOR PAYMENT OR RUNNING OF CREDIT; AUTHORITY TO SHIP UNDER RESERVATION. Unless otherwise agreed;

(a) Payment is due at the time and place at which the buyer is to receive the goods even though the place of shipment is the place of delivery; and

(b) If the seller is authorized to send the goods he or she may ship them under reservation, and may tender the documents of title, but the buyer may inspect the goods after their arrival before payment is

due unless such inspection is inconsistent with the terms of the contract (RCW 62A.2-513); and

(c) If delivery is authorized and made by way of documents of title otherwise than by subsection (b) of this section then payment is due regardless of where the goods are to be received (i) at the time and place at which the buyer is to receive delivery of the tangible documents (~~regardless of where the goods are to be received~~) or (ii) at the time the buyer is to receive delivery of the electronic documents and at the seller's place of business or if none, the seller's residence; and

(d) Where the seller is required or authorized to ship the goods on credit the credit period runs from the time of shipment but post-dating the invoice or delaying its dispatch will correspondingly delay the starting of the credit period.

**Sec. 805.** RCW 62A.2-323 and 1965 ex.s. c 157 s 2-323 are each amended to read as follows:

FORM OF BILL OF LADING REQUIRED IN OVERSEAS SHIPMENT; "OVERSEAS." (1) Where the contract contemplates overseas shipment and contains a term C.I.F. or C.&F. or F.O.B. vessel, the seller unless otherwise agreed must obtain a negotiable bill of lading stating that the goods have been loaded on board or, in the case of a term C.I.F. or C.&F., received for shipment.

(2) Where in a case within subsection (1) of this section a tangible bill of lading has been issued in a set of parts, unless otherwise agreed if the documents are not to be sent from abroad the buyer may demand tender of the full set; otherwise only one part of the bill of lading need be tendered. Even if the agreement expressly requires a full set;

(a) Due tender of a single part is acceptable within the provisions of this Article on cure of improper delivery ((subsection (1) of) RCW 62A.2-508(1)); and

(b) Even though the full set is demanded, if the documents are sent from abroad the person tendering an incomplete set may nevertheless require payment upon furnishing an indemnity which the buyer in good faith deems adequate.

(3) A shipment by water or by air or a contract contemplating such shipment is "overseas" insofar as by usage of trade or agreement it is subject to the commercial, financing or shipping practices characteristic of international deep water commerce.

**Sec. 806.** RCW 62A.2-401 and 1965 ex.s. c 157 s 2-401 are each amended to read as follows:

PASSING OF TITLE; RESERVATION FOR SECURITY; LIMITED APPLICATION OF THIS SECTION. Each provision of this Article with regard to the rights, obligations and remedies of the seller, the buyer, purchasers or other third parties applies irrespective of title to the goods except where the provision refers to such title. Insofar as situations are not covered by the other provisions of this Article and matters concerning title become material the following rules apply:

(1) Title to goods cannot pass under a contract for sale prior to their identification to the contract (RCW 62A.2-501), and unless otherwise explicitly agreed the buyer acquires by their identification a special property as limited by this title. Any retention or reservation by the seller of the title (property) in goods shipped or delivered to the buyer is limited in effect to a reservation of a security interest. Subject to these provisions and to the provisions of the Article on Secured Transactions Article 9A, title to goods passes from the seller to the buyer in any manner and on any conditions explicitly agreed on by the parties.

(2) Unless otherwise explicitly agreed title passes to the buyer at the time and place at which the seller completes his or her performance with reference to the physical delivery of the goods, despite any reservation of a security interest and even though a document of title is to be delivered at a different time or place; and in particular and despite any reservation of a security interest by the bill of lading;

(a) If the contract requires or authorizes the seller to send the goods to the buyer but does not require him or her to deliver them at destination, title passes to the buyer at the time and place of shipment; but

(b) If the contract requires delivery at destination, title passes on tender there.

(3) Unless otherwise explicitly agreed where delivery is to be made without moving the goods~~((:))~~;

(a) If the seller is to deliver a tangible document of title, title passes at the time when and the place where he or she delivers such documents and if the seller is to deliver an electronic document of title, title passes when the seller delivers the document; or

(b) If the goods are at the time of contracting already identified and no documents of title are to be delivered, title passes at the time and place of contracting.

(4) A rejection or other refusal by the buyer to receive or retain the goods, whether or not justified, or a justified revocation of acceptance revests title to the goods in the seller. Such revesting occurs by operation of law and is not a "sale."~~((:))~~

**Sec. 807.** RCW 62A.2-503 and 1965 ex.s. c 157 s 2-503 are each amended to read as follows:

**MANNER OF SELLER'S TENDER OF DELIVERY.** (1) Tender of delivery requires that the seller put and hold conforming goods at the buyer's disposition and give the buyer any notification reasonably necessary to enable him or her to take delivery. The manner, time and place for tender are determined by the agreement and this Article, and in particular:

(a) Tender must be at a reasonable hour, and if it is of goods they must be kept available for the period reasonably necessary to enable the buyer to take possession; but

(b) Unless otherwise agreed the buyer must furnish facilities reasonably suited to the receipt of the goods.

(2) Where the case is within the next section respecting shipment tender requires that the seller comply with its provisions.

(3) Where the seller is required to deliver at a particular destination tender requires that he or she comply with subsection (1) of this section and also in any appropriate case tender documents as described in subsections (4) and (5) of this section.

(4) Where goods are in the possession of a bailee and are to be delivered without being moved:

(a) Tender requires that the seller either tender a negotiable document of title covering such goods or procure acknowledgment by the bailee of the buyer's right to possession of the goods; but

(b) Tender to the buyer of a nonnegotiable document of title or of a ~~((written direction to))~~ record directing the bailee to deliver is sufficient tender unless the buyer seasonably objects, and except as otherwise provided in Article 9A of this title, receipt by the bailee of notification of the buyer's rights fixes those rights as against the bailee and all third persons; but risk of loss of the goods and of any failure by the bailee to honor the nonnegotiable document of title or to obey the direction remains on the seller until the buyer has had a reasonable time to present the document or direction, and a refusal by the bailee to honor the document or to obey the direction defeats the tender.

(5) Where the contract requires the seller to deliver documents:

(a) He or she must tender all such documents in correct form, except as provided in this Article with respect to bills of lading in a set ~~((subsection (2) of))~~ RCW 62A.2-323~~(2))~~; and

(b) Tender through customary banking channels is sufficient and dishonor of a draft accompanying or associated with the documents constitutes nonacceptance or rejection.

**Sec. 808.** RCW 62A.2-505 and 1965 ex.s. c 157 s 2-505 are each amended to read as follows:

**SELLER'S SHIPMENT UNDER RESERVATION.** (1) Where the seller has identified goods to the contract by or before shipment:

(a) His or her procurement of a negotiable bill of lading to his or her own order or otherwise reserves in him or her a security interest in the goods. His or her procurement of the bill to the order of a financing agency or of the buyer indicates in addition only the seller's expectation of transferring that interest to the person named.

(b) A nonnegotiable bill of lading to himself or herself or his or her nominee reserves possession of the goods as security but except in a case of conditional delivery ~~((subsection (2) of))~~ RCW 62A.2-507~~(2))~~ a nonnegotiable bill of lading naming the buyer as consignee reserves no security interest even though the seller retains possession or control of the bill of lading.

(2) When shipment by the seller with reservation of a security interest is in violation of the contract for sale it constitutes an improper contract for transportation within the preceding section but impairs neither the rights given to the buyer by shipment and identification of the goods to the contract nor the seller's powers as a holder of a negotiable document of title.

**Sec. 809.** RCW 62A.2-506 and 1965 ex.s. c 157 s 2-506 are each amended to read as follows:

**RIGHTS OF FINANCING AGENCY.** (1) A financing agency by paying or purchasing for value a draft which relates to a shipment of goods acquires to the extent of the payment or purchase and in addition to its own rights under the draft and any document of title securing it any rights of the shipper in the goods including the right to stop delivery and the shipper's right to have the draft honored by the buyer.

(2) The right to reimbursement of a financing agency which has in good faith honored or purchased the draft under commitment to or authority from the buyer is not impaired by subsequent discovery of defects with reference to any relevant document which was apparently regular ~~((on its face))~~.

**Sec. 810.** RCW 62A.2-509 and 1965 ex.s. c 157 s 2-509 are each amended to read as follows:

**RISK OF LOSS IN THE ABSENCE OF BREACH.** (1) Where the contract requires or authorizes the seller to ship the goods by carrier:

(a) If it does not require him or her to deliver them at a particular destination, the risk of loss passes to the buyer when the goods are duly delivered to the carrier even though the shipment is under reservation (RCW 62A.2-505); but

(b) If it does require him or her to deliver them at a particular destination and the goods are there duly tendered while in the possession of the carrier, the risk of loss passes to the buyer when the goods are there duly so tendered as to enable the buyer to take delivery.

(2) Where the goods are held by a bailee to be delivered without being moved, the risk of loss passes to the buyer:

(a) On his or her receipt of possession or control of a negotiable document of title covering the goods; or

(b) On acknowledgment by the bailee of the buyer's right to possession of the goods; or

(c) After his or her receipt of possession or control of a nonnegotiable document of title or other ~~((written))~~ direction to deliver in a record, as provided in ~~((subsection (4)(b) of))~~ RCW 62A.2-503~~(4)(b))~~.

(3) In any case not within subsection (1) or (2) of this section, the risk of loss passes to the buyer on his or her receipt of the goods if the seller is a merchant; otherwise the risk passes to the buyer on tender of delivery.

(4) The provisions of this section are subject to contrary agreement of the parties and to the provisions of this Article on sale on approval (RCW 62A.2-327) and on effect of breach on risk of loss (RCW 62A.2-510).

**Sec. 811.** RCW 62A.2-605 and 1965 ex.s. c 157 s 2-605 are each amended to read as follows:

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WAIVER OF BUYER'S OBJECTIONS BY FAILURE TO PARTICULARIZE. (1) The buyer's failure to state in connection with rejection a particular defect which is ascertainable by reasonable inspection precludes him or her from relying on the unstated defect to justify rejection or to establish breach;

- (a) Where the seller could have cured it if stated seasonably; or
  - (b) Between merchants when the seller has after rejection made a request in writing for a full and final written statement of all defects on which the buyer proposes to rely.
- (2) Payment against documents made without reservation of rights precludes recovery of the payment for defects apparent ((on the face of)) in the documents.

**Sec. 812.** RCW 62A.2-705 and 2011 c 336 s 823 are each amended to read as follows:

SELLER'S STOPPAGE OF DELIVERY IN TRANSIT OR OTHERWISE. (1) The seller may stop delivery of goods in the possession of a carrier or other bailee when he or she discovers the buyer to be insolvent (RCW 62A.2-702) and may stop delivery of carload, truckload, planeload((s)) or larger shipments of express or freight when the buyer repudiates or fails to make a payment due before delivery or if for any other reason the seller has a right to withhold or reclaim the goods.

- (2) As against such buyer the seller may stop delivery until:
  - (a) Receipt of the goods by the buyer; or
  - (b) Acknowledgment to the buyer by any bailee of the goods except a carrier that the bailee holds the goods for the buyer; or
  - (c) Such acknowledgment to the buyer by a carrier by reshipment or as a warehouse ((operator)); or
  - (d) Negotiation to the buyer of any negotiable document of title covering the goods.
- (3)(a) To stop delivery the seller must so notify as to enable the bailee by reasonable diligence to prevent delivery of the goods.
- (b) After such notification the bailee must hold and deliver the goods according to the directions of the seller but the seller is liable to the bailee for any ensuing charges or damages.
- (c) If a negotiable document of title has been issued for goods the bailee is not obliged to obey a notification to stop until surrender of possession or control of the document.
- (d) A carrier who has issued a nonnegotiable bill of lading is not obliged to obey a notification to stop received from a person other than the consignor.

**PART IX  
AMENDMENTS TO UNIFORM COMMERCIAL CODE  
ARTICLE 2A**

**Sec. 901.** RCW 62A.2A-103 and 2000 c 250 s 9A-808 are each amended to read as follows:

DEFINITIONS AND INDEX OF DEFINITIONS. (1) In this Article unless the context otherwise requires:

- (a) "Buyer in ordinary course of business" means a person who in good faith and without knowledge that the sale to him or her is in violation of the ownership rights or security interest or leasehold interest of a third party in the goods buys in ordinary course from a person in the business of selling goods of that kind but does not include a pawnbroker. "Buying" may be for cash, or by exchange of other property, or on secured or unsecured credit, and includes ((receiving)) acquiring goods or documents of title under a preexisting contract for sale but does not include a transfer in bulk or as security for or in total or partial satisfaction of a money debt.
- (b) "Cancellation" occurs when either party puts an end to the lease contract for default by the other party.
- (c) "Commercial unit" means such a unit of goods as by commercial usage is a single whole for purposes of lease and division of which materially impairs its character or value on the market or in use. A

commercial unit may be a single article, as a machine, or a set of articles, as a suite of furniture or a line of machinery, or a quantity, as a gross or carload, or any other unit treated in use or in the relevant market as a single whole.

- (d) "Conforming" goods or performance under a lease contract means goods or performance that are in accordance with the obligations under the lease contract.
- (e) "Consumer lease" means a lease that a lessor regularly engaged in the business of leasing or selling makes to a lessee who is an individual who takes under the lease primarily for a personal, family, or household purpose, if the total payments to be made under the lease contract, excluding payments for options to renew or buy, do not exceed twenty-five thousand dollars.
- (f) "Fault" means wrongful act, omission, breach, or default.
- (g) "Finance lease" means a lease with respect to which:
  - (i) The lessor does not select, manufacture, or supply the goods;
  - (ii) The lessor acquires the goods or the right to possession and use of the goods in connection with the lease; and
  - (iii) Only in the case of a consumer lease, either:
    - (A) The lessee receives a copy of the contract by which the lessor acquired the goods or the right to possession and use of the goods before signing the lease contract;
    - (B) The lessee's approval of the contract by which the lessor acquired the goods or the right to possession and use of the goods is a condition to effectiveness of the lease contract; or
    - (C) The lessee, before signing the lease contract, receives an accurate and complete statement designating the promises and warranties, and any disclaimers of warranties, limitations or modifications of remedies, or liquidated damages, including those of a third party, such as the manufacturer of the goods, provided to the lessor by the person supplying the goods in connection with or as part of the contract by which the lessor acquired the goods or the right to possession and use of the goods.
- (h) "Goods" means all things that are movable at the time of identification to the lease contract, or are fixtures (RCW 62A.2A-309), but the term does not include money, documents, instruments, accounts, chattel paper, general intangibles, or minerals or the like, including oil and gas, before extraction. The term also includes the unborn young of animals.
- (i) "Installment lease contract" means a lease contract that authorizes or requires the delivery of goods in separate lots to be separately accepted, even though the lease contract contains a clause "each delivery is a separate lease" or its equivalent.
- (j) "Lease" means a transfer of the right to possession and use of goods for a term in return for consideration, but a sale, including a sale on approval or a sale or return, or retention or creation of a security interest is not a lease. Unless the context clearly indicates otherwise, the term includes a sublease.
- (k) "Lease agreement" means the bargain, with respect to the lease, of the lessor and the lessee in fact as found in their language or by implication from other circumstances including course of dealing or usage of trade or course of performance as provided in this Article. Unless the context clearly indicates otherwise, the term includes a sublease agreement.
- (l) "Lease contract" means the total legal obligation that results from the lease agreement as affected by this Article and any other applicable rules of law. Unless the context clearly indicates otherwise, the term includes a sublease contract.
- (m) "Leasehold interest" means the interest of the lessor or the lessee under a lease contract.
- (n) "Lessee" means a person who acquires the right to possession and use of goods under a lease. Unless the context clearly indicates otherwise, the term includes a sublessee.
- (o) "Lessee in ordinary course of business" means a person who in good faith and without knowledge that the lease to him or her is in

violation of the ownership rights or security interest or leasehold interest of a third party in the goods, leases in ordinary course from a person in the business of selling or leasing goods of that kind(;) but does not include a pawnbroker. "Leasing" may be for cash, or by exchange of other property, or on secured or unsecured credit and includes ((receiving)) acquiring goods or documents of title under a preexisting lease contract but does not include a transfer in bulk or as security for or in total or partial satisfaction of a money debt.

(p) "Lessor" means a person who transfers the right to possession and use of goods under a lease. Unless the context clearly indicates otherwise, the term includes a sublessor.

(q) "Lessor's residual interest" means the lessor's interest in the goods after expiration, termination, or cancellation of the lease contract.

(r) "Lien" means a charge against or interest in goods to secure payment of a debt or performance of an obligation, but the term does not include a security interest.

(s) "Lot" means a parcel or a single article that is the subject matter of a separate lease or delivery, whether or not it is sufficient to perform the lease contract.

(t) "Merchant lessee" means a lessee that is a merchant with respect to goods of the kind subject to the lease.

(u) "Present value" means the amount as of a date certain of one or more sums payable in the future, discounted to the date certain. The discount is determined by the interest rate specified by the parties if the rate was not manifestly unreasonable at the time the transaction was entered into; otherwise, the discount is determined by a commercially reasonable rate that takes into account the facts and circumstances of each case at the time the transaction was entered into.

(v) "Purchase" includes taking by sale, lease, mortgage, security interest, pledge, gift, or any other voluntary transaction creating an interest in goods.

(w) "Sublease" means a lease of goods the right to possession and use of which was acquired by the lessor as a lessee under an existing lease.

(x) "Supplier" means a person from whom a lessor buys or leases goods to be leased under a finance lease.

(y) "Supply contract" means a contract under which a lessor buys or leases goods to be leased.

(z) "Termination" occurs when either party pursuant to a power created by agreement or law puts an end to the lease contract otherwise than for default.

(2) Other definitions applying to this Article or to specified Parts thereof, and the sections in which they appear are:

"Accessions."	RCW 62A.2A-310(1).
"Construction mortgage."	RCW 62A.2A-309(1)(d).
"Encumbrance."	RCW 62A.2A-309(1)(e).
"Fixtures."	RCW 62A.2A-309(1)(a).
"Fixture filing."	RCW 62A.2A-309(1)(b).
"Purchase money lease."	RCW 62A.2A-309(1)(c).

(3) The following definitions in other articles apply to this Article:

"Account."	RCW 62A.9A-102(a)(2).
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"Between merchants."	RCW 62A.2-104(3).
"Buyer."	RCW 62A.2-103(1)(a).
"Chattel paper."	RCW 62A.9A-102(a)(11).
"Consumer goods."	RCW 62A.9A-102(a)(23).
"Document."	RCW 62A.9A-102(a)(30).
"Entrusting."	RCW 62A.2-403(3).
"General intangible."	RCW 62A.9A-102(a)(42).
((("Good faith."	<del>RCW 62A.2-103(1)(b);</del>
"Instrument."	RCW 62A.9A-102(a)(47).
"Merchant."	RCW 62A.2-104(1).
"Mortgage."	RCW 62A.9A-102(a)(55).
"Pursuant to commitment."	RCW 62A.9A-102(a)(68).
"Receipt."	RCW 62A.2-103(1)(c).
"Sale."	RCW 62A.2-106(1).
"Sale on approval."	RCW 62A.2-326.
"Sale or return."	RCW 62A.2-326.
"Seller."	RCW 62A.2-103(1)(d).

(4) In addition, Article ((62A.1 RCW)) 1 of this title contains general definitions and principles of construction and interpretation applicable throughout this Article.

**Sec. 902.** RCW 62A.2A-103 and 2011 c 74 s 701 are each amended to read as follows:

**DEFINITIONS AND INDEX OF DEFINITIONS.** (1) In this Article unless the context otherwise requires:

(a) "Buyer in ordinary course of business" means a person who in good faith and without knowledge that the sale to him or her is in violation of the ownership rights or security interest or leasehold interest of a third party in the goods buys in ordinary course from a person in the business of selling goods of that kind but does not include a pawnbroker. "Buying" may be for cash, or by exchange of other property, or on secured or unsecured credit, and includes ((receiving)) acquiring goods or documents of title under a preexisting contract for sale but does not include a transfer in bulk or as security for or in total or partial satisfaction of a money debt.

(b) "Cancellation" occurs when either party puts an end to the lease contract for default by the other party.

(c) "Commercial unit" means such a unit of goods as by commercial usage is a single whole for purposes of lease and division of which materially impairs its character or value on the market or in use. A commercial unit may be a single article, as a machine, or a set of articles, as a suite of furniture or a line of machinery, or a quantity, as a gross or carload, or any other unit treated in use or in the relevant market as a single whole.

(d) "Conforming" goods or performance under a lease contract means goods or performance that are in accordance with the obligations under the lease contract.

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(e) "Consumer lease" means a lease that a lessor regularly engaged in the business of leasing or selling makes to a lessee who is an individual who takes under the lease primarily for a personal, family, or household purpose, if the total payments to be made under the lease contract, excluding payments for options to renew or buy, do not exceed twenty-five thousand dollars.

(f) "Fault" means wrongful act, omission, breach, or default.

(g) "Finance lease" means a lease with respect to which:

- (i) The lessor does not select, manufacture, or supply the goods;
- (ii) The lessor acquires the goods or the right to possession and use of the goods in connection with the lease; and
- (iii) Only in the case of a consumer lease, either:

(A) The lessee receives a copy of the contract by which the lessor acquired the goods or the right to possession and use of the goods before signing the lease contract;

(B) The lessee's approval of the contract by which the lessor acquired the goods or the right to possession and use of the goods is a condition to effectiveness of the lease contract; or

(C) The lessee, before signing the lease contract, receives an accurate and complete statement designating the promises and warranties, and any disclaimers of warranties, limitations or modifications of remedies, or liquidated damages, including those of a third party, such as the manufacturer of the goods, provided to the lessor by the person supplying the goods in connection with or as part of the contract by which the lessor acquired the goods or the right to possession and use of the goods.

(h) "Goods" means all things that are movable at the time of identification to the lease contract, or are fixtures (RCW 62A.2A-309), but the term does not include money, documents, instruments, accounts, chattel paper, general intangibles, or minerals or the like, including oil and gas, before extraction. The term also includes the unborn young of animals.

(i) "Installment lease contract" means a lease contract that authorizes or requires the delivery of goods in separate lots to be separately accepted, even though the lease contract contains a clause "each delivery is a separate lease" or its equivalent.

(j) "Lease" means a transfer of the right to possession and use of goods for a term in return for consideration, but a sale, including a sale on approval or a sale or return, or retention or creation of a security interest is not a lease. Unless the context clearly indicates otherwise, the term includes a sublease.

(k) "Lease agreement" means the bargain, with respect to the lease, of the lessor and the lessee in fact as found in their language or by implication from other circumstances including course of dealing or usage of trade or course of performance as provided in this Article. Unless the context clearly indicates otherwise, the term includes a sublease agreement.

(l) "Lease contract" means the total legal obligation that results from the lease agreement as affected by this Article and any other applicable rules of law. Unless the context clearly indicates otherwise, the term includes a sublease contract.

(m) "Leasehold interest" means the interest of the lessor or the lessee under a lease contract.

(n) "Lessee" means a person who acquires the right to possession and use of goods under a lease. Unless the context clearly indicates otherwise, the term includes a sublessee.

(o) "Lessee in ordinary course of business" means a person who in good faith and without knowledge that the lease to him or her is in violation of the ownership rights or security interest or leasehold interest of a third party in the goods, leases in ordinary course from a person in the business of selling or leasing goods of that kind(;) but does not include a pawnbroker. "Leasing" may be for cash, or by exchange of other property, or on secured or unsecured credit and includes ((receiving)) acquiring goods or documents of title under a

preexisting lease contract but does not include a transfer in bulk or as security for or in total or partial satisfaction of a money debt.

(p) "Lessor" means a person who transfers the right to possession and use of goods under a lease. Unless the context clearly indicates otherwise, the term includes a sublessor.

(q) "Lessor's residual interest" means the lessor's interest in the goods after expiration, termination, or cancellation of the lease contract.

(r) "Lien" means a charge against or interest in goods to secure payment of a debt or performance of an obligation, but the term does not include a security interest.

(s) "Lot" means a parcel or a single article that is the subject matter of a separate lease or delivery, whether or not it is sufficient to perform the lease contract.

(t) "Merchant lessee" means a lessee that is a merchant with respect to goods of the kind subject to the lease.

(u) "Present value" means the amount as of a date certain of one or more sums payable in the future, discounted to the date certain. The discount is determined by the interest rate specified by the parties if the rate was not manifestly unreasonable at the time the transaction was entered into; otherwise, the discount is determined by a commercially reasonable rate that takes into account the facts and circumstances of each case at the time the transaction was entered into.

(v) "Purchase" includes taking by sale, lease, mortgage, security interest, pledge, gift, or any other voluntary transaction creating an interest in goods.

(w) "Sublease" means a lease of goods the right to possession and use of which was acquired by the lessor as a lessee under an existing lease.

(x) "Supplier" means a person from whom a lessor buys or leases goods to be leased under a finance lease.

(y) "Supply contract" means a contract under which a lessor buys or leases goods to be leased.

(z) "Termination" occurs when either party pursuant to a power created by agreement or law puts an end to the lease contract otherwise than for default.

(2) Other definitions applying to this Article or to specified Parts thereof, and the sections in which they appear are:

"Accessions."	RCW 62A.2A-310.
"Construction mortgage."	RCW 62A.2A-309.
"Encumbrance."	RCW 62A.2A-309.
"Fixtures."	RCW 62A.2A-309.
"Fixture filing."	RCW 62A.2A-309.
"Purchase money lease."	RCW 62A.2A-309.

(3) The following definitions in other articles apply to this Article:

"Account."	RCW 62A.9A-102.
"Between merchants."	RCW 62A.2-104.
"Buyer."	RCW 62A.2-103.
"Chattel paper."	RCW 62A.9A-102.

"Consumer goods."	RCW 62A.9A-102.
"Document."	RCW 62A.9A-102.
"Entrusting."	RCW 62A.2-403.
"General intangible."	RCW 62A.9A-102.
(( <del>"Good faith."</del> )	<del>RCW 62A.2-103.</del> )
"Instrument."	RCW 62A.9A-102.
"Merchant."	RCW 62A.2-104(1).
"Mortgage."	RCW 62A.9A-102.
"Pursuant to commitment."	RCW 62A.9A-102.
"Receipt."	RCW 62A.2-103.
"Sale."	RCW 62A.2-106.
"Sale on approval."	RCW 62A.2-326.
"Sale or return."	RCW 62A.2-326.
"Seller."	RCW 62A.2-103.

(4) In addition, Article ~~((62A.1-RCW))~~ 1 of this title contains general definitions and principles of construction and interpretation applicable throughout this Article.

**Sec. 903.** RCW 62A.2A-501 and 1993 c 230 s 2A-501 are each amended to read as follows:

DEFAULT: PROCEDURE. (1) Whether the lessor or the lessee is in default under a lease contract is determined by the lease agreement and this Article.

(2) If the lessor or the lessee is in default under the lease contract, the party seeking enforcement has rights and remedies as provided in this Article and, except as limited by this Article, as provided in the lease agreement.

(3) If the lessor or the lessee is in default under the lease contract, the party seeking enforcement may reduce the party's claim to judgment, or otherwise enforce the lease contract by self help or any available judicial procedure or nonjudicial procedure, including administrative proceeding, arbitration, or the like, in accordance with this Article.

(4) Except as otherwise provided in ~~((RCW 62A.1-106(1)))~~ RCW 62A.1-305(a) or this Article or the lease agreement, the rights and remedies referred to in subsections (2) and (3) of this section are cumulative.

(5) If the lease agreement covers both real property and goods, the party seeking enforcement may proceed under this Part 5 as to the goods, or under other applicable law as to both the real property and the goods in accordance with that party's rights and remedies in respect of the real property, in which case this Part 5 does not apply.

**Sec. 904.** RCW 62A.2A-514 and 1993 c 230 s 2A-514 are each amended to read as follows:

WAIVER OF LESSEE'S OBJECTIONS. (1) In rejecting goods, a lessee's failure to state a particular defect that is ascertainable by reasonable inspection precludes the lessee from relying on the defect to justify rejection or to establish default:

(a) If, stated seasonably, the lessor or the supplier could have cured it (RCW 62A.2A-513); or

(b) Between merchants if the lessor or the supplier after rejection has made a request in writing for a full and final written statement of all defects on which the lessee proposes to rely.

(2) A lessee's failure to reserve rights when paying rent or other consideration against documents precludes recovery of the payment for defects apparent ~~((on the face of))~~ in the documents.

**Sec. 905.** RCW 62A.2A-518 and 1993 c 230 s 2A-518 are each amended to read as follows:

COVER; SUBSTITUTE GOODS. (1) After a default by a lessor under the lease contract of the type described in ~~((RCW 62A.2A-508(1)(3)))~~, or, if agreed, after other default by the lessor, the lessee may cover by making any purchase or lease of or contract to purchase or lease goods in substitution for those due from the lessor.

(2) Except as otherwise provided with respect to damages liquidated in the lease agreement (RCW 62A.2A-504) or otherwise determined pursuant to agreement of the parties ~~((RCW 62A.1-102(3)))~~ (RCW 62A.1-302 and 62A.2A-503), if a lessee's cover is by a lease agreement substantially similar to the original lease agreement and the new lease agreement is made in good faith and in a commercially reasonable manner, the lessee may recover from the lessor as damages (i) the present value, as of the date of the commencement of the term of the new lease agreement, of the rent under the new lease applicable to that period of the new lease term which is comparable to the then remaining term of the original lease agreement minus the present value as of the same date of the total rent for the then remaining lease term of the original lease agreement, and (ii) any incidental or consequential damages, less expenses saved in consequence of the lessor's default.

(3) If a lessee's cover is by lease agreement that for any reason does not qualify for treatment under subsection (2) of this section, or is by purchase or otherwise, the lessee may recover from the lessor as if the lessee had elected not to cover and RCW 62A.2A-519 governs.

**Sec. 906.** RCW 62A.2A-519 and 1993 c 230 s 2A-519 are each amended to read as follows:

LESSEE'S DAMAGES FOR NONDELIVERY, REPUDIATION, DEFAULT, AND BREACH OF WARRANTY IN REGARD TO ACCEPTED GOODS. (1) Except as otherwise provided with respect to damages liquidated in the lease agreement (RCW 62A.2A-504) or otherwise determined pursuant to agreement of the parties ~~((RCW 62A.1-102(3)))~~ (RCW 62A.1-302 and 62A.2A-503), if a lessee elects not to cover or a lessee elects to cover and the cover is by lease agreement that for any reason does not qualify for treatment under RCW 62A.2A-518(2), or is by purchase or otherwise, the measure of damages for nondelivery or repudiation by the lessor or for rejection or revocation of acceptance by the lessee is the present value, as of the date of the default, of the then market rent minus the present value as of the same date of the original rent, computed for the remaining lease term of the original lease agreement, together with incidental and consequential damages, less expenses saved in consequence of the lessor's default.

(2) Market rent is to be determined as of the place for tender or, in cases of rejection after arrival or revocation of acceptance, as of the place of arrival.

(3) Except as otherwise agreed, if the lessee has accepted goods and given notification (RCW 62A.2A-516(3)), the measure of damages for nonconforming tender or delivery or other default by a lessor is the loss resulting in the ordinary course of events from the lessor's default as determined in any manner that is reasonable together with incidental and consequential damages, less expenses saved in consequence of the lessor's default.

(4) Except as otherwise agreed, the measure of damages for breach of warranty is the present value at the time and place of acceptance of the difference between the value of the use of the goods accepted and the value if they had been as warranted for the lease term, unless

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special circumstances show proximate damages of a different amount, together with incidental and consequential damages, less expenses saved in consequence of the lessor's default or breach of warranty.

**Sec. 907.** RCW 62A.2A-526 and 2011 c 336 s 824 are each amended to read as follows:

**LESSOR'S STOPPAGE OF DELIVERY IN TRANSIT OR OTHERWISE.** (1) A lessor may stop delivery of goods in the possession of a carrier or other bailee if the lessor discovers the lessee to be insolvent and may stop delivery of carload, truckload, planeload, or larger shipments of express or freight if the lessee repudiates or fails to make a payment due before delivery, whether for rent, security, or otherwise under the lease contract, or for any other reason the lessor has a right to withhold or take possession of the goods.

(2) In pursuing its remedies under subsection (1) of this section, the lessor may stop delivery until:

- (a) Receipt of the goods by the lessee;
  - (b) Acknowledgment to the lessee by any bailee of the goods, except a carrier, that the bailee holds the goods for the lessee; or
  - (c) Such an acknowledgment to the lessee by a carrier via reshipment or as a warehouse (~~operator~~).
- (3)(a) To stop delivery, a lessor shall so notify as to enable the bailee by reasonable diligence to prevent delivery of the goods.
- (b) After notification, the bailee shall hold and deliver the goods according to the directions of the lessor, but the lessor is liable to the bailee for any ensuing charges or damages.
- (c) A carrier who has issued a nonnegotiable bill of lading is not obliged to obey a notification to stop received from a person other than the consignor.

**Sec. 908.** RCW 62A.2A-527 and 1993 c 230 s 2A-527 are each amended to read as follows:

**LESSOR'S RIGHTS TO DISPOSE OF GOODS.** (1) After a default by a lessee under the lease contract of the type described in RCW 62A.2A-523 (1) or (3)(a) or after the lessor refuses to deliver or takes possession of goods (RCW 62A.2A-525 or 62A.2A-526), or, if agreed, after other default by a lessee, the lessor may dispose of the goods concerned or the undelivered balance thereof by lease, sale, or otherwise.

(2) Except as otherwise provided with respect to damages liquidated in the lease agreement (RCW 62A.2A-504) or otherwise determined pursuant to agreement of the parties (~~((RCW 62A.1-102(3)))~~) (RCW 62A.1-302 and 62A.2A-503), if the disposition is by lease agreement substantially similar to the original lease agreement and the new lease agreement is made in good faith and in a commercially reasonable manner, the lessor may recover from the lessee as damages (i) accrued and unpaid rent as of the date of the commencement of the term of the new lease agreement, (ii) the present value, as of the same date, of the total rent for the then remaining lease term of the original lease agreement minus the present value, as of the same date, of the rent under the new lease agreement applicable to that period of the new lease term which is comparable to the then remaining term of the original lease agreement, and (iii) any incidental damages allowed under RCW 62A.2A-530, less expenses saved in consequence of the lessee's default.

(3) If the lessor's disposition is by lease agreement that for any reason does not qualify for treatment under subsection (2) of this section, or is by sale or otherwise, the lessor may recover from the lessee as if the lessor had elected not to dispose of the goods and RCW 62A.2A-528 governs.

(4) A subsequent buyer or lessee who buys or leases from the lessor in good faith for value as a result of a disposition under this section takes the goods free of the original lease contract and any rights of

the original lessee even though the lessor fails to comply with one or more of the requirements of this Article.

(5) The lessor is not accountable to the lessee for any profit made on any disposition. A lessee who has rightfully rejected or justifiably revoked acceptance shall account to the lessor for any excess over the amount of the lessee's security interest (RCW 62A.2A-508(~~((5)))~~)).

**Sec. 909.** RCW 62A.2A-528 and 1993 c 230 s 2A-528 are each amended to read as follows:

**LESSOR'S DAMAGES FOR NONACCEPTANCE, FAILURE TO PAY, REPUDIATION, OR OTHER DEFAULT.**

(1) Except as otherwise provided with respect to damages liquidated in the lease agreement (RCW 62A.2A-504) or otherwise determined pursuant to agreement of the parties (~~((RCW 62A.1-102(3)))~~) (RCW 62A.1-302 and 62A.2A-503), if a lessor elects to retain the goods or a lessor elects to dispose of the goods and the disposition is by lease agreement that for any reason does not qualify for treatment under RCW 62A.2A-527(2), or is by sale or otherwise, the lessor may recover from the lessee as damages for a default of the type described in RCW 62A.2A-523 (1) or (3)(a), or, if agreed, for other default of the lessee, (i) accrued and unpaid rent as of the date of default if the lessee has never taken possession of the goods, or, if the lessee has taken possession of the goods, as of the date the lessor repossesses the goods or an earlier date on which the lessee makes a tender of the goods to the lessor, (ii) the present value as of the date determined under (i) of this subsection (~~((1)(i) of this section))~~) of the total rent for the then remaining lease term of the original lease agreement minus the present value as of the same date of the market rent at the place where the goods are located computed for the same lease term, and (iii) any incidental damages allowed under RCW 62A.2A-530, less expenses saved in consequence of the lessee's default.

(2) If the measure of damages provided in subsection (1) of this section is inadequate to put a lessor in as good a position as performance would have, the measure of damages is the present value of the profit, including reasonable overhead, the lessor would have made from full performance by the lessee, together with any incidental damages allowed under RCW 62A.2A-530, due allowance for costs reasonably incurred and due credit for payments or proceeds of disposition.

**PART X  
AMENDMENTS TO UNIFORM COMMERCIAL CODE  
ARTICLE 3**

**Sec. 1001.** RCW 62A.3-103 and 1993 c 229 s 5 are each amended to read as follows:

**DEFINITIONS.** (a) In this Article:

- (1) "Acceptor" means a drawee who has accepted a draft.
- (2) "Drawee" means a person ordered in a draft to make payment.
- (3) "Drawer" means a person who signs or is identified in a draft as a person ordering payment.
- (4) ("Good faith" means honesty in fact and the observance of reasonable commercial standards of fair dealing.) [Reserved.]
- (5) "Maker" means a person who signs or is identified in a note as a person undertaking to pay.
- (6) "Order" means a written instruction to pay money signed by the person giving the instruction. The instruction may be addressed to any person, including the person giving the instruction, or to one or more persons jointly or in the alternative but not in succession. An authorization to pay is not an order unless the person authorized to pay is also instructed to pay.
- (7) "Ordinary care" in the case of a person engaged in business means observance of reasonable commercial standards, prevailing in the area in which the person is located, with respect to the

business in which the person is engaged. In the case of a bank that takes an instrument for processing for collection or payment by automated means, reasonable commercial standards do not require the bank to examine the instrument if the failure to examine does not violate the bank's prescribed procedures and the bank's procedures do not vary unreasonably from general banking usage not disapproved by this Article or Article 4.

(8) "Party" means a party to an instrument.

(9) "Promise" means a written undertaking to pay money signed by the person undertaking to pay. An acknowledgment of an obligation by the obligor is not a promise unless the obligor also undertakes to pay the obligation.

(10) "Prove" with respect to a fact means to meet the burden of establishing the fact (RCW 62A.1-201(b)(8)).

(11) "Remitter" means a person who purchases an instrument from its issuer if the instrument is payable to an identified person other than the purchaser.

(b) Other definitions applying to this Article and the sections in which they appear are:

"Acceptance"	RCW 62A.3-409
"Accommodated party"	RCW 62A.3-419
"Accommodation party"	RCW 62A.3-419
"Alteration"	RCW 62A.3-407
"Anomalous indorsement"	RCW 62A.3-205
"Blank indorsement"	RCW 62A.3-205
"Cashier's check"	RCW 62A.3-104
"Certificate of deposit"	RCW 62A.3-104
"Certified check"	RCW 62A.3-409
"Check"	RCW 62A.3-104
"Consideration"	RCW 62A.3-303
"Draft"	RCW 62A.3-104
"Holder in due course"	RCW 62A.3-302
"Incomplete instrument"	RCW 62A.3-115
"Indorsement"	RCW 62A.3-204
"Indorser"	RCW 62A.3-204
"Instrument"	RCW 62A.3-104
"Issue"	RCW 62A.3-105
"Issuer"	RCW 62A.3-105
"Negotiable instrument"	RCW 62A.3-104
"Negotiation"	RCW 62A.3-201
"Note"	RCW 62A.3-104
"Payable at a definite time"	RCW 62A.3-108

"Payable on demand"	RCW 62A.3-108
"Payable to bearer"	RCW 62A.3-109
"Payable to order"	RCW 62A.3-109
"Payment"	RCW 62A.3-602
"Person entitled to enforce"	RCW 62A.3-301
"Presentment"	RCW 62A.3-501
"Reacquisition"	RCW 62A.3-207
"Special indorsement"	RCW 62A.3-205
"Teller's check"	RCW 62A.3-104
"Transfer of instrument"	RCW 62A.3-203
"Traveler's check"	RCW 62A.3-104
"Value"	RCW 62A.3-303

(c) The following definitions in other articles apply to this Article:

(( <del>"Bank"</del>	<del>RCW 62A.4-105</del> ))
"Banking day"	RCW 62A.4-104
"Clearing house"	RCW 62A.4-104
"Collecting bank"	RCW 62A.4-105
"Depository bank"	RCW 62A.4-105
"Documentary draft"	RCW 62A.4-104
"Intermediary bank"	RCW 62A.4-105
"Item"	RCW 62A.4-104
"Payor bank"	RCW 62A.4-105
"Suspends payments"	RCW 62A.4-104

(d) In addition, Article 1 contains general definitions and principles of construction and interpretation applicable throughout this Article.

#### PART XI AMENDMENTS TO UNIFORM COMMERCIAL CODE ARTICLE 4

**Sec. 1101.** RCW 62A.4-104 and 1995 c 48 s 56 are each amended to read as follows:

DEFINITIONS AND INDEX OF DEFINITIONS. (a) In this Article, unless the context otherwise requires:

- (1) "Account" means any deposit or credit account with a bank, including a demand, time, savings, passbook, share draft, or like account, other than an account evidenced by a certificate of deposit;
- (2) "Afternoon" means the period of a day between noon and midnight;



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- (3) "Banking day" means the part of a day on which a bank is open to the public for carrying on substantially all of its banking functions, except that it shall not include a Saturday, Sunday, or legal holiday;
  - (4) "Clearing house" means an association of banks or other payors regularly clearing items;
  - (5) "Customer" means a person having an account with a bank or for whom a bank has agreed to collect items, including a bank that maintains an account at another bank;
  - (6) "Documentary draft" means a draft to be presented for acceptance or payment if specified documents, certificated securities (RCW 62A.8-102) or instructions for uncertificated securities (RCW 62A.8-102), or other certificates, statements, or the like are to be received by the drawee or other payor before acceptance or payment of the draft;
  - (7) "Draft" means a draft as defined in RCW 62A.3-104 or an item, other than an instrument, that is an order;
  - (8) "Drawee" means a person ordered in a draft to make payment;
  - (9) "Item" means an instrument or a promise or order to pay money handled by a bank for collection or payment. The term does not include a payment order governed by Article 4A or a credit or debit card slip;
  - (10) "Midnight deadline" with respect to a bank is midnight on its next banking day following the banking day on which it receives the relevant item or notice or from which the time for taking action commences to run, whichever is later;
  - (11) "Settle" means to pay in cash, by clearing-house settlement, in a charge or credit or by remittance, or otherwise as agreed. A settlement may be either provisional or final;
  - (12) "Suspends payments" with respect to a bank means that it has been closed by order of the supervisory authorities, that a public officer has been appointed to take it over or that it ceases or refuses to make payments in the ordinary course of business.
- (b) Other definitions applying to this Article and the sections in which they appear are:

"Agreement for electronic presentment"	RCW 62A.4-110.
"Bank"	RCW 62A.4-105.
"Collecting bank"	RCW 62A.4-105.
"Depository bank"	RCW 62A.4-105.
"Intermediary bank"	RCW 62A.4-105.
"Payor bank"	RCW 62A.4-105.
"Presenting bank"	RCW 62A.4-105.
"Presentment notice"	RCW 62A.4-110.

(c) "Control" as provided in RCW 62A.7-106 and the following definitions in other articles apply to this Article:

"Acceptance"	RCW 62A.3-409.
"Alteration"	RCW 62A.3-407.
"Cashier's check"	RCW 62A.3-104.
"Certificate of deposit"	RCW 62A.3-104.
"Certified check"	RCW 62A.3-409.

"Check"	RCW 62A.3-104.
"Draft"	RCW 62A.3-104.
<del>("Good faith"</del>	<del>RCW 62A.3-103.)</del>
"Holder in due course"	RCW 62A.3-302.
"Instrument"	RCW 62A.3-104.
"Notice of dishonor"	RCW 62A.3-503.
"Order"	RCW 62A.3-103.
"Ordinary care"	RCW 62A.3-103.
"Person entitled to enforce"	RCW 62A.3-301.
"Presentment"	RCW 62A.3-501.
"Promise"	RCW 62A.3-103.
"Prove"	RCW 62A.3-103.
"Teller's check"	RCW 62A.3-104.
"Unauthorized signature"	RCW 62A.3-403.

(d) In addition Article 1 contains general definitions and principles of construction and interpretation applicable throughout this Article.

**Sec. 1102.** RCW 62A.4-210 and 2001 c 32 s 13 are each amended to read as follows:

**SECURITY INTEREST OF COLLECTING BANK IN ITEMS, ACCOMPANYING DOCUMENTS AND PROCEEDS.** (a) A collecting bank has a security interest in an item and any accompanying documents or the proceeds of either:

- (1) In case of an item deposited in an account, to the extent to which credit given for the item has been withdrawn or applied;
- (2) In case of an item for which it has given credit available for withdrawal as of right, to the extent of the credit given whether or not the credit is drawn upon or there is a right of charge-back; or
- (3) If it makes an advance on or against the item.

(b) If credit given for several items received at one time or pursuant to a single agreement is withdrawn or applied in part, the security interest remains upon all the items, any accompanying documents or the proceeds of either. For the purpose of this section, credits first given are first withdrawn.

(c) Receipt by a collecting bank of a final settlement for an item is a realization on its security interest in the item, accompanying documents, and proceeds. So long as the bank does not receive final settlement for the item or give up possession of the item or possession or control of the accompanying documents for purposes other than collection, the security interest continues to that extent and is subject to Article 9A, but:

- (1) No security agreement is necessary to make the security interest enforceable (RCW 62A.9A-203(b)(3)(A));
- (2) No filing is required to perfect the security interest; and
- (3) The security interest has priority over conflicting perfected security interests in the item, accompanying documents, or proceeds.

**PART XII  
AMENDMENTS TO UNIFORM COMMERCIAL CODE  
ARTICLE 4A**

**Sec. 1201.** RCW 62A.4A-105 and 1991 sp.s. c 21 s 4A-105 are each amended to read as follows:

OTHER DEFINITIONS. (1) In this Article:

(a) "Authorized account" means a deposit account of a customer in a bank designated by the customer as a source of payment orders issued by the customer to the bank. If a customer does not so designate an account, any account of the customer is an authorized account if payment of a payment order from that account is not inconsistent with a restriction on the use of the account.

(b) "Bank" means a person engaged in the business of banking and includes a savings bank, savings and loan association, credit union, and trust company. A branch or separate office of a bank is a separate bank for purposes of this Article.

(c) "Customer" means a person, including a bank, having an account with a bank or from whom a bank has agreed to receive payment orders.

(d) "Funds-transfer business day" of a receiving bank means the part of a day during which the receiving bank is open for the receipt, processing, and transmittal of payment orders and cancellations and amendments of payment orders.

(e) "Funds-transfer system" means a wire transfer network, automated clearing house, or other communication system of a clearing house or other association of banks through which a payment order by a bank may be transmitted to the bank to which the order is addressed.

(f) ("Good faith" means honesty in fact and the observance of reasonable commercial standards of fair dealing.) [Reserved.]

(g) "Prove" with respect to a fact means to meet the burden of establishing the fact (RCW 62A.1-201(b)(8)).

(2) Other definitions applying to this Article and the sections in which they appear are:

"Acceptance"	RCW 62A.4A-209
"Beneficiary"	RCW 62A.4A-103
"Beneficiary's bank"	RCW 62A.4A-103
"Executed"	RCW 62A.4A-301
"Execution date"	RCW 62A.4A-301
"Funds transfer"	RCW 62A.4A-104
"Funds-transfer system rule"	RCW 62A.4A-501
"Intermediary bank"	RCW 62A.4A-104
"Originator"	RCW 62A.4A-104
"Originator's bank"	RCW 62A.4A-104
"Payment by beneficiary's bank to beneficiary"	RCW 62A.4A-405
"Payment by originator to beneficiary"	RCW 62A.4A-406
"Payment by sender to receiving bank"	RCW 62A.4A-403
"Payment date"	RCW 62A.4A-401
"Payment order"	RCW 62A.4A-103
"Receiving bank"	RCW 62A.4A-103

"Security procedure"	RCW 62A.4A-201
"Sender"	RCW 62A.4A-103

(3) The following definitions in Article 4 (RCW 62A.4-101 through 62A.4-504) apply to this Article:

"Clearing house"	<del>((section 4-104 of this act))</del> RCW 62A.4-104
"Item"	<del>((section 4-104 of this act))</del> RCW 62A.4-104
"Suspends payments"	<del>((section 4-104 of this act))</del> RCW 62A.4-104

(4) In addition ~~((to))~~, Article 1 ~~((RCW 62A.1-101 through 62A.1-208))~~ contains general definitions and principles of construction and interpretation applicable throughout this Article.

**Sec. 1202.** RCW 62A.4A-106 and 1991 sp.s. c 21 s 4A-106 are each amended to read as follows:

TIME PAYMENT ORDER IS RECEIVED. (1) The time of receipt of a payment order or communication canceling or amending a payment order is determined by the rules applicable to receipt of a notice stated in ~~((RCW 62A.1-201(27)))~~ RCW 62A.1-202. A receiving bank may fix a cut-off time or times on a funds-transfer business day for the receipt and processing of payment orders and communications canceling or amending payment orders. Different cut-off times may apply to payment orders, cancellations, or amendments, or to different categories of payment orders, cancellations, or amendments. A cut-off time may apply to senders generally or different cut-off times may apply to different senders or categories of payment orders. If a payment order or communication canceling or amending a payment order is received after the close of a funds-transfer business day or after the appropriate cut-off time on a funds-transfer business day, the receiving bank may treat the payment order or communication as received at the opening of the next funds-transfer business day.

(2) If this Article refers to an execution date or payment date or states a day on which a receiving bank is required to take action, and the date or day does not fall on a funds-transfer business day, the next day that is a funds-transfer business day is treated as the date or day stated, unless the contrary is stated in this Article.

**Sec. 1203.** RCW 62A.4A-204 and 1991 sp.s. c 21 s 4A-204 are each amended to read as follows:

REFUND OF PAYMENT AND DUTY OF CUSTOMER TO REPORT WITH RESPECT TO UNAUTHORIZED PAYMENT ORDER. (1) If a receiving bank accepts a payment order issued in the name of its customer as sender which is (a) not authorized and not effective as the order of the customer under RCW 62A.4A-202, or (b) not enforceable, in whole or in part, against the customer under RCW 62A.4A-203, the bank shall refund any payment of the payment order received from the customer to the extent the bank is not entitled to enforce payment and shall pay interest on the refundable amount calculated from the date the bank received payment to the date of the refund. However, the customer is not entitled to interest from the bank on the amount to be refunded if the customer fails to exercise ordinary care to determine that the order was not authorized by the customer and to notify the bank of the relevant facts within a reasonable time not exceeding ninety days after the date the customer received notification from the bank that the order was accepted or that the customer's account was debited with respect to the order. The bank is not entitled to any recovery from the customer on account of a failure by the customer to give notification as stated in this section.

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(2) Reasonable time under subsection (1) of this section may be fixed by agreement as stated in ~~((RCW 62A.1-204(4)))~~ RCW 62A.1-302(b), but the obligation of a receiving bank to refund payment as stated in subsection (1) of this section may not otherwise be varied by agreement.

**PART XIII  
AMENDMENTS TO UNIFORM COMMERCIAL CODE  
ARTICLE 5**

**Sec. 1301.** RCW 62A.5-103 and 1997 c 56 s 4 are each amended to read as follows:

SCOPE. ~~((+))~~ (a) This Article applies to letters of credit and to certain rights and obligations arising out of transactions involving letters of credit.

~~((3))~~ (b) The statement of a rule in this Article does not by itself require, imply, or negate application of the same or a different rule to a situation not provided for, or to a person not specified, in this Article.

~~((3))~~ (c) With the exception of this subsection, subsections ~~((+))~~ (a) and ~~((4))~~ (d) of this section, RCW 62A.5-102~~((+))~~ (a) (9) and ~~((+))~~ (10), 62A.5-106~~((+))~~ (d), and 62A.5-114~~((+))~~ (d), and except to the extent prohibited in ~~((RCW 62A.1-102(3)))~~ RCW 62A.1-302 and 62A.5-117~~((+))~~ (d), the effect of this Article may be varied by agreement or by a provision stated or incorporated by reference in an undertaking. A term in an agreement or undertaking generally excusing liability or generally limiting remedies for failure to perform obligations is not sufficient to vary obligations prescribed by this Article.

~~((4))~~ (d) Rights and obligations of an issuer to a beneficiary or a nominated person under a letter of credit are independent of the existence, performance, or nonperformance of a contract or arrangement out of which the letter of credit arises or which underlies it, including contracts or arrangements between the issuer and the applicant and between the applicant and the beneficiary.

**PART XIV  
AMENDMENTS TO UNIFORM COMMERCIAL CODE  
ARTICLE 8**

**Sec. 1401.** RCW 62A.8-102 and 1995 c 48 s 2 are each amended to read as follows:

DEFINITIONS. (1) In this Article:

(a) "Adverse claim" means a claim that a claimant has a property interest in a financial asset and that it is a violation of the rights of the claimant for another person to hold, transfer, or deal with the financial asset.

(b) "Bearer form," as applied to a certificated security, means a form in which the security is payable to the bearer of the security certificate according to its terms but not by reason of an indorsement.

(c) "Broker" means a person defined as a broker or dealer under the federal securities laws, but without excluding a bank acting in that capacity.

(d) "Certificated security" means a security that is represented by a certificate.

(e) "Clearing corporation" means:

(i) A person that is registered as a "clearing agency" under the federal securities laws;

(ii) A federal reserve bank; or

(iii) Any other person that provides clearance or settlement services with respect to financial assets that would require it to register as a clearing agency under the federal securities laws but for an exclusion or exemption from the registration requirement, if its

activities as a clearing corporation, including adoption of rules, are subject to regulation by a federal or state governmental authority.

(f) "Communicate" means to:

(i) Send a signed writing; or

(ii) Transmit information by any mechanism agreed upon by the persons transmitting and receiving the information.

(g) "Entitlement holder" means a person identified in the records of a securities intermediary as the person having a security entitlement against the securities intermediary. If a person acquires a security entitlement by virtue of RCW 62A.8-501(2) (b) or (c), that person is the entitlement holder.

(h) "Entitlement order" means a notification communicated to a securities intermediary directing transfer or redemption of a financial asset to which the entitlement holder has a security entitlement.

(i) "Financial asset," except as otherwise provided in RCW 62A.8-103, means:

(i) A security;

(ii) An obligation of a person or a share, participation, or other interest in a person or in property or an enterprise of a person, which is, or is of a type, dealt in or traded on financial markets, or which is recognized in any area in which it is issued or dealt in as a medium for investment; or

(iii) Any property that is held by a securities intermediary for another person in a securities account if the securities intermediary has expressly agreed with the other person that the property is to be treated as a financial asset under this Article.

As context requires, the term means either the interest itself or the means by which a person's claim to it is evidenced, including a certificated or uncertificated security, a security certificate, or a security entitlement.

(j) ("Good faith," for purposes of the obligation of good faith in the performance or enforcement of contracts or duties within this Article, means honesty in fact and the observance of reasonable commercial standards of fair dealing.) [Reserved.]

(k) "Indorsement" means a signature that alone or accompanied by other words is made on a security certificate in registered form or on a separate document for the purpose of assigning, transferring, or redeeming the security or granting a power to assign, transfer, or redeem it.

(l) "Instruction" means a notification communicated to the issuer of an uncertificated security which directs that the transfer of the security be registered or that the security be redeemed.

(m) "Registered form," as applied to a certificated security, means a form in which:

(i) The security certificate specifies a person entitled to the security; and

(ii) A transfer of the security may be registered upon books maintained for that purpose by or on behalf of the issuer, or the security certificate so states.

(n) "Securities intermediary" means:

(i) A clearing corporation; or

(ii) A person, including a bank or broker, that in the ordinary course of its business maintains securities accounts for others and is acting in that capacity.

(o) "Security," except as otherwise provided in RCW 62A.8-103, means an obligation of an issuer or a share, participation, or other interest in an issuer or in property or an enterprise of an issuer:

(i) Which is represented by a security certificate in bearer or registered form, or the transfer of which may be registered upon books maintained for that purpose by or on behalf of the issuer;

(ii) Which is one of a class or series or by its terms is divisible into a class or series of shares, participations, interests, or obligations; and

(iii) Which:

- (A) Is, or is of a type, dealt in or traded on securities exchanges or securities markets; or
- (B) Is a medium for investment and by its terms expressly provides that it is a security governed by this Article.
- (p) "Security certificate" means a certificate representing a security.
- (q) "Security entitlement" means the rights and property interest of an entitlement holder with respect to a financial asset specified in Part 5 of this Article.
- (r) "Uncertificated security" means a security that is not represented by a certificate.
- (2) Other definitions applying to this Article and the sections in which they appear are:

Appropriate person	RCW 62A.8-107
Control	RCW 62A.8-106
Delivery	RCW 62A.8-301
Investment company security	RCW 62A.8-103
Issuer	RCW 62A.8-201
Overissue	RCW 62A.8-210
Protected purchaser	RCW 62A.8-303
Securities account	RCW 62A.8-501

- (3) In addition Article 1 contains general definitions and principles of construction and interpretation applicable throughout this Article.
- (4) The characterization of a person, business, or transaction for purposes of this Article does not determine the characterization of the person, business, or transaction for purposes of any other law, regulation, or rule.

**Sec. 1402.** RCW 62A.8-103 and 2000 c 250 s 9A-815 are each amended to read as follows:

**RULES FOR DETERMINING WHETHER CERTAIN OBLIGATIONS AND INTERESTS ARE SECURITIES OR FINANCIAL ASSETS.** (1) A share or similar equity interest issued by a corporation, business trust, joint stock company, or similar entity is a security.

(2) An "investment company security" is a security. "Investment company security" means a share or similar equity interest issued by an entity that is registered as an investment company under the federal investment company laws, an interest in a unit investment trust that is so registered, or a face-amount certificate issued by a face-amount certificate company that is so registered. Investment company security does not include an insurance policy or endowment policy or annuity contract issued by an insurance company.

(3) An interest in a partnership or limited liability company is not a security unless it is dealt in or traded on securities exchanges or in securities markets, its terms expressly provide that it is a security governed by this Article, or it is an investment company security. However, an interest in a partnership or limited liability company is a financial asset if it is held in a securities account.

(4) A writing that is a security certificate is governed by this Article and not by Article 3, even though it also meets the requirements of that Article. However, a negotiable instrument governed by Article 3 is a financial asset if it is held in a securities account.

(5) An option or similar obligation issued by a clearing corporation to its participants is not a security, but is a financial asset.

(6) A commodity contract, as defined in RCW 62A.9A-102(a)(15), is not a security or a financial asset.

(7) A document of title is not a financial asset unless RCW 62A.8-102(1)(i)(iii) applies.

**Sec. 1403.** RCW 62A.8-103 and 2011 c 74 s 706 are each amended to read as follows:

**RULES FOR DETERMINING WHETHER CERTAIN OBLIGATIONS AND INTERESTS ARE SECURITIES OR FINANCIAL ASSETS.** (1) A share or similar equity interest issued by a corporation, business trust, joint stock company, or similar entity is a security.

(2) An "investment company security" is a security. "Investment company security" means a share or similar equity interest issued by an entity that is registered as an investment company under the federal investment company laws, an interest in a unit investment trust that is so registered, or a face-amount certificate issued by a face-amount certificate company that is so registered. Investment company security does not include an insurance policy or endowment policy or annuity contract issued by an insurance company.

(3) An interest in a partnership or limited liability company is not a security unless it is dealt in or traded on securities exchanges or in securities markets, its terms expressly provide that it is a security governed by this Article, or it is an investment company security. However, an interest in a partnership or limited liability company is a financial asset if it is held in a securities account.

(4) A writing that is a security certificate is governed by this Article and not by Article 3, even though it also meets the requirements of that Article. However, a negotiable instrument governed by Article 3 is a financial asset if it is held in a securities account.

(5) An option or similar obligation issued by a clearing corporation to its participants is not a security, but is a financial asset.

(6) A commodity contract, as defined in RCW 62A.9A-102, is not a security or a financial asset.

(7) A document of title is not a financial asset unless RCW 62A.8-102(1)(i)(iii) applies.

**PART XV  
AMENDMENTS TO UNIFORM COMMERCIAL CODE  
ARTICLE 9A**

**Sec. 1501.** RCW 62A.9A-102 and 2001 c 32 s 16 are each amended to read as follows:

**DEFINITIONS AND INDEX OF DEFINITIONS.** (a) **Article 9A definitions.** In this Article:

(1) "Accession" means goods that are physically united with other goods in such a manner that the identity of the original goods is not lost.

(2)(A) "Account," except as used in "account for," means a right to payment of a monetary obligation, whether or not earned by performance, (i) for property that has been or is to be sold, leased, licensed, assigned, or otherwise disposed of, (ii) for services rendered or to be rendered, (iii) for a policy of insurance issued or to be issued, (iv) for a secondary obligation incurred or to be incurred, (v) for energy provided or to be provided, (vi) for the use or hire of a vessel under a charter or other contract, (vii) arising out of the use of a credit or charge card or information contained on or for use with the card, or (viii) as winnings in a lottery or other game of chance operated or sponsored by a state, governmental unit of a state, or person licensed or authorized to operate the game by a state or governmental unit of a state. The term includes health-care-insurance receivables.

(B) The term does not include (i) rights to payment evidenced by chattel paper or an instrument, (ii) commercial tort claims, (iii) deposit accounts, (iv) investment property, (v) letter-of-credit rights

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or letters of credit, or (vi) rights to payment for money or funds advanced or sold, other than rights arising out of the use of a credit or charge card or information contained on or for use with the card.

(3) "Account debtor" means a person obligated on an account, chattel paper, or general intangible. The term does not include persons obligated to pay a negotiable instrument, even if the instrument constitutes part of chattel paper.

(4) "Accounting," except as used in "accounting for," means a record:

(A) Authenticated by a secured party;

(B) Indicating the aggregate unpaid secured obligations as of a date not more than thirty-five days earlier or thirty-five days later than the date of the record; and

(C) Identifying the components of the obligations in reasonable detail.

(5) "Agricultural lien" means an interest, other than a security interest, in farm products:

(A) Which secures payment or performance of an obligation for:

(i) Goods or services furnished in connection with a debtor's farming operation; or

(ii) Rent on real property leased by a debtor in connection with its farming operation;

(B) Which is created by statute in favor of a person that:

(i) In the ordinary course of its business, furnished goods or services to a debtor in connection with a debtor's farming operation; or

(ii) Leased real property to a debtor in connection with the debtor's farming operation; and

(C) Whose effectiveness does not depend on the person's possession of the personal property.

(6) "As-extracted collateral" means:

(A) Oil, gas, or other minerals that are subject to a security interest that:

(i) Is created by a debtor having an interest in the minerals before extraction; and

(ii) Attaches to the minerals as extracted; or

(B) Accounts arising out of the sale at the wellhead or minehead of oil, gas, or other minerals in which the debtor had an interest before extraction.

(7) "Authenticate" means:

(A) To sign; or

(B) To execute or otherwise adopt a symbol, or encrypt or similarly process a record in whole or in part, with the present intent of the authenticating person to identify the person and adopt or accept a record.

(8) "Bank" means an organization that is engaged in the business of banking. The term includes savings banks, savings and loan associations, credit unions, and trust companies.

(9) "Cash proceeds" means proceeds that are money, checks, deposit accounts, or the like.

(10) "Certificate of title" means a certificate of title with respect to which a statute provides for the security interest in question to be indicated on the certificate as a condition or result of the security interest's obtaining priority over the rights of a lien creditor with respect to the collateral.

(11) "Chattel paper" means a record or records that evidence both a monetary obligation and a security interest in specific goods, a security interest in specific goods and software used in the goods, a security interest in specific goods and license of software used in the goods, a lease of specific goods, or a lease of specific goods and license of software used in the goods. In this subsection, "monetary obligation" means a monetary obligation secured by the goods or owed under a lease of the goods and includes a monetary obligation with respect to software used in the goods. The term "chattel paper" does not include ~~((A))~~ (i) charters or other contracts involving the use or hire of a vessel or ~~((B))~~ (ii) records that

evidence a right to payment arising out of the use of a credit or charge card or information contained on or for use with the card. If a transaction is evidenced by records that include an instrument or series of instruments, the group of records taken together constitutes chattel paper.

(12) "Collateral" means the property subject to a security interest or agricultural lien. The term includes:

(A) Proceeds to which a security interest attaches;

(B) Accounts, chattel paper, payment intangibles, and promissory notes that have been sold; and

(C) Goods that are the subject of a consignment.

(13) "Commercial tort claim" means a claim arising in tort with respect to which:

(A) The claimant is an organization; or

(B) The claimant is an individual, and the claim:

(i) Arose in the course of the claimant's business or profession; and

(ii) Does not include damages arising out of personal injury to, or the death of, an individual.

(14) "Commodity account" means an account maintained by a commodity intermediary in which a commodity contract is carried for a commodity customer.

(15) "Commodity contract" means a commodity futures contract, an option on a commodity futures contract, a commodity option, or another contract if the contract or option is:

(A) Traded on or subject to the rules of a board of trade that has been designated as a contract market for such a contract pursuant to federal commodities laws; or

(B) Traded on a foreign commodity board of trade, exchange, or market, and is carried on the books of a commodity intermediary for a commodity customer.

(16) "Commodity customer" means a person for which a commodity intermediary carries a commodity contract on its books.

(17) "Commodity intermediary" means a person that:

(A) Is registered as a futures commission merchant under federal commodities law; or

(B) In the ordinary course of its business, provides clearance or settlement services for a board of trade that has been designated as a contract market pursuant to federal commodities law.

(18) "Communicate" means:

(A) To send a written or other tangible record;

(B) To transmit a record by any means agreed upon by the persons sending and receiving the record; or

(C) In the case of transmission of a record to or by a filing office, to transmit a record by any means prescribed by filing-office rule.

(19) "Consignee" means a merchant to which goods are delivered in a consignment.

(20) "Consignment" means a transaction, regardless of its form, in which a person delivers goods to a merchant for the purpose of sale and:

(A) The merchant:

(i) Deals in goods of that kind under a name other than the name of the person making delivery;

(ii) Is not an auctioneer; and

(iii) Is not generally known by its creditors to be substantially engaged in selling the goods of others;

(B) With respect to each delivery, the aggregate value of the goods is one thousand dollars or more at the time of delivery;

(C) The goods are not consumer goods immediately before delivery; and

(D) The transaction does not create a security interest that secures an obligation.

(21) "Consignor" means a person that delivers goods to a consignee in a consignment.

(22) "Consumer debtor" means a debtor in a consumer transaction.

(23) "Consumer goods" means goods that are used or bought for use primarily for personal, family, or household purposes.

(24) "Consumer-goods transaction" means a consumer transaction in which:

- (A) An individual incurs a consumer obligation; and
- (B) A security interest in consumer goods secures the obligation.

(25) "Consumer obligation" means an obligation which:

- (A) Is incurred as part of a transaction entered into primarily for personal, family, or household purposes; and
- (B) Arises from an extension of credit, or commitment to extend credit, in an aggregate amount not exceeding forty thousand dollars, or is secured by personal property used or expected to be used as a principal dwelling.

"Consumer obligor" means an obligor who is an individual and who incurred a consumer obligation.

(26) "Consumer transaction" means a transaction in which ~~((A))~~ (i) an individual incurs a consumer obligation, ~~((B))~~ (ii) a security interest secures the obligation, and ~~((C))~~ (iii) the collateral is held or acquired primarily for personal, family, or household purposes. The term includes consumer-goods transactions.

(27) "Continuation statement" means an amendment of a financing statement which:

- (A) Identifies, by its file number, the initial financing statement to which it relates; and
- (B) Indicates that it is a continuation statement for, or that it is filed to continue the effectiveness of, the identified financing statement.

(28) "Debtor" means:

- (A) A person having an interest, other than a security interest or other lien, in the collateral, whether or not the person is an obligor;
- (B) A seller of accounts, chattel paper, payment intangibles, or promissory notes; or
- (C) A consignee.

(29) "Deposit account" means a demand, time, savings, passbook, or similar account maintained with a bank. The term does not include investment property or accounts evidenced by an instrument.

(30) "Document" means a document of title or a receipt of the type described in RCW 62A.7-201~~((2))~~ (b).

(31) "Electronic chattel paper" means chattel paper evidenced by a record or records consisting of information stored in an electronic medium.

(32) "Encumbrance" means a right, other than an ownership interest, in real property. The term includes mortgages and other liens on real property.

(33) "Equipment" means goods other than inventory, farm products, or consumer goods.

(34) "Farm products" means goods, other than standing timber, with respect to which the debtor is engaged in a farming operation and which are:

- (A) Crops grown, growing, or to be grown, including:
  - (i) Crops produced on trees, vines, and bushes; and
  - (ii) Aquatic goods produced in aquacultural operations;
- (B) Livestock, born or unborn, including aquatic goods produced in aquacultural operations;
- (C) Supplies used or produced in a farming operation; or
- (D) Products of crops or livestock in their unmanufactured states.

(35) "Farming operation" means raising, cultivating, propagating, fattening, grazing, or any other farming, livestock, or aquacultural operation.

(36) "File number" means the number assigned to an initial financing statement pursuant to RCW 62A.9A-519(a).

(37) "Filing office" means an office designated in RCW 62A.9A-501 as the place to file a financing statement.

(38) "Filing-office rule" means a rule adopted pursuant to RCW 62A.9A-526.

(39) "Financing statement" means a record or records composed of an initial financing statement and any filed record relating to the initial financing statement.

(40) "Fixture filing" means the filing of a financing statement covering goods that are or are to become fixtures and satisfying RCW 62A.9A-502 (a) and (b). The term includes the filing of a financing statement covering goods of a transmitting utility which are or are to become fixtures.

(41) "Fixtures" means goods that have become so related to particular real property that an interest in them arises under real property law.

(42) "General intangible" means any personal property, including things in action, other than accounts, chattel paper, commercial tort claims, deposit accounts, documents, goods, instruments, investment property, letter-of-credit rights, letters of credit, money, and oil, gas, or other minerals before extraction. The term includes payment intangibles and software.

(43) ("Good faith" means honesty in fact and the observance of reasonable commercial standards of fair dealing.) [Reserved.]

(44) "Goods" means all things that are movable when a security interest attaches. The term includes ~~((A))~~ (i) fixtures, ~~((B))~~ (ii) standing timber that is to be cut and removed under a conveyance or contract for sale, ~~((C))~~ (iii) the unborn young of animals, ~~((D))~~ (iv) crops grown, growing, or to be grown, even if the crops are produced on trees, vines, or bushes, and ~~((E))~~ (v) manufactured homes. The term also includes a computer program embedded in goods and any supporting information provided in connection with a transaction relating to the program if (i) the program is associated with the goods in such a manner that it customarily is considered part of the goods, or (ii) by becoming the owner of the goods, a person acquires a right to use the program in connection with the goods. The term does not include a computer program embedded in goods that consist solely of the medium in which the program is embedded. The term also does not include accounts, chattel paper, commercial tort claims, deposit accounts, documents, general intangibles, instruments, investment property, letter-of-credit rights, letters of credit, money, or oil, gas, or other minerals before extraction or a manufactured home converted to real property under chapter 65.20 RCW.

(45) "Governmental unit" means a subdivision, agency, department, county, parish, municipality, or other unit of the government of the United States, a state, or a foreign country. The term includes an organization having a separate corporate existence if the organization is eligible to issue debt on which interest is exempt from income taxation under the laws of the United States.

(46) "Health-care-insurance receivable" means an interest in or claim under a policy of insurance which is a right to payment of a monetary obligation for health-care goods or services provided.

(47) "Instrument" means a negotiable instrument or any other writing that evidences a right to the payment of a monetary obligation, is not itself a security agreement or lease, and is of a type that in ordinary course of business is transferred by delivery with any necessary indorsement or assignment. The term does not include ~~((A))~~ (i) investment property, ~~((B))~~ (ii) letters of credit, ~~((C))~~ (iii) writings that evidence a right to payment arising out of the use of a credit or charge card or information contained on or for use with the card, ~~((D))~~ (iv) writings that do not contain a promise or order to pay, or ~~((E))~~ (v) writings that are expressly nontransferable or nonassignable.

(48) "Inventory" means goods, other than farm products, which:

- (A) Are leased by a person as lessor;
- (B) Are held by a person for sale or lease or to be furnished under a contract of service;
- (C) Are furnished by a person under a contract of service; or

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(D) Consist of raw materials, work in process, or materials used or consumed in a business.

(49) "Investment property" means a security, whether certificated or uncertificated, security entitlement, securities account, commodity contract, or commodity account.

(50) "Jurisdiction of organization," with respect to a registered organization, means the jurisdiction under whose law the organization is organized.

(51) "Letter-of-credit right" means a right to payment or performance under a letter of credit, whether or not the beneficiary has demanded or is at the time entitled to demand payment or performance. The term does not include the right of a beneficiary to demand payment or performance under a letter of credit.

(52) "Lien creditor" means:

(A) A creditor that has acquired a lien on the property involved by attachment, levy, or the like;

(B) An assignee for benefit of creditors from the time of assignment;

(C) A trustee in bankruptcy from the date of the filing of the petition; or

(D) A receiver in equity from the time of appointment.

(53) "Manufactured home" means a manufactured home or mobile home as defined in RCW 46.04.302.

(54) [Reserved]

(55) "Mortgage" means a consensual interest in real property, including fixtures, which secures payment or performance of an obligation.

(56) "New debtor" means a person that becomes bound as debtor under RCW 62A.9A-203(d) by a security agreement previously entered into by another person.

(57) "New value" means ~~((A))~~ (i) money, ~~((B))~~ (ii) money's worth in property, services, or new credit, or ~~((C))~~ (iii) release by a transferee of an interest in property previously transferred to the transferee. The term does not include an obligation substituted for another obligation.

(58) "Noncash proceeds" means proceeds other than cash proceeds.

(59) "Obligor" means a person that, with respect to an obligation secured by a security interest in or an agricultural lien on the collateral, ~~((A))~~ (i) owes payment or other performance of the obligation, ~~((B))~~ (ii) has provided property other than the collateral to secure payment or other performance of the obligation, or ~~((C))~~ (iii) is otherwise accountable in whole or in part for payment or other performance of the obligation. The term does not include issuers or nominated persons under a letter of credit.

(60) "Original debtor", except as used in RCW 62A.9A-310(c), means a person that, as debtor, entered into a security agreement to which a new debtor has become bound under RCW 62A.9A-203(d).

(61) "Payment intangible" means a general intangible under which the account debtor's principal obligation is a monetary obligation.

(62) "Person related to," with respect to an individual, means:

(A) The spouse of the individual;

(B) A brother, brother-in-law, sister, or sister-in-law of the individual;

(C) An ancestor or lineal descendant of the individual or the individual's spouse; or

(D) Any other relative, by blood or marriage, of the individual or the individual's spouse who shares the same home with the individual.

(63) "Person related to," with respect to an organization, means:

(A) A person directly or indirectly controlling, controlled by, or under common control with the organization;

(B) An officer or director of, or a person performing similar functions with respect to, the organization;

(C) An officer or director of, or a person performing similar functions with respect to, a person described in (63)(A) of this subsection;

(D) The spouse of an individual described in (63)(A), (B), or (C) of this subsection; or

(E) An individual who is related by blood or marriage to an individual described in (63)(A), (B), (C), or (D) of this subsection and shares the same home with the individual.

(64) "Proceeds", except as used in RCW 62A.9A-609(b), means the following property:

(A) Whatever is acquired upon the sale, lease, license, exchange, or other disposition of collateral;

(B) Whatever is collected on, or distributed on account of, collateral;

(C) Rights arising out of collateral;

(D) To the extent of the value of collateral, claims arising out of the loss, nonconformity, or interference with the use of, defects or infringement of rights in, or damage to, the collateral; or

(E) To the extent of the value of collateral and to the extent payable to the debtor or the secured party, insurance payable by reason of the loss or nonconformity of, defects or infringement of rights in, or damage to, the collateral.

(65) "Promissory note" means an instrument that evidences a promise to pay a monetary obligation, does not evidence an order to pay, and does not contain an acknowledgment by a bank that the bank has received for deposit a sum of money or funds.

(66) "Proposal" means a record authenticated by a secured party, which includes the terms on which the secured party is willing to accept collateral in full or partial satisfaction of the obligation it secures pursuant to RCW 62A.9A-620, 62A.9A-621, and 62A.9A-622.

(67) "Public-finance transaction" means a secured transaction in connection with which:

(A) Debt securities are issued;

(B) All or a portion of the securities issued have an initial stated maturity of at least twenty years; and

(C) The debtor, obligor, secured party, account debtor or other person obligated on collateral, assignor or assignee of a secured obligation, or assignor or assignee of a security interest is a state or a governmental unit of a state.

(68) "Pursuant to commitment," with respect to an advance made or other value given by a secured party, means pursuant to the secured party's obligation, whether or not a subsequent event of default or other event not within the secured party's control has relieved or may relieve the secured party from its obligation.

(69) "Record," except as used in "for record," "of record," "record or legal title," and "record owner," means information that is inscribed on a tangible medium or which is stored in an electronic or other medium and is retrievable in perceivable form.

(70) "Registered organization" means an organization organized solely under the law of a single state or the United States and as to which the state or the United States must maintain a public record showing the organization to have been organized.

(71) "Secondary obligor" means an obligor to the extent that:

(A) The obligor's obligation is secondary; or

(B) The obligor has a right of recourse with respect to an obligation secured by collateral against the debtor, another obligor, or property of either.

(72) "Secured party" means:

(A) A person in whose favor a security interest is created or provided for under a security agreement, whether or not any obligation to be secured is outstanding;

(B) A person that holds an agricultural lien;

(C) A consignor;

(D) A person to which accounts, chattel paper, payment intangibles, or promissory notes have been sold;

(E) A trustee, indenture trustee, agent, collateral agent, or other representative in whose favor a security interest or agricultural lien is created or provided for; or

(F) A person that holds a security interest arising under RCW 62A.2-401, 62A.2-505, 62A.2-711(3), 62A.2A-508(5), 62A.4-210, or 62A.5-118.

(73) "Security agreement" means an agreement that creates or provides for a security interest.

(74) "Send," in connection with a record or notification, means:

(A) To deposit in the mail, deliver for transmission, or transmit by any other usual means of communication, with postage or cost of transmission provided for, addressed to any address reasonable under the circumstances; or

(B) To cause the record or notification to be received within the time that it would have been received if properly sent under (A) of this subsection.

(75) "Software" means a computer program and any supporting information provided in connection with a transaction relating to the program. The term does not include a computer program that is included in the definition of goods.

(76) "State" means a state of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands, or any territory or insular possession subject to the jurisdiction of the United States.

(77) "Supporting obligation" means a letter-of-credit right or secondary obligation that supports the payment or performance of an account, chattel paper, a document, a general intangible, an instrument, or investment property.

(78) "Tangible chattel paper" means chattel paper evidenced by a record or records consisting of information that is inscribed on a tangible medium.

(79) "Termination statement" means an amendment of a financing statement which:

(A) Identifies, by its file number, the initial financing statement to which it relates; and

(B) Indicates either that it is a termination statement or that the identified financing statement is no longer effective.

(80) "Transmitting utility" means a person primarily engaged in the business of:

(A) Operating a railroad, subway, street railway, or trolley bus;

(B) Transmitting communications electrically, electromagnetically, or by light;

(C) Transmitting goods by pipeline or sewer; or

(D) Transmitting or producing and transmitting electricity, steam, gas, or water.

(b) **Definitions in other articles.** "Control" as provided in RCW 62A.7-106 and the following definitions in other articles apply to this Article:

"Applicant."	RCW 62A.5-102.
"Beneficiary."	RCW 62A.5-102.
"Broker."	RCW 62A.8-102.
"Certificated security."	RCW 62A.8-102.
"Check."	RCW 62A.3-104.
"Clearing corporation."	RCW 62A.8-102.
"Contract for sale."	RCW 62A.2-106.
"Customer."	RCW 62A.4-104.
"Entitlement holder."	RCW 62A.8-102.

"Financial asset."

RCW 62A.8-102.

"Holder in due course."

RCW 62A.3-302.

"Issuer" with respect to documents of title.

RCW 62A.7-102.

"Issuer" with respect to a letter of credit or letter-of-credit right.

RCW 62A.5-102.

"Issuer" with respect to a security.

RCW 62A.8-201.

"Lease."

RCW 62A.2A-103.

"Lease agreement."

RCW 62A.2A-103.

"Lease contract."

RCW 62A.2A-103.

"Leasehold interest."

RCW 62A.2A-103.

"Lessee."

RCW 62A.2A-103.

"Lessee in ordinary course of business."

RCW 62A.2A-103.

"Lessor."

RCW 62A.2A-103.

"Lessor's residual interest."

RCW 62A.2A-103.

"Letter of credit."

RCW 62A.5-102.

"Merchant."

RCW 62A.2-104.

"Negotiable instrument."

RCW 62A.3-104.

"Nominated person."

RCW 62A.5-102.

"Note."

RCW 62A.3-104.

"Proceeds of a letter of credit."

RCW 62A.5-114.

"Prove."

RCW 62A.3-103.

"Sale."

RCW 62A.2-106.

"Securities account."

RCW 62A.8-501.

"Securities intermediary."

RCW 62A.8-102.

"Security."

RCW 62A.8-102.

"Security certificate."

RCW 62A.8-102.

"Security entitlement."

RCW 62A.8-102.

"Uncertificated security."

RCW 62A.8-102.

(c) **Article 1 definitions and principles.** Article 1 contains general definitions and principles of construction and interpretation applicable throughout this Article.

**Sec. 1502.** RCW 62A.9A-102 and 2011 c 74 s 101 are each amended to read as follows:

**DEFINITIONS AND INDEX OF DEFINITIONS.** (a) **Article 9A definitions.** In this Article:

(1) "Accession" means goods that are physically united with other goods in such a manner that the identity of the original goods is not lost.



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(2)(A) "Account," except as used in "account for," means a right to payment of a monetary obligation, whether or not earned by performance, (i) for property that has been or is to be sold, leased, licensed, assigned, or otherwise disposed of, (ii) for services rendered or to be rendered, (iii) for a policy of insurance issued or to be issued, (iv) for a secondary obligation incurred or to be incurred, (v) for energy provided or to be provided, (vi) for the use or hire of a vessel under a charter or other contract, (vii) arising out of the use of a credit or charge card or information contained on or for use with the card, or (viii) as winnings in a lottery or other game of chance operated or sponsored by a state, governmental unit of a state, or person licensed or authorized to operate the game by a state or governmental unit of a state. The term includes health-care-insurance receivables.

(B) The term does not include (i) rights to payment evidenced by chattel paper or an instrument, (ii) commercial tort claims, (iii) deposit accounts, (iv) investment property, (v) letter-of-credit rights or letters of credit, or (vi) rights to payment for money or funds advanced or sold, other than rights arising out of the use of a credit or charge card or information contained on or for use with the card.

(3) "Account debtor" means a person obligated on an account, chattel paper, or general intangible. The term does not include persons obligated to pay a negotiable instrument, even if the instrument constitutes part of chattel paper.

(4) "Accounting," except as used in "accounting for," means a record:

(A) Authenticated by a secured party;

(B) Indicating the aggregate unpaid secured obligations as of a date not more than thirty-five days earlier or thirty-five days later than the date of the record; and

(C) Identifying the components of the obligations in reasonable detail.

(5) "Agricultural lien" means an interest, other than a security interest, in farm products:

(A) Which secures payment or performance of an obligation for:

(i) Goods or services furnished in connection with a debtor's farming operation; or

(ii) Rent on real property leased by a debtor in connection with its farming operation;

(B) Which is created by statute in favor of a person that:

(i) In the ordinary course of its business, furnished goods or services to a debtor in connection with a debtor's farming operation; or

(ii) Leased real property to a debtor in connection with the debtor's farming operation; and

(C) Whose effectiveness does not depend on the person's possession of the personal property.

(6) "As-extracted collateral" means:

(A) Oil, gas, or other minerals that are subject to a security interest that:

(i) Is created by a debtor having an interest in the minerals before extraction; and

(ii) Attaches to the minerals as extracted; or

(B) Accounts arising out of the sale at the wellhead or minehead of oil, gas, or other minerals in which the debtor had an interest before extraction.

(7) "Authenticate" means:

(A) To sign; or

(B) With present intent to adopt or accept a record, to attach to or logically associate with the record an electronic sound, symbol, or process.

(8) "Bank" means an organization that is engaged in the business of banking. The term includes savings banks, savings and loan associations, credit unions, and trust companies.

(9) "Cash proceeds" means proceeds that are money, checks, deposit accounts, or the like.

(10) "Certificate of title" means a certificate of title with respect to which a statute provides for the security interest in question to be indicated on the certificate as a condition or result of the security interest's obtaining priority over the rights of a lien creditor with respect to the collateral. The term includes another record maintained as an alternative to a certificate of title by the governmental unit that issues certificates of title if a statute permits the security interest in question to be indicated on the record as a condition or result of the security interest's obtaining priority over the rights of a lien creditor with respect to the collateral.

(11) "Chattel paper" means a record or records that evidence both a monetary obligation and a security interest in specific goods, a security interest in specific goods and software used in the goods, a security interest in specific goods and license of software used in the goods, a lease of specific goods, or a lease of specific goods and license of software used in the goods. In this subsection, "monetary obligation" means a monetary obligation secured by the goods or owed under a lease of the goods and includes a monetary obligation with respect to software used in the goods. The term "chattel paper" does not include ~~((A))~~ (i) charters or other contracts involving the use or hire of a vessel or ~~((B))~~ (ii) records that evidence a right to payment arising out of the use of a credit or charge card or information contained on or for use with the card. If a transaction is evidenced by records that include an instrument or series of instruments, the group of records taken together constitutes chattel paper.

(12) "Collateral" means the property subject to a security interest or agricultural lien. The term includes:

(A) Proceeds to which a security interest attaches;

(B) Accounts, chattel paper, payment intangibles, and promissory notes that have been sold; and

(C) Goods that are the subject of a consignment.

(13) "Commercial tort claim" means a claim arising in tort with respect to which:

(A) The claimant is an organization; or

(B) The claimant is an individual, and the claim:

(i) Arose in the course of the claimant's business or profession; and

(ii) Does not include damages arising out of personal injury to, or the death of, an individual.

(14) "Commodity account" means an account maintained by a commodity intermediary in which a commodity contract is carried for a commodity customer.

(15) "Commodity contract" means a commodity futures contract, an option on a commodity futures contract, a commodity option, or another contract if the contract or option is:

(A) Traded on or subject to the rules of a board of trade that has been designated as a contract market for such a contract pursuant to federal commodities laws; or

(B) Traded on a foreign commodity board of trade, exchange, or market, and is carried on the books of a commodity intermediary for a commodity customer.

(16) "Commodity customer" means a person for which a commodity intermediary carries a commodity contract on its books.

(17) "Commodity intermediary" means a person that:

(A) Is registered as a futures commission merchant under federal commodities law; or

(B) In the ordinary course of its business, provides clearance or settlement services for a board of trade that has been designated as a contract market pursuant to federal commodities law.

(18) "Communicate" means:

(A) To send a written or other tangible record;

(B) To transmit a record by any means agreed upon by the persons sending and receiving the record; or

(C) In the case of transmission of a record to or by a filing office, to transmit a record by any means prescribed by filing-office rule.

(19) "Consignee" means a merchant to which goods are delivered in a consignment.

(20) "Consignment" means a transaction, regardless of its form, in which a person delivers goods to a merchant for the purpose of sale and:

(A) The merchant:

(i) Deals in goods of that kind under a name other than the name of the person making delivery;

(ii) Is not an auctioneer; and

(iii) Is not generally known by its creditors to be substantially engaged in selling the goods of others;

(B) With respect to each delivery, the aggregate value of the goods is one thousand dollars or more at the time of delivery;

(C) The goods are not consumer goods immediately before delivery; and

(D) The transaction does not create a security interest that secures an obligation.

(21) "Consignor" means a person that delivers goods to a consignee in a consignment.

(22) "Consumer debtor" means a debtor in a consumer transaction.

(23) "Consumer goods" means goods that are used or bought for use primarily for personal, family, or household purposes.

(24) "Consumer-goods transaction" means a consumer transaction in which:

(A) An individual incurs a consumer obligation; and

(B) A security interest in consumer goods secures the obligation.

(25) "Consumer obligation" means an obligation which:

(A) Is incurred as part of a transaction entered into primarily for personal, family, or household purposes; and

(B) Arises from an extension of credit, or commitment to extend credit, in an aggregate amount not exceeding forty thousand dollars, or is secured by personal property used or expected to be used as a principal dwelling.

"Consumer obligor" means an obligor who is an individual and who incurred a consumer obligation.

(26) "Consumer transaction" means a transaction in which ~~((A))~~ (i) an individual incurs a consumer obligation, ~~((B))~~ (ii) a security interest secures the obligation, and ~~((C))~~ (iii) the collateral is held or acquired primarily for personal, family, or household purposes. The term includes consumer-goods transactions.

(27) "Continuation statement" means an amendment of a financing statement which:

(A) Identifies, by its file number, the initial financing statement to which it relates; and

(B) Indicates that it is a continuation statement for, or that it is filed to continue the effectiveness of, the identified financing statement.

(28) "Debtor" means:

(A) A person having an interest, other than a security interest or other lien, in the collateral, whether or not the person is an obligor;

(B) A seller of accounts, chattel paper, payment intangibles, or promissory notes; or

(C) A consignee.

(29) "Deposit account" means a demand, time, savings, passbook, or similar account maintained with a bank. The term does not include investment property or accounts evidenced by an instrument.

(30) "Document" means a document of title or a receipt of the type described in RCW 62A.7-201~~((2))~~ (b).

(31) "Electronic chattel paper" means chattel paper evidenced by a record or records consisting of information stored in an electronic medium.

(32) "Encumbrance" means a right, other than an ownership interest, in real property. The term includes mortgages and other liens on real property.

(33) "Equipment" means goods other than inventory, farm products, or consumer goods.

(34) "Farm products" means goods, other than standing timber, with respect to which the debtor is engaged in a farming operation and which are:

(A) Crops grown, growing, or to be grown, including:

(i) Crops produced on trees, vines, and bushes; and

(ii) Aquatic goods produced in aquacultural operations;

(B) Livestock, born or unborn, including aquatic goods produced in aquacultural operations;

(C) Supplies used or produced in a farming operation; or

(D) Products of crops or livestock in their unmanufactured states.

(35) "Farming operation" means raising, cultivating, propagating, fattening, grazing, or any other farming, livestock, or aquacultural operation.

(36) "File number" means the number assigned to an initial financing statement pursuant to RCW 62A.9A-519(a).

(37) "Filing office" means an office designated in RCW 62A.9A-501 as the place to file a financing statement.

(38) "Filing-office rule" means a rule adopted pursuant to RCW 62A.9A-526.

(39) "Financing statement" means a record or records composed of an initial financing statement and any filed record relating to the initial financing statement.

(40) "Fixture filing" means the filing of a financing statement covering goods that are or are to become fixtures and satisfying RCW 62A.9A-502 (a) and (b). The term includes the filing of a financing statement covering goods of a transmitting utility which are or are to become fixtures.

(41) "Fixtures" means goods that have become so related to particular real property that an interest in them arises under real property law.

(42) "General intangible" means any personal property, including things in action, other than accounts, chattel paper, commercial tort claims, deposit accounts, documents, goods, instruments, investment property, letter-of-credit rights, letters of credit, money, and oil, gas, or other minerals before extraction. The term includes payment intangibles and software.

(43) ("Good faith" means honesty in fact and the observance of reasonable commercial standards of fair dealing.) [Reserved.]

(44) "Goods" means all things that are movable when a security interest attaches. The term includes ~~((A))~~ (i) fixtures, ~~((B))~~ (ii) standing timber that is to be cut and removed under a conveyance or contract for sale, ~~((C))~~ (iii) the unborn young of animals, ~~((D))~~ (iv) crops grown, growing, or to be grown, even if the crops are produced on trees, vines, or bushes, and ~~((E))~~ (v) manufactured homes. The term also includes a computer program embedded in goods and any supporting information provided in connection with a transaction relating to the program if (i) the program is associated with the goods in such a manner that it customarily is considered part of the goods, or (ii) by becoming the owner of the goods, a person acquires a right to use the program in connection with the goods. The term does not include a computer program embedded in goods that consist solely of the medium in which the program is embedded. The term also does not include accounts, chattel paper, commercial tort claims, deposit accounts, documents, general intangibles, instruments, investment property, letter-of-credit rights, letters of credit, money, or oil, gas, or other minerals before extraction or a manufactured home converted to real property under chapter 65.20 RCW.

(45) "Governmental unit" means a subdivision, agency, department, county, parish, municipality, or other unit of the government of the United States, a state, or a foreign country. The term includes an organization having a separate corporate existence if the organization is eligible to issue debt on which interest is exempt from income taxation under the laws of the United States.

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(46) "Health-care-insurance receivable" means an interest in or claim under a policy of insurance which is a right to payment of a monetary obligation for health-care goods or services provided.

(47) "Instrument" means a negotiable instrument or any other writing that evidences a right to the payment of a monetary obligation, is not itself a security agreement or lease, and is of a type that in ordinary course of business is transferred by delivery with any necessary indorsement or assignment. The term does not include ~~((A))~~ (i) investment property, ~~((B))~~ (ii) letters of credit, ~~((C))~~ (iii) writings that evidence a right to payment arising out of the use of a credit or charge card or information contained on or for use with the card, ~~((D))~~ (iv) writings that do not contain a promise or order to pay, or ~~((E))~~ (v) writings that are expressly nontransferable or nonassignable.

(48) "Inventory" means goods, other than farm products, which:

(A) Are leased by a person as lessor;

(B) Are held by a person for sale or lease or to be furnished under a contract of service;

(C) Are furnished by a person under a contract of service; or

(D) Consist of raw materials, work in process, or materials used or consumed in a business.

(49) "Investment property" means a security, whether certificated or uncertificated, security entitlement, securities account, commodity contract, or commodity account.

(50) "Jurisdiction of organization," with respect to a registered organization, means the jurisdiction under whose law the organization is formed or organized.

(51) "Letter-of-credit right" means a right to payment or performance under a letter of credit, whether or not the beneficiary has demanded or is at the time entitled to demand payment or performance. The term does not include the right of a beneficiary to demand payment or performance under a letter of credit.

(52) "Lien creditor" means:

(A) A creditor that has acquired a lien on the property involved by attachment, levy, or the like;

(B) An assignee for benefit of creditors from the time of assignment;

(C) A trustee in bankruptcy from the date of the filing of the petition; or

(D) A receiver in equity from the time of appointment.

(53) "Manufactured home" means a manufactured home or mobile home as defined in RCW 46.04.302.

(54) [Reserved]

(55) "Mortgage" means a consensual interest in real property, including fixtures, which secures payment or performance of an obligation.

(56) "New debtor" means a person that becomes bound as debtor under RCW 62A.9A-203(d) by a security agreement previously entered into by another person.

(57) "New value" means ~~((A))~~ (i) money, ~~((B))~~ (ii) money's worth in property, services, or new credit, or ~~((C))~~ (iii) release by a transferee of an interest in property previously transferred to the transferee. The term does not include an obligation substituted for another obligation.

(58) "Noncash proceeds" means proceeds other than cash proceeds.

(59) "Obligor" means a person that, with respect to an obligation secured by a security interest in or an agricultural lien on the collateral, ~~((A))~~ (i) owes payment or other performance of the obligation, ~~((B))~~ (ii) has provided property other than the collateral to secure payment or other performance of the obligation, or ~~((C))~~ (iii) is otherwise accountable in whole or in part for payment or other performance of the obligation. The term does not include issuers or nominated persons under a letter of credit.

(60) "Original debtor", except as used in RCW 62A.9A-310(c), means a person that, as debtor, entered into a security agreement to which a new debtor has become bound under RCW 62A.9A-203(d).

(61) "Payment intangible" means a general intangible under which the account debtor's principal obligation is a monetary obligation.

(62) "Person related to," with respect to an individual, means:

(A) The spouse or state registered domestic partner of the individual;

(B) A brother, brother-in-law, sister, or sister-in-law of the individual;

(C) An ancestor or lineal descendant of the individual or the individual's spouse or state registered domestic partner; or

(D) Any other relative, by blood or by marriage or other law, of the individual or the individual's spouse or state registered domestic partner who shares the same home with the individual.

(63) "Person related to," with respect to an organization, means:

(A) A person directly or indirectly controlling, controlled by, or under common control with the organization;

(B) An officer or director of, or a person performing similar functions with respect to, the organization;

(C) An officer or director of, or a person performing similar functions with respect to, a person described in (63)(A) of this subsection;

(D) The spouse or state registered domestic partner of an individual described in (63)(A), (B), or (C) of this subsection; or

(E) An individual who is related by blood or by marriage or other law to an individual described in (63)(A), (B), (C), or (D) of this subsection and shares the same home with the individual.

(64) "Proceeds", except as used in RCW 62A.9A-609(b), means the following property:

(A) Whatever is acquired upon the sale, lease, license, exchange, or other disposition of collateral;

(B) Whatever is collected on, or distributed on account of, collateral;

(C) Rights arising out of collateral;

(D) To the extent of the value of collateral, claims arising out of the loss, nonconformity, or interference with the use of, defects or infringement of rights in, or damage to, the collateral; or

(E) To the extent of the value of collateral and to the extent payable to the debtor or the secured party, insurance payable by reason of the loss or nonconformity of, defects or infringement of rights in, or damage to, the collateral.

(65) "Promissory note" means an instrument that evidences a promise to pay a monetary obligation, does not evidence an order to pay, and does not contain an acknowledgment by a bank that the bank has received for deposit a sum of money or funds.

(66) "Proposal" means a record authenticated by a secured party, which includes the terms on which the secured party is willing to accept collateral in full or partial satisfaction of the obligation it secures pursuant to RCW 62A.9A-620, 62A.9A-621, and 62A.9A-622.

(67) "Public-finance transaction" means a secured transaction in connection with which:

(A) Debt securities are issued;

(B) All or a portion of the securities issued have an initial stated maturity of at least twenty years; and

(C) The debtor, obligor, secured party, account debtor or other person obligated on collateral, assignor or assignee of a secured obligation, or assignor or assignee of a security interest is a state or a governmental unit of a state.

(68) "Public organic record" means a record that is available to the public for inspection and is:

(A) A record consisting of the record initially filed with or issued by a state or the United States to form or organize an organization and any record filed with or issued by the state or the United States which amends or restates the initial record;

(B) An organic record of a business trust consisting of the record initially filed with a state and any record filed with the state which amends or restates the initial record, if a statute of the state

governing business trusts requires that the record be filed with the state; or

(C) A record consisting of legislation enacted by the legislature of a state or the congress of the United States which forms or organizes an organization, any record amending the legislation, and any record filed with or issued by the state or the United States which amends or restates the name of the organization. (69) "Pursuant to commitment," with respect to an advance made or other value given by a secured party, means pursuant to the secured party's obligation, whether or not a subsequent event of default or other event not within the secured party's control has relieved or may relieve the secured party from its obligation.

(70) "Record," except as used in "for record," "of record," "record or legal title," and "record owner," means information that is inscribed on a tangible medium or which is stored in an electronic or other medium and is retrievable in perceivable form.

(71) "Registered organization" means an organization formed or organized solely under the law of a single state or the United States by the filing of a public organic record with, the issuance of a public organic record by, or the enactment of legislation by the state or the United States. The term includes a business trust that is formed or organized under the law of a single state if a statute of the state governing business trusts requires that the business trust's organic record be filed with the state.

(72) "Secondary obligor" means an obligor to the extent that:

(A) The obligor's obligation is secondary; or

(B) The obligor has a right of recourse with respect to an obligation secured by collateral against the debtor, another obligor, or property of either.

(73) "Secured party" means:

(A) A person in whose favor a security interest is created or provided for under a security agreement, whether or not any obligation to be secured is outstanding;

(B) A person that holds an agricultural lien;

(C) A consignor;

(D) A person to which accounts, chattel paper, payment intangibles, or promissory notes have been sold;

(E) A trustee, indenture trustee, agent, collateral agent, or other representative in whose favor a security interest or agricultural lien is created or provided for; or

(F) A person that holds a security interest arising under RCW 62A.2-401, 62A.2-505, 62A.2-711(3), 62A.2A-508(5), 62A.4-210, or 62A.5-118.

(74) "Security agreement" means an agreement that creates or provides for a security interest.

(75) "Send," in connection with a record or notification, means:

(A) To deposit in the mail, deliver for transmission, or transmit by any other usual means of communication, with postage or cost of transmission provided for, addressed to any address reasonable under the circumstances; or

(B) To cause the record or notification to be received within the time that it would have been received if properly sent under (75)(A) of this subsection.

(76) "Software" means a computer program and any supporting information provided in connection with a transaction relating to the program. The term does not include a computer program that is included in the definition of goods.

(77) "State" means a state of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands, or any territory or insular possession subject to the jurisdiction of the United States.

(78) "Supporting obligation" means a letter-of-credit right or secondary obligation that supports the payment or performance of an account, chattel paper, a document, a general intangible, an instrument, or investment property.

(79) "Tangible chattel paper" means chattel paper evidenced by a record or records consisting of information that is inscribed on a tangible medium.

(80) "Termination statement" means an amendment of a financing statement which:

(A) Identifies, by its file number, the initial financing statement to which it relates; and

(B) Indicates either that it is a termination statement or that the identified financing statement is no longer effective.

(81) "Transmitting utility" means a person primarily engaged in the business of:

(A) Operating a railroad, subway, street railway, or trolley bus;

(B) Transmitting communications electrically, electromagnetically, or by light;

(C) Transmitting goods by pipeline or sewer; or

(D) Transmitting or producing and transmitting electricity, steam, gas, or water.

(b) **Definitions in other articles.** "Control" as provided in RCW 62A.7-106 and the following definitions in other articles apply to this Article:

"Applicant."	RCW 62A.5-102.
"Beneficiary."	RCW 62A.5-102.
"Broker."	RCW 62A.8-102.
"Certificated security."	RCW 62A.8-102.
"Check."	RCW 62A.3-104.
"Clearing corporation."	RCW 62A.8-102.
"Contract for sale."	RCW 62A.2-106.
"Customer."	RCW 62A.4-104.
"Entitlement holder."	RCW 62A.8-102.
"Financial asset."	RCW 62A.8-102.
"Holder in due course."	RCW 62A.3-302.
<u>"Issuer" with respect to documents of title.</u>	<u>RCW 62A.7-102.</u>
"Issuer" with respect to a letter of credit or letter-of-credit right.	RCW 62A.5-102.
"Issuer" with respect to a security.	RCW 62A.8-201.
"Lease."	RCW 62A.2A-103.
"Lease agreement."	RCW 62A.2A-103.
"Lease contract."	RCW 62A.2A-103.
"Leasehold interest."	RCW 62A.2A-103.
"Lessee."	RCW 62A.2A-103.
"Lessee in ordinary course of business."	RCW 62A.2A-103.
"Lessor."	RCW 62A.2A-103.
"Lessor's residual interest."	RCW 62A.2A-103.

"Letter of credit."	RCW 62A.5-102.
"Merchant."	RCW 62A.2-104.
"Negotiable instrument."	RCW 62A.3-104.
"Nominated person."	RCW 62A.5-102.
"Note."	RCW 62A.3-104.
"Proceeds of a letter of credit."	RCW 62A.5-114.
"Prove."	RCW 62A.3-103.
"Sale."	RCW 62A.2-106.
"Securities account."	RCW 62A.8-501.
"Securities intermediary."	RCW 62A.8-102.
"Security."	RCW 62A.8-102.
"Security certificate."	RCW 62A.8-102.
"Security entitlement."	RCW 62A.8-102.
"Uncertificated security."	RCW 62A.8-102.

arising under Article 2 or 2A, and RCW 62A.9A-206 on security interests in investment property.

(d) **When person becomes bound by another person's security agreement.** A person becomes bound as debtor by a security agreement entered into by another person if, by operation of law other than this Article or by contract:

(1) The security agreement becomes effective to create a security interest in the person's property; or

(2) The person becomes generally obligated for the obligations of the other person, including the obligation secured under the security agreement, and acquires or succeeds to all or substantially all of the assets of the other person.

(e) **Effect of new debtor becoming bound.** If a new debtor becomes bound as debtor by a security agreement entered into by another person:

(1) The agreement satisfies subsection (b)(3) of this section with respect to existing or after-acquired property of the new debtor to the extent the property is described in the agreement; and

(2) Another agreement is not necessary to make a security interest in the property enforceable.

(f) **Proceeds and supporting obligations.** The attachment of a security interest in collateral gives the secured party the rights to proceeds provided by RCW 62A.9A-315 and is also attachment of a security interest in a supporting obligation for the collateral.

(g) **Lien securing right to payment.** The attachment of a security interest in a right to payment or performance secured by a security interest or other lien on personal or real property is also attachment of a security interest in the security interest, mortgage, or other lien.

(h) **Security entitlement carried in securities account.** The attachment of a security interest in a securities account is also attachment of a security interest in the security entitlements carried in the securities account.

(i) **Commodity contracts carried in commodity account.** The attachment of a security interest in a commodity account is also attachment of a security interest in the commodity contracts carried in the commodity account.

**Sec. 1504.** RCW 62A.9A-207 and 2000 c 250 s 9A-207 are each amended to read as follows:

**RIGHTS AND DUTIES OF SECURED PARTY HAVING POSSESSION OR CONTROL OF COLLATERAL.** (a) **Duty of care when secured party in possession.** Except as otherwise provided in subsection (d) of this section, a secured party shall use reasonable care in the custody and preservation of collateral in the secured party's possession. In the case of chattel paper or an instrument, reasonable care includes taking necessary steps to preserve rights against prior parties unless otherwise agreed.

(b) **Expenses, risks, duties, and rights when secured party in possession.** Except as otherwise provided in subsection (d) of this section, if a secured party has possession of collateral:

(1) Reasonable expenses, including the cost of insurance and payment of taxes or other charges, incurred in the custody, preservation, use, or operation of the collateral are chargeable to the debtor and are secured by the collateral;

(2) The risk of accidental loss or damage is on the debtor to the extent of a deficiency in any effective insurance coverage;

(3) The secured party shall keep the collateral identifiable, but fungible collateral may be commingled; and

(4) The secured party may use or operate the collateral:

(A) For the purpose of preserving the collateral or its value;

(B) As permitted by an order of a court having competent jurisdiction; or

(C) Except in the case of consumer goods, in the manner and to the extent agreed by the debtor.

(c) **Duties and rights when secured party in possession or control.** Except as otherwise provided in subsection (d) of this

(c) **Article 1 definitions and principles.** Article 1 contains general definitions and principles of construction and interpretation applicable throughout this Article.

**Sec. 1503.** RCW 62A.9A-203 and 2000 c 250 s 9A-203 are each amended to read as follows:

**ATTACHMENT AND ENFORCEABILITY OF SECURITY INTEREST; PROCEEDS; SUPPORTING OBLIGATIONS; FORMAL REQUISITES.** (a) **Attachment.** A security interest attaches to collateral when it becomes enforceable against the debtor with respect to the collateral, unless an agreement expressly postpones the time of attachment.

(b) **Enforceability.** Except as otherwise provided in subsections (c) through (i) of this section, a security interest is enforceable against the debtor and third parties with respect to the collateral only if:

(1) Value has been given;

(2) The debtor has rights in the collateral or the power to transfer rights in the collateral to a secured party; and

(3) One of the following conditions is met:

(A) The debtor has authenticated a security agreement that provides a description of the collateral and, if the security interest covers timber to be cut, a description of the land concerned;

(B) The collateral is not a certificated security and is in the possession of the secured party under RCW 62A.9A-313 pursuant to the debtor's security agreement;

(C) The collateral is a certificated security in registered form and the security certificate has been delivered to the secured party under RCW 62A.8-301 pursuant to the debtor's security agreement; or

(D) The collateral is deposit accounts, electronic chattel paper, investment property, ~~((€))~~ letter-of-credit rights, or electronic documents, and the secured party has control under RCW 62A.7-106, 62A.9A-104, 62A.9A-105, 62A.9A-106, or 62A.9A-107 pursuant to the debtor's security agreement.

(c) **Other UCC provisions.** Subsection (b) of this section is subject to RCW 62A.4-210 on the security interest of a collecting bank, RCW 62A.5-118 on the security interest of a letter-of-credit issuer or nominated person, RCW 62A.9A-110 on a security interest

section, a secured party having possession of collateral or control of collateral under RCW 62A.7-106, 62A.9A-104, 62A.9A-105, 62A.9A-106, or 62A.9A-107:

(1) May hold as additional security any proceeds, except money or funds, received from the collateral;

(2) Shall apply money or funds received from the collateral to reduce the secured obligation, unless remitted to the debtor; and

(3) May create a security interest in the collateral.

(d) **Buyer of certain rights to payment.** If the secured party is a buyer of accounts, chattel paper, payment intangibles, or promissory notes or a consignor:

(1) Subsection (a) of this section does not apply unless the secured party is entitled under an agreement:

(A) To charge back uncollected collateral; or

(B) Otherwise to full or limited recourse against the debtor or a secondary obligor based on the nonpayment or other default of an account debtor or other obligor on the collateral; and

(2) Subsections (b) and (c) of this section do not apply.

**Sec. 1505.** RCW 62A.9A-208 and 2001 c 32 s 21 are each amended to read as follows:

**ADDITIONAL DUTIES OF SECURED PARTY HAVING CONTROL OF COLLATERAL.** (a) **Applicability of section.** This section applies to cases in which there is no outstanding secured obligation and the secured party is not committed to make advances, incur obligations, or otherwise give value.

(b) **Duties of secured party after receiving demand from debtor.** Within ten days after receiving an authenticated demand by the debtor:

(1) A secured party having control of a deposit account under RCW 62A.9A-104(a)(2) shall send to the bank with which the deposit account is maintained an authenticated statement that releases the bank from any further obligation to comply with instructions originated by the secured party;

(2) A secured party having control of a deposit account under RCW 62A.9A-104(a)(3) shall:

(A) Pay the debtor the balance on deposit in the deposit account; or  
(B) Transfer the balance on deposit into a deposit account in the debtor's name;

(3) A secured party, other than a buyer, having control of electronic chattel paper under RCW 62A.9A-105 shall:

(A) Communicate the authoritative copy of the electronic chattel paper to the debtor or its designated custodian;

(B) If the debtor designates a custodian that is the designated custodian with which the authoritative copy of the electronic chattel paper is maintained for the secured party, communicate to the custodian an authenticated record releasing the designated custodian from any further obligation to comply with instructions originated by the secured party and instructing the custodian to comply with instructions originated by the debtor; and

(C) Take appropriate action to enable the debtor or its designated custodian to make copies of or revisions to the authoritative copy which add or change an identified assignee of the authoritative copy without the consent of the secured party;

(4) A secured party having control of investment property under RCW 62A.8-106(4)(b) or 62A.9A-106(b) shall send to the securities intermediary or commodity intermediary with which the security entitlement or commodity contract is maintained an authenticated record that releases the securities intermediary or commodity intermediary from any further obligation to comply with entitlement orders or directions originated by the secured party; ~~(and)~~

(5) A secured party having control of a letter-of-credit right under RCW 62A.9A-107 shall send to each person having an unfulfilled obligation to pay or deliver proceeds of the letter of credit to the secured party an authenticated release from any further obligation to

pay or deliver proceeds of the letter of credit to the secured party; and

(6) A secured party having control of an electronic document shall:

(A) Give control of the electronic document to the debtor or its designated custodian;

(B) If the debtor designates a custodian that is the designated custodian with which the authoritative copy of the electronic document is maintained for the secured party, communicate to the custodian an authenticated record releasing the designated custodian from any further obligation to comply with instructions originated by the secured party and instructing the custodian to comply with instructions originated by the debtor; and

(C) Take appropriate action to enable the debtor or its designated custodian to make copies of or revisions to the authoritative copy which add or change an identified assignee of the authoritative copy without the consent of the secured party.

**Sec. 1506.** RCW 62A.9A-301 and 2001 c 32 s 22 are each amended to read as follows:

**LAW GOVERNING PERFECTION AND PRIORITY OF SECURITY INTERESTS.** Except as otherwise provided in RCW 62A.9A-303 through 62A.9A-306, the following rules determine the law governing perfection, the effect of perfection or nonperfection, and the priority of a security interest in collateral:

(1) Except as otherwise provided in this section, while a debtor is located in a jurisdiction, the local law of that jurisdiction governs perfection, the effect of perfection or nonperfection, and the priority of a security interest in collateral.

(2) While collateral is located in a jurisdiction, the local law of that jurisdiction governs perfection, the effect of perfection or nonperfection, and the priority of a possessory security interest in that collateral.

(3) Except as otherwise provided in subsection (4) of this section, while tangible negotiable documents, goods, instruments, money, or tangible chattel paper is located in a jurisdiction, the local law of that jurisdiction governs:

(A) Perfection of a security interest in the goods by filing a fixture filing;

(B) Perfection of a security interest in timber to be cut; and

(C) The effect of perfection or nonperfection and the priority of a nonpossessory security interest in the collateral.

(4) The local law of the jurisdiction in which the wellhead or minehead is located governs perfection, the effect of perfection or nonperfection, and the priority of a security interest in as-extracted collateral.

**Sec. 1507.** RCW 62A.9A-310 and 2000 c 250 s 9A-310 are each amended to read as follows:

**WHEN FILING REQUIRED TO PERFECT SECURITY INTEREST OR AGRICULTURAL LIEN; SECURITY INTERESTS AND AGRICULTURAL LIENS TO WHICH FILING PROVISIONS DO NOT APPLY.** (a) **General rule: Perfection by filing.** Except as otherwise provided in subsections (b) and (d) of this section and RCW 62A.9A-312(b), a financing statement must be filed to perfect all security interests and agricultural liens.

(b) **Exceptions: Filing not necessary.** The filing of a financing statement is not necessary to perfect a security interest:

(1) That is perfected under RCW 62A.9A-308 (d), (e), (f), or (g);

(2) That is perfected under RCW 62A.9A-309 when it attaches;

(3) In property subject to a statute, regulation, or treaty described in RCW 62A.9A-311(a);

(4) In goods in possession of a bailee which is perfected under RCW 62A.9A-312(d) (1) or (2);

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(5) In certificated securities, documents, goods, or instruments which is perfected without filing, control, or possession under RCW 62A.9A-312 (e), (f), or (g);

(6) In collateral in the secured party's possession under RCW 62A.9A-313;

(7) In a certificated security which is perfected by delivery of the security certificate to the secured party under RCW 62A.9A-313;

(8) In deposit accounts, electronic chattel paper, electronic documents, investment property, or letter-of-credit rights which is perfected by control under RCW 62A.9A-314;

(9) In proceeds which is perfected under RCW 62A.9A-315; or

(10) That is perfected under RCW 62A.9A-316.

(c) **Assignment of perfected security interest.** If a secured party assigns a perfected security interest or agricultural lien, a filing under this Article is not required to continue the perfected status of the security interest against creditors of and transferees from the original debtor.

(d) **Further exception: Filing not necessary for handler's lien.** The filing of a financing statement is not necessary to perfect the agricultural lien of a handler on orchard crops as provided in RCW 60.11.020(3).

**Sec. 1508.** RCW 62A.9A-310 and 2011 c 74 s 709 are each amended to read as follows:

WHEN FILING REQUIRED TO PERFECT SECURITY INTEREST OR AGRICULTURAL LIEN; SECURITY INTERESTS AND AGRICULTURAL LIENS TO WHICH FILING PROVISIONS DO NOT APPLY. (a) **General rule: Perfection by filing.** Except as otherwise provided in subsections (b) and (d) of this section and RCW 62A.9A-312(b), a financing statement must be filed to perfect all security interests and agricultural liens.

(b) **Exceptions: Filing not necessary.** The filing of a financing statement is not necessary to perfect a security interest:

(1) That is perfected under RCW 62A.9A-308 (d), (e), (f), or (g);

(2) That is perfected under RCW 62A.9A-309 when it attaches;

(3) In property subject to a statute, regulation, or treaty described in RCW 62A.9A-311(a);

(4) In goods in possession of a bailee which is perfected under RCW 62A.9A-312(d) (1) or (2);

(5) In certificated securities, documents, goods, or instruments which is perfected without filing, control, or possession under RCW 62A.9A-312 (e), (f), or (g);

(6) In collateral in the secured party's possession under RCW 62A.9A-313;

(7) In a certificated security which is perfected by delivery of the security certificate to the secured party under RCW 62A.9A-313;

(8) In deposit accounts, electronic chattel paper, electronic documents, investment property, or letter-of-credit rights which is perfected by control under RCW 62A.9A-314;

(9) In proceeds which is perfected under RCW 62A.9A-315; or

(10) That is perfected under RCW 62A.9A-316.

(c) **Assignment of perfected security interest.** If a secured party assigns a perfected security interest or agricultural lien, a filing under this Article is not required to continue the perfected status of the security interest against creditors of and transferees from the original debtor.

(d) **Further exception: Filing not necessary for handler's lien.** The filing of a financing statement is not necessary to perfect the agricultural lien of a handler on orchard crops as provided in RCW 60.11.020(3).

**Sec. 1509.** RCW 62A.9A-312 and 2000 c 250 s 9A-312 are each amended to read as follows:

PERFECTION OF SECURITY INTERESTS IN CHATTEL PAPER, DEPOSIT ACCOUNTS, DOCUMENTS, GOODS COVERED BY DOCUMENTS, INSTRUMENTS,

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INVESTMENT PROPERTY, LETTER-OF-CREDIT RIGHTS, AND MONEY; PERFECTION BY PERMISSIVE FILING; TEMPORARY PERFECTION WITHOUT FILING OR TRANSFER OF POSSESSION. (a) **Perfection by filing permitted.** A security interest in chattel paper, negotiable documents, instruments, or investment property may be perfected by filing.

(b) **Control or possession of certain collateral.** Except as otherwise provided in RCW 62A.9A-315 (c) and (d) for proceeds:

(1) A security interest in a deposit account may be perfected only by control under RCW 62A.9A-314;

(2) And except as otherwise provided in RCW 62A.9A-308(d), a security interest in a letter-of-credit right may be perfected only by control under RCW 62A.9A-314; and

(3) A security interest in money may be perfected only by the secured party's taking possession under RCW 62A.9A-313.

(c) **Goods covered by negotiable document.** While goods are in the possession of a bailee that has issued a negotiable document covering the goods:

(1) A security interest in the goods may be perfected by perfecting a security interest in the document; and

(2) A security interest perfected in the document has priority over any security interest that becomes perfected in the goods by another method during that time.

(d) **Goods covered by nonnegotiable document.** While goods are in the possession of a bailee that has issued a nonnegotiable document covering the goods, a security interest in the goods may be perfected by:

(1) Issuance of a document in the name of the secured party;

(2) The bailee's receipt of notification of the secured party's interest; or

(3) Filing as to the goods.

(e) **Temporary perfection: New value.** A security interest in certificated securities, negotiable documents, or instruments is perfected without filing or the taking of possession or control for a period of twenty days from the time it attaches to the extent that it arises for new value given under an authenticated security agreement.

(f) **Temporary perfection: Goods or documents made available to debtor.** A perfected security interest in a negotiable document or goods in possession of a bailee, other than one that has issued a negotiable document for the goods, remains perfected for twenty days without filing if the secured party makes available to the debtor the goods or documents representing the goods for the purpose of:

(1) Ultimate sale or exchange; or

(2) Loading, unloading, storing, shipping, transshipping, manufacturing, processing, or otherwise dealing with them in a manner preliminary to their sale or exchange.

(g) **Temporary perfection: Delivery of security certificate or instrument to debtor.** A perfected security interest in a certificated security or instrument remains perfected for twenty days without filing if the secured party delivers the security certificate or instrument to the debtor for the purpose of:

(1) Ultimate sale or exchange; or

(2) Presentation, collection, enforcement, renewal, or registration of transfer.

(h) **Expiration of temporary perfection.** After the twenty-day period specified in subsection (e), (f), or (g) of this section expires, perfection depends upon compliance with this Article.

**Sec. 1510.** RCW 62A.9A-313 and 2001 c 32 s 26 are each amended to read as follows:

WHEN POSSESSION BY OR DELIVERY TO SECURED PARTY PERFECTS SECURITY INTEREST WITHOUT FILING. (a) **Perfection by possession or delivery.** Except as

otherwise provided in subsection (b) of this section, a secured party may perfect a security interest in tangible negotiable documents, goods, instruments, money, or tangible chattel paper by taking possession of the collateral. A secured party may perfect a security interest in certificated securities by taking delivery of the certificated securities under RCW 62A.8-301.

(b) **Goods covered by certificate of title.** With respect to goods covered by a certificate of title issued by this state, a secured party may perfect a security interest in the goods by taking possession of the goods only in the circumstances described in RCW 62A.9A-316(d).

(c) **Collateral in possession of person other than debtor.** With respect to collateral other than certificated securities and goods covered by a document, a secured party takes possession of collateral in the possession of a person other than the debtor, the secured party, or a lessee of the collateral from the debtor in the ordinary course of the debtor's business, when:

(1) The person in possession authenticates a record acknowledging that it holds possession of the collateral for the secured party's benefit; or

(2) The person takes possession of the collateral after having authenticated a record acknowledging that it will hold possession of collateral for the secured party's benefit.

(d) **Time of perfection by possession; continuation of perfection.** If perfection of a security interest depends upon possession of the collateral by a secured party, perfection occurs no earlier than the time the secured party takes possession and continues only while the secured party retains possession.

(e) **Time of perfection by delivery; continuation of perfection.** A security interest in a certificated security in registered form is perfected by delivery when delivery of the certificated security occurs under RCW 62A.8-301 and remains perfected by delivery until the debtor obtains possession of the security certificate.

(f) **Acknowledgment not required.** A person in possession of collateral is not required to acknowledge that it holds possession for a secured party's benefit.

(g) **Effectiveness of acknowledgment; no duties or confirmation.** If a person acknowledges that it holds possession for the secured party's benefit:

(1) The acknowledgment is effective under subsection (c) of this section or RCW 62A.8-301(1), even if the acknowledgment violates the rights of a debtor; and

(2) Unless the person otherwise agrees or law other than this Article otherwise provides, the person does not owe any duty to the secured party and is not required to confirm the acknowledgment to another person.

(h) **Secured party's delivery to person other than debtor.** A secured party having possession of collateral does not relinquish possession by delivering the collateral to a person other than the debtor or a lessee of the collateral from the debtor in the ordinary course of the debtor's business if the person was instructed before the delivery or is instructed contemporaneously with the delivery:

(1) To hold possession of the collateral for the secured party's benefit; or

(2) To redeliver the collateral to the secured party.

(i) **Effect of delivery under subsection (h) of this section; no duties or confirmation.** A secured party does not relinquish possession, even if a delivery under subsection (h) of this section violates the rights of a debtor. A person to which collateral is delivered under subsection (h) of this section does not owe any duty to the secured party and is not required to confirm the delivery to another person unless the person otherwise agrees or law other than this Article otherwise provides.

**Sec. 1511.** RCW 62A.9A-313 and 2011 c 74 s 710 are each amended to read as follows:

WHEN POSSESSION BY OR DELIVERY TO SECURED PARTY PERFECTS SECURITY INTEREST WITHOUT FILING. (a) **Perfection by possession or delivery.** Except as otherwise provided in subsection (b) of this section, a secured party may perfect a security interest in tangible negotiable documents, goods, instruments, money, or tangible chattel paper by taking possession of the collateral. A secured party may perfect a security interest in certificated securities by taking delivery of the certificated securities under RCW 62A.8-301.

(b) **Goods covered by certificate of title.** With respect to goods covered by a certificate of title issued by this state, a secured party may perfect a security interest in the goods by taking possession of the goods only in the circumstances described in RCW 62A.9A-316(d).

(c) **Collateral in possession of person other than debtor.** With respect to collateral other than certificated securities and goods covered by a document, a secured party takes possession of collateral in the possession of a person other than the debtor, the secured party, or a lessee of the collateral from the debtor in the ordinary course of the debtor's business, when:

(1) The person in possession authenticates a record acknowledging that it holds possession of the collateral for the secured party's benefit; or

(2) The person takes possession of the collateral after having authenticated a record acknowledging that it will hold possession of collateral for the secured party's benefit.

(d) **Time of perfection by possession; continuation of perfection.** If perfection of a security interest depends upon possession of the collateral by a secured party, perfection occurs no earlier than the time the secured party takes possession and continues only while the secured party retains possession.

(e) **Time of perfection by delivery; continuation of perfection.** A security interest in a certificated security in registered form is perfected by delivery when delivery of the certificated security occurs under RCW 62A.8-301 and remains perfected by delivery until the debtor obtains possession of the security certificate.

(f) **Acknowledgment not required.** A person in possession of collateral is not required to acknowledge that it holds possession for a secured party's benefit.

(g) **Effectiveness of acknowledgment; no duties or confirmation.** If a person acknowledges that it holds possession for the secured party's benefit:

(1) The acknowledgment is effective under subsection (c) of this section or RCW 62A.8-301(1), even if the acknowledgment violates the rights of a debtor; and

(2) Unless the person otherwise agrees or law other than this Article otherwise provides, the person does not owe any duty to the secured party and is not required to confirm the acknowledgment to another person.

(h) **Secured party's delivery to person other than debtor.** A secured party having possession of collateral does not relinquish possession by delivering the collateral to a person other than the debtor or a lessee of the collateral from the debtor in the ordinary course of the debtor's business if the person was instructed before the delivery or is instructed contemporaneously with the delivery:

(1) To hold possession of the collateral for the secured party's benefit; or

(2) To redeliver the collateral to the secured party.

(i) **Effect of delivery under subsection (h) of this section; no duties or confirmation.** A secured party does not relinquish possession, even if a delivery under subsection (h) of this section violates the rights of a debtor. A person to which collateral is delivered under subsection (h) of this section does not owe any duty to the secured party and is not required to confirm the delivery to



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another person unless the person otherwise agrees or law other than this Article otherwise provides.

**Sec. 1512.** RCW 62A.9A-314 and 2000 c 250 s 9A-314 are each amended to read as follows:

**PERFECTION BY CONTROL.** (a) **Perfection by control.** A security interest in investment property, deposit accounts, letter-of-credit rights, ~~((e))~~ electronic chattel paper, or electronic documents may be perfected by control of the collateral under RCW 62A.7-106, 62A.9A-104, 62A.9A-105, 62A.9A-106, or 62A.9A-107.

(b) **Specified collateral: Time of perfection by control; continuation of perfection.** A security interest in deposit accounts, electronic chattel paper, ~~((e))~~ letter-of-credit rights, or electronic documents is perfected by control under RCW 62A.7-106, 62A.9A-104, 62A.9A-105, or 62A.9A-107 when the secured party obtains control and remains perfected by control only while the secured party retains control.

(c) **Investment property: Time of perfection by control; continuation of perfection.** A security interest in investment property is perfected by control under RCW 62A.9A-106 from the time the secured party obtains control and remains perfected by control until:

(1) The secured party does not have control; and

(2) One of the following occurs:

(A) If the collateral is a certificated security, the debtor has or acquires possession of the security certificate;

(B) If the collateral is an uncertificated security, the issuer has registered or registers the debtor as the registered owner; or

(C) If the collateral is a security entitlement, the debtor is or becomes the entitlement holder.

**Sec. 1513.** RCW 62A.9A-317 and 2001 c 32 s 27 are each amended to read as follows:

**INTERESTS THAT TAKE PRIORITY OVER OR TAKE FREE OF SECURITY INTEREST OR AGRICULTURAL LIEN.** (a) **Conflicting security interests and rights of lien creditors.** A security interest or agricultural lien is subordinate to the rights of:

(1) A person entitled to priority under RCW 62A.9A-322; and

(2) Except as otherwise provided in subsection (e) of this section, a person that becomes a lien creditor before the earlier of the time:

(A) The security interest or agricultural lien is perfected; or

(B) One of the conditions specified in RCW 62A.9A-203(b)(3) is met and a financing statement covering the collateral is filed.

(b) **Buyers that receive delivery.** Except as otherwise provided in subsection (e) of this section, a buyer, other than a secured party, of tangible chattel paper, tangible documents, goods, instruments, or a security certificate takes free of a security interest or agricultural lien if the buyer gives value and receives delivery of the collateral without knowledge of the security interest or agricultural lien and before it is perfected.

(c) **Lessees that receive delivery.** Except as otherwise provided in subsection (e) of this section, a lessee of goods takes free of a security interest or agricultural lien if the lessee gives value and receives delivery of the collateral without knowledge of the security interest or agricultural lien and before it is perfected.

(d) **Licensees and buyers of certain collateral.** A licensee of a general intangible or a buyer, other than a secured party, of accounts, electronic chattel paper, electronic documents, general intangibles, or investment property other than a certificated security takes free of a security interest if the licensee or buyer gives value without knowledge of the security interest and before it is perfected.

(e) **Purchase-money security interest.** Except as otherwise provided in RCW 62A.9A-320 and 62A.9A-321, if a person files a financing statement with respect to a purchase-money security interest before or within twenty days after the debtor receives delivery of the collateral, the security interest takes priority over the

rights of a buyer, lessee, or lien creditor which arise between the time the security interest attaches and the time of filing.

**Sec. 1514.** RCW 62A.9A-317 and 2011 c 74 s 204 are each amended to read as follows:

**INTERESTS THAT TAKE PRIORITY OVER OR TAKE FREE OF SECURITY INTEREST OR AGRICULTURAL LIEN.** (a) **Conflicting security interests and rights of lien creditors.** A security interest or agricultural lien is subordinate to the rights of:

(1) A person entitled to priority under RCW 62A.9A-322; and

(2) Except as otherwise provided in subsection (e) of this section, a person that becomes a lien creditor before the earlier of the time:

(A) The security interest or agricultural lien is perfected; or

(B) One of the conditions specified in RCW 62A.9A-203(b)(3) is met and a financing statement covering the collateral is filed.

(b) **Buyers that receive delivery.** Except as otherwise provided in subsection (e) of this section, a buyer, other than a secured party, of tangible chattel paper, tangible documents, goods, instruments, or a certificated security takes free of a security interest or agricultural lien if the buyer gives value and receives delivery of the collateral without knowledge of the security interest or agricultural lien and before it is perfected.

(c) **Lessees that receive delivery.** Except as otherwise provided in subsection (e) of this section, a lessee of goods takes free of a security interest or agricultural lien if the lessee gives value and receives delivery of the collateral without knowledge of the security interest or agricultural lien and before it is perfected.

(d) **Licensees and buyers of certain collateral.** A licensee of a general intangible or a buyer, other than a secured party, of collateral other than tangible chattel paper, tangible documents, goods, instruments, or a certificated security takes free of a security interest if the licensee or buyer gives value without knowledge of the security interest and before it is perfected.

(e) **Purchase-money security interest.** Except as otherwise provided in RCW 62A.9A-320 and 62A.9A-321, if a person files a financing statement with respect to a purchase-money security interest before or within twenty days after the debtor receives delivery of the collateral, the security interest takes priority over the rights of a buyer, lessee, or lien creditor which arise between the time the security interest attaches and the time of filing.

**Sec. 1515.** RCW 62A.9A-338 and 2000 c 250 s 9A-338 are each amended to read as follows:

**PRIORITY OF SECURITY INTEREST OR AGRICULTURAL LIEN PERFECTED BY FILED FINANCING STATEMENT PROVIDING CERTAIN INCORRECT INFORMATION.** If a security interest or agricultural lien is perfected by a filed financing statement providing information described in RCW 62A.9A-516(b)(5) which is incorrect at the time the financing statement is filed:

(1) The security interest or agricultural lien is subordinate to a conflicting perfected security interest in the collateral to the extent that the holder of the conflicting security interest gives value in reasonable reliance upon the incorrect information; and

(2) A purchaser, other than a secured party, of the collateral takes free of the security interest or agricultural lien to the extent that, in reasonable reliance upon the incorrect information, the purchaser gives value and, in the case of tangible chattel paper, tangible documents, goods, instruments, or a security certificate, receives delivery of the collateral.

**Sec. 1516.** RCW 62A.9A-338 and 2011 c 74 s 715 are each amended to read as follows:

**PRIORITY OF SECURITY INTEREST OR AGRICULTURAL LIEN PERFECTED BY FILED FINANCING STATEMENT PROVIDING CERTAIN INCORRECT INFORMATION.** If a security interest or agricultural lien is perfected by a filed financing statement providing information described in RCW

62A.9A-516(b)(5) which is incorrect at the time the financing statement is filed:

(1) The security interest or agricultural lien is subordinate to a conflicting perfected security interest in the collateral to the extent that the holder of the conflicting security interest gives value in reasonable reliance upon the incorrect information; and

(2) A purchaser, other than a secured party, of the collateral takes free of the security interest or agricultural lien to the extent that, in reasonable reliance upon the incorrect information, the purchaser gives value and, in the case of tangible chattel paper, tangible documents, goods, instruments, or a security certificate, receives delivery of the collateral.

**Sec. 1517.** RCW 62A.9A-601 and 2000 c 250 s 9A-601 are each amended to read as follows:

RIGHTS AFTER DEFAULT; JUDICIAL ENFORCEMENT; CONSIGNOR OR BUYER OF ACCOUNTS, CHATTEL PAPER, PAYMENT INTANGIBLES, OR PROMISSORY NOTES. (a) **Rights of secured party after default.** After default, a secured party has the rights provided in this part and, except as otherwise provided in RCW 62A.9A-602, those provided by agreement of the parties. A secured party:

(1) May reduce a claim to judgment, foreclose, or otherwise enforce the claim, security interest, or agricultural lien by any available judicial procedure; and

(2) If the collateral is documents, may proceed either as to the documents or as to the goods they cover.

(b) **Rights and duties of secured party in possession or control.** A secured party in possession of collateral or control of collateral under RCW 62A.7-106, 62A.9A-104, 62A.9A-105, 62A.9A-106, or 62A.9A-107 has the rights and duties provided in RCW 62A.9A-207.

(c) **Rights cumulative; simultaneous exercise.** The rights under subsections (a) and (b) of this section are cumulative and may be exercised simultaneously.

(d) **Rights of debtor and obligor.** Except as otherwise provided in subsection (g) of this section and RCW 62A.9A-605, after default, a debtor and an obligor have the rights provided in this part and by agreement of the parties.

(e) **Lien of levy after judgment.** If a secured party has reduced its claim to judgment, the lien of any levy that may be made upon the collateral by virtue of an execution based upon the judgment relates back to the earliest of:

(1) The date of perfection of the security interest or agricultural lien in the collateral;

(2) The date of filing a financing statement covering the collateral; or

(3) Any date specified in a statute under which the agricultural lien was created.

(f) **Execution sale.** A sale pursuant to an execution is a foreclosure of the security interest or agricultural lien by judicial procedure within the meaning of this section. A secured party may purchase at the sale and thereafter hold the collateral free of any other requirements of this Article.

(g) **Consignor or buyer of certain rights to payment.** Except as otherwise provided in RCW 62A.9A-607(c), this part imposes no duties upon a secured party that is a consignor or is a buyer of accounts, chattel paper, payment intangibles, or promissory notes.

(h) **Enforcement restrictions.** All rights and remedies provided in this part with respect to promissory notes or an agreement between an account debtor and a debtor which relates to a health-care-insurance receivable or a general intangible, including a contract, permit, license, or franchise, are subject to RCW 62A.9A-408 to the extent applicable.

**Sec. 1518.** RCW 62A.9A-601 and 2011 c 74 s 722 are each amended to read as follows:

RIGHTS AFTER DEFAULT; JUDICIAL ENFORCEMENT; CONSIGNOR OR BUYER OF ACCOUNTS, CHATTEL PAPER, PAYMENT INTANGIBLES, OR PROMISSORY NOTES. (a) **Rights of secured party after default.** After default, a secured party has the rights provided in this part and, except as otherwise provided in RCW 62A.9A-602, those provided by agreement of the parties. A secured party:

(1) May reduce a claim to judgment, foreclose, or otherwise enforce the claim, security interest, or agricultural lien by any available judicial procedure; and

(2) If the collateral is documents, may proceed either as to the documents or as to the goods they cover.

(b) **Rights and duties of secured party in possession or control.** A secured party in possession of collateral or control of collateral under RCW 62A.7-106, 62A.9A-104, 62A.9A-105, 62A.9A-106, or 62A.9A-107 has the rights and duties provided in RCW 62A.9A-207.

(c) **Rights cumulative; simultaneous exercise.** The rights under subsections (a) and (b) of this section are cumulative and may be exercised simultaneously.

(d) **Rights of debtor and obligor.** Except as otherwise provided in subsection (g) of this section and RCW 62A.9A-605, after default, a debtor and an obligor have the rights provided in this part and by agreement of the parties.

(e) **Lien of levy after judgment.** If a secured party has reduced its claim to judgment, the lien of any levy that may be made upon the collateral by virtue of an execution based upon the judgment relates back to the earliest of:

(1) The date of perfection of the security interest or agricultural lien in the collateral;

(2) The date of filing a financing statement covering the collateral; or

(3) Any date specified in a statute under which the agricultural lien was created.

(f) **Execution sale.** A sale pursuant to an execution is a foreclosure of the security interest or agricultural lien by judicial procedure within the meaning of this section. A secured party may purchase at the sale and thereafter hold the collateral free of any other requirements of this Article.

(g) **Consignor or buyer of certain rights to payment.** Except as otherwise provided in RCW 62A.9A-607(c), this part imposes no duties upon a secured party that is a consignor or is a buyer of accounts, chattel paper, payment intangibles, or promissory notes.

(h) **Enforcement restrictions.** All rights and remedies provided in this part with respect to promissory notes or an agreement between an account debtor and a debtor which relates to a health-care-insurance receivable or a general intangible, including a contract, permit, license, or franchise, are subject to RCW 62A.9A-408 to the extent applicable.

## PART XVI STATUTORY REPEALS

**NEW SECTION. Sec. 1601.** The following acts or parts of acts are each repealed:

(1) RCW 62A.1-109 (Section captions) and 1965 ex.s. c 157 s 1-109;

(2) RCW 62A.1-207 (Performance or acceptance under reservation of rights) and 1993 c 229 s 2 & 1965 ex.s. c 157 s 1-207;

(3) RCW 62A.1-208 (Option to accelerate at will) and 1965 ex.s. c 157 s 1-208;

(4) RCW 62A.2-208 (Course of performance or practical construction) and 1965 ex.s. c 157 s 2-208;

(5) RCW 62A.2A-207 (Course of performance or practical construction) and 1993 c 230 s 2A-207;

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(6) RCW 62A.10-104 (Laws not repealed) and 1995 c 48 s 71 & 1965 ex.s. c 157 s 10-104; and  
 (7) 2011 c 74 s 801.

~~((H))~~ (12) "Presentation" means delivery of a document to an issuer or nominated person for honor or giving of value under a letter of credit.

**PART XVII**

**CONFORMING AMENDMENTS TO UCC NUMBERING SYSTEM FOR ARTICLE 5**

~~((M))~~ (13) "Presenter" means a person making a presentation as or on behalf of a beneficiary or nominated person.

**Sec. 1701.** RCW 62A.5-102 and 1997 c 56 s 3 are each amended to read as follows:

~~((H))~~ (14) "Record" means information that is inscribed on a tangible medium, or that is stored in an electronic or other medium and is retrievable in perceivable form.

~~((H))~~ (a) The definitions in this section apply throughout this Article unless the context clearly requires otherwise:

~~((H))~~ (15) "Successor of a beneficiary" means a person who succeeds to substantially all of the rights of a beneficiary by operation of law, including a corporation with or into which the beneficiary has been merged or consolidated, an administrator, executor, personal representative, trustee in bankruptcy, debtor in possession, liquidator, and receiver.

~~((H))~~ (1) "Adviser" means a person who, at the request of the issuer, a confirmer, or another adviser, notifies or requests another adviser to notify the beneficiary that a letter of credit has been issued, confirmed, or amended.

~~((Z))~~ (b) Definitions in other Articles applying to this Article and the sections in which they appear are:

~~((H))~~ (2) "Applicant" means a person at whose request or for whose account a letter of credit is issued. The term includes a person who requests an issuer to issue a letter of credit on behalf of another if the person making the request undertakes an obligation to reimburse the issuer.

"Accept" or "Acceptance" RCW 62A.3-409

"Value" RCW 62A.3-303, RCW 62A.4-211.

~~((H))~~ (3) "Beneficiary" means a person who under the terms of a letter of credit is entitled to have its complying presentation honored. The term includes a person to whom drawing rights have been transferred under a transferable letter of credit.

~~((Z))~~ (c) Article 1 contains certain additional general definitions and principles of construction and interpretation applicable throughout this Article.

~~((H))~~ (4) "Confirmer" means a nominated person who undertakes, at the request or with the consent of the issuer, to honor a presentation under a letter of credit issued by another.

**Sec. 1702.** RCW 62A.5-104 and 1997 c 56 s 5 are each amended to read as follows:

A letter of credit, confirmation, advice, transfer, amendment, or cancellation may be issued in any form that is a record and is authenticated ~~((H))~~ (i) by a signature or ~~((Z))~~ (ii) in accordance with the agreement of the parties or the standard practice referred to in RCW 62A.5-108~~((S))~~ (e).

~~((H))~~ (5) "Dishonor" of a letter of credit means failure timely to honor or to take an interim action, such as acceptance of a draft, that may be required by the letter of credit.

**Sec. 1703.** RCW 62A.5-106 and 1997 c 56 s 7 are each amended to read as follows:

~~((H))~~ (6) "Document" means a draft or other demand, document of title, investment security, certificate, invoice, or other record, statement, or representation of fact, law, right, or opinion (i) which is presented in a written or other medium permitted by the letter of credit or, unless prohibited by the letter of credit, by the standard practice referred to in RCW 62A.5-108~~((S))~~ (e) and (ii) which is capable of being examined for compliance with the terms and conditions of the letter of credit. A document may not be oral.

~~((H))~~ (a) A letter of credit is issued and becomes enforceable according to its terms against the issuer when the issuer sends or otherwise transmits it to the person requested to advise or to the beneficiary. A letter of credit is revocable only if it so provides.

~~((H))~~ (7) "Good faith" means honesty in fact in the conduct or transaction concerned.

~~((Z))~~ (b) After a letter of credit is issued, rights and obligations of a beneficiary, applicant, confirmer, and issuer are not affected by an amendment or cancellation to which that person has not consented except to the extent the letter of credit provides that it is revocable or that the issuer may amend or cancel the letter of credit without that consent.

~~((H))~~ (8) "Honor" of a letter of credit means performance of the issuer's undertaking in the letter of credit to pay or deliver an item of value. Unless the letter of credit otherwise provides, "honor" occurs:

~~((Z))~~ (c) If there is no stated expiration date or other provision that determines its duration, a letter of credit expires one year after its stated date of issuance or, if none is stated, after the date on which it is issued.

- (i) Upon payment;
- (ii) If the letter of credit provides for acceptance, upon acceptance of a draft and, at maturity, its payment; or
- (iii) If the letter of credit provides for incurring a deferred obligation, upon incurring the obligation and, at maturity, its performance.

~~((H))~~ (d) A letter of credit that states that it is perpetual expires five years after its stated date of issuance, or if none is stated, after the date on which it is issued.

~~((H))~~ (9) "Issuer" means a bank or other person that issues a letter of credit, but does not include an individual who makes an engagement for personal, family, or household purposes.

**Sec. 1704.** RCW 62A.5-107 and 1997 c 56 s 8 are each amended to read as follows:

~~((H))~~ (10) "Letter of credit" means a definite undertaking that satisfies the requirements of RCW 62A.5-104 by an issuer to a beneficiary at the request or for the account of an applicant or, in the case of a financial institution, to itself or for its own account, to honor a documentary presentation by payment or delivery of an item of value.

~~((H))~~ (a) A confirmer is directly obligated on a letter of credit and has the rights and obligations of an issuer to the extent of its confirmation. The confirmer also has rights against and obligations to the issuer as if the issuer were an applicant and the confirmer had issued the letter of credit at the request and for the account of the issuer.

~~((H))~~ (11) "Nominated person" means a person whom the issuer (i) designates or authorizes to pay, accept, negotiate, or otherwise give value under a letter of credit and (ii) undertakes by agreement or custom and practice to reimburse.

~~((Z))~~ (b) A nominated person who is not a confirmer is not obligated to honor or otherwise give value for a presentation.

~~((Z))~~ (c) A person requested to advise may decline to act as an adviser. An adviser that is not a confirmer is not obligated to honor or give value for a presentation. An adviser undertakes to the issuer and to the beneficiary accurately to advise the terms of the letter of credit, confirmation, amendment, or advice received by that person and undertakes to the beneficiary to check the apparent authenticity of the request to advise. Even if the advice is inaccurate, the letter of credit, confirmation, or amendment is enforceable as issued.

~~((4))~~ (d) A person who notifies a transferee beneficiary of the terms of a letter of credit, confirmation, amendment, or advice has the rights and obligations of an adviser under subsection ~~((3))~~ (c) of this section. The terms in the notice to the transferee beneficiary may differ from the terms in any notice to the transferor beneficiary to the extent permitted by the letter of credit, confirmation, amendment, or advice received by the person who so notifies.

**Sec. 1705.** RCW 62A.5-108 and 1997 c 56 s 9 are each amended to read as follows:

~~((4))~~ (a) Except as otherwise provided in RCW 62A.5-109, an issuer shall honor a presentation that, as determined by the standard practice referred to in subsection ~~((5))~~ (e) of this section, appears on its face strictly to comply with the terms and conditions of the letter of credit. Except as otherwise provided in RCW 62A.5-113 and unless otherwise agreed with the applicant, an issuer shall dishonor a presentation that does not appear so to comply.

~~((2))~~ (b) An issuer has a reasonable time after presentation, but not beyond the end of the seventh business day of the issuer after the day of its receipt of documents:

~~((a))~~ (1) To honor;

~~((b))~~ (2) If the letter of credit provides for honor to be completed more than seven business days after presentation, to accept a draft or incur a deferred obligation; or

~~((c))~~ (3) To give notice to the presenter of discrepancies in the presentation.

~~((3))~~ (c) Except as otherwise provided in subsection ~~((4))~~ (d) of this section, an issuer is precluded from asserting as a basis for dishonor any discrepancy if timely notice is not given, or any discrepancy not stated in the notice if timely notice is given.

~~((4))~~ (d) Failure to give the notice specified in subsection ~~((2))~~ (b) of this section or to mention fraud, forgery, or expiration in the notice does not preclude the issuer from asserting as a basis for dishonor fraud or forgery as described in RCW 62A.5-109~~((4))~~ (a) or expiration of the letter of credit before presentation.

~~((5))~~ (e) An issuer shall observe standard practice of financial institutions that regularly issue letters of credit. Determination of the issuer's observance of the standard practice is a matter of interpretation for the court. The court shall offer the parties a reasonable opportunity to present evidence of the standard practice.

~~((6))~~ (f) An issuer is not responsible for:

~~((a))~~ (1) The performance or nonperformance of the underlying contract, arrangement, or transaction;

~~((b))~~ (2) An act or omission of others; or

~~((c))~~ (3) Observance or knowledge of the usage of a particular trade other than the standard practice referred to in subsection ~~((5))~~ (e) of this section.

~~((7))~~ (g) If an undertaking constituting a letter of credit under RCW 62A.5-102~~((4))~~ (a)(10) contains nondocumentary conditions, an issuer shall disregard the nondocumentary conditions and treat them as if they were not stated.

~~((8))~~ (h) An issuer that has dishonored a presentation shall return the documents or hold them at the disposal of, and send advice to that effect to, the presenter.

~~((9))~~ (i) An issuer that has honored a presentation as permitted or required by this Article:

~~((a))~~ (1) Is entitled to be reimbursed by the applicant in immediately available funds not later than the date of its payment of funds;

~~((b))~~ (2) Takes the documents free of claims of the beneficiary or presenter;

~~((c))~~ (3) Is precluded from asserting a right of recourse on a draft under RCW 62A.3-414 and 62A.3-415;

~~((d))~~ (4) Except as otherwise provided in RCW 62A.5-110 and 62A.5-117, is precluded from restitution of money paid or other value given by mistake to the extent the mistake concerns

discrepancies in the documents or tender which are apparent on the face of the presentation; and

~~((e))~~ (5) Is discharged to the extent of its performance under the letter of credit unless the issuer honored a presentation in which a required signature of a beneficiary was forged.

**Sec. 1706.** RCW 62A.5-109 and 1997 c 56 s 10 are each amended to read as follows:

~~((4))~~ (a) If a presentation is made that appears on its face strictly to comply with the terms and conditions of the letter of credit, but a required document is forged or materially fraudulent, or honor of the presentation would facilitate a material fraud by the beneficiary on the issuer or applicant:

~~((a))~~ (1) The issuer shall honor the presentation, if honor is demanded by (i) a nominated person who has given value in good faith and without notice of forgery or material fraud, (ii) a confirmer who has honored its confirmation in good faith, (iii) a holder in due course of a draft drawn under the letter of credit which was taken after acceptance by the issuer or nominated person, or (iv) an assignee of the issuer's or nominated person's deferred obligation that was taken for value and without notice of forgery or material fraud after the obligation was incurred by the issuer or nominated person; and

~~((b))~~ (2) The issuer, acting in good faith, may honor or dishonor the presentation in any other case.

~~((2))~~ (b) If an applicant claims that a required document is forged or materially fraudulent or that honor of the presentation would facilitate a material fraud by the beneficiary on the issuer or applicant, a court of competent jurisdiction may temporarily or permanently enjoin the issuer from honoring a presentation or grant similar relief against the issuer or other persons only if the court finds that:

~~((a))~~ (1) The relief is not prohibited under the law applicable to an accepted draft or deferred obligation incurred by the issuer;

~~((b))~~ (2) A beneficiary, issuer, or nominated person who may be adversely affected is adequately protected against loss that it may suffer because the relief is granted;

~~((c))~~ (3) All of the conditions to entitle a person to the relief under the law of this state have been met; and

~~((d))~~ (4) On the basis of the information submitted to the court, the applicant is more likely than not to succeed under its claim of forgery or material fraud and the person demanding honor does not qualify for protection under subsection ~~((4))~~ (a)(1) of this section.

**Sec. 1707.** RCW 62A.5-110 and 1997 c 56 s 11 are each amended to read as follows:

~~((4))~~ (a) If its presentation is honored, the beneficiary warrants:

~~((a))~~ (1) To the issuer, any other person to whom presentation is made, and the applicant that there is no fraud or forgery of the kind described in RCW 62A.5-109~~((4))~~ (a); and

~~((b))~~ (2) To the applicant that the drawing does not violate any agreement between the applicant and beneficiary or any other agreement intended by them to be augmented by the letter of credit.

~~((2))~~ (b) The warranties in subsection ~~((4))~~ (a) of this section are in addition to warranties arising under Articles 3, 4, 7, and 8 because of the presentation or transfer of documents covered by any of those articles.

**Sec. 1708.** RCW 62A.5-111 and 1997 c 56 s 12 are each amended to read as follows:

~~((4))~~ (a) If an issuer wrongfully dishonors or repudiates its obligation to pay money under a letter of credit before presentation, the beneficiary, successor, or nominated person presenting on its own behalf may recover from the issuer the amount that is the subject of the dishonor or repudiation. If the issuer's obligation under the letter of credit is not for the payment of money, the claimant may obtain specific performance or, at the claimant's

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election, recover an amount equal to the value of performance from the issuer. In either case, the claimant may also recover incidental but not consequential damages. The claimant is not obligated to take action to avoid damages that might be due from the issuer under this subsection. If, although not obligated to do so, the claimant avoids damages, the claimant's recovery from the issuer must be reduced by the amount of damages avoided. The issuer has the burden of proving the amount of damages avoided. In the case of repudiation the claimant need not present any document.

~~((2))~~ (b) If an issuer wrongfully dishonors a draft or demand presented under a letter of credit or honors a draft or demand in breach of its obligation to the applicant, the applicant may recover damages resulting from the breach, including incidental but not consequential damages, less any amount saved as a result of the breach.

~~((3))~~ (c) If an adviser or nominated person other than a confirmer breaches an obligation under this Article or an issuer breaches an obligation not covered in subsection ~~((1) or (2))~~ (a) or (b) of this section, a person to whom the obligation is owed may recover damages resulting from the breach, including incidental but not consequential damages, less any amount saved as a result of the breach. To the extent of the confirmation, a confirmer has the liability of an issuer specified in this subsection and subsections ~~((1) and (2))~~ (a) and (b) of this section.

~~((4))~~ (d) An issuer, nominated person, or adviser who is found liable under subsection ~~((1), (2), or (3))~~ (a), (b), or (c) of this section shall pay interest on the amount owed thereunder from the date of wrongful dishonor or other appropriate date.

~~((5))~~ (e) Reasonable attorney's fees and other expenses of litigation must be awarded to the prevailing party in an action in which a remedy is sought under this Article.

~~((6))~~ (f) Damages that would otherwise be payable by a party for breach of an obligation under this Article may be liquidated by agreement or undertaking, but only in an amount or by a formula that is reasonable in light of the harm anticipated.

**Sec. 1709.** RCW 62A.5-112 and 1997 c 56 s 13 are each amended to read as follows:

~~((1))~~ (a) Except as otherwise provided in RCW 62A.5-113, unless a letter of credit provides that it is transferable, the right of a beneficiary to draw or otherwise demand performance under a letter of credit may not be transferred.

~~((2))~~ (b) Even if a letter of credit provides that it is transferable, the issuer may refuse to recognize or carry out a transfer if:

~~((a))~~ (1) The transfer would violate applicable law; or

~~((b))~~ (2) The transferor or transferee has failed to comply with any requirement stated in the letter of credit or any other requirement relating to transfer imposed by the issuer which is within the standard practice referred to in RCW 62A.5-108(5) or is otherwise reasonable under the circumstances.

**Sec. 1710.** RCW 62A.5-113 and 1997 c 56 s 14 are each amended to read as follows:

~~((1))~~ (a) A successor of a beneficiary may consent to amendments, sign and present documents, and receive payment or other items of value in the name of the beneficiary without disclosing its status as a successor.

~~((2))~~ (b) A successor of a beneficiary may consent to amendments, sign and present documents, and receive payment or other items of value in its own name as the disclosed successor of the beneficiary. Except as otherwise provided in subsection ~~((3))~~ (e) of this section, an issuer shall recognize a disclosed successor of a beneficiary as beneficiary in full substitution for its predecessor upon compliance with the requirements for recognition by the issuer of a transfer of drawing rights by operation of law under the standard practice referred to in RCW 62A.5-108~~((5))~~ (e) or, in the absence of such a

practice, compliance with other reasonable procedures sufficient to protect the issuer.

~~((3))~~ (c) An issuer is not obliged to determine whether a purported successor is a successor of a beneficiary or whether the signature of a purported successor is genuine or authorized.

~~((4))~~ (d) Honor of a purported successor's apparently complying presentation under subsection ~~((1) or (2))~~ (a) or (b) of this section has the consequences specified in RCW 62A.5-108~~((9))~~ (i) even if the purported successor is not the successor of a beneficiary. Documents signed in the name of the beneficiary or of a disclosed successor by a person who is neither the beneficiary nor the successor of the beneficiary are forged documents for the purposes of RCW 62A.5-109.

~~((5))~~ (e) An issuer whose rights of reimbursement are not covered by subsection ~~((4))~~ (d) of this section or substantially similar law and any confirmer or nominated person may decline to recognize a presentation under subsection ~~((2))~~ (b) of this section.

~~((6))~~ (f) A beneficiary whose name is changed after the issuance of a letter of credit has the same rights and obligations as a successor of a beneficiary under this section.

**Sec. 1711.** RCW 62A.5-114 and 1997 c 56 s 15 are each amended to read as follows:

~~((1))~~ (a) In this section, "proceeds of a letter of credit" means the cash, check, accepted draft, or other item of value paid or delivered upon honor or giving of value by the issuer or any nominated person under the letter of credit. The term does not include a beneficiary's drawing rights or documents presented by the beneficiary.

~~((2))~~ (b) A beneficiary may assign its right to part or all of the proceeds of a letter of credit. The beneficiary may do so before presentation as a present assignment of its right to receive proceeds contingent upon its compliance with the terms and conditions of the letter of credit.

~~((3))~~ (c) An issuer or nominated person need not recognize an assignment of proceeds of a letter of credit until it consents to the assignment.

~~((4))~~ (d) An issuer or nominated person has no obligation to give or withhold its consent to an assignment of proceeds of a letter of credit, but consent may not be unreasonably withheld if the assignee possesses and exhibits the letter of credit and presentation of the letter of credit is a condition to honor.

~~((5))~~ (e) Rights of a transferee beneficiary or nominated person are independent of the beneficiary's assignment of the proceeds of a letter of credit and are superior to the assignee's right to the proceeds.

~~((6))~~ (f) Neither the rights recognized by this section between an assignee and an issuer, transferee beneficiary, or nominated person nor the issuer's or nominated person's payment of proceeds to an assignee or a third person affect the rights between the assignee and any person other than the issuer, transferee beneficiary, or nominated person. The mode of creating and perfecting a security interest in or granting an assignment of a beneficiary's rights to proceeds is governed by Article 9A or other law. Against persons other than the issuer, transferee beneficiary, or nominated person, the rights and obligations arising upon the creation of a security interest or other assignment of a beneficiary's right to proceeds and its perfection are governed by Article 9A or other law.

**Sec. 1712.** RCW 62A.5-116 and 1997 c 56 s 17 are each amended to read as follows:

~~((1))~~ (a) The liability of an issuer, nominated person, or adviser for action or omission is governed by the law of the jurisdiction chosen by an agreement in the form of a record signed or otherwise authenticated by the affected parties in the manner provided in RCW 62A.5-104 or by a provision in the person's letter of credit, confirmation, or other undertaking. The jurisdiction whose law is chosen need not bear any relation to the transaction.

~~((2))~~ ~~(b)~~ Unless subsection ~~((1))~~ ~~(a)~~ of this section applies, the liability of an issuer, nominated person, or adviser for action or omission is governed by the law of the jurisdiction in which the person is located. The person is considered to be located at the address indicated in the person's undertaking. If more than one address is indicated, the person is considered to be located at the address from which the person's undertaking was issued. For the purpose of jurisdiction, choice of law, and recognition of interbranch letters of credit, but not enforcement of a judgment, all branches of a bank are considered separate juridical entities and a bank is considered to be located at the place where its relevant branch is considered to be located under this subsection.

~~((3))~~ ~~(c)~~ Except as otherwise provided in this subsection, the liability of an issuer, nominated person, or adviser is governed by any rules of custom or practice, such as the Uniform Customs and Practice for Documentary Credits, to which the letter of credit, confirmation, or other undertaking is expressly made subject. If ~~((a))~~ ~~(i)~~ this Article would govern the liability of an issuer, nominated person, or adviser under subsection ~~((1) or (2))~~ ~~(a) or (b)~~ of this section, ~~((b))~~ ~~(ii)~~ the relevant undertaking incorporates rules of custom or practice, and ~~((c))~~ ~~(iii)~~ there is conflict between this Article and those rules as applied to that undertaking, those rules govern except to the extent of any conflict with the nonvariable provisions specified in RCW 62A.5-103~~((3))~~ ~~(c)~~.

~~((4))~~ ~~(d)~~ If there is conflict between this Article and Article 3, 4, 4A, or 9A, this Article governs.

~~((5))~~ ~~(e)~~ The forum for settling disputes arising out of an undertaking within this Article may be chosen in the manner and with the binding effect that governing law may be chosen in accordance with subsection ~~((1))~~ ~~(a)~~ of this section.

**Sec. 1713.** RCW 62A.5-117 and 1997 c 56 s 18 are each amended to read as follows:

~~((1))~~ ~~(a)~~ An issuer that honors a beneficiary's presentation is subrogated to the rights of the beneficiary to the same extent as if the issuer were a secondary obligor of the underlying obligation owed to the beneficiary and of the applicant to the same extent as if the issuer were the secondary obligor of the underlying obligation owed to the applicant.

~~((2))~~ ~~(b)~~ An applicant that reimburses an issuer is subrogated to the rights of the issuer against any beneficiary, presenter, or nominated person to the same extent as if the applicant were the secondary obligor of the obligations owed to the issuer and has the rights of subrogation of the issuer to the rights of the beneficiary stated in subsection ~~((1))~~ ~~(a)~~ of this section.

~~((3))~~ ~~(c)~~ A nominated person who pays or gives value against a draft or demand presented under a letter of credit is subrogated to the rights of:

~~((a))~~ ~~(1)~~ The issuer against the applicant to the same extent as if the nominated person were a secondary obligor of the obligation owed to the issuer by the applicant;

~~((b))~~ ~~(2)~~ The beneficiary to the same extent as if the nominated person were a secondary obligor of the underlying obligation owed to the beneficiary; and

~~((c))~~ ~~(3)~~ The applicant to the same extent as if the nominated person were a secondary obligor of the underlying obligation owed to the applicant.

~~((4))~~ ~~(d)~~ Notwithstanding any agreement or term to the contrary, the rights of subrogation stated in subsections ~~((1) and (2))~~ ~~(a) and (b)~~ of this section do not arise until the issuer honors the letter of credit or otherwise pays and the rights in subsection ~~((3))~~ ~~(c)~~ of this section do not arise until the nominated person pays or otherwise gives value. Until then, the issuer, nominated person, and the applicant do not derive under this section present or prospective rights forming the basis of a claim, defense, or excuse.

**Sec. 1714.** RCW 62A.5-118 and 2000 c 250 s 2 are each amended to read as follows:

(a) An issuer or nominated person has a security interest in a document presented under a letter of credit to the extent that the issuer or nominated person honors or gives value for the presentation.

(b) So long as and to the extent that an issuer or nominated person has not been reimbursed or has not otherwise recovered the value given with respect to a security interest in a document under subsection (a) of this section, the security interest continues and is subject to Article 9A, but:

(1) A security agreement is not necessary to make the security interest enforceable under RCW 62A.9A-203~~((b)(3))~~ ~~(2)(c)~~;

(2) If the document is presented in a medium other than a written or other tangible medium, the security interest is perfected; and

(3) If the document is presented in a written or other tangible medium and is not a certificated security, chattel paper, a document of title, an instrument, or a letter of credit, the security interest is perfected and has priority over a conflicting security interest in the document so long as the debtor does not have possession of the document.

**Sec. 1715.** RCW 62A.2-512 and 1997 c 56 s 20 are each amended to read as follows:

(1) Where the contract requires payment before inspection non-conformity of the goods does not excuse the buyer from so making payment unless

(a) the non-conformity appears without inspection; or

(b) despite tender of the required documents the circumstances would justify injunction against honor under the provisions of this Title (RCW 62A.5-109~~((2))~~ ~~(b)~~).

(2) Payment pursuant to subsection (1) does not constitute an acceptance of goods or impair the buyer's right to inspect or any of his or her remedies.

**Sec. 1716.** RCW 62A.9A-107 and 2001 c 32 s 19 are each amended to read as follows:

A secured party has control of a letter-of-credit right to the extent of any right to payment or performance by the issuer or any nominated person if the issuer or nominated person has consented to an assignment of proceeds of the letter of credit under RCW 62A.5-114~~((3))~~ ~~(c)~~ or otherwise applicable law or practice.

## PART XVIII ADMINISTRATIVE DRAFTING PROVISIONS

NEW SECTION. **Sec. 1801.** Sections 115 through 124 of this act must be placed in chapter 62A.1 RCW under the heading:

### PART 3 TERRITORIAL APPLICABILITY AND GENERAL RULES

NEW SECTION. **Sec. 1802.** PART HEADINGS. Part headings used in this act are not any part of the law.

NEW SECTION. **Sec. 1803.** APPLICABILITY. This act applies to a transaction that is entered into, a document of title that is issued, or a bailment that arises on or after the effective date of this section. This act does not apply to a transaction that is entered into, a document of title that is issued, or a bailment that arises before the effective date of this section even if the transaction, document of title, or bailment would be subject to this act if the transaction had been entered into, the document of title had been issued, or the bailment had arisen on or after the effective date of this section. This act does not apply to a right of action that has accrued before the effective date of this section.

NEW SECTION. **Sec. 1804.** SAVINGS CLAUSE. A transaction that is entered into, a document of title that is issued, or a

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bailment that arises before the effective date of this section and the rights, obligations, and interests flowing from that transaction, document, or bailment are governed by any statute or other rule amended or repealed by this act as if amendment or repeal had not occurred and may be terminated, completed, consummated, or enforced under that statute or other rule.

**NEW SECTION. Sec. 1805.** Sections 901, 1402, 1501, 1507, 1510, 1513, 1515, and 1517 of this act expire July 1, 2013.

**NEW SECTION. Sec. 1806.** Sections 902, 1403, 1502, 1508, 1511, 1514, 1516, and 1518 of this act take effect July 1, 2013."

Senator Kline spoke in favor of adoption of the committee striking amendment.

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Judiciary to Engrossed Substitute House Bill No. 2197.

The motion by Senator Kline carried and the committee striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 1 of the title, after "Code;" strike the remainder of the title and insert "amending RCW 62A.1-101, 62A.1-102, 62A.1-103, 62A.1-104, 62A.1-105, 62A.1-106, 62A.1-107, 62A.1-108, 62A.1-201, 62A.1-202, 62A.1-203, 62A.1-204, 62A.1-205, 62A.1-206, 62A.7-101, 62A.7-102, 62A.7-103, 62A.7-104, 62A.7-105, 62A.7-201, 62A.7-202, 62A.7-203, 62A.7-204, 62A.7-205, 62A.7-206, 62A.7-207, 62A.7-208, 62A.7-209, 62A.7-210, 62A.7-301, 62A.7-302, 62A.7-303, 62A.7-304, 62A.7-305, 62A.7-307, 62A.7-308, 62A.7-309, 62A.7-401, 62A.7-402, 62A.7-403, 62A.7-404, 62A.7-501, 62A.7-502, 62A.7-503, 62A.7-504, 62A.7-505, 62A.7-506, 62A.7-507, 62A.7-508, 62A.7-509, 62A.7-601, 62A.7-602, 62A.7-603, 62A.2-103, 62A.2-104, 62A.2-202, 62A.2-310, 62A.2-323, 62A.2-401, 62A.2-503, 62A.2-505, 62A.2-506, 62A.2-509, 62A.2-605, 62A.2-705, 62A.2A-103, 62A.2A-103, 62A.2A-501, 62A.2A-514, 62A.2A-518, 62A.2A-519, 62A.2A-526, 62A.2A-527, 62A.2A-528, 62A.3-103, 62A.4-104, 62A.4-210, 62A.4A-105, 62A.4A-106, 62A.4A-204, 62A.5-103, 62A.8-102, 62A.8-103, 62A.8-103, 62A.9A-102, 62A.9A-102, 62A.9A-203, 62A.9A-207, 62A.9A-208, 62A.9A-301, 62A.9A-310, 62A.9A-310, 62A.9A-312, 62A.9A-313, 62A.9A-313, 62A.9A-314, 62A.9A-317, 62A.9A-317, 62A.9A-338, 62A.9A-338, 62A.9A-601, 62A.9A-601, 62A.5-102, 62A.5-104, 62A.5-106, 62A.5-107, 62A.5-108, 62A.5-109, 62A.5-110, 62A.5-111, 62A.5-112, 62A.5-113, 62A.5-114, 62A.5-116, 62A.5-117, 62A.5-118, 62A.2-512, and 62A.9A-107; adding new sections to chapter 62A.1 RCW; adding a new section to chapter 62A.7 RCW; creating new sections; repealing RCW 62A.1-109, 62A.1-207, 62A.1-208, 62A.2-208, 62A.2A-207, and 62A.10-104; repealing 2011 c 74 s 801; providing an effective date; and providing an expiration date."

MOTION

On motion of Senator Kline, the rules were suspended, Engrossed Substitute House Bill No. 2197 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Kline and Pflug spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 2197 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 2197 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 47; Nays, 1; Absent, 0; Excused, 1.

Voting yea: Senators Baumgartner, Becker, Benton, Brown, Carrell, Chase, Conway, Delvin, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hatfield, Haugen, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles, Litzow, McAuliffe, Murray, Nelson, Padden, Parlette, Pflug, Pridemore, Ranker, Regala, Roach, Rolfes, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Voting nay: Senator Morton  
Excused: Senator Prentice

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2197 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED HOUSE BILL NO. 2469, by Representatives Uptegrove, Angel, Takko and Asay

Regarding boatyard storm water treatment systems.

The measure was read the second time.

MOTION

Senator Nelson moved that the following committee striking amendment by the Committee on Environment be adopted:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 90.58.355 and 1994 c 257 s 20 are each amended to read as follows:

~~((The procedural requirements of this chapter))~~ Requirements to obtain a substantial development permit, conditional use permit, or variance shall not apply to any person;

(1) Conducting a remedial action at a facility pursuant to a consent decree, order, or agreed order issued pursuant to chapter 70.105D RCW, or to the department of ecology when it conducts a remedial action under chapter 70.105D RCW. The department (~~of ecology shall~~) must ensure compliance with the substantive requirements of this chapter through the consent decree, order, or agreed order issued pursuant to chapter 70.105D RCW, or during the department-conducted remedial action, through the procedures developed by the department pursuant to RCW 70.105D.090; or

(2) Installing site improvements for storm water treatment in an existing boatyard facility to meet requirements of a national pollutant discharge elimination system storm water general permit. The department must ensure compliance with the substantive requirements of this chapter through the review of engineering reports, site plans, and other documents related to the installation of boatyard storm water treatment facilities."

Senator Nelson spoke in favor of adoption of the committee striking amendment.

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Environment to Engrossed House Bill No. 2469.

The motion by Senator Nelson carried and the committee striking amendment was adopted by voice vote.

#### MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 1 of the title, after "systems;" strike the remainder of the title and insert "and amending RCW 90.58.355."

#### MOTION

On motion of Senator Nelson, the rules were suspended, Engrossed House Bill No. 2469 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Nelson and Ericksen spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed House Bill No. 2469 as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 2469 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Baumgartner, Becker, Benton, Brown, Carrell, Chase, Conway, Delvin, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hatfield, Haugen, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles, Litzow, McAuliffe, Morton, Murray, Nelson, Padden, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rolfes, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

ENGROSSED HOUSE BILL NO. 2469 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2614, by House Committee on Judiciary (originally sponsored by Representatives Kenney, Ryu, Hasegawa and Santos)

Limiting deficiency judgments pertaining to residual debts following short sales of owner-occupied residential property secured by deeds of trust.

The measure was read the second time.

#### MOTION

Senator Frockt moved that the following committee striking amendment by the Committee on Financial Institutions, Housing & Insurance be not adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 64.04 RCW to read as follows:

(1) If the beneficiary or mortgagee, and its assignees, of debt secured by owner-occupied real property releases its deed of trust or mortgage in the real property for less than full payment of the secured debt and if the beneficiary or mortgagee, and its assignees, reserves the right to pursue collection of the remaining debt, the beneficiary or mortgagee, and its assignees, shall provide written notice to the debtor the first time that the beneficiary or mortgagee, and its assignees, provides notice to the debtor that the beneficiary or mortgagee, and its assignees, intends to release its security in the real property for less than full payment. The written notice to the debtor must be substantially in the following form:

"To: [Name of debtor] DATE:

Please take note that [name of beneficiary or mortgagee, and its assignees], in releasing its security interest in this owner-occupied real property, reserves the right to collect that amount that constitutes less than full payment of the secured debt. The amount of debt outstanding as of the date of this letter is \$. . . . . However, nothing in this letter precludes the debtor from negotiating with the [name of beneficiary or mortgagee, and its assignees] for a full release of this outstanding debt.

If [name of beneficiary or mortgagee, and its assignees] does not initiate a court action to collect the outstanding debt within three years on the date which it released its security interest, the right to collect the outstanding debt is forfeited."

(2)(a) If the beneficiary or mortgagee, and its assignees, of debt secured by owner-occupied real property reserves the right to pursue collection of the outstanding debt, in accordance with subsection (1) of this section, it must initiate a court action to collect the remaining debt within three years from the date on which it released its deed of trust or mortgage in the owner-occupied real property or else it forfeits any right to collect the remaining debt.

(b) If the beneficiary or mortgagee, and its assignees, of debt secured by owner-occupied real property fails to provide the notice in accordance with subsection (1) of this section, the beneficiary or mortgagee, and its assignees, of debt secured by owner-occupied real property must initiate a court action to collect the remaining debt within three years of the date on which it released its security interest in the real property for less than full payment or else it forfeits any right to collect the remaining debt.

(3) This section applies only to debts incurred by individuals primarily for personal, family, or household purposes. This section does not apply to debts for business, commercial, or agricultural purposes.

(4) For the purposes of this section, "owner-occupied real property" means real property consisting solely of a single-family residence, a residential condominium unit, or a residential cooperative unit that is the principle residence of the debtor."

On page 1, line 2 of the title, after "property" strike the remainder of the title and insert "; and adding a new section to chapter 64.04 RCW."

The President declared the question before the Senate to be the motion by Senator Frockt to not adopt the committee striking amendment by the Committee on Financial Institutions, Housing & Insurance to Engrossed Substitute House Bill No. 2614.

The motion by Senator Frockt carried and the committee striking amendment was not adopted by voice vote.

#### MOTION

Senator Frockt moved that the following striking amendment by Senator Frockt and others be adopted:



Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** A new section is added to chapter 64.04 RCW to read as follows:

(1) If the beneficiary or mortgagee, or its assignees, of debt secured by owner-occupied real property intends to release its deed of trust or mortgage in the real property for less than full payment of the secured debt, it shall provide upon its first written notice to the borrower the following information in substantially the following form:

"To: [Name of borrower] DATE: Please take note that [name of beneficiary or mortgagee, or its assignees], in releasing its security interest in this owner-occupied real property, [waives or reserves] the right to collect that amount that constitutes full payment of the secured debt. The amount of debt outstanding as of the date of this letter is \$. . . . However, nothing in this letter precludes the borrower from negotiating with the [name of beneficiary or mortgagee, or its assignees] for a full release of this outstanding debt.

If [name of beneficiary or mortgagee, or its assignees] does not initiate a court action to collect the outstanding debt within three years on the date which it released its security interest, the right to collect the outstanding debt is forfeited."

(2) If the beneficiary or mortgagee, or its assignees, of debt secured by owner-occupied real property intends to pursue collection of the outstanding debt, it must initiate a court action to collect the remaining debt within three years from the date on which it released its deed of trust or mortgage in the owner-occupied real property or else it forfeits any right to collect the remaining debt.

(3) This section applies only to debts incurred by individuals primarily for personal, family, or household purposes. This section does not apply to debts for business, commercial, or agricultural purposes.

(4) For the purposes of this section, "owner-occupied real property" means real property consisting solely of a single-family residence, a residential condominium unit, or a residential cooperative unit that is the principal residence of the borrower.

**Sec. 2.** RCW 18.86.120 and 1997 c 217 s 7 are each amended to read as follows:

(1) The pamphlet required under RCW 18.86.030(1)(f) shall consist of the entire text of RCW 18.86.010 through 18.86.030 and 18.86.040 through 18.86.110 with a separate cover page. The pamphlet shall be 8 1/2 by 11 inches in size, the text shall be in print no smaller than 10-point type, the cover page shall be in print no smaller than 12-point type, and the title of the cover page "The Law of Real Estate Agency" shall be in print no smaller than 18-point type. The cover page shall be in the following form:

**The Law of Real Estate Agency**

This pamphlet describes your legal rights in dealing with a real estate broker or salesperson. Please read it carefully before signing any documents.

The following is only a brief summary of the attached law:

Sec. 1. Definitions. Defines the specific terms used in the law.

Sec. 2. Relationships between Licensees and the Public. States that a licensee who works with a buyer or tenant represents that buyer or tenant--unless the licensee is the listing agent, a seller's subagent, a dual agent, the seller personally or the parties agree otherwise. Also states that in a transaction involving two different licensees

affiliated with the same broker, the broker is a dual agent and each licensee solely represents his or her client--unless the parties agree in writing that both licensees are dual agents.

Sec. 3. Duties of a Licensee Generally. Prescribes the duties that are owed by all licensees, regardless of who the licensee represents. Requires disclosure of the licensee's agency relationship in a specific transaction.

Sec. 4. Duties of a Seller's Agent. Prescribes the additional duties of a licensee representing the seller or landlord only.

Sec. 5. Duties of a Buyer's Agent. Prescribes the additional duties of a licensee representing the buyer or tenant only.

Sec. 6. Duties of a Dual Agent. Prescribes the additional duties of a licensee representing both parties in the same transaction, and requires the written consent of both parties to the licensee acting as a dual agent.

Sec. 7. Duration of Agency Relationship. Describes when an agency relationship begins and ends. Provides that the duties of accounting and confidentiality continue after the termination of an agency relationship.

Sec. 8. Compensation. Allows brokers to share compensation with cooperating brokers. States that payment of compensation does not necessarily establish an agency relationship. Allows brokers to receive compensation from more than one party in a transaction with the parties' consent.

Sec. 9. Vicarious Liability. Eliminates the common law liability of a party for the conduct of the party's agent or subagent, unless the agent or subagent is insolvent. Also limits the liability of a broker for the conduct of a subagent associated with a different broker.

Sec. 10. Imputed Knowledge and Notice. Eliminates the common law rule that notice to or knowledge of an agent constitutes notice to or knowledge of the principal.

Sec. 11. Interpretation. This law replaces the fiduciary duties owed by an agent to a principal under the common law, to the extent that it conflicts with the common law.

(2)(a) The pamphlet required under RCW 18.86.030(1)(f) must also include the following disclosure: When the seller of owner-occupied residential real property enters into a listing agreement with a real estate licensee where the proceeds from the sale may be insufficient to cover the costs at closing, it is the responsibility of the real estate licensee to disclose to the seller in writing that the decision by any beneficiary or mortgagee, or its assignees, to release its interest in the real property, for less than the amount the borrower owes, does not automatically relieve the seller of the obligation to pay any debt or costs remaining at closing, including fees such as the real estate licensee's commission.

(b) For the purposes of this subsection, "owner-occupied real property" means real property consisting solely of a single-family residence, a residential condominium unit, or a residential cooperative unit that is the principal residence of the borrower.

**Sec. 3.** RCW 4.16.040 and 2007 c 124 s 1 are each amended to read as follows:

The following actions shall be commenced within six years:

(1) An action upon a contract in writing, or liability express or implied arising out of a written agreement, except as provided for in section 1(2) of this act.

(2) An action upon an account receivable. For purposes of this section, an account receivable is any obligation for payment incurred in the ordinary course of the claimant's business or profession, whether arising from one or more transactions and whether or not earned by performance.

(3) An action for the rents and profits or for the use and occupation of real estate."

The President declared the question before the Senate to be the adoption of the striking amendment by Senator Frockt and others to Engrossed Substitute House Bill No. 2614.

The motion by Senator Frockt carried and the striking amendment was adopted by voice vote.

#### MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 2 of the title, after "property" strike the remainder of the title and insert "; amending RCW 18.86.120 and 4.16.040; and adding a new section to chapter 64.04 RCW."

#### MOTION

On motion of Senator Frockt, the rules were suspended, Engrossed Substitute House Bill No. 2614 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Frockt and Benton spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 2614 as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 2614 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 48; Nays, 1; Absent, 0; Excused, 0.

Voting yea: Senators Baumgartner, Becker, Benton, Brown, Carrell, Chase, Conway, Delvin, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hatfield, Haugen, Hewitt, Hill, Hobbs, Honeyford, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles, Litzow, McAuliffe, Morton, Murray, Nelson, Padden, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rolfes, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Voting nay: Senator Holmquist Newbry

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2614 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MOTION

At 9:05 p.m., on motion of Senator Eide, the Senate adjourned until 9:30 a.m. Thursday, March 1, 2012.

BRAD OWEN, President of the Senate

THOMAS HOEMANN, Secretary of the Senate

**FIFTY THIRD DAY**

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MORNING SESSION

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Senate Chamber, Olympia, Thursday, March 1, 2012

The Senate was called to order at 9:30 a.m. by President Owen. The Secretary called the roll and announced to the President that all Senators were present with the exception of Senators Parlette and Pflug.

The Sergeant at Arms Color Guard consisting of Pages Samantha Sullivan and Lian Eytinge, presented the Colors. Reverend Jim Erlandson, Community of Christ Church of Olympia offered the prayer.

MOTION

On motion of Senator Ericksen, Senators Litzow, Parlette, Pflug and Stevens were excused.

MOTION

On motion of Senator Harper, Senators Hatfield, Haugen and Murray were excused.

MOTION

On motion of Senator Eide, the reading of the Journal of the previous day was dispensed with and it was approved.

MOTION

On motion of Senator Eide, the Senate advanced to the fourth order of business.

MESSAGE FROM THE HOUSE

February 29, 2012

MR. PRESIDENT:

The House has passed:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1820,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2127,  
ENGROSSED HOUSE BILL NO. 2814.

and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MESSAGE FROM THE HOUSE

February 29, 2012

MR. PRESIDENT:

The House has passed:

SUBSTITUTE SENATE BILL NO. 5381,  
SUBSTITUTE SENATE BILL NO. 5966,  
SENATE BILL NO. 6095.

and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MESSAGE FROM THE HOUSE

February 29, 2012

MR. PRESIDENT:

The House has passed:

SUBSTITUTE SENATE BILL NO. 5412,  
SENATE BILL NO. 6131,  
SUBSTITUTE SENATE BILL NO. 6387,  
SUBSTITUTE SENATE BILL NO. 6421,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 6445.

and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MESSAGE FROM THE HOUSE

February 29, 2012

MR. PRESIDENT:

The House has passed:

ENGROSSED SUBSTITUTE SENATE BILL NO. 5895,  
SUBSTITUTE SENATE BILL NO. 6038.

and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MESSAGE FROM THE HOUSE

February 29, 2012

MR. PRESIDENT:

The Speaker has signed:

SUBSTITUTE HOUSE BILL NO. 1073,  
HOUSE BILL NO. 1486,  
SUBSTITUTE HOUSE BILL NO. 2056,  
HOUSE BILL NO. 2138,  
ENGROSSED HOUSE BILL NO. 2186,  
HOUSE BILL NO. 2213,  
HOUSE BILL NO. 2244,  
HOUSE BILL NO. 2247,  
SUBSTITUTE HOUSE BILL NO. 2255,  
HOUSE BILL NO. 2274,  
HOUSE BILL NO. 2304,  
HOUSE BILL NO. 2306,  
HOUSE BILL NO. 2356,  
SUBSTITUTE HOUSE BILL NO. 2422,  
HOUSE BILL NO. 2653,  
HOUSE CONCURRENT RESOLUTION NO. 4410.

and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MESSAGE FROM THE HOUSE

February 29, 2012

MR. PRESIDENT:

The Speaker has signed:

SUBSTITUTE HOUSE BILL NO. 1194,  
HOUSE BILL NO. 1381,  
SECOND SUBSTITUTE HOUSE BILL NO. 1652,  
SUBSTITUTE HOUSE BILL NO. 2181,  
SUBSTITUTE HOUSE BILL NO. 2352,  
HOUSE BILL NO. 2362,  
SUBSTITUTE HOUSE BILL NO. 2367,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2384,  
HOUSE BILL NO. 2393,  
HOUSE BILL NO. 2440.

HOUSE BILL NO. 2651,  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2664,  
 HOUSE BILL NO. 2705,  
 SUBSTITUTE HOUSE BILL NO. 2757,  
 HOUSE BILL NO. 2758.

and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MESSAGE FROM THE HOUSE

February 29, 2012

MR. PRESIDENT:

The Speaker has signed:

SENATE BILL NO. 5259,  
 ENGROSSED SECOND SUBSTITUTE SENATE BILL  
 NO. 5292,  
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5575,  
 ENGROSSED SECOND SUBSTITUTE SENATE BILL  
 NO. 5620,

SUBSTITUTE SENATE BILL NO. 5627,  
 SUBSTITUTE SENATE BILL NO. 5631,  
 SENATE BILL NO. 5913,  
 SUBSTITUTE SENATE BILL NO. 6005,  
 SENATE BILL NO. 6030,  
 SUBSTITUTE SENATE BILL NO. 6100,  
 SENATE BILL NO. 6108,  
 SUBSTITUTE SENATE BILL NO. 6121,  
 SENATE BILL NO. 6133,  
 ENGROSSED SENATE BILL NO. 6141,  
 SENATE BILL NO. 6157.

and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MESSAGE FROM THE HOUSE

February 29, 2012

MR. PRESIDENT:

The Speaker has signed:

SENATE BILL NO. 6172,  
 SENATE BILL NO. 6175,  
 SUBSTITUTE SENATE BILL NO. 6187,  
 ENGROSSED SUBSTITUTE SENATE BILL NO. 6251,  
 ENGROSSED SUBSTITUTE SENATE BILL NO. 6252,  
 SUBSTITUTE SENATE BILL NO. 6258,  
 SENATE BILL NO. 6289,  
 SUBSTITUTE SENATE BILL NO. 6295,  
 ENGROSSED SENATE BILL NO. 6296,  
 SUBSTITUTE SENATE BILL NO. 6315,  
 SENATE BILL NO. 6385,  
 SUBSTITUTE SENATE BILL NO. 6423,  
 SENATE BILL NO. 6465,  
 SUBSTITUTE SENATE BILL NO. 6472,  
 SENATE BILL NO. 6566.

and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

On motion of Senator Eide, the Senate advanced to the fifth order of business.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

E2SHB 2373 by House Committee on Ways & Means (originally sponsored by Representatives Van De Wege and Tharinger)

AN ACT Relating to the state's management of its recreational resources; amending RCW 79A.80.010, 79A.80.020, 79A.80.030, 79A.80.040, 79A.80.050, 79A.80.080, 79A.05.070, 46.16A.090, and 46.01.140; adding a new section to chapter 79A.80 RCW; adding a new section to chapter 46.01 RCW; creating new sections; providing expiration dates; and declaring an emergency.

MOTION

On motion of Senator Eide and without objection, the rules were suspended and Engrossed Second Substitute House Bill No. 2373, was placed on the second reading calendar.

MOTION

On motion of Senator Eide, the Senate advanced to the sixth order of business.

SECOND READING

CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator King moved that Gubernatorial Appointment No. 9216, Lisa Parker, as a member of the Board of Trustees, Yakima Valley Community College District No. 16, be confirmed.

Senator King spoke in favor of the motion.

MOTION

On motion of Senator Holmquist Newbry, Senator Benton was excused.

APPOINTMENT OF LISA PARKER

The President declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9216, Lisa Parker as a member of the Board of Trustees, Yakima Valley Community College District No. 16.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9216, Lisa Parker as a member of the Board of Trustees, Yakima Valley Community College District No. 16 and the appointment was confirmed by the following vote: Yeas, 46; Nays, 1; Absent, 0; Excused, 2.

Voting yea: Senators Becker, Benton, Brown, Carrell, Chase, Conway, Delvin, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hatfield, Haugen, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles, Litzow, McAuliffe, Morton, Murray, Nelson, Padden, Prentice, Pridemore, Ranker, Regala, Roach, Rolfes, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Voting nay: Senator Baumgartner

Excused: Senators Parlette and Pflug

Gubernatorial Appointment No. 9216, Lisa Parker, having received the constitutional majority was declared confirmed as a member of the Board of Trustees, Yakima Valley Community College District No. 16.

FIFTY THIRD DAY, MARCH 1, 2012

2012 REGULAR SESSION

SECOND READING  
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Eide moved that Gubernatorial Appointment No. 9124, Stephen Warner, as a member of the Board of Trustees, Olympic Community College District No. 3, be confirmed.

Senators Rolfes and Pridemore spoke in favor of passage of the motion.

APPOINTMENT OF STEPHEN WARNER

The President declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9124, Stephen Warner as a member of the Board of Trustees, Olympic Community College District No. 3.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9124, Stephen Warner as a member of the Board of Trustees, Olympic Community College District No. 3 and the appointment was confirmed by the following vote: Yeas, 47; Nays, 1; Absent, 0; Excused, 1.

Voting yea: Senators Becker, Benton, Brown, Carrell, Chase, Conway, Delvin, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hatfield, Haugen, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles, Litzow, McAuliffe, Morton, Murray, Nelson, Padden, Parlette, Prentice, Pridemore, Ranker, Regala, Roach, Rolfes, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Voting nay: Senator Baumgartner

Excused: Senator Pflug

Gubernatorial Appointment No. 9124, Stephen Warner, having received the constitutional majority was declared confirmed as a member of the Board of Trustees, Olympic Community College District No. 3.

SECOND READING  
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Pridemore moved that Gubernatorial Appointment No. 9146, Peter Mayer, as a member of the Recreation and Conservation Funding Board, be confirmed.

Senator Pridemore spoke in favor of the motion.

APPOINTMENT OF PETER MAYER

The President declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9146, Peter Mayer as a member of the Recreation and Conservation Funding Board.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9146, Peter Mayer as a member of the Recreation and Conservation Funding Board and the appointment was confirmed by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Baumgartner, Becker, Benton, Brown, Carrell, Chase, Conway, Delvin, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hatfield, Haugen, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles, Litzow, McAuliffe, Morton, Murray,

Nelson, Padden, Parlette, Prentice, Pridemore, Ranker, Regala, Roach, Rolfes, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Excused: Senator Pflug

Gubernatorial Appointment No. 9146, Peter Mayer, having received the constitutional majority was declared confirmed as a member of the Recreation and Conservation Funding Board.

SIGNED BY THE PRESIDENT

The President signed:

SUBSTITUTE HOUSE BILL NO. 1073,  
SUBSTITUTE HOUSE BILL NO. 1194,  
HOUSE BILL NO. 1381,  
HOUSE BILL NO. 1486,  
SECOND SUBSTITUTE HOUSE BILL NO. 1652,  
SUBSTITUTE HOUSE BILL NO. 2056,  
HOUSE BILL NO. 2138,  
SUBSTITUTE HOUSE BILL NO. 2181,  
ENGROSSED HOUSE BILL NO. 2186,  
HOUSE BILL NO. 2213,  
HOUSE BILL NO. 2244,  
HOUSE BILL NO. 2247,  
SUBSTITUTE HOUSE BILL NO. 2255,  
HOUSE BILL NO. 2274,  
HOUSE BILL NO. 2304,  
HOUSE BILL NO. 2306,  
SUBSTITUTE HOUSE BILL NO. 2352,  
HOUSE BILL NO. 2356,  
HOUSE BILL NO. 2362,  
SUBSTITUTE HOUSE BILL NO. 2367,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2384,  
HOUSE BILL NO. 2393,  
SUBSTITUTE HOUSE BILL NO. 2422,  
HOUSE BILL NO. 2440,  
HOUSE BILL NO. 2651,  
HOUSE BILL NO. 2653,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2664,  
HOUSE BILL NO. 2705,  
SUBSTITUTE HOUSE BILL NO. 2757,  
HOUSE BILL NO. 2758,  
HOUSE CONCURRENT RESOLUTION NO. 4410.

SECOND READING  
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Eide moved that Gubernatorial Appointment No. 9274, Pete Lewis, as a member of the Board of Trustees, Green River Community College District No. 10, be confirmed.

Senators Eide and Fain spoke in favor of passage of the motion.

MOTION

On motion of Senator Harper, Senator McAuliffe was excused.

APPOINTMENT OF PETE LEWIS

The President declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9274, Pete Lewis as a member of the Board of Trustees, Green River Community College District No. 10.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9274, Pete Lewis as a member of the Board of Trustees, Green River Community College District No. 10 and the appointment was confirmed by the following vote: Yeas, 47; Nays, 1; Absent, 0; Excused, 1.

Voting yea: Senators Becker, Benton, Brown, Carrell, Chase, Conway, Delvin, Eide, Erickson, Fain, Fraser, Frockt, Hargrove, Harper, Hatfield, Haugen, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles, Litzow, McAuliffe, Morton, Murray, Nelson, Padden, Parlette, Prentice, Pridemore, Ranker, Regala, Roach, Rolfes, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Voting nay: Senator Baumgartner

Excused: Senator Pflug

Gubernatorial Appointment No. 9274, Pete Lewis, having received the constitutional majority was declared confirmed as a member of the Board of Trustees, Green River Community College District No. 10.

## SECOND READING

SECOND SUBSTITUTE HOUSE BILL NO. 2156, by House Committee on Labor & Workforce Development (originally sponsored by Representatives Kenney, Sells, Haler, Sequist, Hansen, Maxwell and Carlyle)

Regarding coordination and evaluation of workforce training for aerospace and materials manufacturing.

The measure was read the second time.

## MOTION

Senator Prentice moved that the following amendment by Senator Prentice and others be adopted:

On page 3, after line 34, insert the following:

"**Sec. 4.** RCW 28B.122.010 and 2011 c 8 s 1 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Aerospace training or educational program" means a course in the aerospace industry offered (~~either~~) by the Washington aerospace training and research center (~~or~~), the Spokane aerospace technology center, or Renton technical college.

(2) (~~"Board" means the higher education coordinating board.~~

(3)) "Eligible student" means a student who is registered for an aerospace training or educational program, is making satisfactory progress as defined by the program, and has a declared intention to work in the aerospace industry in the state of Washington.

(3) "Office" means the office of student financial assistance.

(4) "Participant" means an eligible student who has received an aerospace training student loan.

(5) "Student loan" means a loan that is approved by the (~~board~~) office and awarded to an eligible student.

**Sec. 5.** RCW 28B.122.020 and 2011 c 8 s 2 are each amended to read as follows:

(1) The aerospace training student loan program is established.

(2) The program shall be designed in consultation with representatives of aerospace employers, aerospace workers, and aerospace training or educational programs.

(3) The program shall be administered by the (~~board~~) office. In administering the program, the (~~board~~) office has the following powers and duties:

(a) To screen and select, in coordination with representatives of aerospace training or educational programs, eligible students to receive an aerospace training student loan;

(b) To consider an eligible student's financial inability to meet the total cost of the aerospace training or educational program in the selection process;

(c) To issue low-interest student loans;

(d) To establish an annual loan limit equal to the cost of attendance minus any other financial aid received;

(e) To define the terms of repayment, including applicable interest rates, fees, and deferments;

(f) To collect and manage repayments from students who do not meet their obligations under this chapter;

(g) To solicit and accept grants and donations from public and private sources for the program; and

(h) To adopt necessary rules.

**Sec. 6.** RCW 28B.122.040 and 2011 c 8 s 4 are each amended to read as follows:

The (~~board~~) office may award aerospace training student loans to eligible students from the funds available in the aerospace training student loan account for this program. The amount of the student loan awarded an individual may not exceed tuition and fees for the program of study.

**Sec. 7.** RCW 28B.122.050 and 2011 c 8 s 5 are each amended to read as follows:

(1) The aerospace training student loan account is created in the custody of the state treasurer. No appropriation is required for expenditures of funds from the account for student loans. An appropriation is required for expenditures of funds from the account for costs associated with program administration by the (~~board~~) office. The account is not subject to allotment procedures under chapter 43.88 RCW.

(2) The (~~board~~) office shall deposit into the account all moneys received for the program. The account shall be self-sustaining and consist of moneys received for the program by the (~~board~~) office, and receipts from participant repayments, including principal and interest.

(3) Expenditures from the account may be used solely for student loans to participants in the program established by this chapter and costs associated with program administration by the (~~board~~) office.

(4) Disbursements from the account may be made only on the authorization of the (~~board~~) office.

**Sec. 8.** RCW 28B.122.060 and 2011 c 8 s 6 are each amended to read as follows:

(1) The (~~board~~) office, in collaboration with aerospace training or educational programs, shall submit an annual report regarding the aerospace training student loan program to the governor and to the appropriate committees of the legislature.

(2) The annual report shall describe the design and implementation of the aerospace training student loan program, and shall include the following:

(a) The number of applicants for loans;

(b) The number of participants in the loan program;

(c) The number of participants in the loan program who complete an aerospace training or educational program;

(d) The number of participants in the loan program who are placed in employment;

(e) The nature of that employment, including: (i) The type of job; (ii) whether the job is full-time, part-time, or temporary; (iii) whether the job pays annual wages that are: (A) Less than thirty thousand dollars; (B) thirty thousand dollars or greater, but less than sixty thousand dollars; or (C) sixty thousand dollars or more; and

(f) Demographic profiles of applicants for loans and participants in the loan programs.

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(3) The annual report shall be submitted by December 1st of each year after July 22, 2011.

**NEW SECTION. Sec. 9.** Sections 4 through 8 of this act take effect July 1, 2012."

Senator Prentice spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Prentice and others on page 3, after line 34 to Second Substitute House Bill No. 2156.

The motion by Senator Prentice carried and the amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 2 of the title, after "manufacturing;" insert "amending RCW 28B.122.010, 28B.122.020, 28B.122.040, 28B.122.050, and 28B.122.060;"

On page 1, line 4 of the title, after "RCW;" strike the remainder of the title and insert "creating a new section; and providing an effective date."

MOTION

On motion of Senator Tom, the rules were suspended, Second Substitute House Bill No. 2156 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Tom, Prentice, Eide, Conway and Chase spoke in favor of passage of the bill.

MOTION

On motion of Senator Harper, Senators Brown, McAuliffe and Murray were excused.

The President declared the question before the Senate to be the final passage of Second Substitute House Bill No. 2156 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute House Bill No. 2156 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Baumgartner, Becker, Benton, Brown, Carrell, Chase, Conway, Delvin, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hatfield, Haugen, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles, Litzow, McAuliffe, Morton, Murray, Nelson, Padden, Parlette, Prentice, Pridemore, Ranker, Regala, Roach, Rolfes, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Excused: Senator Pflug

SECOND SUBSTITUTE HOUSE BILL NO. 2156 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1775, by House Committee on Early Learning & Human Services (originally sponsored by Representatives Goodman and Kagi)

Encouraging juvenile restorative justice programs.

The measure was read the second time.

MOTION

On motion of Senator Regala, the rules were suspended, Substitute House Bill No. 1775 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Regala spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1775.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1775 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Baumgartner, Becker, Benton, Brown, Carrell, Chase, Conway, Delvin, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hatfield, Haugen, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles, Litzow, McAuliffe, Morton, Murray, Nelson, Padden, Parlette, Prentice, Pridemore, Ranker, Regala, Roach, Rolfes, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Excused: Senator Pflug

SUBSTITUTE HOUSE BILL NO. 1775, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2360, by House Committee on Business & Financial Services (originally sponsored by Representatives Stanford, Rivers and Ryu)

Concerning deposit and investment provisions for the prearrangement trust funds of cemetery authorities and funeral establishments.

The measure was read the second time.

MOTION

On motion of Senator Pridemore, the rules were suspended, Substitute House Bill No. 2360 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Pridemore and Swecker spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 2360.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2360 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Baumgartner, Becker, Benton, Brown, Carrell, Chase, Conway, Delvin, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hatfield, Haugen, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles, Litzow, McAuliffe, Morton, Murray, Nelson, Padden, Parlette, Prentice, Pridemore, Ranker, Regala, Roach, Rolfes, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Excused: Senator Pflug

SUBSTITUTE HOUSE BILL NO. 2360, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

ENGROSSED HOUSE BILL NO. 2152, by Representatives Angel, Takko, Dammeier, Rivers, Kristiansen, Springer, Buys, Tharinger and Liias

Clarifying timelines associated with plats.

The measure was read the second time.

## MOTION

Senator Pridemore moved that the following committee striking amendment by the Committee on Government Operations, Tribal Relations & Elections be adopted:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 58.17.140 and 2010 c 79 s 1 are each amended to read as follows:

(1) Preliminary plats of any proposed subdivision and dedication shall be approved, disapproved, or returned to the applicant for modification or correction within ninety days from date of filing thereof unless the applicant consents to an extension of such time period or the ninety day limitation is extended to include up to twenty-one days as specified under RCW 58.17.095(3): PROVIDED, That if an environmental impact statement is required as provided in RCW 43.21C.030, the ninety day period shall not include the time spent preparing and circulating the environmental impact statement by the local government agency.

(2) Final plats and short plats shall be approved, disapproved, or returned to the applicant within thirty days from the date of filing thereof, unless the applicant consents to an extension of such time period.

(3)(a) Except as provided by (b) of this subsection, a final plat meeting all requirements of this chapter shall be submitted to the legislative body of the city, town, or county for approval within seven years of the date of preliminary plat approval if the date of preliminary plat approval is on or before December 31, 2014, and within five years of the date of preliminary plat approval if the date of preliminary plat approval is on or after January 1, 2015.

(b) A final plat meeting all requirements of this chapter shall be submitted to the legislative body of the city for approval within nine years of the date of preliminary plat approval if the project is within city limits, not subject to requirements adopted under chapter 90.58 RCW, and the date of preliminary plat approval is on or before December 31, 2007.

(4) Nothing contained in this section shall act to prevent any city, town, or county from adopting by ordinance procedures which

would allow extensions of time that may or may not contain additional or altered conditions and requirements.

**Sec. 2.** RCW 58.17.170 and 2010 c 79 s 2 are each amended to read as follows:

(1) When the legislative body of the city, town or county finds that the subdivision proposed for final plat approval conforms to all terms of the preliminary plat approval, and that said subdivision meets the requirements of this chapter, other applicable state laws, and any local ordinances adopted under this chapter which were in effect at the time of preliminary plat approval, it shall suitably inscribe and execute its written approval on the face of the plat. The original of said final plat shall be filed for record with the county auditor. One reproducible copy shall be furnished to the city, town or county engineer. One paper copy shall be filed with the county assessor. Paper copies shall be provided to such other agencies as may be required by ordinance.

(2)(a) Except as provided by (b) of this subsection, any lots in a final plat filed for record shall be a valid land use notwithstanding any change in zoning laws for a period of seven years from the date of filing if the date of filing is on or before December 31, 2014, and for a period of five years from the date of filing if the date of filing is on or after January 1, 2015.

(b) Any lots in a final plat filed for record shall be a valid land use notwithstanding any change in zoning laws for a period of nine years from the date of filing if the project is within city limits, not subject to requirements adopted under chapter 90.58 RCW, and the date of filing is on or before December 31, 2007.

(3)(a) Except as provided by (b) of this subsection, a subdivision shall be governed by the terms of approval of the final plat, and the statutes, ordinances, and regulations in effect at the time of approval under RCW 58.17.150 (1) and (3) for a period of seven years after final plat approval if the date of final plat approval is on or before December 31, 2014, and for a period of five years after final plat approval if the date of final plat approval is on or after January 1, 2015, unless the legislative body finds that a change in conditions creates a serious threat to the public health or safety in the subdivision.

(b) A subdivision shall be governed by the terms of approval of the final plat, and the statutes, ordinances, and regulations in effect at the time of approval under RCW 58.17.150 (1) and (3) for a period of nine years after final plat approval if the project is within city limits, not subject to requirements adopted under chapter 90.58 RCW, and the date of final plat approval is on or before December 31, 2007, unless the legislative body finds that a change in conditions creates a serious threat to the public health or safety in the subdivision.

NEW SECTION. **Sec. 3.** 2010 c 79 s 3 (uncodified) is hereby repealed."

Senator Pridemore spoke in favor of adoption of the committee striking amendment.

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Government Operations, Tribal Relations & Elections to Engrossed House Bill No. 2152.

The motion by Senator Pridemore carried and the committee striking amendment was adopted by voice vote.

## MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 1 of the title, after "plats;" strike the remainder of the title and insert "amending RCW 58.17.140 and 58.17.170; and repealing 2010 c 79 s 3 (uncodified)."



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## MOTION

On motion of Senator Pridemore, the rules were suspended, Engrossed House Bill No. 2152 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Pridemore and Swecker spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed House Bill No. 2152 as amended by the Senate.

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 2152 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Baumgartner, Becker, Benton, Brown, Carrell, Chase, Conway, Delvin, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hatfield, Haugen, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles, Litzow, McAuliffe, Morton, Murray, Nelson, Padden, Parlette, Prentice, Pridemore, Ranker, Regala, Roach, Rolfes, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Excused: Senator Pflug

ENGROSSED HOUSE BILL NO. 2152 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

ENGROSSED HOUSE BILL NO. 1234, by Representatives Moscoso, Hope, Klippert, Lytton, Johnson, Rivers, Jinks, Ladenburg, Ryu, Reykdal, Fitzgibbon and Maxwell

Addressing law enforcement crime prevention efforts regarding security alarm systems and crime watch programs for residential and commercial locations.

The measure was read the second time.

## MOTION

On motion of Senator Fraser, the rules were suspended, Engrossed House Bill No. 1234 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Fraser and King spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed House Bill No. 1234.

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 1234 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Baumgartner, Becker, Benton, Brown, Carrell, Chase, Conway, Delvin, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hatfield, Haugen, Hewitt, Hill, Hobbs,

Holmquist Newbry, Honeyford, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles, Litzow, McAuliffe, Morton, Murray, Nelson, Padden, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rolfes, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

ENGROSSED HOUSE BILL NO. 1234, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

HOUSE BILL NO. 2305, by Representatives Angel, Takko and Green

Changing authority for contracts with community service organizations for public improvements.

The measure was read the second time.

## MOTION

On motion of Senator Pridemore, the rules were suspended, House Bill No. 2305 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Pridemore and Swecker spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 2305.

## ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2305 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Baumgartner, Becker, Benton, Brown, Carrell, Chase, Conway, Delvin, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hatfield, Haugen, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles, Litzow, McAuliffe, Morton, Murray, Nelson, Padden, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rolfes, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

HOUSE BILL NO. 2305, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

ENGROSSED HOUSE BILL NO. 2509, by Representatives Chandler, Bailey and Pearson

Promoting workplace safety and health by enacting the blueprint for safety program.

The measure was read the second time.

## MOTION

Senator Holmquist Newbry moved that the following committee striking amendment by the Committee on Labor, Commerce & Consumer Protection be adopted:

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** A new section is added to chapter 49.17 RCW to read as follows:

The blueprint for safety program is established. The goal of the program is to improve safety for employees and lower costs for employers by assisting those employers for which the traditional safety and health model has not been effective. The department shall design the program to promote management and labor leadership in safety and health as essential for long-term success. The criteria for participation may include, but are not limited to: A history with the department indicating a less than optimal leadership commitment to safety and health, a rising experience modification factor, a recent catastrophic workplace injury, a change in the employer's safety management, and a request by the employer to participate. The department shall offer the program statewide in a phased manner. The department shall post information on its web page to provide information about the program to employers. Participation by an employer is voluntary and subject to approval by the department. The program shall supplement, but not replace any of, the department's existing compliance or consultation programs. The department shall adopt rules to establish criteria for participation in the blueprint for safety program, and shall initiate rule making in 2012. Funding for the blueprint for safety program created in this section cannot be appropriated from the medical aid fund or the accident fund, but shall be implemented within existing resources."

Senator Holmquist Newbry spoke in favor of adoption of the committee striking amendment.

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Labor, Commerce & Consumer Protection to Engrossed House Bill No. 2509.

The motion by Senator Holmquist Newbry carried and the committee striking amendment was adopted by voice vote.

#### MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 2 of the title, after "program;" strike the remainder of the title and insert "and adding a new section to chapter 49.17 RCW."

#### MOTION

On motion of Senator Holmquist Newbry, the rules were suspended, Engrossed House Bill No. 2509 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Holmquist Newbry, Conway and Kohl-Welles spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed House Bill No. 2509 as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 2509 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Baumgartner, Becker, Benton, Brown, Carrell, Chase, Conway, Delvin, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hatfield, Haugen, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles, Litzow, McAuliffe, Morton, Murray, Nelson, Padden, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rolfes, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

ENGROSSED HOUSE BILL NO. 2509 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

HOUSE BILL NO. 2459, by Representatives Kagi, Armstrong and Johnson

Authorizing the Washington state patrol to confiscate license plates from a motor carrier who operates a commercial motor vehicle with a revoked registration.

The measure was read the second time.

#### MOTION

On motion of Senator Haugen, the rules were suspended, House Bill No. 2459 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Haugen and King spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 2459.

#### ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2459 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Baumgartner, Becker, Benton, Brown, Carrell, Chase, Conway, Delvin, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hatfield, Haugen, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles, Litzow, McAuliffe, Morton, Murray, Nelson, Padden, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rolfes, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

HOUSE BILL NO. 2459, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MOTION

At 10:56 a.m., on motion of Senator Eide, the Senate was declared to be at ease subject to the call of the President.

#### AFTERNOON SESSION

The Senate was called to order at 12:02 p.m. by President Owen.

#### MOTION

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On motion of Senator Eide, the Senate advanced to the eighth order of business.

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced Rey Pascua and other representatives of the Filipino community who were seated in the gallery.

MOTION

Senator Regala moved adoption of the following resolution:

SENATE RESOLUTION  
8701

By Senators Regala, Honeyford, Rolfes, Ranker, King, and Prentice

WHEREAS, The State of Washington has previously recognized the proud history of Filipino-Americans; and

WHEREAS, The earliest documented proof of Filipino presence in the continental United States was the date of October 18, 1587, when the first "Luzones Indios" set foot in Morro Bay, California; and

WHEREAS, The Filipino-American National Historical Society recognizes the year of 1763 as the date of the first permanent Filipino settlement in the United States in St. Malo, in St. Bernard Parish, Louisiana; and

WHEREAS, Washington State contributed to this history with the recognition of the 1888 documents of Port Blakely on Bainbridge Island, Washington, at the time the largest lumber mill in the world, as listing a "Manilla," the first known employee from the Philippines in the Pacific Northwest; and

WHEREAS, These events set in motion the focus on the story of our nation's past from a new perspective by concentrating on the economic, cultural, social, and other notable contributions that Filipino-Americans have made in countless ways toward the development of the United States; and

WHEREAS, Efforts must continue to promote the study of Filipino-American history and culture, as mandated in the mission statement of the Filipino-American National Historical Society; and

WHEREAS, It is imperative for Filipino-American youth to have positive role models to instill in them the importance of education, complemented with the richness of their ethnicity and the value of their legacy; and

WHEREAS, Washington State is home to Filipinos, one of the largest Asian/Pacific Islander populations found in the state, and is the location of historic Filipino-American communities; and

WHEREAS, Filipinos have served with special distinction in all of the United States military branches; and

WHEREAS, The United States and the Republic of the Philippines continue to hold a special bond;

NOW, THEREFORE, BE IT RESOLVED, That the Senate of the State of Washington recognize October 2012 as the 425th anniversary of the presence of Filipinos in the United States, as a significant time to study the advancement of Filipino-Americans in the history of the State of Washington, and celebrate October 2012 as Filipino-American history month; and

BE IT FURTHER RESOLVED, That a copy of this resolution be immediately transmitted by the Washington State Senate to Rey Pascua, President of the Filipino-American Community of the Yakima Valley for further distribution to the Filipino-American National Historical Society, Pacific Islander organizations, and the superintendent of public instruction.

Senators Regala, Roach, Prentice, Conway, King, Shin and Honeyford spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8701.

The motion by Senator Regala carried and the resolution was adopted by voice vote.

MOTION

On motion of Senator Eide, Rule 15 was suspended for the remainder of the day for the purpose of allowing continued floor action.

EDITOR'S NOTE: Senate Rule 15 establishes the floor schedule and calls for a lunch and dinner break of 90 minutes each per day during regular daily sessions.

MOTION

At 12:18 p.m., on motion of Senator Eide, the Senate was declared to be at ease subject to the call of the President.

The Senate was called to order at 1:35 p.m. by President Owen.

MOTION

On motion of Senator Eide, the Senate reverted to the sixth order of business.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2747, by House Committee on Capital Budget (originally sponsored by Representative Hansen)

Modifying the use of funds in the fire service training account.

The measure was read the second time.

MOTION

On motion of Senator Murray, the rules were suspended, Engrossed Substitute House Bill No. 2747 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Murray spoke in favor of passage of the bill.

MOTION

On motion of Senator Holmquist Newbry, Senators Becker, Benton, Carrell, Ericksen, Hewitt, Padden, Parlette, Stevens, Swecker and Zarelli were excused.

MOTION

On motion of Senator Harper, Senator Frockt was excused.

The President declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 2747.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 2747 and the bill passed the

Senate by the following vote: Yeas, 47; Nays, 0; Absent, 1; Excused, 1.

Voting yea: Senators Baumgartner, Becker, Benton, Carrell, Chase, Conway, Delvin, Eide, Fain, Fraser, Frockt, Hargrove, Harper, Hatfield, Haugen, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles, Litzow, McAuliffe, Morton, Murray, Nelson, Padden, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rolfes, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Absent: Senator Brown

Excused: Senator Ericksen

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2747, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MOTION

On motion of Senator Harper, Senator Brown was excused.

#### MOTION

On motion of Senator Hewitt, Senator Ericksen was excused.

#### INTRODUCTION OF SPECIAL GUESTS

The President welcomed Ms. Jan Binks and Ms. Terri Suzuki and other representatives of the Washington Poison Center who were present in the gallery celebrating the 50<sup>th</sup> anniversary of the national "Poison Prevention Week" march 18 through 24, 2012. They were joined by: Miss Jenna Hardman, 12, of Seattle, a St. Joseph School student and first place winner in the Washington Poison Center's Poison Prevention Week's "Everyone Needs Mr. Yuk" poster contest; her mother, Mrs. Kim Hardman; her grandmother, Susie Heck; and "Mr. Yuk."

#### SECOND READING

SUBSTITUTE HOUSE BILL NO. 2212, by House Committee on Agriculture & Natural Resources (originally sponsored by Representatives Blake and Chandler)

Extending the expiration date of RCW 90.90.030.

The measure was read the second time.

#### MOTION

On motion of Senator Hatfield, the rules were suspended, Substitute House Bill No. 2212 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Hatfield and Honeyford spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 2212.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2212 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Baumgartner, Becker, Benton, Carrell, Chase, Conway, Delvin, Eide, Fain, Fraser, Frockt, Hargrove, Harper, Hatfield, Haugen, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles, Litzow, McAuliffe, Morton, Murray, Nelson, Padden, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rolfes, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Excused: Senators Brown and Ericksen

SUBSTITUTE HOUSE BILL NO. 2212, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SIGNED BY THE PRESIDENT

The President signed:

SUBSTITUTE SENATE BILL NO. 5381,  
SUBSTITUTE SENATE BILL NO. 5412,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5895,  
SUBSTITUTE SENATE BILL NO. 5966,  
SUBSTITUTE SENATE BILL NO. 6038,  
SENATE BILL NO. 6095,  
SENATE BILL NO. 6131,  
SUBSTITUTE SENATE BILL NO. 6387,  
SUBSTITUTE SENATE BILL NO. 6421,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 6445.

#### SECOND READING

SUBSTITUTE HOUSE BILL NO. 2312, by House Committee on Transportation (originally sponsored by Representatives Zeiger, Clibborn, Armstrong, Ladenburg, Hargrove, Billig, Dammeyer, Orwall, Bailey, Takko, Finn, Asay, Smith, Tharinger, Kelley, Pearson, Miloscia and Moscoso)

Making military service award emblems available for purchase.

The measure was read the second time.

#### MOTION

On motion of Senator King, the rules were suspended, Substitute House Bill No. 2312 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator King spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 2312.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2312 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 2; Absent, 0; Excused, 2.

Voting yea: Senators Baumgartner, Becker, Benton, Carrell, Chase, Conway, Delvin, Eide, Fain, Fraser, Frockt, Hargrove, Harper, Hatfield, Haugen, Hewitt, Hill, Hobbs, Honeyford, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles, Litzow, McAuliffe, Morton, Murray, Nelson, Padden, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rolfes, Schoesler, Sheldon, Shin, Swecker, Tom and Zarelli

Voting nay: Senators Holmquist Newbry and Stevens

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Excused: Senators Brown and Ericksen

SUBSTITUTE HOUSE BILL NO. 2312, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 2224, by Representatives Nealey and Pedersen

Concerning Washington estate tax apportionment.

The measure was read the second time.

MOTION

On motion of Senator Kline, the rules were suspended, House Bill No. 2224 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Kline, Padden and Pflug spoke in favor of passage of the bill.

Senator Ericksen spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 2224.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2224 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 3; Absent, 1; Excused, 0.

Voting yea: Senators Baumgartner, Becker, Benton, Brown, Carrell, Chase, Conway, Delvin, Eide, Fraser, Frockt, Hargrove, Harper, Hatfield, Haugen, Hewitt, Hill, Hobbs, Honeyford, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles, Litzow, McAuliffe, Morton, Murray, Nelson, Padden, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rolfes, Schoesler, Sheldon, Shin, Swecker, Tom and Zarelli

Voting nay: Senators Ericksen, Holmquist Newbry and Stevens

Absent: Senator Fain

HOUSE BILL NO. 2224, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Ericksen, Senator Fain was excused.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2347, by House Committee on Judiciary (originally sponsored by Representatives Dammeier, Kelley, Wilcox, Van De Wege, Pearson, Hurst, Zeiger, Seaquist, Rodne, Ladenburg, Hope, Green, Klippert and Moscoso)

Concerning the possession of spring blade knives.

The measure was read the second time.

MOTION

Senator Kline moved that the following committee striking amendment by the Committee on Judiciary be adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 9.41.250 and 2011 c 13 s 1 are each amended to read as follows:

(1) Every person who:

(a) Manufactures, sells, or disposes of or possesses any instrument or weapon of the kind usually known as slung shot, sand club, or metal knuckles, or spring blade knife (~~or any knife the blade of which is automatically released by a spring mechanism or other mechanical device, or any knife having a blade which opens, or falls, or is ejected into position by the force of gravity, or by an outward, downward, or centrifugal thrust or movement~~);

(b) Furtively carries with intent to conceal any dagger, dirk, pistol, or other dangerous weapon; or

(c) Uses any contrivance or device for suppressing the noise of any firearm unless the suppressor is legally registered and possessed in accordance with federal law, is guilty of a gross misdemeanor punishable under chapter 9A.20 RCW.

(2) ((Subsection (1)(a) of this section does not apply to:

(a) The possession of a spring blade knife by a law enforcement officer while the officer:

(i) Is on official duty; or

(ii) Is transporting the knife to or from the place where the knife is stored when the officer is not on official duty; or

(b) The storage of a spring blade knife by a law enforcement officer.) "Spring blade knife" means any knife, including a prototype, model, or other sample, with a blade that is automatically released by a spring mechanism or other mechanical device, or any knife having a blade which opens, or falls, or is ejected into position by the force of gravity, or by an outward, downward, or centrifugal thrust or movement. A knife that contains a spring, detent, or other mechanism designed to create a bias toward closure of the blade and that requires physical exertion applied to the blade by hand, wrist, or arm to overcome the bias toward closure to assist in opening the knife is not a spring blade knife.

NEW SECTION. Sec. 2. A new section is added to chapter 9.41 RCW to read as follows:

(1) RCW 9.41.250 does not apply to:

(a) The possession or use of a spring blade knife by a general authority law enforcement officer, firefighter or rescue member, Washington state patrol officer, or military member, while the officer or member:

(i) Is on official duty; or

(ii) Is transporting a spring blade knife to or from the place where the knife is stored when the officer or member is not on official duty; or

(iii) Is storing a spring blade knife;

(b) The manufacture, sale, transportation, transfer, distribution, or possession of spring blade knives pursuant to contract with a general authority law enforcement agency, fire or rescue agency, Washington state patrol, or military service, or pursuant to a contract with another manufacturer or a commercial distributor of knives for use, sale, or other disposition by the manufacturer or commercial distributor;

(c) The manufacture, transportation, transfer, distribution, or possession of spring blade knives, with or without compensation and with or without a contract, solely for trial, test, or other provisional use for evaluation and assessment purposes, by a general authority law enforcement agency, fire or rescue agency, Washington state patrol, military service, or a manufacturer or commercial distributor of knives.

(2) For the purposes of this section:

(a) "Military member" means an active member of the United States military or naval forces, or a Washington national guard member called to active duty or during training.

(b) "General law enforcement agency" means any agency, department, or division of a municipal corporation, political subdivision, or other unit of local government of this state or any other state, and any agency, department, or division of any state government, having as its primary function the detection and apprehension of persons committing infractions or violating the traffic or criminal laws in general.

(c) "General law enforcement officer" means any person who is commissioned and employed by an employer on a full-time, fully compensated basis to enforce the criminal laws of the state of Washington generally. No person who is serving in a position that is basically clerical or secretarial in nature, or who is not commissioned shall be considered a law enforcement officer.

(d) "Fire or rescue agency" means any agency, department, or division of a municipal corporation, political subdivision, or other unit of local government of this state or any other state, and any agency, department, or division of any state government, having as its primary function the prevention, control, or extinguishment of fire or provision of emergency medical services or rescue actions for persons.

(e) "Firefighter or rescue member" means any person who is serving on a full-time, fully compensated basis as a member of a fire or rescue agency to prevent, control, or extinguish fire or provide emergency medical services or rescue actions for persons. No person who is serving in a position that is basically clerical or secretarial in nature shall be considered a firefighter or rescue member.

(f) "Military service" means the active, reserve, or national guard components of the United States military, including the army, navy, air force, marines, and coast guard."

Senator Kline spoke in favor of adoption of the committee striking amendment.

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Judiciary to Engrossed Substitute House Bill No. 2347.

The motion by Senator Kline carried and the committee striking amendment was adopted by voice vote.

#### MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 1 of the title, after "knives;" strike the remainder of the title and insert "amending RCW 9.41.250; adding a new section to chapter 9.41 RCW; and prescribing penalties."

#### MOTION

On motion of Senator Kline, the rules were suspended, Engrossed Substitute House Bill No. 2347 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Kline spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 2347 as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 2347 as amended by the

Senate and the bill passed the Senate by the following vote: Yeas, 47; Nays, 2; Absent, 0; Excused, 0.

Voting yea: Senators Baumgartner, Becker, Brown, Carrell, Chase, Conway, Delvin, Eide, Ericksen, Fain, Fraser, Hargrove, Harper, Hatfield, Haugen, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles, Litzow, McAuliffe, Morton, Murray, Nelson, Padden, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rolfes, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Voting nay: Senators Benton and Frockt

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2347 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

ENGROSSED HOUSE BILL NO. 1398, by Representatives Fitzgibbon, Seaquist, Orwall, Springer, Uptegrove and Kenney

Creating an exemption from impact fees for low-income housing.

The measure was read the second time.

#### MOTION

Senator Hobbs moved that the following committee striking amendment by the Committee on Financial Institutions, Housing & Insurance be adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 82.02.060 and 1990 1st ex.s. c 17 s 44 are each amended to read as follows:

The local ordinance by which impact fees are imposed:

(1) Shall include a schedule of impact fees which shall be adopted for each type of development activity that is subject to impact fees, specifying the amount of the impact fee to be imposed for each type of system improvement. The schedule shall be based upon a formula or other method of calculating such impact fees. In determining proportionate share, the formula or other method of calculating impact fees shall incorporate, among other things, the following:

(a) The cost of public facilities necessitated by new development;

(b) An adjustment to the cost of the public facilities for past or future payments made or reasonably anticipated to be made by new development to pay for particular system improvements in the form of user fees, debt service payments, taxes, or other payments earmarked for or proratable to the particular system improvement;

(c) The availability of other means of funding public facility improvements;

(d) The cost of existing public facilities improvements; and

(e) The methods by which public facilities improvements were financed;

(2) May provide an exemption for low-income housing((?)) and other development activities with broad public purposes((?)) from these impact fees, provided that the impact fees for ((such)) development ((activity)) activities with broad public purposes shall be paid from public funds other than impact fee accounts. Local governments that grant exemptions for low-income housing under this subsection (2) are not obligated to pay the exempted fees. An exemption for low-income housing granted under this subsection (2) must be conditioned upon requiring the developer to record a

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covenant that, except as provided otherwise by this subsection, prohibits using the property for any purpose other than for low-income housing. At a minimum, the covenant must address price restrictions and household income limits for the low-income housing, and that if the property is converted to a use other than for low-income housing, the property owner must pay the applicable impact fees in effect at the time of conversion. Covenants required by this subsection must be recorded with the applicable county auditor or recording officer. A local government granting an exemption under this subsection for low-income housing may not collect revenue lost through granting an exemption by increasing impact fees unrelated to the exemption;

(3) Shall provide a credit for the value of any dedication of land for, improvement to, or new construction of any system improvements provided by the developer, to facilities that are identified in the capital facilities plan and that are required by the county, city, or town as a condition of approving the development activity;

(4) Shall allow the county, city, or town imposing the impact fees to adjust the standard impact fee at the time the fee is imposed to consider unusual circumstances in specific cases to ensure that impact fees are imposed fairly;

(5) Shall include a provision for calculating the amount of the fee to be imposed on a particular development that permits consideration of studies and data submitted by the developer to adjust the amount of the fee;

(6) Shall establish one or more reasonable service areas within which it shall calculate and impose impact fees for various land use categories per unit of development;

(7) May provide for the imposition of an impact fee for system improvement costs previously incurred by a county, city, or town to the extent that new growth and development will be served by the previously constructed improvements provided such fee shall not be imposed to make up for any system improvement deficiencies; and

(8) For purposes of this section, "low-income housing" means housing with a monthly housing expense, that is no greater than thirty percent of eighty percent of the median family income adjusted for family size, for the county where the project is located, as reported by the United States department of housing and urban development."

MOTION

Senator Haugen moved that the following amendment by Senator Haugen and others to the committee striking amendment be adopted:

On page 1, line 24 of the amendment, after "exemption" insert "of up to sixty percent"

Senators Haugen and Benton spoke in favor of adoption of the amendment to the committee striking amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Haugen and others on page 1, line 24 to the committee striking amendment to Engrossed House Bill No. 1398.

The motion by Senator Haugen carried and the amendment to the committee striking amendment was adopted by voice vote.

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Financial Institutions, Housing & Insurance as amended to Engrossed House Bill No. 1398.

The motion by Senator Hobbs carried and the committee striking amendment as amended was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 1 of the title, after "fees;" strike the remainder of the title and insert "and amending RCW 82.02.060."

MOTION

On motion of Senator Hobbs, the rules were suspended, Engrossed House Bill No. 1398 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Hobbs spoke in favor of passage of the bill.

Senator Benton spoke against passage of the bill.

POINT OF ORDER

Senator Brown: "Is it part of the Senate Rules that referring to the motives of members of the Legislature is inappropriate?"

REPLY BY THE PRESIDENT

President Owen: "It is Senator. Senator Benton you were walking pretty close to that line and stepping over just a little bit there on a couple comments that you'd made. I know it was probably inadvertent but please be careful in the future."

Senator Haugen spoke in favor of passage of the bill.

MOTION

On motion of Senator Ericksen, Senator Carrell was excused.

The President declared the question before the Senate to be the final passage of Engrossed House Bill No. 1398 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 1398 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 32; Nays, 16; Absent, 0; Excused, 1.

Voting yea: Senators Baumgartner, Brown, Chase, Conway, Eide, Fain, Fraser, Frockt, Hargrove, Harper, Hatfield, Haugen, Hill, Hobbs, Kastama, Keiser, Kilmer, Kline, Kohl-Welles, Litzow, McAuliffe, Murray, Nelson, Pflug, Prentice, Pridemore, Ranker, Regala, Rolfes, Sheldon, Shin and Tom

Voting nay: Senators Becker, Benton, Delvin, Ericksen, Hewitt, Holmquist Newbry, Honeyford, King, Morton, Padden, Parlette, Roach, Schoesler, Stevens, Swecker and Zarelli

Excused: Senator Carrell

ENGROSSED HOUSE BILL NO. 1398 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 2523, by Representatives Bailey, Cody and Kirby

Regulating insurers and insurance products.

The measure was read the second time.

## MOTION

On motion of Senator Hobbs, the rules were suspended, House Bill No. 2523 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Hobbs and Benton spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 2523.

## ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2523 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Baumgartner, Becker, Benton, Brown, Carrell, Chase, Conway, Delvin, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hatfield, Haugen, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles, Litzow, McAuliffe, Morton, Murray, Nelson, Padden, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rolfes, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

HOUSE BILL NO. 2523, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

HOUSE BILL NO. 2420, by Representatives Cody, Roberts and Upthegrove

Repealing the requirement for a study and report concerning direct practices that the office of the insurance commissioner must provide to the legislature.

The measure was read the second time.

## MOTION

On motion of Senator Keiser, the rules were suspended, House Bill No. 2420 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Keiser and Becker spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 2420.

## ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2420 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Baumgartner, Becker, Benton, Brown, Carrell, Chase, Conway, Delvin, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hatfield, Haugen, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles, Litzow, McAuliffe, Morton, Murray, Nelson, Padden, Parlette, Pflug, Prentice, Pridemore, Ranker,

Regala, Roach, Rolfes, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

HOUSE BILL NO. 2420, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2238, by House Committee on General Government Appropriations & Oversight (originally sponsored by Representatives Wilcox, Clibborn, Armstrong, Billig, Takko, Rivers, Angel, Hinkle, Schmick, Orcutt, Johnson, Warnick, Dahlquist, Blake and Chandler)

Regarding wetlands mitigation. Revised for 2nd Substitute: Regarding wetlands mitigation. (REVISED FOR ENGROSSED: Regarding environmental mitigation. )

The measure was read the second time.

## MOTION

Senator Haugen moved that the following committee striking amendment by the Committee on Transportation be not adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 47.01.300 and 1994 c 258 s 4 are each amended to read as follows:

The department shall, in cooperation with environmental regulatory authorities:

(1) Identify and document environmental resources in the development of the statewide multimodal plan under RCW 47.06.040;

(2) Allow for public comment regarding changes to the criteria used for prioritizing projects under chapter 47.05 RCW before final adoption of the changes by the commission;

(3) Use an environmental review as part of the project prospectus identifying potential environmental impacts, mitigation, the utilization of the mitigation option available in section 5 of this act, and costs during the early project identification and selection phase, submit the prospectus to the relevant environmental regulatory authorities, and maintain a record of comments and proposed revisions received from the authorities;

(4) Actively work with the relevant environmental regulatory authorities during the design alternative analysis process and seek written concurrence from the authorities that they agree with the preferred design alternative selected;

(5) Develop a uniform methodology, in consultation with relevant environmental regulatory authorities, for submitting plans and specifications detailing project elements that impact environmental resources, and proposed mitigation measures including the mitigation option available in section 5 of this act, to the relevant environmental regulatory authorities during the preliminary specifications and engineering phase of project development;

(6) Screen construction projects to determine which projects will require complex or multiple permits. The permitting authorities shall develop methods for initiating review of the permit applications for the projects before the final design of the projects;

(7) Conduct special prebid meetings for those projects that are environmentally complex; and

(8) Review environmental considerations related to particular projects during the preconstruction meeting held with the contractor who is awarded the bid.



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**Sec. 2.** RCW 90.74.005 and 1997 c 424 s 1 are each amended to read as follows:

(1) The legislature finds that:

(a) The state lacks a clear policy relating to the mitigation of wetlands and aquatic habitat for infrastructure development;

(b) Regulatory agencies have generally required project proponents to use compensatory mitigation only at the site of the project's impacts and to mitigate narrowly for the habitat or biological functions impacted by a project;

(c) This practice of considering traditional on-site, in-kind mitigation may provide fewer environmental benefits when compared to innovative mitigation proposals that provide benefits in advance of a project's planned impacts and that restore functions or habitat other than those impacted at a project site; ~~(and)~~

(d) Regulatory decisions on development proposals that attempt to incorporate innovative mitigation measures take an unreasonably long period of time and are subject to a great deal of uncertainty and additional expenses; and

(e) Greater environmental benefits may be achievable through compensatory environmental mitigation when the collective mitigation investments of project proponents is paired with the structure of successful state programs that are referenced in statute and are designed to enhance and preserve aquatic and riparian functions when there is a clear linkage between the environmental impacts and the goals of the state program. Programs such as the forestry riparian easement program, the family forest fish passage program, and the riparian open space program created pursuant to RCW 76.09.040 may have a logical and physical nexus with many underlying projects, especially road projects, and are proven to create a sustained benefit in the aquatic environment.

(2) The legislature therefore declares that it is the policy of the state to authorize innovative mitigation measures by requiring state regulatory agencies to consider mitigation proposals for ~~(infrastructure)~~ projects that are timed, designed, and located in a manner to provide equal or better biological functions and values compared to traditional on-site, in-kind mitigation proposals.

(3) It is the intent of the legislature to authorize local governments to accommodate the goals of this chapter. It is not the intent of the legislature to: (a) Restrict the ability of a project proponent to pursue project specific mitigation; or (b) create any new authority for regulating wetlands or aquatic habitat beyond what is specifically provided for in this chapter.

**Sec. 3.** RCW 90.74.010 and 1997 c 424 s 2 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Mitigation" means sequentially avoiding impacts, minimizing impacts, or compensating for remaining unavoidable impacts.

(2) "Compensatory mitigation" means the restoration, creation, enhancement, or preservation of uplands, wetlands, or other aquatic resources for the purposes of compensating for unavoidable adverse impacts that remain after all appropriate and practicable avoidance and minimization has been achieved. "Compensatory mitigation" includes mitigation that:

(a) Occurs at the same time as, or in advance of, a project's planned environmental impacts;

(b) Is located in a site either on, near, or distant from the project's impacts; and

(c) Provides either the same or different biological functions and values as the functions and values impacted by the project.

(3) "Infrastructure development" means an action that is critical for the maintenance or expansion of an existing infrastructure feature such as a highway, rail line, airport, marine terminal, utility corridor, harbor area, or hydroelectric facility and is consistent with

an approved land use planning process. This planning process may include the growth management act, chapter 36.70A RCW, or the shoreline management act, chapter 90.58 RCW, in areas covered by those chapters.

(4) "Mitigation plan" means a document or set of documents developed through joint discussions between a project proponent and environmental regulatory agencies that describe the unavoidable wetland or aquatic resource impacts of ~~(the)~~ a proposed infrastructure development or noninfrastructure development and the proposed compensatory mitigation for those impacts.

(5) "Project proponent" means a public or private entity responsible for preparing a mitigation plan.

(6) "Watershed" means an area identified as a state of Washington water resource inventory area under WAC 173-500-040 as it exists on ~~(July 27, 1997)~~ the effective date of this section.

(7) "Family forest fish passage program" means the program administered by the recreation and conservation office created pursuant to RCW 76.09.410 that provides public cost assistance to small forest landowners associated with the road maintenance and abandonment processes.

(8) "Forestry riparian easement program" means the program established in RCW 76.13.120.

(9) "Noninfrastructure development" means a development project that requires the completion of compensatory mitigation that does not meet the definition of "infrastructure development" and is consistent with an approved land use planning process. This planning process may include the growth management act, chapter 36.70A RCW, or the shoreline management act, chapter 90.58 RCW, in areas covered by those chapters.

(10) "Riparian open space program" means the program created pursuant to RCW 76.09.040.

**Sec. 4.** RCW 90.74.020 and 1997 c 424 s 3 are each amended to read as follows:

(1) Project proponents may use a mitigation plan to propose compensatory mitigation within a watershed. A mitigation plan shall:

(a) Contain provisions that guarantee the long-term viability of the created, restored, enhanced, or preserved habitat, including assurances for protecting any essential biological functions and values defined in the mitigation plan;

(b) Contain provisions for long-term monitoring of any created, restored, or enhanced mitigation site; and

(c) Be consistent with the local comprehensive land use plan and any other applicable planning process in effect for the development area, such as an adopted subbasin or watershed plan.

(2)(a) The departments of ecology and fish and wildlife may not limit the scope of options in a mitigation plan to areas on or near the project site, or to habitat types of the same type as contained on the project site. The departments of ecology and fish and wildlife shall fully review and give due consideration to compensatory mitigation proposals that improve the overall biological functions and values of the watershed or bay and accommodate the mitigation needs of the infrastructure development or noninfrastructure development, including proposals or portions of proposals that are explored or developed in section 5 of this act.

(b) The departments of ecology and fish and wildlife are not required to grant approval to a mitigation plan that the departments find does not provide equal or better biological functions and values within the watershed or bay.

(3) When making a permit or other regulatory decision under the guidance of this chapter, the departments of ecology and fish and wildlife shall consider whether the mitigation plan provides equal or better biological functions and values, compared to the existing

conditions, for the target resources or species identified in the mitigation plan. This consideration shall be based upon the following factors:

(a) The relative value of the mitigation for the target resources, in terms of the quality and quantity of biological functions and values provided;

(b) The compatibility of the proposal with the intent of broader resource management and habitat management objectives and plans, such as existing resource management plans, watershed plans, critical areas ordinances, the forestry riparian easement program, the riparian open space program, the family forest fish passage program, and shoreline master programs;

(c) The ability of the mitigation to address scarce functions or values within a watershed;

(d) The benefits of the proposal to broader watershed landscape, including the benefits of connecting various habitat units or providing population-limiting habitats or functions for target species;

(e) The benefits of early implementation of habitat mitigation for projects that provide compensatory mitigation in advance of the project's planned impacts; and

(f) The significance of any negative impacts to nontarget species or resources.

(4) A mitigation plan may be approved through a memorandum of agreement between the project proponent and either the department of ecology or the department of fish and wildlife, or both.

**NEW SECTION. Sec. 5.** A new section is added to chapter 90.74 RCW to read as follows:

(1)(a) To the degree that resources are deemed available by the affected departments, the department of ecology and the department of fish and wildlife shall allow, when appropriate, programs that are related to environmental mitigation, or explore the potential of developing new programs, to utilize the forestry riparian easement program, the riparian open space program, or the family forest fish passage program to mitigate for environmental impacts from projects conducted in the state where compatible with existing regulations. The use of these programs may not be additive to existing compensatory mitigation requirements.

(b) In implementing this subsection, the department of natural resources may be used as a resource, consistent with section 8 of this act, to assist in identifying potential projects that can be used for the mitigation of infrastructure and noninfrastructure development.

(2) The department of ecology and the department of fish and wildlife are authorized to seek federal or private funds and in-kind contributions to implement this section. The scope of effort in implementing this section may be defined by the success of the department of ecology and the department of fish and wildlife in securing specific funding.

**NEW SECTION. Sec. 6.** (1) The department of ecology and the department of fish and wildlife must provide a report to the legislature, consistent with RCW 43.01.036, by December 31, 2012, on:

(a) Any successes in using existing programs to mitigate impacts for infrastructure and noninfrastructure development, as those terms are defined in RCW 90.74.010, as provided in section 5 of this act; and

(b) Any constraints discovered that limits the applicability of section 5 of this act.

(2) The department of ecology and the department of fish and wildlife must provide a report to the legislature, consistent with RCW 43.01.036, by December 31, 2013, on:

(a) The identification of any additional programs that may be appropriate for inclusion in an environmental mitigation plan;

(b) The feasibility of developing new programs that may be appropriate for inclusion in an environmental mitigation plan, including the identification of:

(i) How often a program would be suitable for inclusion;

(ii) When and where a new program would be suitable for inclusion;

(iii) Constraints on the suitability of any new program; and

(iv) Timelines, implementation costs, agency resource needs, and requests for new legal authority.

(3) The report required in subsection (2) of this section should, if deemed appropriate and funding allows, be developed in consultation with the department of commerce, the department of transportation, the department of natural resources, and other stakeholders such as counties, cities, affected tribes, forest landowners, environmental interests, and the development community.

(4) The authority provided in section 5(2) of this act relating to the acceptance of nonstate money may be utilized to fund the implementation of this section. The scope of effort in implementing this section may be defined by the success of the department of ecology and the department of fish and wildlife in securing specific funding.

(5) This section expires July 30, 2014.

**Sec. 7.** RCW 90.74.030 and 1997 c 424 s 4 are each amended to read as follows:

(1) In making regulatory decisions relating to wetland or aquatic resource mitigation, the departments of ecology and fish and wildlife shall, at the request of the project proponent, follow the guidance of (~~RCW 90.74.005 through 90.74.020~~) this chapter.

(2) If the department of ecology or the department of fish and wildlife receives multiple requests for review of mitigation plans, each department may schedule its review of these proposals to conform to available budgetary resources.

**NEW SECTION. Sec. 8.** A new section is added to chapter 76.09 RCW to read as follows:

The department and, when appropriate, the small forest landowner office established in RCW 76.13.110 must assist in identifying potential projects that can be used for the mitigation of infrastructure and noninfrastructure development, as those terms are defined in RCW 90.74.010, as provided in section 5 of this act."

On page 1, line 4 of the title, after "functions;" strike the remainder of the title and insert "amending RCW 47.01.300, 90.74.005, 90.74.010, 90.74.020, and 90.74.030; adding a new section to chapter 90.74 RCW; adding a new section to chapter 76.09 RCW; creating a new section; and providing an expiration date."

The President declared the question before the Senate to be the motion by Senator Haugen to not adopt the committee striking amendment by the Committee on Transportation to Engrossed Second Substitute House Bill No. 2238.

The motion by Senator Haugen carried and the committee striking amendment was not adopted by voice vote.

#### MOTION

On motion of Senator Haugen, the rules were suspended, Engrossed Second Substitute House Bill No. 2238 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Haugen spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Second Substitute House Bill No. 2238.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute House Bill No. 2238 and the bill passed the Senate by the following vote: Yeas, 42; Nays, 7; Absent, 0; Excused, 0.

Voting yea: Senators Baumgartner, Becker, Benton, Brown, Carrell, Chase, Conway, Delvin, Eide, Ericksen, Fain, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles, Litzow, McAuliffe, Morton, Murray, Padden, Parlette, Pflug, Regala, Roach, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Voting nay: Senators Frockt, Harper, Nelson, Prentice, Pridemore, Ranker and Rolfes

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2238, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2673, by House Committee on Transportation (originally sponsored by Representatives Clibborn, Hunt, Lias, Kenney, Lytton, Green, Probst, Goodman, Dickerson, Ryu, Seaquist, Darneille, Cody, Carlyle, Sullivan, Kirby, Ormsby, Ladenburg, Moscoso, Springer, Hasegawa, Maxwell, Wylie, Tharinger and Pollet)

Addressing transportation workforce development.

The measure was read the second time.

MOTION

Senator Haugen moved that the following committee striking amendment by the Committee on Transportation be adopted:

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** A new section is added to chapter 47.01 RCW to read as follows:

(1) The department shall expend federal funds received by the department under 23 U.S.C. Sec. 140(b) to increase diversity in the highway construction workforce and prepare individuals interested in entering the highway construction workforce by conducting activities in subsection (4) of this section.

(2) The requirements contained in subsection (1) of this section do not apply to or reduce the federal funds that would be otherwise allocated to local government agencies.

(3) The department may, in coordination with the apprenticeship and training council described in chapter 49.04 RCW, expend moneys from other sources than those specified in subsection (1) of this section for the activities in subsection (4) of this section.

(4) The department shall coordinate with the apprenticeship and training council to provide any portion of the following services:

- (a) Preapprenticeship programs approved by the apprenticeship and training council;
- (b) Preemployment counseling;
- (c) Orientations on the highway construction industry, including outreach to women, minorities, and other disadvantaged individuals;
- (d) Basic skills improvement classes;
- (e) Career counseling;

- (f) Remedial training;
- (g) Entry requirements for training programs;
- (h) Supportive services and assistance with transportation;
- (i) Child care and special needs;
- (j) Job site mentoring and retention services; and
- (k) Assistance with tools, protective clothing, and other related support for employment costs.

(5) The department, in coordination with the apprenticeship and training council, shall submit a report to the transportation committees of the legislature by December 1st of each year beginning in 2012. The report must contain:

- (a) An analysis of the results of the activities in subsection (4) of this section;
- (b) The amount available to the department from federal funds for the activities in subsection (4) of this section and the amount expended for those activities; and
- (c) The performance outcomes achieved from each activity, including the number of persons receiving services, training, and employment."

MOTION

Senator Haugen moved that the following amendment by Senators Haugen and King to the committee striking amendment be adopted:

On page 1, line 6 of the amendment, after "department", insert ", and funds that may be available to the department,"

On page 1, line 13 of the amendment, after "department", strike "may" and insert "shall, to the greatest extent practicable"

Senator Haugen spoke in favor of adoption of the amendment to the committee striking amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senators Haugen and King on page 1, line 6 to the committee striking amendment to Substitute House Bill No. 2673.

The motion by Senator Haugen carried and the amendment to the committee striking amendment was adopted by voice vote.

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Transportation as amended to Substitute House Bill No. 2673.

The motion by Senator Haugen carried and the committee striking amendment as amended was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 1 of the title, after "development;" strike the remainder of the title and insert "and adding a new section to chapter 47.01 RCW."

MOTION

On motion of Senator Haugen, the rules were suspended, Substitute House Bill No. 2673 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Haugen, King and Frockt spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 2673 as amended by the Senate.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2673 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 40; Nays, 9; Absent, 0; Excused, 0.

Voting yea: Senators Baumgartner, Benton, Brown, Carrell, Chase, Conway, Eide, Fain, Fraser, Frockt, Hargrove, Harper, Hatfield, Haugen, Hewitt, Hobbs, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles, Litzow, McAuliffe, Murray, Nelson, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rolfes, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Voting nay: Senators Becker, Delvin, Ericksen, Hill, Holmquist Newbry, Honeyford, Morton, Padden and Schoesler

SUBSTITUTE HOUSE BILL NO. 2673 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## MOTION

At 2:39 p.m., on motion of Senator Eide, the Senate was declared to be at ease subject to the call of the President.

The Senate was called to order at 4:02 p.m. by President Owen.

## SECOND READING

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2319, by House Committee on Ways & Means (originally sponsored by Representatives Cody, Jinkins and Ormsby)

Implementing the affordable care act. Revised for 2nd Substitute: Implementing the federal patient and protection affordable care act. (REVISED FOR ENGROSSED: Implementing the federal patient protection and affordable care act.)

The measure was read the second time.

## MOTION

Senator Keiser moved that the following committee striking amendment by the Committee on Health & Long-Term Care be not adopted:

Strike everything after the enacting clause and insert the following:

**"PART I  
DEFINITIONS**

**Sec. 1.** RCW 48.43.005 and 2011 c 315 s 2 and 2011 c 314 s 3 are each reenacted and amended to read as follows:

Unless otherwise specifically provided, the definitions in this section apply throughout this chapter.

(1) "Adjusted community rate" means the rating method used to establish the premium for health plans adjusted to reflect actuarially demonstrated differences in utilization or cost attributable to geographic region, age, family size, and use of wellness activities.

(2) "Adverse benefit determination" means a denial, reduction, or termination of, or a failure to provide or make payment, in whole or in part, for a benefit, including a denial, reduction, termination, or failure to provide or make payment that is based on a determination

of an enrollee's or applicant's eligibility to participate in a plan, and including, with respect to group health plans, a denial, reduction, or termination of, or a failure to provide or make payment, in whole or in part, for a benefit resulting from the application of any utilization review, as well as a failure to cover an item or service for which benefits are otherwise provided because it is determined to be experimental or investigational or not medically necessary or appropriate.

(3) "Applicant" means a person who applies for enrollment in an individual health plan as the subscriber or an enrollee, or the dependent or spouse of a subscriber or enrollee.

(4) "Basic health plan" means the plan described under chapter 70.47 RCW, as revised from time to time.

(5) "Basic health plan model plan" means a health plan as required in RCW 70.47.060(2)(e).

(6) "Basic health plan services" means that schedule of covered health services, including the description of how those benefits are to be administered, that are required to be delivered to an enrollee under the basic health plan, as revised from time to time.

(7) "Board" means the governing board of the Washington health benefit exchange established in chapter 43.71 RCW.

(8)(a) For grandfathered health benefit plans issued before January 1, 2014, and renewed thereafter, "catastrophic health plan" means:

~~((a))~~ (i) In the case of a contract, agreement, or policy covering a single enrollee, a health benefit plan requiring a calendar year deductible of, at a minimum, one thousand seven hundred fifty dollars and an annual out-of-pocket expense required to be paid under the plan (other than for premiums) for covered benefits of at least three thousand five hundred dollars, both amounts to be adjusted annually by the insurance commissioner; and

~~((b))~~ (ii) In the case of a contract, agreement, or policy covering more than one enrollee, a health benefit plan requiring a calendar year deductible of, at a minimum, three thousand five hundred dollars and an annual out-of-pocket expense required to be paid under the plan (other than for premiums) for covered benefits of at least six thousand dollars, both amounts to be adjusted annually by the insurance commissioner;~~(c)~~

~~(c) Any health benefit plan that provides benefits for hospital inpatient and outpatient services, professional and prescription drugs provided in conjunction with such hospital inpatient and outpatient services, and excludes or substantially limits outpatient physician services and those services usually provided in an office setting).~~

(b) In July 2008, and in each July thereafter, the insurance commissioner shall adjust the minimum deductible and out-of-pocket expense required for a plan to qualify as a catastrophic plan to reflect the percentage change in the consumer price index for medical care for a preceding twelve months, as determined by the United States department of labor. The adjusted amount shall apply on the following January 1st.

(c) For health benefit plans issued on or after January 1, 2014, "catastrophic health plan" means:

(i) A health benefit plan that meets the definition of catastrophic plan set forth in section 1302(e) of P.L. 111-148 of 2010, as amended; or

(ii) A health benefit plan offered outside the exchange marketplace that requires a calendar year deductible or out-of-pocket expenses under the plan, other than for premiums, for covered benefits, that meets or exceeds the commissioner's annual adjustment under (b) of this subsection.

~~((8))~~ (9) "Certification" means a determination by a review organization that an admission, extension of stay, or other health care service or procedure has been reviewed and, based on the information provided, meets the clinical requirements for medical

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necessity, appropriateness, level of care, or effectiveness under the auspices of the applicable health benefit plan.

~~((9))~~ (10) "Concurrent review" means utilization review conducted during a patient's hospital stay or course of treatment.

~~((4))~~ (11) "Covered person" or "enrollee" means a person covered by a health plan including an enrollee, subscriber, policyholder, beneficiary of a group plan, or individual covered by any other health plan.

~~((4))~~ (12) "Dependent" means, at a minimum, the enrollee's legal spouse and dependent children who qualify for coverage under the enrollee's health benefit plan.

~~((2))~~ (13) "Emergency medical condition" means a medical condition manifesting itself by acute symptoms of sufficient severity, including severe pain, such that a prudent layperson, who possesses an average knowledge of health and medicine, could reasonably expect the absence of immediate medical attention to result in a condition (a) placing the health of the individual, or with respect to a pregnant woman, the health of the woman or her unborn child, in serious jeopardy, (b) serious impairment to bodily functions, or (c) serious dysfunction of any bodily organ or part.

~~((3))~~ (14) "Emergency services" means a medical screening examination, as required under section 1867 of the social security act (42 U.S.C. 1395dd), that is within the capability of the emergency department of a hospital, including ancillary services routinely available to the emergency department to evaluate that emergency medical condition, and further medical examination and treatment, to the extent they are within the capabilities of the staff and facilities available at the hospital, as are required under section 1867 of the social security act (42 U.S.C. 1395dd) to stabilize the patient. Stabilize, with respect to an emergency medical condition, has the meaning given in section 1867(e)(3) of the social security act (42 U.S.C. 1395dd(e)(3)).

~~((4))~~ (15) "Employee" has the same meaning given to the term, as of January 1, 2008, under section 3(6) of the federal employee retirement income security act of 1974.

~~((5))~~ (16) "Enrollee point-of-service cost-sharing" means amounts paid to health carriers directly providing services, health care providers, or health care facilities by enrollees and may include copayments, coinsurance, or deductibles.

~~((6))~~ (17) "Exchange" means the Washington health benefit exchange established under chapter 43.71 RCW.

(18) "Final external review decision" means a determination by an independent review organization at the conclusion of an external review.

~~((7))~~ (19) "Final internal adverse benefit determination" means an adverse benefit determination that has been upheld by a health plan or carrier at the completion of the internal appeals process, or an adverse benefit determination with respect to which the internal appeals process has been exhausted under the exhaustion rules described in RCW 48.43.530 and 48.43.535.

~~((8))~~ (20) "Grandfathered health plan" means a group health plan or an individual health plan that under section 1251 of the patient protection and affordable care act, P.L. 111-148 (2010) and as amended by the health care and education reconciliation act, P.L. 111-152 (2010) is not subject to subtitles A or C of the act as amended.

~~((9))~~ (21) "Grievance" means a written complaint submitted by or on behalf of a covered person regarding: (a) Denial of payment for medical services or nonprovision of medical services included in the covered person's health benefit plan, or (b) service delivery issues other than denial of payment for medical services or nonprovision of medical services, including dissatisfaction with medical care, waiting time for medical services, provider or staff attitude or demeanor, or dissatisfaction with service provided by the health carrier.

~~((2))~~ (22) "Health care facility" or "facility" means hospices licensed under chapter 70.127 RCW, hospitals licensed under chapter 70.41 RCW, rural health care facilities as defined in RCW 70.175.020, psychiatric hospitals licensed under chapter 71.12 RCW, nursing homes licensed under chapter 18.51 RCW, community mental health centers licensed under chapter 71.05 or 71.24 RCW, kidney disease treatment centers licensed under chapter 70.41 RCW, ambulatory diagnostic, treatment, or surgical facilities licensed under chapter 70.41 RCW, drug and alcohol treatment facilities licensed under chapter 70.96A RCW, and home health agencies licensed under chapter 70.127 RCW, and includes such facilities if owned and operated by a political subdivision or instrumentality of the state and such other facilities as required by federal law and implementing regulations.

~~((2))~~ (23) "Health care provider" or "provider" means:

(a) A person regulated under Title 18 or chapter 70.127 RCW, to practice health or health-related services or otherwise practicing health care services in this state consistent with state law; or

(b) An employee or agent of a person described in (a) of this subsection, acting in the course and scope of his or her employment.

~~((2))~~ (24) "Health care service" means that service offered or provided by health care facilities and health care providers relating to the prevention, cure, or treatment of illness, injury, or disease.

~~((3))~~ (25) "Health carrier" or "carrier" means a disability insurer regulated under chapter 48.20 or 48.21 RCW, a health care service contractor as defined in RCW 48.44.010, or a health maintenance organization as defined in RCW 48.46.020, and includes "issuers" as that term is used in the patient protection and affordable care act (P.L. 111-148).

~~((4))~~ (26) "Health plan" or "health benefit plan" means any policy, contract, or agreement offered by a health carrier to provide, arrange, reimburse, or pay for health care services except the following:

(a) Long-term care insurance governed by chapter 48.84 or 48.83 RCW;

(b) Medicare supplemental health insurance governed by chapter 48.66 RCW;

(c) Coverage supplemental to the coverage provided under chapter 55, Title 10, United States Code;

(d) Limited health care services offered by limited health care service contractors in accordance with RCW 48.44.035;

(e) Disability income;

(f) Coverage incidental to a property/casualty liability insurance policy such as automobile personal injury protection coverage and homeowner guest medical;

(g) Workers' compensation coverage;

(h) Accident only coverage;

(i) Specified disease or illness-triggered fixed payment insurance, hospital confinement fixed payment insurance, or other fixed payment insurance offered as an independent, noncoordinated benefit;

(j) Employer-sponsored self-funded health plans;

(k) Dental only and vision only coverage; and

(l) Plans deemed by the insurance commissioner to have a short-term limited purpose or duration, or to be a student-only plan that is guaranteed renewable while the covered person is enrolled as a regular full-time undergraduate or graduate student at an accredited higher education institution, after a written request for such classification by the carrier and subsequent written approval by the insurance commissioner.

~~((2))~~ (27) "Material modification" means a change in the actuarial value of the health plan as modified of more than five percent but less than fifteen percent.

~~((2))~~ (28) "Open enrollment" means a period of time as defined in rule to be held at the same time each year, during which

applicants may enroll in a carrier's individual health benefit plan without being subject to health screening or otherwise required to provide evidence of insurability as a condition for enrollment.

~~((27))~~ (29) "Preexisting condition" means any medical condition, illness, or injury that existed any time prior to the effective date of coverage.

~~((28))~~ (30) "Premium" means all sums charged, received, or deposited by a health carrier as consideration for a health plan or the continuance of a health plan. Any assessment or any "membership," "policy," "contract," "service," or similar fee or charge made by a health carrier in consideration for a health plan is deemed part of the premium. "Premium" shall not include amounts paid as enrollee point-of-service cost-sharing.

~~((29))~~ (31) "Review organization" means a disability insurer regulated under chapter 48.20 or 48.21 RCW, health care service contractor as defined in RCW 48.44.010, or health maintenance organization as defined in RCW 48.46.020, and entities affiliated with, under contract with, or acting on behalf of a health carrier to perform a utilization review.

~~((30))~~ (32) "Small employer" or "small group" means any person, firm, corporation, partnership, association, political subdivision, sole proprietor, or self-employed individual that is actively engaged in business that employed an average of at least one but no more than fifty employees, during the previous calendar year and employed at least one employee on the first day of the plan year, is not formed primarily for purposes of buying health insurance, and in which a bona fide employer-employee relationship exists. In determining the number of employees, companies that are affiliated companies, or that are eligible to file a combined tax return for purposes of taxation by this state, shall be considered an employer. Subsequent to the issuance of a health plan to a small employer and for the purpose of determining eligibility, the size of a small employer shall be determined annually. Except as otherwise specifically provided, a small employer shall continue to be considered a small employer until the plan anniversary following the date the small employer no longer meets the requirements of this definition. A self-employed individual or sole proprietor who is covered as a group of one must also: (a) Have been employed by the same small employer or small group for at least twelve months prior to application for small group coverage, and (b) verify that he or she derived at least seventy-five percent of his or her income from a trade or business through which the individual or sole proprietor has attempted to earn taxable income and for which he or she has filed the appropriate internal revenue service form 1040, schedule C or F, for the previous taxable year, except a self-employed individual or sole proprietor in an agricultural trade or business, must have derived at least fifty-one percent of his or her income from the trade or business through which the individual or sole proprietor has attempted to earn taxable income and for which he or she has filed the appropriate internal revenue service form 1040, for the previous taxable year.

~~((31))~~ (33) "Special enrollment" means a defined period of time of not less than thirty-one days, triggered by a specific qualifying event experienced by the applicant, during which applicants may enroll in the carrier's individual health benefit plan without being subject to health screening or otherwise required to provide evidence of insurability as a condition for enrollment.

~~((32))~~ (34) "Standard health questionnaire" means the standard health questionnaire designated under chapter 48.41 RCW.

~~((33))~~ (35) "Utilization review" means the prospective, concurrent, or retrospective assessment of the necessity and appropriateness of the allocation of health care resources and services of a provider or facility, given or proposed to be given to an enrollee or group of enrollees.

~~((34))~~ (36) "Wellness activity" means an explicit program of an activity consistent with department of health guidelines, such as, smoking cessation, injury and accident prevention, reduction of alcohol misuse, appropriate weight reduction, exercise, automobile and motorcycle safety, blood cholesterol reduction, and nutrition education for the purpose of improving enrollee health status and reducing health service costs.

## PART II THE WASHINGTON HEALTH BENEFIT EXCHANGE

**Sec. 2.** RCW 43.71.010 and 2011 c 317 s 2 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise. Terms and phrases used in this chapter that are not defined in this section must be defined as consistent with implementation of a state health benefit exchange pursuant to the affordable care act.

(1) "Affordable care act" means the federal patient protection and affordable care act, P.L. 111-148, as amended by the federal health care and education reconciliation act of 2010, P.L. 111-152, or federal regulations or guidance issued under the affordable care act.

(2) "Authority" means the Washington state health care authority, established under chapter 41.05 RCW.

(3) "Board" means the governing board established in RCW 43.71.020.

(4) "Commissioner" means the insurance commissioner, established in Title 48 RCW.

(5) "Exchange" means the Washington health benefit exchange established in RCW 43.71.020.

(6) "Self-sustaining" means capable of operating without direct state tax subsidy. Self-sustaining sources include, but are not limited to, federal grants, federal premium tax subsidies and credits, charges to participating insurance carriers, and premiums paid by participating enrollees.

**Sec. 3.** RCW 43.71.020 and 2011 c 317 s 3 are each amended to read as follows:

(1) The Washington health benefit exchange is established and constitutes a self-sustaining public-private partnership separate and distinct from the state, exercising functions delineated in chapter 317, Laws of 2011. The exchange shall be known as the evergreen health marketplace. By January 1, 2014, the exchange shall operate consistent with the affordable care act subject to statutory authorization. The exchange shall have a governing board consisting of persons with expertise in the Washington health care system and private and public health care coverage. The initial membership of the board shall be appointed as follows:

(a) By October 1, 2011, each of the two largest caucuses in both the house of representatives and the senate shall submit to the governor a list of five nominees who are not legislators or employees of the state or its political subdivisions, with no caucus submitting the same nominee.

(i) The nominations from the largest caucus in the house of representatives must include at least one employee benefit specialist;

(ii) The nominations from the second largest caucus in the house of representatives must include at least one health economist or actuary;

(iii) The nominations from the largest caucus in the senate must include at least one representative of health consumer advocates;

(iv) The nominations from the second largest caucus in the senate must include at least one representative of small business;

(v) The remaining nominees must have demonstrated and acknowledged expertise in at least one of the following areas:

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Individual health care coverage, small employer health care coverage, health benefits plan administration, health care finance and economics, actuarial science, or administering a public or private health care delivery system.

(b) By December 15, 2011, the governor shall appoint two members from each list submitted by the caucuses under (a) of this subsection. The appointments made under this subsection (1)(b) must include at least one employee benefits specialist, one health economist or actuary, one representative of small business, and one representative of health consumer advocates. The remaining four members must have a demonstrated and acknowledged expertise in at least one of the following areas: Individual health care coverage, small employer health care coverage, health benefits plan administration, health care finance and economics, actuarial science, or administering a public or private health care delivery system.

(c) By December 15, 2011, the governor shall appoint a ninth member to serve as chair. The chair may not be an employee of the state or its political subdivisions. The chair shall serve as a nonvoting member except in the case of a tie.

(d) The following members shall serve as nonvoting, ex officio members of the board:

(i) The insurance commissioner or his or her designee; and

(ii) The administrator of the health care authority, or his or her designee.

(2) Initial members of the board shall serve staggered terms not to exceed four years. Members appointed thereafter shall serve two-year terms.

(3) A member of the board whose term has expired or who otherwise leaves the board shall be replaced by gubernatorial appointment. When the person leaving was nominated by one of the caucuses of the house of representatives or the senate, his or her replacement shall be appointed from a list of five nominees submitted by that caucus within thirty days after the person leaves. If the member to be replaced is the chair, the governor shall appoint a new chair within thirty days after the vacancy occurs. A person appointed to replace a member who leaves the board prior to the expiration of his or her term shall serve only the duration of the unexpired term. Members of the board may be reappointed to multiple terms.

(4) No board member may be appointed if his or her participation in the decisions of the board could benefit his or her own financial interests or the financial interests of an entity he or she represents. A board member who develops such a conflict of interest shall resign or be removed from the board.

(5) Members of the board must be reimbursed for their travel expenses while on official business in accordance with RCW 43.03.050 and 43.03.060. The board shall prescribe rules for the conduct of its business. Meetings of the board are at the call of the chair.

(6) The exchange and the board are subject only to the provisions of chapter 42.30 RCW, the open public meetings act, and chapter 42.56 RCW, the public records act, and not to any other law or regulation generally applicable to state agencies. Consistent with the open public meetings act, the board may hold executive sessions to consider proprietary or confidential nonpublished information.

(7)(a) The board shall establish an advisory committee to allow for the views of the health care industry and other stakeholders to be heard in the operation of the health benefit exchange.

(b) The board may establish technical advisory committees or seek the advice of technical experts when necessary to execute the powers and duties included in chapter 317, Laws of 2011.

(8) Members of the board are not civilly or criminally liable and may not have any penalty or cause of action of any nature arise against them for any action taken or not taken, including any

discretionary decision or failure to make a discretionary decision, when the action or inaction is done in good faith and in the performance of the powers and duties under chapter 317, Laws of 2011. Nothing in this section prohibits legal actions against the board to enforce the board's statutory or contractual duties or obligations.

(9) In recognition of the government-to-government relationship between the state of Washington and the federally recognized tribes in the state of Washington, the board shall consult with the American Indian health commission.

**Sec. 4.** RCW 43.71.030 and 2011 c 317 s 4 are each amended to read as follows:

(1) The exchange may, consistent with the purposes of this chapter: (a) Sue and be sued in its own name; (b) make and execute agreements, contracts, and other instruments, with any public or private person or entity; (c) employ, contract with, or engage personnel; (d) pay administrative costs; ~~((and))~~ (e) accept grants, donations, loans of funds, and contributions in money, services, materials or otherwise, from the United States or any of its agencies, from the state of Washington and its agencies or from any other source, and use or expend those moneys, services, materials, or other contributions; (f) aggregate or delegate the aggregation of funds that comprise the premium for a health plan; and (g) complete other duties necessary to begin open enrollment in qualified health plans through the exchange beginning October 1, 2013.

(2) ~~((The powers and duties of the exchange and the board are limited to those necessary to apply for and administer grants, establish information technology infrastructure, and undertake additional administrative functions necessary to begin operation of the exchange by January 1, 2014. Any actions relating to substantive issues included in RCW 43.71.040 must be consistent with statutory direction on those issues.))~~ The exchange may charge and equitably apportion among participating carriers the administrative costs and expenses incurred consistent with the provisions of this chapter, and must develop the methodology to ensure the exchange is self-sustaining.

(3) The board shall establish policies that permit city and county governments, Indian tribes, tribal organizations, urban Indian organizations, private foundations, and other entities to pay premiums on behalf of qualified individuals.

(4) The employees of the exchange may participate in the public employees' retirement system under chapter 41.40 RCW and the public employees' benefits board under chapter 41.05 RCW.

(5) The exchange shall report its activities and status to the governor and the legislature as requested, and no less often than annually.

**Sec. 5.** RCW 43.71.060 and 2011 c 317 s 7 are each amended to read as follows:

(1) The health benefit exchange account is created in the custody of the state treasurer. All receipts from federal grants received under the affordable care act shall be deposited into the account. Expenditures from the account may be used only for purposes consistent with the grants. Until March 15, 2012, only the administrator of the health care authority, or his or her designee, may authorize expenditures from the account. ~~((Beginning March 15, 2012, only the board of the Washington health benefit exchange may authorize expenditures from the account.))~~ The account is subject to allotment procedures under chapter 43.88 RCW, but an appropriation is not required for expenditures.

(2) This section expires January 1, 2014.

### PART III MARKET RULES

**NEW SECTION. Sec. 6.** A new section is added to chapter 48.43 RCW to read as follows:

(1) For plan or policy years beginning January 1, 2014, a carrier must offer individual or small group health benefit plans outside the exchange that meet the definition of silver and gold level plans in section 1302 of P.L. 111-148 of 2010, as amended, if the carrier offers an individual or small group plan outside the exchange that meets the bronze level definition in section 1302 of P.L. 111-148 of 2010, as amended.

(2) A carrier offering a small group health benefit plan must offer the identical plan inside and outside the exchange.

(3) A health benefit plan meeting the definition of a catastrophic plan in RCW 48.43.005(8)(c)(i) may only be sold through the exchange.

(4) The commissioner, in consultation with the exchange, may adopt rules requiring a carrier to offer a plan that meets the definition of a bronze level plan outside the exchange if they offer a bronze level plan inside the exchange.

(5) By December 1, 2016, the exchange board, in consultation with the commissioner, must complete a review of the impact of subsections (1) through (4) of this section on the health and viability of the markets inside and outside the exchange and submit the recommendations to the legislature on the need to maintain or sunset the market rules.

(6) The commissioner shall evaluate plans offered at each actuarial value defined in section 1302 of P.L. 111-148 of 2010, as amended, and determine whether variation in prescription drug benefit cost-sharing, both inside and outside the exchange in both the individual and small group markets results in adverse selection. If so, the commissioner may adopt rules to assure substantial equivalence of prescription drug cost-sharing.

(7) If the exchange board finds the consumers in the exchange do not have an adequate choice of health plan options among the actuarial value tiers specified in section 1302 of P.L. 111-148 of 2010, as amended, in the exchange, the exchange board in consultation with the commissioner, may authorize the offering of a public plan and pursue the opportunity for a waiver under section 1332 of P.L. 111-148 of 2010, as amended.

**NEW SECTION. Sec. 7.** A new section is added to chapter 48.43 RCW to read as follows:

All health plans, other than catastrophic health plans, offered outside of the exchange must conform with the actuarial value tiers specified in section 1302 of P.L. 111-148 of 2010, as amended, as bronze, silver, gold, or platinum.

#### **PART IV QUALIFIED HEALTH PLANS**

**NEW SECTION. Sec. 8.** A new section is added to chapter 43.71 RCW to read as follows:

(1) The board shall certify a plan as a qualified health plan to be offered through the exchange if the plan:

(a) Is determined by the insurance commissioner to meet the requirements of Title 48 RCW and rules adopted by the commissioner pursuant to chapter 34.05 RCW;

(b) Is determined by the board to meet the requirements of the affordable care act for certification as a qualified health plan; and

(c) Is determined by the board to include tribal clinics and urban Indian clinics as essential community providers in the plan's provider network consistent with federal law. If consistent with federal law, integrated delivery systems shall be exempt from the requirement to include essential community providers in the provider network.

(2) Consistent with section 1311 of P.L. 111-148 of 2010, as amended, the board shall allow stand-alone dental plans to offer

coverage in the exchange beginning January 1, 2014. Dental benefits offered in the exchange must be offered and priced separately to assure transparency for consumers.

(3) Upon request by the board, a state agency shall provide information to the board for its use in determining if the requirements under subsection (1)(b) or (c) of this section have been met. Unless the agency and the board agree to a later date, the agency shall provide the information within sixty days of the request. The exchange shall reimburse the agency for the cost of compiling and providing the requested information within one hundred eighty days of its receipt.

(4) A decision by the board denying a request to certify or recertify a plan as a qualified health plan may be appealed according to procedures adopted by the board.

**NEW SECTION. Sec. 9.** A new section is added to chapter 43.71 RCW to read as follows:

The board shall establish a rating system for qualified health plans to assist consumers in evaluating plan choices in the exchange. Rating factors established by the board must include, but are not limited to:

(1) Affordability with respect to premiums, deductibles, and point-of-service cost-sharing;

(2) Enrollee satisfaction;

(3) Provider reimbursement methods that incentivize health homes or chronic care management or care coordination for enrollees with complex, high-cost, or multiple chronic conditions;

(4) Promotion of appropriate primary care and preventive services utilization;

(5) High standards for provider network adequacy, including consumer choice of providers and service locations and robust provider participation intended to improve access to underserved populations through participation of essential community providers, family planning providers and pediatric providers;

(6) High standards for covered services, including languages spoken or transportation assistance; and

(7) Coverage of benefits for spiritual care services that are deductible under section 213(d) of the internal revenue code.

**Sec. 10.** RCW 48.42.010 and 1985 c 264 s 15 are each amended to read as follows:

(1) Notwithstanding any other provision of law, and except as provided in this chapter, any person or other entity which provides coverage in this state for life insurance, annuities, loss of time, medical, surgical, chiropractic, physical therapy, speech pathology, audiology, professional mental health, dental, hospital, or optometric expenses, whether the coverage is by direct payment, reimbursement, the providing of services, or otherwise, shall be subject to the authority of the state insurance commissioner, unless the person or other entity shows that while providing the services it is subject to the jurisdiction and regulation of another agency of this state, any subdivisions thereof, or the federal government.

(2) "Another agency of this state, any subdivision thereof, or the federal government" does not include the Washington health benefit exchange under chapter 43.71 RCW or P.L. 111-148 of 2010, as amended.

**Sec. 11.** RCW 48.42.020 and 1983 c 36 s 2 are each amended to read as follows:

(1) A person or entity may show that it is subject to the jurisdiction and regulation of another agency of this state, any subdivision thereof, or the federal government, by providing to the insurance commissioner the appropriate certificate, license, or other document issued by the other governmental agency which permits or qualifies it to provide the coverage as defined in RCW 48.42.010.

(2) "Another agency of this state, any subdivision thereof, or the federal government" does not include the Washington health benefit



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exchange under chapter 43.71 RCW or P.L. 111-148 of 2010, as amended.

**NEW SECTION. Sec. 12.** A new section is added to chapter 48.43 RCW to read as follows:

Certification by the Washington health benefit exchange of a plan as a qualified health plan, or of a carrier as a qualified issuer, does not exempt the plan or carrier from any of the requirements of this title or rules adopted by the commissioner pursuant to chapter 34.05 RCW.

#### **PART V ESSENTIAL HEALTH BENEFITS**

**NEW SECTION. Sec. 13.** A new section is added to chapter 48.43 RCW to read as follows:

(1) Consistent with federal law, the commissioner, in consultation with the board and the health care authority, shall, by rule, select the largest small group plan in the state by enrollment as the benchmark plan for the individual and small group market for purposes of establishing the essential health benefits in Washington state under P.L. 111-148 of 2010, as amended.

(2) If the essential health benefits benchmark plan for the individual and small group market does not include all of the ten benefit categories specified by section 1302 of P.L. 111-148, as amended, the commissioner, in consultation with the board and the health care authority, shall, by rule, supplement the benchmark plan benefits as needed to meet the minimum requirements of section 1302.

(3) A health plan required to offer the essential health benefits, other than a health plan offered through the federal basic health program or medicaid, under P.L. 111-148 of 2010, as amended, may not be offered in the state unless the commissioner finds that it is substantially equal to the benchmark plan. When making this determination, the commissioner must ensure that the plan:

(a) Covers the ten essential health benefits categories specified in section 1302 of P.L. 111-148 of 2010, as amended; and

(b) May consider whether the health plan has a benefit design that would create a risk of biased selection based on health status and whether the health plan contains meaningful scope and level of benefits in each of the ten essential health benefit categories specified by section 1302 of P.L. 111-148 of 2010, as amended.

(4) Beginning December 15, 2012, and every year thereafter, the commissioner shall submit to the legislature a list of state-mandated health benefits, the enforcement of which will result in federally imposed costs to the state related to the plans sold through the exchange because the benefits are not included in the essential health benefits designated under federal law. The list must include the anticipated costs to the state of each state-mandated health benefit on the list. The commissioner may enforce a mandate on the list for the entire market only if funds are appropriated in an omnibus appropriations act specifically to pay for the identified costs. During any period of time such funds are not appropriated, the mandate must be suspended for the entire market and may not be enforced by the commissioner.

**NEW SECTION. Sec. 14.** Nothing in this act prohibits the offering of benefits for spiritual care services deductible under section 213(d) of the internal revenue code in health plans inside and outside of the exchange.

#### **PART VI THE BASIC HEALTH OPTION**

**NEW SECTION. Sec. 15.** A new section is added to chapter 70.47 RCW to read as follows:

(1) The director of the health care authority shall provide the necessary certifications to the secretary of the federal department of health and human services under section 1331 of P.L. 111-148 of 2010, as amended, for the purposes of Washington state's adoption of the federal basic health program option, unless, by September 1, 2013, the governor finds that:

(a) Anticipated federal funding under section 1331 will be insufficient, absent any additional funding from the state, to provide at least the essential health benefits to eligible individuals under section 1331 during the period of calendar years 2014 through 2019:

(i) At enrollee premium levels below the levels that would be applicable to persons with income between one hundred thirty-four and two hundred percent of the federal poverty level through the Washington health benefits exchange;

(ii) Using health plan payment rates that exceed 2012 medicaid payment rates for the same services and are sufficient to ensure access to care for enrollees and incentivize an adequate provider network, in conjunction with innovative payment methodologies and standard health plan performance measures that will create incentives for the use of effective cost containment and health care quality strategies; and

(iii) Assuming reasonable basic health program administrative costs and the potential impact of federal basic health plan program funding reconciliation under section 1331(d) of the affordable care act; and

(b) Sufficient funds are not available to support the design and development work necessary for the program to begin providing health coverage to enrollees beginning January 1, 2014.

(2) Prior to making this finding, the director shall:

(a) Actively consult with the board of the Washington health benefit exchange, the office of the insurance commissioner, consumer advocates, provider organizations, carriers, and other interested organizations;

(b) Consider any available objective analysis specific to Washington state, by an independent nationally recognized consultant that has been actively engaged in analysis and economic modeling of the federal basic health program option for multiple states.

(3) The director shall report any findings and supporting analysis made under this section to the relevant policy and fiscal committees of the legislature.

(4) If implemented, the federal basic health program must be guided by the following principles:

(a) Meeting the minimum state certification standards in section 1331 of the federal patient protection and affordable care act;

(b) To the extent allowed by the federal department of health and human services, twelve-month continuous eligibility for the basic health program, and corresponding twelve-month continuous enrollment in standard health plans by enrollees; or, in lieu of twelve-month continuous eligibility, financing mechanisms that enable enrollees to remain with a plan for the entire plan year;

(c) Achieving an appropriate balance between:

(i) Premiums and cost-sharing minimized to increase the affordability of insurance coverage;

(ii) Standard health plan contracting requirements that minimize plan and provider administrative costs, while holding standard health plans accountable for performance and enrollee health outcomes, and ensuring adequate enrollee notice and appeal rights; and

(iii) Health plan payment rates and provider payment rates that exceed the 2012 medicaid payment rates for the same services and are sufficient to ensure access to care for enrollees and incentivize an adequate provider network, in conjunction with innovative payment methodologies and standard health plan performance

measures that will create incentives for the use of effective cost containment and health care quality; and

(d) Transparency in program administration, including active and ongoing consultation with basic health program enrollees and interested organizations.

#### **PART VII RISK ADJUSTMENT AND REINSURANCE**

**NEW SECTION. Sec. 16.** A new section is added to chapter 48.43 RCW to read as follows:

(1)(a) The commissioner, in consultation with the board, shall adopt rules establishing the reinsurance and risk adjustment programs required by P.L. 111-148 of 2010, as amended.

(b) The commissioner must include in deliberations related to reinsurance rule making an analysis of an invisible high risk pool option, in which the full premium and risk associated with certain high-risk or high-cost enrollees would be ceded to the transitional reinsurance program. The analysis must include a determination as to whether that option would be allowed under the federal reinsurance program regulations, whether the option would provide sufficiently comprehensive coverage for current nonmedicare high risk pool enrollees, and how an invisible high risk pool option could be designed to ensure that carriers ceding risk provide effective care management to high-risk or high-cost enrollees.

(2) Consistent with federal law, the rules for the reinsurance program must, at a minimum, establish:

- (a) A mechanism to collect reinsurance contribution funds;
- (b) A reinsurance payment formula; and
- (c) A mechanism to disburse reinsurance payments.

(3)(a) The commissioner may adjust the rules adopted under this section as needed to preserve a healthy market both inside and outside of the exchange.

(b) The rules adopted under this section shall also identify the data that health carriers, third-party administrators, and other entities must provide to support operation of the reinsurance and risk adjustment programs established under this section, and requirements related to the collection, validation, interpretation, and retention of the data.

(4) The commissioner shall contract with one or more nonprofit entities to administer the risk adjustment and reinsurance programs.

#### **PART VIII THE WASHINGTON STATE HEALTH INSURANCE POOL**

**NEW SECTION. Sec. 17.** A new section is added to chapter 48.41 RCW to read as follows:

(1) The board shall evaluate the populations that may need ongoing access to the pool coverage with specific attention to those persons who may be excluded from coverage in 2014, such as persons with end-stage renal disease or HIV/AIDS, or persons not eligible for coverage in the exchange.

(2) The board shall evaluate the eligibility requirements for the purchase of health care coverage through the pool and submit recommendations regarding any modifications to pool eligibility requirements that might allow new enrollees on or after January 1, 2014. The recommendations must address any needed modifications to the standard health questionnaire or other eligibility screening tool that could be used in a manner consistent with federal law to determine eligibility for enrollment in the pool.

(3) The board shall complete an analysis of the pool assessments in relation to the assessments for the reinsurance program and recommend changes for the assessment or any credits that may be considered for the reinsurance program. The analysis

shall also recommend whether the categories of members paying assessments should be adjusted to make the assessment fair and equitable among all payers.

(4) The board shall report its recommendations to the governor and the legislature by December 1, 2012.

**NEW SECTION. Sec. 18.** A new section is added to chapter 48.41 RCW to read as follows:

(1) The pool is authorized to contract with the commissioner to administer risk management functions, consistent with section 17 of this act, and consistent with P.L. 111-148 of 2010, as amended. Prior to entering into a contract, the pool may conduct preoperational and planning activities related to these programs, including defining and implementing an appropriate legal structure or structures to administer and coordinate the reinsurance or risk adjustment programs.

(2) The reasonable costs incurred by the pool for preoperational and planning activities related to the reinsurance program may be reimbursed from federal funds or from the additional contributions collected to pay the administrative costs of the reinsurance program.

(3) If the pool contracts to administer and coordinate the reinsurance or risk adjustment program, the board must submit recommendations to the legislature with suggestions for additional consumer representatives or other representative members to the board.

(4) The pool shall report on these activities to the appropriate committees of the senate and house of representatives by December 15, 2012, and December 15, 2013.

#### **PART IX EXCHANGE EMPLOYEES**

**NEW SECTION. Sec. 19.** A new section is added to chapter 41.04 RCW to read as follows:

Except for chapters 41.05 and 41.40 RCW, this title does not apply to any position in or employee of the Washington health benefit exchange established in chapter 43.71 RCW.

**NEW SECTION. Sec. 20.** A new section is added to chapter 43.01 RCW to read as follows:

This chapter does not apply to any position in or employee of the Washington health benefit exchange established in chapter 43.71 RCW.

**NEW SECTION. Sec. 21.** A new section is added to chapter 43.03 RCW to read as follows:

This chapter does not apply to any position in or employee of the Washington health benefit exchange established in chapter 43.71 RCW.

**Sec. 22.** RCW 41.05.011 and 2011 1st sp.s. c 15 s 54 are each reenacted and amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Authority" means the Washington state health care authority.

(2) "Board" means the public employees' benefits board established under RCW 41.05.055.

(3) "Dependent care assistance program" means a benefit plan whereby state and public employees may pay for certain employment related dependent care with pretax dollars as provided in the salary reduction plan under this chapter pursuant to 26 U.S.C. Sec. 129 or other sections of the internal revenue code.

(4) "Director" means the director of the authority.

(5) "Emergency service personnel killed in the line of duty" means law enforcement officers and firefighters as defined in RCW 41.26.030, members of the Washington state patrol retirement fund as defined in RCW 43.43.120, and reserve officers and firefighters

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as defined in RCW 41.24.010 who die as a result of injuries sustained in the course of employment as determined consistent with Title 51 RCW by the department of labor and industries.

(6) "Employee" includes all employees of the state, whether or not covered by civil service; elected and appointed officials of the executive branch of government, including full-time members of boards, commissions, or committees; justices of the supreme court and judges of the court of appeals and the superior courts; and members of the state legislature. Pursuant to contractual agreement with the authority, "employee" may also include: (a) Employees of a county, municipality, or other political subdivision of the state and members of the legislative authority of any county, city, or town who are elected to office after February 20, 1970, if the legislative authority of the county, municipality, or other political subdivision of the state seeks and receives the approval of the authority to provide any of its insurance programs by contract with the authority, as provided in RCW 41.04.205 and 41.05.021(1)(g); (b) employees of employee organizations representing state civil service employees, at the option of each such employee organization, and, effective October 1, 1995, employees of employee organizations currently pooled with employees of school districts for the purpose of purchasing insurance benefits, at the option of each such employee organization; (c) employees of a school district if the authority agrees to provide any of the school districts' insurance programs by contract with the authority as provided in RCW 28A.400.350; ~~(and)~~ (d) employees of a tribal government, if the governing body of the tribal government seeks and receives the approval of the authority to provide any of its insurance programs by contract with the authority, as provided in RCW 41.05.021(1) (f) and (g); and (e) employees of the Washington health benefit exchange if the governing board of the exchange established in RCW 43.71.020 seeks and receives approval of the authority to provide any of its insurance programs by contract with the authority, as provided in RCW 41.05.021(1) (g) and (n). "Employee" does not include: Adult family homeowners; unpaid volunteers; patients of state hospitals; inmates; employees of the Washington state convention and trade center as provided in RCW 41.05.110; students of institutions of higher education as determined by their institution; and any others not expressly defined as employees under this chapter or by the authority under this chapter.

(7) "Employer" means the state of Washington.

(8) "Employing agency" means a division, department, or separate agency of state government, including an institution of higher education; a county, municipality, school district, educational service district, or other political subdivision; and a tribal government covered by this chapter.

(9) "Faculty" means an academic employee of an institution of higher education whose workload is not defined by work hours but whose appointment, workload, and duties directly serve the institution's academic mission, as determined under the authority of its enabling statutes, its governing body, and any applicable collective bargaining agreement.

(10) "Flexible benefit plan" means a benefit plan that allows employees to choose the level of health care coverage provided and the amount of employee contributions from among a range of choices offered by the authority.

(11) "Insuring entity" means an insurer as defined in chapter 48.01 RCW, a health care service contractor as defined in chapter 48.44 RCW, or a health maintenance organization as defined in chapter 48.46 RCW.

(12) "Medical flexible spending arrangement" means a benefit plan whereby state and public employees may reduce their salary before taxes to pay for medical expenses not reimbursed by insurance as provided in the salary reduction plan under this chapter

pursuant to 26 U.S.C. Sec. 125 or other sections of the internal revenue code.

(13) "Participant" means an individual who fulfills the eligibility and enrollment requirements under the salary reduction plan.

(14) "Plan year" means the time period established by the authority.

(15) "Premium payment plan" means a benefit plan whereby state and public employees may pay their share of group health plan premiums with pretax dollars as provided in the salary reduction plan under this chapter pursuant to 26 U.S.C. Sec. 125 or other sections of the internal revenue code.

(16) "Retired or disabled school employee" means:

(a) Persons who separated from employment with a school district or educational service district and are receiving a retirement allowance under chapter 41.32 or 41.40 RCW as of September 30, 1993;

(b) Persons who separate from employment with a school district or educational service district on or after October 1, 1993, and immediately upon separation receive a retirement allowance under chapter 41.32, 41.35, or 41.40 RCW;

(c) Persons who separate from employment with a school district or educational service district due to a total and permanent disability, and are eligible to receive a deferred retirement allowance under chapter 41.32, 41.35, or 41.40 RCW.

(17) "Salary" means a state employee's monthly salary or wages.

(18) "Salary reduction plan" means a benefit plan whereby state and public employees may agree to a reduction of salary on a pretax basis to participate in the dependent care assistance program, medical flexible spending arrangement, or premium payment plan offered pursuant to 26 U.S.C. Sec. 125 or other sections of the internal revenue code.

(19) "Seasonal employee" means an employee hired to work during a recurring, annual season with a duration of three months or more, and anticipated to return each season to perform similar work.

(20) "Separated employees" means persons who separate from employment with an employer as defined in:

(a) RCW 41.32.010(17) on or after July 1, 1996; or

(b) RCW 41.35.010 on or after September 1, 2000; or

(c) RCW 41.40.010 on or after March 1, 2002;

and who are at least age fifty-five and have at least ten years of service under the teachers' retirement system plan 3 as defined in RCW 41.32.010(33), the Washington school employees' retirement system plan 3 as defined in RCW 41.35.010, or the public employees' retirement system plan 3 as defined in RCW 41.40.010.

(21) "State purchased health care" or "health care" means medical and health care, pharmaceuticals, and medical equipment purchased with state and federal funds by the department of social and health services, the department of health, the basic health plan, the state health care authority, the department of labor and industries, the department of corrections, the department of veterans affairs, and local school districts.

(22) "Tribal government" means an Indian tribal government as defined in section 3(32) of the employee retirement income security act of 1974, as amended, or an agency or instrumentality of the tribal government, that has government offices principally located in this state.

**Sec. 23.** RCW 41.05.021 and 2011 1st sp.s. c 15 s 56 are each amended to read as follows:

(1) The Washington state health care authority is created within the executive branch. The authority shall have a director appointed by the governor, with the consent of the senate. The director shall serve at the pleasure of the governor. The director may employ a deputy director, and such assistant directors and special assistants as

may be needed to administer the authority, who shall be exempt from chapter 41.06 RCW, and any additional staff members as are necessary to administer this chapter. The director may delegate any power or duty vested in him or her by law, including authority to make final decisions and enter final orders in hearings conducted under chapter 34.05 RCW. The primary duties of the authority shall be to: Administer state employees' insurance benefits and retired or disabled school employees' insurance benefits; administer the basic health plan pursuant to chapter 70.47 RCW; administer the children's health program pursuant to chapter 74.09 RCW; study state-purchased health care programs in order to maximize cost containment in these programs while ensuring access to quality health care; implement state initiatives, joint purchasing strategies, and techniques for efficient administration that have potential application to all state-purchased health services; and administer grants that further the mission and goals of the authority. The authority's duties include, but are not limited to, the following:

(a) To administer health care benefit programs for employees and retired or disabled school employees as specifically authorized in RCW 41.05.065 and in accordance with the methods described in RCW 41.05.075, 41.05.140, and other provisions of this chapter;

(b) To analyze state-purchased health care programs and to explore options for cost containment and delivery alternatives for those programs that are consistent with the purposes of those programs, including, but not limited to:

(i) Creation of economic incentives for the persons for whom the state purchases health care to appropriately utilize and purchase health care services, including the development of flexible benefit plans to offset increases in individual financial responsibility;

(ii) Utilization of provider arrangements that encourage cost containment, including but not limited to prepaid delivery systems, utilization review, and prospective payment methods, and that ensure access to quality care, including assuring reasonable access to local providers, especially for employees residing in rural areas;

(iii) Coordination of state agency efforts to purchase drugs effectively as provided in RCW 70.14.050;

(iv) Development of recommendations and methods for purchasing medical equipment and supporting services on a volume discount basis;

(v) Development of data systems to obtain utilization data from state-purchased health care programs in order to identify cost centers, utilization patterns, provider and hospital practice patterns, and procedure costs, utilizing the information obtained pursuant to RCW 41.05.031; and

(vi) In collaboration with other state agencies that administer state purchased health care programs, private health care purchasers, health care facilities, providers, and carriers:

(A) Use evidence-based medicine principles to develop common performance measures and implement financial incentives in contracts with insuring entities, health care facilities, and providers that:

(I) Reward improvements in health outcomes for individuals with chronic diseases, increased utilization of appropriate preventive health services, and reductions in medical errors; and

(II) Increase, through appropriate incentives to insuring entities, health care facilities, and providers, the adoption and use of information technology that contributes to improved health outcomes, better coordination of care, and decreased medical errors;

(B) Through state health purchasing, reimbursement, or pilot strategies, promote and increase the adoption of health information technology systems, including electronic medical records, by hospitals as defined in RCW 70.41.020(4), integrated delivery systems, and providers that:

(I) Facilitate diagnosis or treatment;

(II) Reduce unnecessary duplication of medical tests;

(III) Promote efficient electronic physician order entry;

(IV) Increase access to health information for consumers and their providers; and

(V) Improve health outcomes;

(C) Coordinate a strategy for the adoption of health information technology systems using the final health information technology report and recommendations developed under chapter 261, Laws of 2005;

(c) To analyze areas of public and private health care interaction;

(d) To provide information and technical and administrative assistance to the board;

(e) To review and approve or deny applications from counties, municipalities, and other political subdivisions of the state to provide state-sponsored insurance or self-insurance programs to their employees in accordance with the provisions of RCW 41.04.205 and (g) of this subsection, setting the premium contribution for approved groups as outlined in RCW 41.05.050;

(f) To review and approve or deny the application when the governing body of a tribal government applies to transfer their employees to an insurance or self-insurance program administered under this chapter. In the event of an employee transfer pursuant to this subsection (1)(f), members of the governing body are eligible to be included in such a transfer if the members are authorized by the tribal government to participate in the insurance program being transferred from and subject to payment by the members of all costs of insurance for the members. The authority shall: (i) Establish the conditions for participation; (ii) have the sole right to reject the application; and (iii) set the premium contribution for approved groups as outlined in RCW 41.05.050. Approval of the application by the authority transfers the employees and dependents involved to the insurance, self-insurance, or health care program approved by the authority;

(g) To ensure the continued status of the employee insurance or self-insurance programs administered under this chapter as a governmental plan under section 3(32) of the employee retirement income security act of 1974, as amended, the authority shall limit the participation of employees of a county, municipal, school district, educational service district, or other political subdivision, the Washington health benefit exchange, or a tribal government, including providing for the participation of those employees whose services are substantially all in the performance of essential governmental functions, but not in the performance of commercial activities;

(h) To establish billing procedures and collect funds from school districts in a way that minimizes the administrative burden on districts;

(i) To publish and distribute to nonparticipating school districts and educational service districts by October 1st of each year a description of health care benefit plans available through the authority and the estimated cost if school districts and educational service district employees were enrolled;

(j) To apply for, receive, and accept grants, gifts, and other payments, including property and service, from any governmental or other public or private entity or person, and make arrangements as to the use of these receipts to implement initiatives and strategies developed under this section;

(k) To issue, distribute, and administer grants that further the mission and goals of the authority;

(l) To adopt rules consistent with this chapter as described in RCW 41.05.160 including, but not limited to:

(i) Setting forth the criteria established by the board under RCW 41.05.065 for determining whether an employee is eligible for benefits;

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(ii) Establishing an appeal process in accordance with chapter 34.05 RCW by which an employee may appeal an eligibility determination;

(iii) Establishing a process to assure that the eligibility determinations of an employing agency comply with the criteria under this chapter, including the imposition of penalties as may be authorized by the board;

(m)(i) To administer the medical services programs established under chapter 74.09 RCW as the designated single state agency for purposes of Title XIX of the federal social security act;

(ii) To administer the state children's health insurance program under chapter 74.09 RCW for purposes of Title XXI of the federal social security act;

(iii) To enter into agreements with the department of social and health services for administration of medical care services programs under Titles XIX and XXI of the social security act. The agreements shall establish the division of responsibilities between the authority and the department with respect to mental health, chemical dependency, and long-term care services, including services for persons with developmental disabilities. The agreements shall be revised as necessary, to comply with the final implementation plan adopted under section 116, chapter 15, Laws of 2011 1st sp. sess.;

(iv) To adopt rules to carry out the purposes of chapter 74.09 RCW;

(v) To appoint such advisory committees or councils as may be required by any federal statute or regulation as a condition to the receipt of federal funds by the authority. The director may appoint statewide committees or councils in the following subject areas: (A) Health facilities; (B) children and youth services; (C) blind services; (D) medical and health care; (E) drug abuse and alcoholism; (F) rehabilitative services; and (G) such other subject matters as are or come within the authority's responsibilities. The statewide councils shall have representation from both major political parties and shall have substantial consumer representation. Such committees or councils shall be constituted as required by federal law or as the director in his or her discretion may determine. The members of the committees or councils shall hold office for three years except in the case of a vacancy, in which event appointment shall be only for the remainder of the unexpired term for which the vacancy occurs. No member shall serve more than two consecutive terms. Members of such state advisory committees or councils may be paid their travel expenses in accordance with RCW 43.03.050 and 43.03.060 as now existing or hereafter amended;

(n) To review and approve or deny the application from the governing board of the Washington health benefit exchange to provide state-sponsored insurance or self-insurance programs to employees of the exchange. The authority shall (i) establish the conditions for participation; (ii) have the sole right to reject an application; and (iii) set the premium contribution for approved groups as outlined in RCW 41.05.050.

(2) On and after January 1, 1996, the public employees' benefits board may implement strategies to promote managed competition among employee health benefit plans. Strategies may include but are not limited to:

- (a) Standardizing the benefit package;
- (b) Soliciting competitive bids for the benefit package;
- (c) Limiting the state's contribution to a percent of the lowest priced qualified plan within a geographical area;
- (d) Monitoring the impact of the approach under this subsection with regards to: Efficiencies in health service delivery, cost shifts to subscribers, access to and choice of managed care plans statewide, and quality of health services. The health care authority shall also advise on the value of administering a benchmark

employer-managed plan to promote competition among managed care plans.

**PART X  
MISCELLANEOUS**

NEW SECTION. **Sec. 24.** The health care authority shall pursue an application for the state to participate in the individual market wellness program demonstration as described in section 2705 of P.L. 111-148 of 2010, as amended. The health care authority shall pursue activities that will prepare the state to apply for the demonstration project once announced by the United States department of health and human services.

NEW SECTION. **Sec. 25.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. **Sec. 26.** Sections 4 and 19 through 23 of this act are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and take effect immediately."

On page 1, line 2 of the title, after "act;" strike the remainder of the title and insert "amending RCW 43.71.010, 43.71.020, 43.71.030, 43.71.060, 48.42.010, 48.42.020, and 41.05.021; reenacting and amending RCW 48.43.005 and 41.05.011; adding new sections to chapter 48.43 RCW; adding new sections to chapter 43.71 RCW; adding a new section to chapter 70.47 RCW; adding new sections to chapter 48.41 RCW; adding a new section to chapter 41.04 RCW; adding a new section to chapter 43.01 RCW; adding a new section to chapter 43.03 RCW; creating new sections; providing an expiration date; and declaring an emergency."

The President declared the question before the Senate to be the motion by Senator Keiser to not adopt the committee striking amendment by the Committee on Health & Long-Term Care to Engrossed Second Substitute House Bill No. 2319.

The motion by Senator Keiser carried and the committee striking amendment was not adopted by voice vote.

**MOTION**

Senator Becker moved that the following striking amendment by Senators Becker and Kastama be adopted.

Strike everything after the enacting clause and insert the following:

**"PART I  
DEFINITIONS**

**Sec. 1.** RCW 48.43.005 and 2011 c 315 s 2 and 2011 c 314 s 3 are each reenacted and amended to read as follows:

Unless otherwise specifically provided, the definitions in this section apply throughout this chapter.

(1) "Adjusted community rate" means the rating method used to establish the premium for health plans adjusted to reflect actuarially demonstrated differences in utilization or cost attributable to geographic region, age, family size, and use of wellness activities.

(2) "Adverse benefit determination" means a denial, reduction, or termination of, or a failure to provide or make payment, in whole or in part, for a benefit, including a denial, reduction, termination, or failure to provide or make payment that is based on a determination of an enrollee's or applicant's eligibility to participate in a plan, and including, with respect to group health plans, a denial, reduction, or termination of, or a failure to provide or make payment, in whole or in part, for a benefit resulting from the application of any utilization

review, as well as a failure to cover an item or service for which benefits are otherwise provided because it is determined to be experimental or investigational or not medically necessary or appropriate.

(3) "Applicant" means a person who applies for enrollment in an individual health plan as the subscriber or an enrollee, or the dependent or spouse of a subscriber or enrollee.

(4) "Basic health plan" means the plan described under chapter 70.47 RCW, as revised from time to time.

(5) "Basic health plan model plan" means a health plan as required in RCW 70.47.060(2)(e).

(6) "Basic health plan services" means that schedule of covered health services, including the description of how those benefits are to be administered, that are required to be delivered to an enrollee under the basic health plan, as revised from time to time.

(7)(a) For grandfathered health benefit plans issued before January 1, 2014, and renewed thereafter, "catastrophic health plan" means:

~~((a))~~ (i) In the case of a contract, agreement, or policy covering a single enrollee, a health benefit plan requiring a calendar year deductible of, at a minimum, one thousand seven hundred fifty dollars and an annual out-of-pocket expense required to be paid under the plan (other than for premiums) for covered benefits of at least three thousand five hundred dollars, both amounts to be adjusted annually by the insurance commissioner; and

~~((b))~~ (ii) In the case of a contract, agreement, or policy covering more than one enrollee, a health benefit plan requiring a calendar year deductible of, at a minimum, three thousand five hundred dollars and an annual out-of-pocket expense required to be paid under the plan (other than for premiums) for covered benefits of at least six thousand dollars, both amounts to be adjusted annually by the insurance commissioner;

~~(c) Any health benefit plan that provides benefits for hospital inpatient and outpatient services, professional and prescription drugs provided in conjunction with such hospital inpatient and outpatient services, and excludes or substantially limits outpatient physician services and those services usually provided in an office setting).~~

(b) In July 2008, and in each July thereafter, the insurance commissioner shall adjust the minimum deductible and out-of-pocket expense required for a plan to qualify as a catastrophic plan to reflect the percentage change in the consumer price index for medical care for a preceding twelve months, as determined by the United States department of labor. The adjusted amount shall apply on the following January 1st.

(c) For health benefit plans issued on or after January 1, 2014, "catastrophic health plan" means:

(i) A health benefit plan that meets the definition of catastrophic plan set forth in section 1302(e) of P.L. 111-148 of 2010, as amended; or

(ii) A health benefit plan offered outside the exchange marketplace that requires a calendar year deductible or out-of-pocket expenses under the plan, other than for premiums, for covered benefits, that meets or exceeds the commissioner's annual adjustment under (b) of this subsection.

(8) "Certification" means a determination by a review organization that an admission, extension of stay, or other health care service or procedure has been reviewed and, based on the information provided, meets the clinical requirements for medical necessity, appropriateness, level of care, or effectiveness under the auspices of the applicable health benefit plan.

(9) "Concurrent review" means utilization review conducted during a patient's hospital stay or course of treatment.

(10) "Covered person" or "enrollee" means a person covered by a health plan including an enrollee, subscriber, policyholder,

beneficiary of a group plan, or individual covered by any other health plan.

(11) "Dependent" means, at a minimum, the enrollee's legal spouse and dependent children who qualify for coverage under the enrollee's health benefit plan.

(12) "Emergency medical condition" means a medical condition manifesting itself by acute symptoms of sufficient severity, including severe pain, such that a prudent layperson, who possesses an average knowledge of health and medicine, could reasonably expect the absence of immediate medical attention to result in a condition (a) placing the health of the individual, or with respect to a pregnant woman, the health of the woman or her unborn child, in serious jeopardy, (b) serious impairment to bodily functions, or (c) serious dysfunction of any bodily organ or part.

(13) "Emergency services" means a medical screening examination, as required under section 1867 of the social security act (42 U.S.C. 1395dd), that is within the capability of the emergency department of a hospital, including ancillary services routinely available to the emergency department to evaluate that emergency medical condition, and further medical examination and treatment, to the extent they are within the capabilities of the staff and facilities available at the hospital, as are required under section 1867 of the social security act (42 U.S.C. 1395dd) to stabilize the patient. Stabilize, with respect to an emergency medical condition, has the meaning given in section 1867(e)(3) of the social security act (42 U.S.C. 1395dd(e)(3)).

(14) "Employee" has the same meaning given to the term, as of January 1, 2008, under section 3(6) of the federal employee retirement income security act of 1974.

(15) "Enrollee point-of-service cost-sharing" means amounts paid to health carriers directly providing services, health care providers, or health care facilities by enrollees and may include copayments, coinsurance, or deductibles.

(16) "Final external review decision" means a determination by an independent review organization at the conclusion of an external review.

(17) "Final internal adverse benefit determination" means an adverse benefit determination that has been upheld by a health plan or carrier at the completion of the internal appeals process, or an adverse benefit determination with respect to which the internal appeals process has been exhausted under the exhaustion rules described in RCW 48.43.530 and 48.43.535.

(18) "Grandfathered health plan" means a group health plan or an individual health plan that under section 1251 of the patient protection and affordable care act, P.L. 111-148 (2010) and as amended by the health care and education reconciliation act, P.L. 111-152 (2010) is not subject to subtitles A or C of the act as amended.

(19) "Grievance" means a written complaint submitted by or on behalf of a covered person regarding: (a) Denial of payment for medical services or nonprovision of medical services included in the covered person's health benefit plan, or (b) service delivery issues other than denial of payment for medical services or nonprovision of medical services, including dissatisfaction with medical care, waiting time for medical services, provider or staff attitude or demeanor, or dissatisfaction with service provided by the health carrier.

(20) "Health care facility" or "facility" means hospices licensed under chapter 70.127 RCW, hospitals licensed under chapter 70.41 RCW, rural health care facilities as defined in RCW 70.175.020, psychiatric hospitals licensed under chapter 71.12 RCW, nursing homes licensed under chapter 18.51 RCW, community mental health centers licensed under chapter 71.05 or 71.24 RCW, kidney disease treatment centers licensed under chapter 70.41 RCW, ambulatory diagnostic, treatment, or surgical facilities licensed

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under chapter 70.41 RCW, drug and alcohol treatment facilities licensed under chapter 70.96A RCW, and home health agencies licensed under chapter 70.127 RCW, and includes such facilities if owned and operated by a political subdivision or instrumentality of the state and such other facilities as required by federal law and implementing regulations.

(21) "Health care provider" or "provider" means:

(a) A person regulated under Title 18 or chapter 70.127 RCW, to practice health or health-related services or otherwise practicing health care services in this state consistent with state law; or

(b) An employee or agent of a person described in (a) of this subsection, acting in the course and scope of his or her employment.

(22) "Health care service" means that service offered or provided by health care facilities and health care providers relating to the prevention, cure, or treatment of illness, injury, or disease.

(23) "Health carrier" or "carrier" means a disability insurer regulated under chapter 48.20 or 48.21 RCW, a health care service contractor as defined in RCW 48.44.010, or a health maintenance organization as defined in RCW 48.46.020, and includes "issuers" as that term is used in the patient protection and affordable care act (P.L. 111-148).

(24) "Health plan" or "health benefit plan" means any policy, contract, or agreement offered by a health carrier to provide, arrange, reimburse, or pay for health care services except the following:

(a) Long-term care insurance governed by chapter 48.84 or 48.83 RCW;

(b) Medicare supplemental health insurance governed by chapter 48.66 RCW;

(c) Coverage supplemental to the coverage provided under chapter 55, Title 10, United States Code;

(d) Limited health care services offered by limited health care service contractors in accordance with RCW 48.44.035;

(e) Disability income;

(f) Coverage incidental to a property/casualty liability insurance policy such as automobile personal injury protection coverage and homeowner guest medical;

(g) Workers' compensation coverage;

(h) Accident only coverage;

(i) Specified disease or illness-triggered fixed payment insurance, hospital confinement fixed payment insurance, or other fixed payment insurance offered as an independent, noncoordinated benefit;

(j) Employer-sponsored self-funded health plans;

(k) Dental only and vision only coverage; and

(l) Plans deemed by the insurance commissioner to have a short-term limited purpose or duration, or to be a student-only plan that is guaranteed renewable while the covered person is enrolled as a regular full-time undergraduate or graduate student at an accredited higher education institution, after a written request for such classification by the carrier and subsequent written approval by the insurance commissioner.

(25) "Material modification" means a change in the actuarial value of the health plan as modified of more than five percent but less than fifteen percent.

(26) "Open enrollment" means a period of time as defined in rule to be held at the same time each year, during which applicants may enroll in a carrier's individual health benefit plan without being subject to health screening or otherwise required to provide evidence of insurability as a condition for enrollment.

(27) "Preexisting condition" means any medical condition, illness, or injury that existed any time prior to the effective date of coverage.

(28) "Premium" means all sums charged, received, or deposited by a health carrier as consideration for a health plan or the

continuance of a health plan. Any assessment or any "membership," "policy," "contract," "service," or similar fee or charge made by a health carrier in consideration for a health plan is deemed part of the premium. "Premium" shall not include amounts paid as enrollee point-of-service cost-sharing.

(29) "Review organization" means a disability insurer regulated under chapter 48.20 or 48.21 RCW, health care service contractor as defined in RCW 48.44.010, or health maintenance organization as defined in RCW 48.46.020, and entities affiliated with, under contract with, or acting on behalf of a health carrier to perform a utilization review.

(30) "Small employer" or "small group" means any person, firm, corporation, partnership, association, political subdivision, sole proprietor, or self-employed individual that is actively engaged in business that employed an average of at least one but no more than fifty employees, during the previous calendar year and employed at least one employee on the first day of the plan year, is not formed primarily for purposes of buying health insurance, and in which a bona fide employer-employee relationship exists. In determining the number of employees, companies that are affiliated companies, or that are eligible to file a combined tax return for purposes of taxation by this state, shall be considered an employer. Subsequent to the issuance of a health plan to a small employer and for the purpose of determining eligibility, the size of a small employer shall be determined annually. Except as otherwise specifically provided, a small employer shall continue to be considered a small employer until the plan anniversary following the date the small employer no longer meets the requirements of this definition. A self-employed individual or sole proprietor who is covered as a group of one must also: (a) Have been employed by the same small employer or small group for at least twelve months prior to application for small group coverage, and (b) verify that he or she derived at least seventy-five percent of his or her income from a trade or business through which the individual or sole proprietor has attempted to earn taxable income and for which he or she has filed the appropriate internal revenue service form 1040, schedule C or F, for the previous taxable year, except a self-employed individual or sole proprietor in an agricultural trade or business, must have derived at least fifty-one percent of his or her income from the trade or business through which the individual or sole proprietor has attempted to earn taxable income and for which he or she has filed the appropriate internal revenue service form 1040, for the previous taxable year.

(31) "Special enrollment" means a defined period of time of not less than thirty-one days, triggered by a specific qualifying event experienced by the applicant, during which applicants may enroll in the carrier's individual health benefit plan without being subject to health screening or otherwise required to provide evidence of insurability as a condition for enrollment.

(32) "Standard health questionnaire" means the standard health questionnaire designated under chapter 48.41 RCW.

(33) "Utilization review" means the prospective, concurrent, or retrospective assessment of the necessity and appropriateness of the allocation of health care resources and services of a provider or facility, given or proposed to be given to an enrollee or group of enrollees.

(34) "Wellness activity" means an explicit program of an activity consistent with department of health guidelines, such as, smoking cessation, injury and accident prevention, reduction of alcohol misuse, appropriate weight reduction, exercise, automobile and motorcycle safety, blood cholesterol reduction, and nutrition education for the purpose of improving enrollee health status and reducing health service costs.

**PART II**  
**THE WASHINGTON HEALTH BENEFIT EXCHANGE**

**Sec. 2.** RCW 43.71.020 and 2011 c 317 s 3 are each amended to read as follows:

(1) The Washington health benefit exchange is established and constitutes a public-private partnership separate and distinct from the state, exercising functions delineated in chapter 317, Laws of 2011. By January 1, 2014, the exchange shall operate consistent with the affordable care act subject to statutory authorization. The exchange shall have a governing board consisting of persons with expertise in the Washington health care system and private and public health care coverage. The initial membership of the board shall be appointed as follows:

(a) By October 1, 2011, each of the two largest caucuses in both the house of representatives and the senate shall submit to the governor a list of five nominees who are not legislators or employees of the state or its political subdivisions, with no caucus submitting the same nominee.

(i) The nominations from the largest caucus in the house of representatives must include at least one employee benefit specialist;

(ii) The nominations from the second largest caucus in the house of representatives must include at least one health economist or actuary;

(iii) The nominations from the largest caucus in the senate must include at least one representative of health consumer advocates;

(iv) The nominations from the second largest caucus in the senate must include at least one representative of small business;

(v) The remaining nominees must have demonstrated and acknowledged expertise in at least one of the following areas: Individual health care coverage, small employer health care coverage, health benefits plan administration, health care finance and economics, actuarial science, or administering a public or private health care delivery system.

(b) By December 15, 2011, the governor shall appoint two members from each list submitted by the caucuses under (a) of this subsection. The appointments made under this subsection (1)(b) must include at least one employee benefits specialist, one health economist or actuary, one representative of small business, and one representative of health consumer advocates. The remaining four members must have a demonstrated and acknowledged expertise in at least one of the following areas: Individual health care coverage, small employer health care coverage, health benefits plan administration, health care finance and economics, actuarial science, or administering a public or private health care delivery system.

(c) By December 15, 2011, the governor shall appoint a ninth member to serve as chair. The chair may not be an employee of the state or its political subdivisions. The chair shall serve as a nonvoting member except in the case of a tie. The chair shall serve at the pleasure of the governor.

(d) The following members shall serve as nonvoting, ex officio members of the board:

(i) The insurance commissioner or his or her designee; and

(ii) The administrator of the health care authority, or his or her designee.

(2) Initial members of the board shall serve staggered terms not to exceed four years. Members appointed thereafter shall serve two-year terms.

(3) A member of the board whose term has expired or who otherwise leaves the board shall be replaced by gubernatorial appointment. When the person leaving was nominated by one of the caucuses of the house of representatives or the senate, his or her replacement shall be appointed from a list of five nominees submitted by that caucus within thirty days after the person leaves.

If the member to be replaced is the chair, the governor shall appoint a new chair within thirty days after the vacancy occurs. A person appointed to replace a member who leaves the board prior to the expiration of his or her term shall serve only the duration of the unexpired term. Members of the board may be reappointed to multiple terms.

(4) No board member may be appointed if his or her participation in the decisions of the board could benefit his or her own financial interests or the financial interests of an entity he or she represents. No board member may be a lobbyist registered under RCW 42.17A.600. A board member who develops such a conflict of interest or who is a registered lobbyist shall resign or be removed from the board.

(5) Members of the board must be reimbursed for their travel expenses while on official business in accordance with RCW 43.03.050 and 43.03.060. The board shall prescribe rules for the conduct of its business. Meetings of the board are at the call of the chair.

(6) The exchange and the board are subject only to the provisions of chapter 42.30 RCW, the open public meetings act, and chapter 42.56 RCW, the public records act, and not to any other law or regulation generally applicable to state agencies. Consistent with the open public meetings act, the board may hold executive sessions to consider proprietary or confidential nonpublished information.

(7)(a) The board shall establish an advisory committee to allow for the views of the health care industry and other stakeholders to be heard in the operation of the health benefit exchange.

(b) The board may establish technical advisory committees or seek the advice of technical experts when necessary to execute the powers and duties included in chapter 317, Laws of 2011.

(8) Members of the board are not civilly or criminally liable and may not have any penalty or cause of action of any nature arise against them for any action taken or not taken, including any discretionary decision or failure to make a discretionary decision, when the action or inaction is done in good faith and in the performance of the powers and duties under chapter 317, Laws of 2011. Nothing in this section prohibits legal actions against the board to enforce the board's statutory or contractual duties or obligations.

(9) In recognition of the government-to-government relationship between the state of Washington and the federally recognized tribes in the state of Washington, the board shall consult with the American Indian health commission.

**Sec. 3.** RCW 43.71.030 and 2011 c 317 s 4 are each amended to read as follows:

(1) The exchange may, consistent with the purposes of this chapter: (a) Sue and be sued in its own name; (b) make and execute agreements, contracts, and other instruments, with any public or private person or entity; (c) employ, contract with, or engage personnel; (d) pay administrative costs; and (e) accept grants, donations, loans of funds, and contributions in money, services, materials or otherwise, from the United States or any of its agencies, from the state of Washington and its agencies or from any other source, and use or expend those moneys, services, materials, or other contributions.

(2) The powers and duties of the exchange and the board are limited to those necessary to apply for and administer grants, establish information technology infrastructure, and undertake additional administrative functions as determined by the legislature that are necessary to begin operation of the exchange by January 1, 2014, in a manner consistent with, and not exceeding, the requirements for American health benefit exchanges specified in section 1311(d) of P.L. 111-148 of 2010, as amended. Any actions



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relating to substantive issues (~~included in RCW 43.71.040~~) must be consistent with statutory direction on those issues.

(3) The exchange board shall study financing mechanisms to ensure that the exchange is self-sustaining by January 1, 2015. The board shall recommend a methodology of financing that takes into account alternative sources of funding and health plan affordability to the legislature by December 15, 2012.

**NEW SECTION. Sec. 4.** A new section is added to chapter 43.71 RCW to read as follows:

(1) A person or entity functioning as a navigator under section 1311(i) of P.L. 111-148 of 2010, as amended, may not sell, solicit, or negotiate insurance in this state for any line or lines of insurance unless the person or entity is licensed for that line of authority under RCW 48.17.060.

(2) The exchange shall permit producers licensed under RCW 48.17.060 to enroll qualified individuals, qualified employers, or qualified employees in qualified health plans in the exchange.

**PART III  
QUALIFIED HEALTH PLANS**

**NEW SECTION. Sec. 5.** A new section is added to chapter 43.71 RCW to read as follows:

(1) The board shall certify a plan as a qualified health plan to be offered through the exchange if the plan:

(a) Meets the requirements of Title 48 RCW and rules adopted thereunder by the commissioner pursuant to chapter 34.05 RCW so long as such rules do not exceed (b) of this subsection; and

(b) Meets the requirements for qualified health plans under section 1311(c) of P.L. 111-148 of 2010, as amended.

(2) Consistent with section 1311 of P.L. 111-148 of 2010, as amended, the board shall allow stand-alone dental plans to offer coverage in the exchange beginning January 1, 2014. Dental benefits offered in the exchange must be offered and priced separately to assure transparency for consumers.

(3) The board may not impose requirements on qualified health plans other than the requirements in subsection (1) of this section.

(4) A decision by the board denying a request to certify or recertify a plan as a qualified health plan may be appealed pursuant to chapter 34.05 RCW.

**Sec. 6.** RCW 48.42.010 and 1985 c 264 s 15 are each amended to read as follows:

(1) Notwithstanding any other provision of law, and except as provided in this chapter, any person or other entity which provides coverage in this state for life insurance, annuities, loss of time, medical, surgical, chiropractic, physical therapy, speech pathology, audiology, professional mental health, dental, hospital, or optometric expenses, whether the coverage is by direct payment, reimbursement, the providing of services, or otherwise, shall be subject to the authority of the state insurance commissioner, unless the person or other entity shows that while providing the services it is subject to the jurisdiction and regulation of another agency of this state, any subdivisions thereof, or the federal government.

(2) "Another agency of this state, any subdivision thereof, or the federal government" does not include the Washington health benefit exchange under chapter 43.71 RCW or P.L. 111-148 of 2010, as amended.

**Sec. 7.** RCW 48.42.020 and 1983 c 36 s 2 are each amended to read as follows:

(1) A person or entity may show that it is subject to the jurisdiction and regulation of another agency of this state, any subdivision thereof, or the federal government, by providing to the insurance commissioner the appropriate certificate, license, or other document issued by the other governmental agency which permits or qualifies it to provide the coverage as defined in RCW 48.42.010.

(2) "Another agency of this state, any subdivision thereof, or the federal government" does not include the Washington health benefit exchange under chapter 43.71 RCW or P.L. 111-148 of 2010, as amended.

**NEW SECTION. Sec. 8.** A new section is added to chapter 48.43 RCW to read as follows:

Certification by the Washington health benefit exchange of a plan as a qualified health plan, or of a carrier as a qualified issuer, does not exempt the plan or carrier from any of the requirements of this title or rules adopted by the commissioner pursuant to chapter 34.05 RCW.

**PART IV  
ESSENTIAL HEALTH BENEFITS**

**NEW SECTION. Sec. 9.** A new section is added to chapter 48.43 RCW to read as follows:

(1) Consistent with federal law, the commissioner shall, by rule, select the largest small group plan in the state by enrollment, as determined by an independent actuarial analysis, as the benchmark plan for purposes of establishing the essential health benefits in Washington state under P.L. 111-148 of 2010, as amended.

(2) If the commissioner determines that the essential health benefits benchmark plan does not include all of the ten benefit categories specified by section 1302 of P.L. 111-148 of 2010, as amended, the commissioner shall only supplement the benchmark plan by reference to another benchmark plan option that includes services in the missing category pursuant to federal rules. In making this determination the commissioner must:

(a) Consult with an independent actuary; and

(b) Take into account affordability and evidence-based medicine.

(3) Any health plan required to offer the essential health benefits under P.L. 111-148 of 2010, as amended, may be offered in the state unless the commissioner finds that:

(a) It is not substantially equal to the benchmark plan; or

(b) It does not cover the ten essential health benefits categories specified in section 1302 of P.L. 111-148 of 2010, as amended.

(4) A finding by the commissioner under subsection (3) of this section may be appealed pursuant to chapter 34.05 RCW. In any such proceeding, the insurance commissioner shall have the burden to prove, by clear and convincing evidence, that the plan is not substantially equal to the benchmark plan or does not cover the ten essential health benefits categories.

(5) Nothing in chapter . . . Laws of 2012 (this act) prohibits the offering of benefits for spiritual care services deductible under section 213(d) of the internal revenue code (26 U.S.C. Sec. 213(d)) in plans inside or outside of the exchange.

**PART V  
THE WASHINGTON STATE HEALTH INSURANCE  
POOL**

**Sec. 10.** RCW 48.41.170 and 1987 c 431 s 17 are each amended to read as follows:

(1) The commissioner shall adopt rules pursuant to chapter 34.05 RCW that(:

(1) Provide for disclosure by the member of the availability of insurance coverage from the pool; and

(2)) implement this chapter.

(2) The commissioner shall adopt rules establishing the reinsurance program, as approved by the pool in section 11 of this act and reviewed by the exchange board, consistent with P.L. 111-148 of 2010, as amended. The rules must establish the invisible high risk pool with the following:

(a) A mechanism to collect reinsurance contribution funds for individuals ceded to the invisible high risk pool; and

(b) A mechanism to disburse reinsurance payments for individuals ceded to the invisible high risk pool.

**NEW SECTION. Sec. 11.** A new section is added to chapter 48.41 RCW to read as follows:

(1) The pool board may perform all or part of the risk management functions in the federal patient protection and affordable care act.

(2) To further timely state implementation of the federal patient protection and affordable care act in the state, the pool board is authorized to conduct preoperational and planning activities related to these programs, including defining and implementing an appropriate legal structure or structures to administer and coordinate these programs. The legislature also directs the pool to develop and design a plan to administer the state-based reinsurance program as a permanent invisible high risk pool consistent with federal law. The plan must be approved by the pool board and the exchange board by December 1, 2012, prior to establishment and implementation and must include a recommendation for the governance structure of the pool if needed to administer any of the risk management functions per subsection (1) of this section. The pool shall, no later than January 1, 2013, make recommendations to the legislature for any statutory changes necessary to implement the plan developed according to this subsection.

(3) Funding for the reinsurance program as provided by contribution amounts pursuant to section 1341 of the federal patient protection and affordable care act may be increased in this state by inclusion of additional contribution amounts to cover the administrative costs of operation of the reinsurance program including reimbursement of the reasonable costs incurred by the pool for preoperational activities undertaken pursuant to this section.

(4) The pool shall report on these activities to the appropriate committees of the senate and house of representatives by December 15, 2012, and December 15, 2013. The reports shall also include recommendations on additional mechanisms to address high-risk individuals both inside and outside of the exchange.

## **PART VI MISCELLANEOUS**

**NEW SECTION. Sec. 12.** The health care authority shall pursue an application for the state to participate in the individual market wellness program demonstration as described in section 2705 of P.L. 111-184 of 2010, as amended. The health care authority shall pursue activities that will prepare the state to apply for the demonstration project once announced by the United States department of health and human services.

**NEW SECTION. Sec. 13.** Sections 2, 3, 4, and 11 of this act are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and take effect immediately.

**NEW SECTION. Sec. 14.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

On page 1, line 2 of the title, after "act;" strike the remainder of the title and insert "amending RCW 43.71.020, 43.71.030, 48.42.010, 48.42.020, and 48.41.170; reenacting and amending RCW 48.43.005; adding new sections to chapter 43.71 RCW; adding new sections to chapter 48.43 RCW; adding a new section to chapter 48.41 RCW; creating a new section; and declaring an emergency."

Senators Becker, Parlette and Ericksen spoke in favor of adoption of the striking amendment.

Senators Keiser, Hargrove, Pflug and Kastama spoke against adoption of the striking amendment.

Senator Schoesler demanded a roll call.

The President declared that one-sixth of the members supported the demand and the demand was sustained.

The President declared the question before the Senate to be the adoption of the striking amendment by Senators Becker and Kastama to Engrossed Second Substitute House Bill No. 2319.

## **ROLL CALL**

The Secretary called the roll on the adoption of the striking amendment by Senators Becker and Kastama and the amendment was not adopted by the following vote: Yeas, 22; Nays, 26; Absent, 1; Excused, 0.

Voting yea: Senators Baumgartner, Becker, Benton, Carrell, Delvin, Ericksen, Fain, Haugen, Hewitt, Hill, Holmquist Newbry, Honeyford, King, Litzow, Morton, Padden, Parlette, Roach, Schoesler, Sheldon, Stevens and Swecker

Voting nay: Senators Brown, Chase, Conway, Eide, Fraser, Frockt, Hargrove, Harper, Hatfield, Hobbs, Kastama, Keiser, Kilmer, Kline, Kohl-Welles, McAuliffe, Murray, Nelson, Pflug, Prentice, Pridemore, Ranker, Regala, Rolfes, Shin and Tom

Absent: Senator Zarelli

## **MOTION**

Senator Hargrove moved that the following striking amendment by Senators Hargrove and Kastama be adopted:

Strike everything after the enacting clause and insert the following:

## **"PART I DEFINITIONS**

**Sec. 1.** RCW 48.43.005 and 2011 c 315 s 2 and 2011 c 314 s 3 are each reenacted and amended to read as follows:

Unless otherwise specifically provided, the definitions in this section apply throughout this chapter.

(1) "Adjusted community rate" means the rating method used to establish the premium for health plans adjusted to reflect actuarially demonstrated differences in utilization or cost attributable to geographic region, age, family size, and use of wellness activities.

(2) "Adverse benefit determination" means a denial, reduction, or termination of, or a failure to provide or make payment, in whole or in part, for a benefit, including a denial, reduction, termination, or failure to provide or make payment that is based on a determination of an enrollee's or applicant's eligibility to participate in a plan, and including, with respect to group health plans, a denial, reduction, or termination of, or a failure to provide or make payment, in whole or in part, for a benefit resulting from the application of any utilization review, as well as a failure to cover an item or service for which benefits are otherwise provided because it is determined to be experimental or investigational or not medically necessary or appropriate.

(3) "Applicant" means a person who applies for enrollment in an individual health plan as the subscriber or an enrollee, or the dependent or spouse of a subscriber or enrollee.

(4) "Basic health plan" means the plan described under chapter 70.47 RCW, as revised from time to time.

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(5) "Basic health plan model plan" means a health plan as required in RCW 70.47.060(2)(e).

(6) "Basic health plan services" means that schedule of covered health services, including the description of how those benefits are to be administered, that are required to be delivered to an enrollee under the basic health plan, as revised from time to time.

(7) "Board" means the governing board of the Washington health benefit exchange established in chapter 43.71 RCW.

(8)(a) For grandfathered health benefit plans issued before January 1, 2014, and renewed thereafter, "catastrophic health plan" means:

((A)) (i) In the case of a contract, agreement, or policy covering a single enrollee, a health benefit plan requiring a calendar year deductible of, at a minimum, one thousand seven hundred fifty dollars and an annual out-of-pocket expense required to be paid under the plan (other than for premiums) for covered benefits of at least three thousand five hundred dollars, both amounts to be adjusted annually by the insurance commissioner; and

((B)) (ii) In the case of a contract, agreement, or policy covering more than one enrollee, a health benefit plan requiring a calendar year deductible of, at a minimum, three thousand five hundred dollars and an annual out-of-pocket expense required to be paid under the plan (other than for premiums) for covered benefits of at least six thousand dollars, both amounts to be adjusted annually by the insurance commissioner;

~~(c) Any health benefit plan that provides benefits for hospital inpatient and outpatient services, professional and prescription drugs provided in conjunction with such hospital inpatient and outpatient services, and excludes or substantially limits outpatient physician services and those services usually provided in an office setting).~~

(b) In July 2008, and in each July thereafter, the insurance commissioner shall adjust the minimum deductible and out-of-pocket expense required for a plan to qualify as a catastrophic plan to reflect the percentage change in the consumer price index for medical care for a preceding twelve months, as determined by the United States department of labor. For a plan year beginning in 2014, the out-of-pocket limits must be adjusted as specified in section 1302(c)(1) of P.L. 111-148 of 2010, as amended. The adjusted amount shall apply on the following January 1st.

(c) For health benefit plans issued on or after January 1, 2014, "catastrophic health plan" means:

(i) A health benefit plan that meets the definition of catastrophic plan set forth in section 1302(e) of P.L. 111-148 of 2010, as amended; or

(ii) A health benefit plan offered outside the exchange marketplace that requires a calendar year deductible or out-of-pocket expenses under the plan, other than for premiums, for covered benefits, that meets or exceeds the commissioner's annual adjustment under (b) of this subsection.

((8)) (9) "Certification" means a determination by a review organization that an admission, extension of stay, or other health care service or procedure has been reviewed and, based on the information provided, meets the clinical requirements for medical necessity, appropriateness, level of care, or effectiveness under the auspices of the applicable health benefit plan.

((9)) (10) "Concurrent review" means utilization review conducted during a patient's hospital stay or course of treatment.

((10)) (11) "Covered person" or "enrollee" means a person covered by a health plan including an enrollee, subscriber, policyholder, beneficiary of a group plan, or individual covered by any other health plan.

((11)) (12) "Dependent" means, at a minimum, the enrollee's legal spouse and dependent children who qualify for coverage under the enrollee's health benefit plan.

~~((12))~~ (13) "Emergency medical condition" means a medical condition manifesting itself by acute symptoms of sufficient severity, including severe pain, such that a prudent layperson, who possesses an average knowledge of health and medicine, could reasonably expect the absence of immediate medical attention to result in a condition (a) placing the health of the individual, or with respect to a pregnant woman, the health of the woman or her unborn child, in serious jeopardy, (b) serious impairment to bodily functions, or (c) serious dysfunction of any bodily organ or part.

~~((13))~~ (14) "Emergency services" means a medical screening examination, as required under section 1867 of the social security act (42 U.S.C. 1395dd), that is within the capability of the emergency department of a hospital, including ancillary services routinely available to the emergency department to evaluate that emergency medical condition, and further medical examination and treatment, to the extent they are within the capabilities of the staff and facilities available at the hospital, as are required under section 1867 of the social security act (42 U.S.C. 1395dd) to stabilize the patient. Stabilize, with respect to an emergency medical condition, has the meaning given in section 1867(e)(3) of the social security act (42 U.S.C. 1395dd(e)(3)).

~~((14))~~ (15) "Employee" has the same meaning given to the term, as of January 1, 2008, under section 3(6) of the federal employee retirement income security act of 1974.

~~((15))~~ (16) "Enrollee point-of-service cost-sharing" means amounts paid to health carriers directly providing services, health care providers, or health care facilities by enrollees and may include copayments, coinsurance, or deductibles.

~~((16))~~ (17) "Exchange" means the Washington health benefit exchange established under chapter 43.71 RCW.

(18) "Final external review decision" means a determination by an independent review organization at the conclusion of an external review.

~~((17))~~ (19) "Final internal adverse benefit determination" means an adverse benefit determination that has been upheld by a health plan or carrier at the completion of the internal appeals process, or an adverse benefit determination with respect to which the internal appeals process has been exhausted under the exhaustion rules described in RCW 48.43.530 and 48.43.535.

~~((18))~~ (20) "Grandfathered health plan" means a group health plan or an individual health plan that under section 1251 of the patient protection and affordable care act, P.L. 111-148 (2010) and as amended by the health care and education reconciliation act, P.L. 111-152 (2010) is not subject to subtitles A or C of the act as amended.

~~((19))~~ (21) "Grievance" means a written complaint submitted by or on behalf of a covered person regarding: (a) Denial of payment for medical services or nonprovision of medical services included in the covered person's health benefit plan, or (b) service delivery issues other than denial of payment for medical services or nonprovision of medical services, including dissatisfaction with medical care, waiting time for medical services, provider or staff attitude or demeanor, or dissatisfaction with service provided by the health carrier.

~~((20))~~ (22) "Health care facility" or "facility" means hospices licensed under chapter 70.127 RCW, hospitals licensed under chapter 70.41 RCW, rural health care facilities as defined in RCW 70.175.020, psychiatric hospitals licensed under chapter 71.12 RCW, nursing homes licensed under chapter 18.51 RCW, community mental health centers licensed under chapter 71.05 or 71.24 RCW, kidney disease treatment centers licensed under chapter 70.41 RCW, ambulatory diagnostic, treatment, or surgical facilities licensed under chapter 70.41 RCW, drug and alcohol treatment facilities licensed under chapter 70.96A RCW, and home health agencies licensed under chapter 70.127 RCW, and includes

such facilities if owned and operated by a political subdivision or instrumentality of the state and such other facilities as required by federal law and implementing regulations.

~~((21))~~ (23) "Health care provider" or "provider" means:

(a) A person regulated under Title 18 or chapter 70.127 RCW, to practice health or health-related services or otherwise practicing health care services in this state consistent with state law; or

(b) An employee or agent of a person described in (a) of this subsection, acting in the course and scope of his or her employment.

~~((22))~~ (24) "Health care service" means that service offered or provided by health care facilities and health care providers relating to the prevention, cure, or treatment of illness, injury, or disease.

~~((23))~~ (25) "Health carrier" or "carrier" means a disability insurer regulated under chapter 48.20 or 48.21 RCW, a health care service contractor as defined in RCW 48.44.010, or a health maintenance organization as defined in RCW 48.46.020, and includes "issuers" as that term is used in the patient protection and affordable care act (P.L. 111-148).

~~((24))~~ (26) "Health plan" or "health benefit plan" means any policy, contract, or agreement offered by a health carrier to provide, arrange, reimburse, or pay for health care services except the following:

(a) Long-term care insurance governed by chapter 48.84 or 48.83 RCW;

(b) Medicare supplemental health insurance governed by chapter 48.66 RCW;

(c) Coverage supplemental to the coverage provided under chapter 55, Title 10, United States Code;

(d) Limited health care services offered by limited health care service contractors in accordance with RCW 48.44.035;

(e) Disability income;

(f) Coverage incidental to a property/casualty liability insurance policy such as automobile personal injury protection coverage and homeowner guest medical;

(g) Workers' compensation coverage;

(h) Accident only coverage;

(i) Specified disease or illness-triggered fixed payment insurance, hospital confinement fixed payment insurance, or other fixed payment insurance offered as an independent, noncoordinated benefit;

(j) Employer-sponsored self-funded health plans;

(k) Dental only and vision only coverage; and

(l) Plans deemed by the insurance commissioner to have a short-term limited purpose or duration, or to be a student-only plan that is guaranteed renewable while the covered person is enrolled as a regular full-time undergraduate or graduate student at an accredited higher education institution, after a written request for such classification by the carrier and subsequent written approval by the insurance commissioner.

~~((25))~~ (27) "Material modification" means a change in the actuarial value of the health plan as modified of more than five percent but less than fifteen percent.

~~((26))~~ (28) "Open enrollment" means a period of time as defined in rule to be held at the same time each year, during which applicants may enroll in a carrier's individual health benefit plan without being subject to health screening or otherwise required to provide evidence of insurability as a condition for enrollment.

~~((27))~~ (29) "Preexisting condition" means any medical condition, illness, or injury that existed any time prior to the effective date of coverage.

~~((28))~~ (30) "Premium" means all sums charged, received, or deposited by a health carrier as consideration for a health plan or the continuance of a health plan. Any assessment or any "membership," "policy," "contract," "service," or similar fee or charge made by a health carrier in consideration for a health plan is

deemed part of the premium. "Premium" shall not include amounts paid as enrollee point-of-service cost-sharing.

~~((29))~~ (31) "Review organization" means a disability insurer regulated under chapter 48.20 or 48.21 RCW, health care service contractor as defined in RCW 48.44.010, or health maintenance organization as defined in RCW 48.46.020, and entities affiliated with, under contract with, or acting on behalf of a health carrier to perform a utilization review.

~~((30))~~ (32) "Small employer" or "small group" means any person, firm, corporation, partnership, association, political subdivision, sole proprietor, or self-employed individual that is actively engaged in business that employed an average of at least one but no more than fifty employees, during the previous calendar year and employed at least one employee on the first day of the plan year, is not formed primarily for purposes of buying health insurance, and in which a bona fide employer-employee relationship exists. In determining the number of employees, companies that are affiliated companies, or that are eligible to file a combined tax return for purposes of taxation by this state, shall be considered an employer. Subsequent to the issuance of a health plan to a small employer and for the purpose of determining eligibility, the size of a small employer shall be determined annually. Except as otherwise specifically provided, a small employer shall continue to be considered a small employer until the plan anniversary following the date the small employer no longer meets the requirements of this definition. A self-employed individual or sole proprietor who is covered as a group of one must also: (a) Have been employed by the same small employer or small group for at least twelve months prior to application for small group coverage, and (b) verify that he or she derived at least seventy-five percent of his or her income from a trade or business through which the individual or sole proprietor has attempted to earn taxable income and for which he or she has filed the appropriate internal revenue service form 1040, schedule C or F, for the previous taxable year, except a self-employed individual or sole proprietor in an agricultural trade or business, must have derived at least fifty-one percent of his or her income from the trade or business through which the individual or sole proprietor has attempted to earn taxable income and for which he or she has filed the appropriate internal revenue service form 1040, for the previous taxable year.

~~((31))~~ (33) "Special enrollment" means a defined period of time of not less than thirty-one days, triggered by a specific qualifying event experienced by the applicant, during which applicants may enroll in the carrier's individual health benefit plan without being subject to health screening or otherwise required to provide evidence of insurability as a condition for enrollment.

~~((32))~~ (34) "Standard health questionnaire" means the standard health questionnaire designated under chapter 48.41 RCW.

~~((33))~~ (35) "Utilization review" means the prospective, concurrent, or retrospective assessment of the necessity and appropriateness of the allocation of health care resources and services of a provider or facility, given or proposed to be given to an enrollee or group of enrollees.

~~((34))~~ (36) "Wellness activity" means an explicit program of an activity consistent with department of health guidelines, such as, smoking cessation, injury and accident prevention, reduction of alcohol misuse, appropriate weight reduction, exercise, automobile and motorcycle safety, blood cholesterol reduction, and nutrition education for the purpose of improving enrollee health status and reducing health service costs.

## PART II THE WASHINGTON HEALTH BENEFIT EXCHANGE

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**Sec. 2.** RCW 43.71.010 and 2011 c 317 s 2 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise. Terms and phrases used in this chapter that are not defined in this section must be defined as consistent with implementation of a state health benefit exchange pursuant to the affordable care act.

(1) "Affordable care act" means the federal patient protection and affordable care act, P.L. 111-148, as amended by the federal health care and education reconciliation act of 2010, P.L. 111-152, or federal regulations or guidance issued under the affordable care act.

(2) "Authority" means the Washington state health care authority, established under chapter 41.05 RCW.

(3) "Board" means the governing board established in RCW 43.71.020.

(4) "Commissioner" means the insurance commissioner, established in Title 48 RCW.

(5) "Exchange" means the Washington health benefit exchange established in RCW 43.71.020.

(6) "Self-sustaining" means capable of operating without direct state tax subsidy. Self-sustaining sources include, but are not limited to, federal grants, federal premium tax subsidies and credits, charges to health carriers, and premiums paid by enrollees.

**Sec. 3.** RCW 43.71.020 and 2011 c 317 s 3 are each amended to read as follows:

(1) The Washington health benefit exchange is established and constitutes a self-sustaining public-private partnership separate and distinct from the state, exercising functions delineated in chapter 317, Laws of 2011. By January 1, 2014, the exchange shall operate consistent with the affordable care act subject to statutory authorization. The exchange shall have a governing board consisting of persons with expertise in the Washington health care system and public health care coverage. The initial membership of the board shall be appointed as follows:

(a) By October 1, 2011, each of the two largest caucuses in both the house of representatives and the senate shall submit to the governor a list of five nominees who are not legislators or employees of the state or its political subdivisions, with no caucus submitting the same nominee.

(i) The nominations from the largest caucus in the house of representatives must include at least one employee benefit specialist;

(ii) The nominations from the second largest caucus in the house of representatives must include at least one health economist or actuary;

(iii) The nominations from the largest caucus in the senate must include at least one representative of health consumer advocates;

(iv) The nominations from the second largest caucus in the senate must include at least one representative of small business;

(v) The remaining nominees must have demonstrated and acknowledged expertise in at least one of the following areas: Individual health care coverage, small employer health care coverage, health benefits plan administration, health care finance and economics, actuarial science, or administering a public or private health care delivery system.

(b) By December 15, 2011, the governor shall appoint two members from each list submitted by the caucuses under (a) of this subsection. The appointments made under this subsection (1)(b) must include at least one employee benefits specialist, one health economist or actuary, one representative of small business, and one representative of health consumer advocates. The remaining four members must have a demonstrated and acknowledged expertise in at least one of the following areas: Individual health care coverage, small employer health care coverage, health benefits plan

administration, health care finance and economics, actuarial science, or administering a public or private health care delivery system.

(c) By December 15, 2011, the governor shall appoint a ninth member to serve as chair. The chair may not be an employee of the state or its political subdivisions. The chair shall serve as a nonvoting member except in the case of a tie.

(d) The following members shall serve as nonvoting, ex officio members of the board:

(i) The insurance commissioner or his or her designee; and

(ii) The administrator of the health care authority, or his or her designee.

(2) Initial members of the board shall serve staggered terms not to exceed four years. Members appointed thereafter shall serve two-year terms.

(3) A member of the board whose term has expired or who otherwise leaves the board shall be replaced by gubernatorial appointment. When the person leaving was nominated by one of the caucuses of the house of representatives or the senate, his or her replacement shall be appointed from a list of five nominees submitted by that caucus within thirty days after the person leaves. If the member to be replaced is the chair, the governor shall appoint a new chair within thirty days after the vacancy occurs. A person appointed to replace a member who leaves the board prior to the expiration of his or her term shall serve only the duration of the unexpired term. Members of the board may be reappointed to multiple terms.

(4) No board member may be appointed if his or her participation in the decisions of the board could benefit his or her own financial interests or the financial interests of an entity he or she represents. A board member who develops such a conflict of interest shall resign or be removed from the board.

(5) Members of the board must be reimbursed for their travel expenses while on official business in accordance with RCW 43.03.050 and 43.03.060. The board shall prescribe rules for the conduct of its business. Meetings of the board are at the call of the chair.

(6) The exchange and the board are subject only to the provisions of chapter 42.30 RCW, the open public meetings act, and chapter 42.56 RCW, the public records act, and not to any other law or regulation generally applicable to state agencies. Consistent with the open public meetings act, the board may hold executive sessions to consider proprietary or confidential nonpublished information.

(7)(a) The board shall establish an advisory committee to allow for the views of the health care industry and other stakeholders to be heard in the operation of the health benefit exchange.

(b) The board may establish technical advisory committees or seek the advice of technical experts when necessary to execute the powers and duties included in chapter 317, Laws of 2011.

(8) Members of the board are not civilly or criminally liable and may not have any penalty or cause of action of any nature arise against them for any action taken or not taken, including any discretionary decision or failure to make a discretionary decision, when the action or inaction is done in good faith and in the performance of the powers and duties under chapter 317, Laws of 2011. Nothing in this section prohibits legal actions against the board to enforce the board's statutory or contractual duties or obligations.

(9) In recognition of the government-to-government relationship between the state of Washington and the federally recognized tribes in the state of Washington, the board shall consult with the American Indian health commission.

**Sec. 4.** RCW 43.71.030 and 2011 c 317 s 4 are each amended to read as follows:

(1) The exchange may, consistent with the purposes of this chapter: (a) Sue and be sued in its own name; (b) make and execute agreements, contracts, and other instruments, with any public or private person or entity; (c) employ, contract with, or engage personnel; (d) pay administrative costs; ~~((and))~~ (e) accept grants, donations, loans of funds, and contributions in money, services, materials or otherwise, from the United States or any of its agencies, from the state of Washington and its agencies or from any other source, and use or expend those moneys, services, materials, or other contributions; (f) aggregate or delegate the aggregation of funds that comprise the premium for a health plan; and (g) complete other duties necessary to begin open enrollment in qualified health plans through the exchange beginning October 1, 2013.

(2) ((The powers and duties of the exchange and the board are limited to those necessary to apply for and administer grants, establish information technology infrastructure, and undertake additional administrative functions necessary to begin operation of the exchange by January 1, 2014. Any actions relating to substantive issues included in RCW 43.71.040 must be consistent with statutory direction on those issues.)) The board shall develop a methodology to ensure the exchange is self-sustaining after December 31, 2014. The board shall seek input from health carriers to develop funding mechanisms that fairly and equitably apportion among carriers the reasonable administrative costs and expenses incurred to implement the provisions of this chapter. The board shall submit its recommendations to the legislature by December 1, 2012. If the legislature does not enact legislation during the 2013 regular session to modify or reject the board's recommendations, the board may proceed with implementation of the recommendations.

(3) The board shall establish policies that permit city and county governments, Indian tribes, tribal organizations, urban Indian organizations, private foundations, and other entities to pay premiums on behalf of qualified individuals.

(4) The employees of the exchange may participate in the public employees' retirement system under chapter 41.40 RCW and the public employees' benefits board under chapter 41.05 RCW.

(5) Qualified employers may access coverage for their employees through the exchange for small groups under section 1311 of P.L. 111-148 of 2010, as amended. The exchange shall enable any qualified employer to specify a level of coverage so that any of its employees may enroll in any qualified health plan offered through the small group exchange at the specified level of coverage.

(6) The exchange shall report its activities and status to the governor and the legislature as requested, and no less often than annually.

**Sec. 5.** RCW 43.71.060 and 2011 c 317 s 7 are each amended to read as follows:

(1) The health benefit exchange account is created in the custody of the state treasurer. All receipts from federal grants received under the affordable care act ~~((shall))~~ may be deposited into the account. Expenditures from the account may be used only for purposes consistent with the grants. Until March 15, 2012, only the administrator of the health care authority, or his or her designee, may authorize expenditures from the account. Beginning March 15, 2012, only the board of the Washington health benefit exchange or designee may authorize expenditures from the account. The account is subject to allotment procedures under chapter 43.88 RCW, but an appropriation is not required for expenditures.

(2) This section expires January 1, 2014.

### PART III MARKET RULES

**NEW SECTION. Sec. 6.** A new section is added to chapter 48.43 RCW to read as follows:

(1) For plan or policy years beginning January 1, 2014, a carrier must offer individual or small group health benefit plans that meet the definition of silver and gold level plans in section 1302 of P.L. 111-148 of 2010, as amended, in any market outside the exchange in which it offers a plan that meets the definition of bronze level in section 1302 of P.L. 111-148 of 2010, as amended.

(2) By December 1, 2016, the exchange board, in consultation with the commissioner, must complete a review of the impact of this section on the health and viability of the markets inside and outside the exchange and submit the recommendations to the legislature on whether to maintain the market rules or let them expire.

(3) The commissioner shall evaluate plans offered at each actuarial value defined in section 1302 of P.L. 111-148 of 2010, as amended, and determine whether variation in prescription drug benefit cost-sharing, both inside and outside the exchange in both the individual and small group markets results in adverse selection. If so, the commissioner may adopt rules to assure substantial equivalence of prescription drug cost-sharing.

**NEW SECTION. Sec. 7.** A new section is added to chapter 48.43 RCW to read as follows:

All health plans, other than catastrophic health plans, offered outside of the exchange must conform with the actuarial value tiers specified in section 1302 of P.L. 111-148 of 2010, as amended, as bronze, silver, gold, or platinum.

### PART IV QUALIFIED HEALTH PLANS

**NEW SECTION. Sec. 8.** A new section is added to chapter 43.71 RCW to read as follows:

(1) The board shall certify a plan as a qualified health plan to be offered through the exchange if the plan is determined by the:

(a) Insurance commissioner to meet the requirements of Title 48 RCW and rules adopted by the commissioner pursuant to chapter 34.05 RCW to implement the requirements of Title 48 RCW;

(b) Board to meet the requirements of the affordable care act for certification as a qualified health plan; and

(c) Board to include tribal clinics and urban Indian clinics as essential community providers in the plan's provider network consistent with federal law. If consistent with federal law, integrated delivery systems shall be exempt from the requirement to include essential community providers in the provider network.

(2) Consistent with section 1311 of P.L. 111-148 of 2010, as amended, the board shall allow stand-alone dental plans to offer coverage in the exchange beginning January 1, 2014. Dental benefits offered in the exchange must be offered and priced separately to assure transparency for consumers.

(3) The board may permit direct primary care medical home plans, consistent with section 1301 of P.L. 111-148 of 2010, as amended, to be offered in the exchange beginning January 1, 2014.

(4) Upon request by the board, a state agency shall provide information to the board for its use in determining if the requirements under subsection (1)(b) or (c) of this section have been met. Unless the agency and the board agree to a later date, the agency shall provide the information within sixty days of the request. The exchange shall reimburse the agency for the cost of compiling and providing the requested information within one hundred eighty days of its receipt.

(5) A decision by the board denying a request to certify or recertify a plan as a qualified health plan may be appealed according to procedures adopted by the board.

**NEW SECTION. Sec. 9.** A new section is added to chapter 43.71 RCW to read as follows:

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The board shall establish a rating system consistent with section 1311 of P.L. 111-148 of 2010, as amended, for qualified health plans to assist consumers in evaluating plan choices in the exchange. Rating factors established by the board may include, but are not limited to:

- (1) Affordability with respect to premiums, deductibles, and point-of-service cost-sharing;
- (2) Enrollee satisfaction;
- (3) Provider reimbursement methods that incentivize health homes or chronic care management or care coordination for enrollees with complex, high-cost, or multiple chronic conditions;
- (4) Promotion of appropriate primary care and preventive services utilization;
- (5) High standards for provider network adequacy, including consumer choice of providers and service locations and robust provider participation intended to improve access to underserved populations through participation of essential community providers, family planning providers and pediatric providers;
- (6) High standards for covered services, including languages spoken or transportation assistance; and
- (7) Coverage of benefits for spiritual care services that are deductible under section 213(d) of the internal revenue code.

**Sec. 10.** RCW 48.42.010 and 1985 c 264 s 15 are each amended to read as follows:

- (1) Notwithstanding any other provision of law, and except as provided in this chapter, any person or other entity which provides coverage in this state for life insurance, annuities, loss of time, medical, surgical, chiropractic, physical therapy, speech pathology, audiology, professional mental health, dental, hospital, or optometric expenses, whether the coverage is by direct payment, reimbursement, the providing of services, or otherwise, shall be subject to the authority of the state insurance commissioner, unless the person or other entity shows that while providing the services it is subject to the jurisdiction and regulation of another agency of this state, any subdivisions thereof, or the federal government.
- (2) "Another agency of this state, any subdivision thereof, or the federal government" does not include the Washington health benefit exchange under chapter 43.71 RCW or P.L. 111-148 of 2010, as amended.

**Sec. 11.** RCW 48.42.020 and 1983 c 36 s 2 are each amended to read as follows:

- (1) A person or entity may show that it is subject to the jurisdiction and regulation of another agency of this state, any subdivision thereof, or the federal government, by providing to the insurance commissioner the appropriate certificate, license, or other document issued by the other governmental agency which permits or qualifies it to provide the coverage as defined in RCW 48.42.010.
- (2) "Another agency of this state, any subdivision thereof, or the federal government" does not include the Washington health benefit exchange under chapter 43.71 RCW or P.L. 111-148 of 2010, as amended.

**NEW SECTION. Sec. 12.** A new section is added to chapter 48.43 RCW to read as follows:

Certification by the Washington health benefit exchange of a plan as a qualified health plan, or of a carrier as a qualified issuer, does not exempt the plan or carrier from any of the requirements of this title or rules adopted by the commissioner pursuant to chapter 34.05 RCW to implement this title.

**PART V  
ESSENTIAL HEALTH BENEFITS**

**NEW SECTION. Sec. 13.** A new section is added to chapter 48.43 RCW to read as follows:

(1) Consistent with federal law, the commissioner, in consultation with the board and the health care authority, shall, by rule, select the largest small group plan in the state by enrollment as the benchmark plan for the individual and small group market for purposes of establishing the essential health benefits in Washington state under P.L. 111-148 of 2010, as amended.

(2) If the essential health benefits benchmark plan for the individual and small group market does not include all of the ten benefit categories specified by section 1302 of P.L. 111-148, as amended, the commissioner, in consultation with the board and the health care authority, shall, by rule, supplement the benchmark plan benefits as needed to meet the minimum requirements of section 1302.

(3) A health plan required to offer the essential health benefits, other than a health plan offered through the federal basic health program or medicaid, under P.L. 111-148 of 2010, as amended, may not be offered in the state unless the commissioner finds that it is substantially equal to the benchmark plan. When making this determination, the commissioner must:

- (a) Ensure that the plan covers the ten essential health benefits categories specified in section 1302 of P.L. 111-148 of 2010, as amended; and
- (b) May consider whether the health plan has a benefit design that would create a risk of biased selection based on health status and whether the health plan contains meaningful scope and level of benefits in each of the ten essential health benefit categories specified by section 1302 of P.L. 111-148 of 2010, as amended.

(4) Beginning December 15, 2012, and every year thereafter, the commissioner shall submit to the legislature a list of state-mandated health benefits, the enforcement of which will result in federally imposed costs to the state related to the plans sold through the exchange because the benefits are not included in the essential health benefits designated under federal law. The list must include the anticipated costs to the state of each state-mandated health benefit on the list and any statutory changes needed if funds are not appropriated to defray the state costs for the listed mandate. The commissioner may enforce a mandate on the list for the entire market only if funds are appropriated in an omnibus appropriations act specifically to pay the state portion of the identified costs.

**NEW SECTION. Sec. 14.** Nothing in this act prohibits the offering of benefits for spiritual care services deductible under section 213(d) of the internal revenue code in health plans inside and outside of the exchange.

**PART VI  
THE BASIC HEALTH OPTION**

**NEW SECTION. Sec. 15.** A new section is added to chapter 70.47 RCW to read as follows:

(1) On or before December 1, 2012, the director of the health care authority shall submit a report to the legislature on whether to proceed with implementation of a federal basic health option, under section 1331 of P.L. 111-148 of 2010, as amended. The report shall address whether:

- (a) Sufficient funding is available to support the design and development work necessary for the program to provide health coverage to enrollees beginning January 1, 2014;
- (b) Anticipated federal funding under section 1331 will be sufficient, absent any additional state funding, to cover the provision of essential health benefits and costs for administering the basic health plan. Enrollee premium levels will be below the levels that would apply to persons with income between one hundred thirty-four and two hundred percent of the federal poverty level through the exchange; and

(c) Health plan payment rates will be sufficient to ensure enrollee access to a robust provider network and health homes, as described under RCW 70.47.100.

(2) If the legislature determines to proceed with implementation of a federal basic health option, the director shall provide the necessary certifications to the secretary of the federal department of health and human services under section 1331 of P.L. 111-148 of 2010, as amended, to proceed with adoption of the federal basic health program option.

(3) Prior to making this finding, the director shall:

(a) Actively consult with the board of the Washington health benefit exchange, the office of the insurance commissioner, consumer advocates, provider organizations, carriers, and other interested organizations;

(b) Consider any available objective analysis specific to Washington state, by an independent nationally recognized consultant that has been actively engaged in analysis and economic modeling of the federal basic health program option for multiple states.

(4) The director shall report any findings and supporting analysis made under this section to the governor and relevant policy and fiscal committees of the legislature.

(5) To the extent funding is available specifically for this purpose in the operating budget, the health care authority shall assume the federal basic health plan option will be implemented in Washington state, and initiate the necessary design and development work. If the legislature determines under subsection (1) of this section not to proceed with implementation, the authority may cease activities related to basic health program implementation.

(6) If implemented, the federal basic health program must be guided by the following principles:

(a) Meeting the minimum state certification standards in section 1331 of the federal patient protection and affordable care act;

(b) To the extent allowed by the federal department of health and human services, twelve-month continuous eligibility for the basic health program, and corresponding twelve-month continuous enrollment in standard health plans by enrollees; or, in lieu of twelve-month continuous eligibility, financing mechanisms that enable enrollees to remain with a plan for the entire plan year;

(c) Achieving an appropriate balance between:

(i) Premiums and cost-sharing minimized to increase the affordability of insurance coverage;

(ii) Standard health plan contracting requirements that minimize plan and provider administrative costs, while incentivizing improvements in quality and enrollee health outcomes; and

(iii) Health plan payment rates and provider payment rates that are sufficient to ensure enrollee access to a robust provider network and health homes, as described under RCW 70.47.100; and

(d) Transparency in program administration, including active and ongoing consultation with basic health program enrollees and interested organizations, and ensuring adequate enrollee notice and appeal rights.

## PART VII

### RISK ADJUSTMENT AND REINSURANCE

**NEW SECTION. Sec. 16.** A new section is added to chapter 48.43 RCW to read as follows:

(1)(a) The commissioner, in consultation with the board, shall adopt rules establishing the reinsurance and risk adjustment programs required by P.L. 111-148 of 2010, as amended.

(b) The commissioner must include in deliberations related to reinsurance rule making an analysis of an invisible high risk pool option, in which the full premium and risk associated with certain high-risk or high-cost enrollees would be ceded to the transitional

reinsurance program. The analysis must include a determination as to whether that option is authorized under the federal reinsurance program regulations, whether the option would provide sufficiently comprehensive coverage for current nonmedicare high risk pool enrollees, and how an invisible high risk pool option could be designed to ensure that carriers ceding risk provide effective care management to high-risk or high-cost enrollees.

(2) Consistent with federal law, the rules for the reinsurance program must, at a minimum, establish:

(a) A mechanism to collect reinsurance contribution funds;

(b) A reinsurance payment formula; and

(c) A mechanism to disburse reinsurance payments.

(3)(a) The commissioner may adjust the rules adopted under this section as needed to preserve a healthy market both inside and outside of the exchange.

(b) The rules adopted under this section must identify and may require submission of the data needed to support operation of the reinsurance and risk adjustment programs established under this section. The commissioner must identify by rule the sources of the data, and other requirements related to the collection, validation, correction, interpretation, transmission or exchange, and retention of the data.

(4) The commissioner shall contract with one or more nonprofit entities to administer the risk adjustment and reinsurance programs.

(5) Contribution amounts for the transitional reinsurance program under section 1341 of P.L. 111-148 of 2010, as amended, may be increased to include amounts sufficient to cover the costs of administration of the reinsurance program including reasonable costs incurred for preoperational and planning activities related to the reinsurance program.

## PART VIII

### THE WASHINGTON STATE HEALTH INSURANCE POOL

**NEW SECTION. Sec. 17.** A new section is added to chapter 48.41 RCW to read as follows:

(1) The board shall review populations that may need ongoing access to coverage through the pool, with specific attention to those persons who may be excluded from or may receive inadequate coverage beginning January 1, 2014, such as persons with end-stage renal disease or HIV/AIDS, or persons not eligible for coverage in the exchange.

(2) If the review under subsection (1) of this section indicates a continued need for coverage through the pool after December 31, 2013, the board shall submit recommendations regarding any modifications to pool eligibility requirements for new and ongoing enrollment after December 31, 2013. The recommendations must address any needed modifications to the standard health questionnaire or other eligibility screening tool that could be used in a manner consistent with federal law to determine eligibility for enrollment in the pool.

(3) The board shall complete an analysis of current pool assessment requirements in relation to assessments that will fund the reinsurance program and recommend changes to pool assessments or any credits against assessments that may be considered for the reinsurance program. The analysis shall recommend whether the categories of members paying assessments should be adjusted to make the assessment fair and equitable among all payers.

(4) The board shall report its recommendations to the governor and the legislature by December 1, 2012.

**NEW SECTION. Sec. 18.** A new section is added to chapter 48.41 RCW to read as follows:

(1) The pool is authorized to contract with the commissioner to administer risk management functions if necessary, consistent with



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section 16 of this act, and consistent with P.L. 111-148 of 2010, as amended. Prior to entering into a contract, the pool may conduct preoperational and planning activities related to these programs, including defining and implementing an appropriate legal structure or structures to administer and coordinate the reinsurance or risk adjustment programs.

(2) The reasonable costs incurred by the pool for preoperational and planning activities related to the reinsurance program may be reimbursed from federal funds or from the additional contributions authorized under section 16 of this act to pay the administrative costs of the reinsurance program.

(3) If the pool contracts to administer and coordinate the reinsurance or risk adjustment program, the board must submit recommendations to the legislature with suggestions for additional consumer representatives or other representative members to the board.

(4) The pool shall report on these activities to the appropriate committees of the senate and house of representatives by December 15, 2012, and December 15, 2013.

### PART IX EXCHANGE EMPLOYEES

NEW SECTION. **Sec. 19.** A new section is added to chapter 41.04 RCW to read as follows:

Except for chapters 41.05 and 41.40 RCW, this title does not apply to any position in or employee of the Washington health benefit exchange established in chapter 43.71 RCW.

NEW SECTION. **Sec. 20.** A new section is added to chapter 43.01 RCW to read as follows:

This chapter does not apply to any position in or employee of the Washington health benefit exchange established in chapter 43.71 RCW.

NEW SECTION. **Sec. 21.** A new section is added to chapter 43.03 RCW to read as follows:

This chapter does not apply to any position in or employee of the Washington health benefit exchange established in chapter 43.71 RCW.

**Sec. 22.** RCW 41.05.011 and 2011 1st s.p.s. c 15 s 54 are each renumbered and amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Authority" means the Washington state health care authority.

(2) "Board" means the public employees' benefits board established under RCW 41.05.055.

(3) "Dependent care assistance program" means a benefit plan whereby state and public employees may pay for certain employment related dependent care with pretax dollars as provided in the salary reduction plan under this chapter pursuant to 26 U.S.C. Sec. 129 or other sections of the internal revenue code.

(4) "Director" means the director of the authority.

(5) "Emergency service personnel killed in the line of duty" means law enforcement officers and firefighters as defined in RCW 41.26.030, members of the Washington state patrol retirement fund as defined in RCW 43.43.120, and reserve officers and firefighters as defined in RCW 41.24.010 who die as a result of injuries sustained in the course of employment as determined consistent with Title 51 RCW by the department of labor and industries.

(6) "Employee" includes all employees of the state, whether or not covered by civil service; elected and appointed officials of the executive branch of government, including full-time members of boards, commissions, or committees; justices of the supreme court and judges of the court of appeals and the superior courts; and members of the state legislature. Pursuant to contractual agreement

with the authority, "employee" may also include: (a) Employees of a county, municipality, or other political subdivision of the state and members of the legislative authority of any county, city, or town who are elected to office after February 20, 1970, if the legislative authority of the county, municipality, or other political subdivision of the state seeks and receives the approval of the authority to provide any of its insurance programs by contract with the authority, as provided in RCW 41.04.205 and 41.05.021(1)(g); (b) employees of employee organizations representing state civil service employees, at the option of each such employee organization, and, effective October 1, 1995, employees of employee organizations currently pooled with employees of school districts for the purpose of purchasing insurance benefits, at the option of each such employee organization; (c) employees of a school district if the authority agrees to provide any of the school districts' insurance programs by contract with the authority as provided in RCW 28A.400.350; ~~(and)~~ (d) employees of a tribal government, if the governing body of the tribal government seeks and receives the approval of the authority to provide any of its insurance programs by contract with the authority, as provided in RCW 41.05.021(1) (f) and (g); and (e) employees of the Washington health benefit exchange if the governing board of the exchange established in RCW 43.71.020 seeks and receives approval of the authority to provide any of its insurance programs by contract with the authority, as provided in RCW 41.05.021(1) (g) and (n). "Employee" does not include: Adult family homeowners; unpaid volunteers; patients of state hospitals; inmates; employees of the Washington state convention and trade center as provided in RCW 41.05.110; students of institutions of higher education as determined by their institution; and any others not expressly defined as employees under this chapter or by the authority under this chapter.

(7) "Employer" means the state of Washington.

(8) "Employing agency" means a division, department, or separate agency of state government, including an institution of higher education; a county, municipality, school district, educational service district, or other political subdivision; and a tribal government covered by this chapter.

(9) "Faculty" means an academic employee of an institution of higher education whose workload is not defined by work hours but whose appointment, workload, and duties directly serve the institution's academic mission, as determined under the authority of its enabling statutes, its governing body, and any applicable collective bargaining agreement.

(10) "Flexible benefit plan" means a benefit plan that allows employees to choose the level of health care coverage provided and the amount of employee contributions from among a range of choices offered by the authority.

(11) "Insuring entity" means an insurer as defined in chapter 48.01 RCW, a health care service contractor as defined in chapter 48.44 RCW, or a health maintenance organization as defined in chapter 48.46 RCW.

(12) "Medical flexible spending arrangement" means a benefit plan whereby state and public employees may reduce their salary before taxes to pay for medical expenses not reimbursed by insurance as provided in the salary reduction plan under this chapter pursuant to 26 U.S.C. Sec. 125 or other sections of the internal revenue code.

(13) "Participant" means an individual who fulfills the eligibility and enrollment requirements under the salary reduction plan.

(14) "Plan year" means the time period established by the authority.

(15) "Premium payment plan" means a benefit plan whereby state and public employees may pay their share of group health plan premiums with pretax dollars as provided in the salary reduction

plan under this chapter pursuant to 26 U.S.C. Sec. 125 or other sections of the internal revenue code.

(16) "Retired or disabled school employee" means:

(a) Persons who separated from employment with a school district or educational service district and are receiving a retirement allowance under chapter 41.32 or 41.40 RCW as of September 30, 1993;

(b) Persons who separate from employment with a school district or educational service district on or after October 1, 1993, and immediately upon separation receive a retirement allowance under chapter 41.32, 41.35, or 41.40 RCW;

(c) Persons who separate from employment with a school district or educational service district due to a total and permanent disability, and are eligible to receive a deferred retirement allowance under chapter 41.32, 41.35, or 41.40 RCW.

(17) "Salary" means a state employee's monthly salary or wages.

(18) "Salary reduction plan" means a benefit plan whereby state and public employees may agree to a reduction of salary on a pretax basis to participate in the dependent care assistance program, medical flexible spending arrangement, or premium payment plan offered pursuant to 26 U.S.C. Sec. 125 or other sections of the internal revenue code.

(19) "Seasonal employee" means an employee hired to work during a recurring, annual season with a duration of three months or more, and anticipated to return each season to perform similar work.

(20) "Separated employees" means persons who separate from employment with an employer as defined in:

(a) RCW 41.32.010(17) on or after July 1, 1996; or

(b) RCW 41.35.010 on or after September 1, 2000; or

(c) RCW 41.40.010 on or after March 1, 2002;

and who are at least age fifty-five and have at least ten years of service under the teachers' retirement system plan 3 as defined in RCW 41.32.010(33), the Washington school employees' retirement system plan 3 as defined in RCW 41.35.010, or the public employees' retirement system plan 3 as defined in RCW 41.40.010.

(21) "State purchased health care" or "health care" means medical and health care, pharmaceuticals, and medical equipment purchased with state and federal funds by the department of social and health services, the department of health, the basic health plan, the state health care authority, the department of labor and industries, the department of corrections, the department of veterans affairs, and local school districts.

(22) "Tribal government" means an Indian tribal government as defined in section 3(32) of the employee retirement income security act of 1974, as amended, or an agency or instrumentality of the tribal government, that has government offices principally located in this state.

**Sec. 23.** RCW 41.05.021 and 2011 1st sp.s. c 15 s 56 are each amended to read as follows:

(1) The Washington state health care authority is created within the executive branch. The authority shall have a director appointed by the governor, with the consent of the senate. The director shall serve at the pleasure of the governor. The director may employ a deputy director, and such assistant directors and special assistants as may be needed to administer the authority, who shall be exempt from chapter 41.06 RCW, and any additional staff members as are necessary to administer this chapter. The director may delegate any power or duty vested in him or her by law, including authority to make final decisions and enter final orders in hearings conducted under chapter 34.05 RCW. The primary duties of the authority shall be to: Administer state employees' insurance benefits and retired or disabled school employees' insurance benefits; administer the basic health plan pursuant to chapter 70.47 RCW; administer the children's health program pursuant to chapter 74.09 RCW; study

state-purchased health care programs in order to maximize cost containment in these programs while ensuring access to quality health care; implement state initiatives, joint purchasing strategies, and techniques for efficient administration that have potential application to all state-purchased health services; and administer grants that further the mission and goals of the authority. The authority's duties include, but are not limited to, the following:

(a) To administer health care benefit programs for employees and retired or disabled school employees as specifically authorized in RCW 41.05.065 and in accordance with the methods described in RCW 41.05.075, 41.05.140, and other provisions of this chapter;

(b) To analyze state-purchased health care programs and to explore options for cost containment and delivery alternatives for those programs that are consistent with the purposes of those programs, including, but not limited to:

(i) Creation of economic incentives for the persons for whom the state purchases health care to appropriately utilize and purchase health care services, including the development of flexible benefit plans to offset increases in individual financial responsibility;

(ii) Utilization of provider arrangements that encourage cost containment, including but not limited to prepaid delivery systems, utilization review, and prospective payment methods, and that ensure access to quality care, including assuring reasonable access to local providers, especially for employees residing in rural areas;

(iii) Coordination of state agency efforts to purchase drugs effectively as provided in RCW 70.14.050;

(iv) Development of recommendations and methods for purchasing medical equipment and supporting services on a volume discount basis;

(v) Development of data systems to obtain utilization data from state-purchased health care programs in order to identify cost centers, utilization patterns, provider and hospital practice patterns, and procedure costs, utilizing the information obtained pursuant to RCW 41.05.031; and

(vi) In collaboration with other state agencies that administer state purchased health care programs, private health care purchasers, health care facilities, providers, and carriers:

(A) Use evidence-based medicine principles to develop common performance measures and implement financial incentives in contracts with insuring entities, health care facilities, and providers that:

(I) Reward improvements in health outcomes for individuals with chronic diseases, increased utilization of appropriate preventive health services, and reductions in medical errors; and

(II) Increase, through appropriate incentives to insuring entities, health care facilities, and providers, the adoption and use of information technology that contributes to improved health outcomes, better coordination of care, and decreased medical errors;

(B) Through state health purchasing, reimbursement, or pilot strategies, promote and increase the adoption of health information technology systems, including electronic medical records, by hospitals as defined in RCW 70.41.020(4), integrated delivery systems, and providers that:

(I) Facilitate diagnosis or treatment;

(II) Reduce unnecessary duplication of medical tests;

(III) Promote efficient electronic physician order entry;

(IV) Increase access to health information for consumers and their providers; and

(V) Improve health outcomes;

(C) Coordinate a strategy for the adoption of health information technology systems using the final health information technology report and recommendations developed under chapter 261, Laws of 2005;

(c) To analyze areas of public and private health care interaction;

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(d) To provide information and technical and administrative assistance to the board;

(e) To review and approve or deny applications from counties, municipalities, and other political subdivisions of the state to provide state-sponsored insurance or self-insurance programs to their employees in accordance with the provisions of RCW 41.04.205 and (g) of this subsection, setting the premium contribution for approved groups as outlined in RCW 41.05.050;

(f) To review and approve or deny the application when the governing body of a tribal government applies to transfer their employees to an insurance or self-insurance program administered under this chapter. In the event of an employee transfer pursuant to this subsection (1)(f), members of the governing body are eligible to be included in such a transfer if the members are authorized by the tribal government to participate in the insurance program being transferred from and subject to payment by the members of all costs of insurance for the members. The authority shall: (i) Establish the conditions for participation; (ii) have the sole right to reject the application; and (iii) set the premium contribution for approved groups as outlined in RCW 41.05.050. Approval of the application by the authority transfers the employees and dependents involved to the insurance, self-insurance, or health care program approved by the authority;

(g) To ensure the continued status of the employee insurance or self-insurance programs administered under this chapter as a governmental plan under section 3(32) of the employee retirement income security act of 1974, as amended, the authority shall limit the participation of employees of a county, municipal, school district, educational service district, or other political subdivision, the Washington health benefit exchange, or a tribal government, including providing for the participation of those employees whose services are substantially all in the performance of essential governmental functions, but not in the performance of commercial activities;

(h) To establish billing procedures and collect funds from school districts in a way that minimizes the administrative burden on districts;

(i) To publish and distribute to nonparticipating school districts and educational service districts by October 1st of each year a description of health care benefit plans available through the authority and the estimated cost if school districts and educational service district employees were enrolled;

(j) To apply for, receive, and accept grants, gifts, and other payments, including property and service, from any governmental or other public or private entity or person, and make arrangements as to the use of these receipts to implement initiatives and strategies developed under this section;

(k) To issue, distribute, and administer grants that further the mission and goals of the authority;

(l) To adopt rules consistent with this chapter as described in RCW 41.05.160 including, but not limited to:

(i) Setting forth the criteria established by the board under RCW 41.05.065 for determining whether an employee is eligible for benefits;

(ii) Establishing an appeal process in accordance with chapter 34.05 RCW by which an employee may appeal an eligibility determination;

(iii) Establishing a process to assure that the eligibility determinations of an employing agency comply with the criteria under this chapter, including the imposition of penalties as may be authorized by the board;

(m)(i) To administer the medical services programs established under chapter 74.09 RCW as the designated single state agency for purposes of Title XIX of the federal social security act;

(ii) To administer the state children's health insurance program under chapter 74.09 RCW for purposes of Title XXI of the federal social security act;

(iii) To enter into agreements with the department of social and health services for administration of medical care services programs under Titles XIX and XXI of the social security act. The agreements shall establish the division of responsibilities between the authority and the department with respect to mental health, chemical dependency, and long-term care services, including services for persons with developmental disabilities. The agreements shall be revised as necessary, to comply with the final implementation plan adopted under section 116, chapter 15, Laws of 2011 1st sp. sess.;

(iv) To adopt rules to carry out the purposes of chapter 74.09 RCW;

(v) To appoint such advisory committees or councils as may be required by any federal statute or regulation as a condition to the receipt of federal funds by the authority. The director may appoint statewide committees or councils in the following subject areas: (A) Health facilities; (B) children and youth services; (C) blind services; (D) medical and health care; (E) drug abuse and alcoholism; (F) rehabilitative services; and (G) such other subject matters as are or come within the authority's responsibilities. The statewide councils shall have representation from both major political parties and shall have substantial consumer representation. Such committees or councils shall be constituted as required by federal law or as the director in his or her discretion may determine. The members of the committees or councils shall hold office for three years except in the case of a vacancy, in which event appointment shall be only for the remainder of the unexpired term for which the vacancy occurs. No member shall serve more than two consecutive terms. Members of such state advisory committees or councils may be paid their travel expenses in accordance with RCW 43.03.050 and 43.03.060 as now existing or hereafter amended;

(n) To review and approve or deny the application from the governing board of the Washington health benefit exchange to provide state-sponsored insurance or self-insurance programs to employees of the exchange. The authority shall (i) establish the conditions for participation; (ii) have the sole right to reject an application; and (iii) set the premium contribution for approved groups as outlined in RCW 41.05.050.

(2) On and after January 1, 1996, the public employees' benefits board may implement strategies to promote managed competition among employee health benefit plans. Strategies may include but are not limited to:

(a) Standardizing the benefit package;

(b) Soliciting competitive bids for the benefit package;

(c) Limiting the state's contribution to a percent of the lowest priced qualified plan within a geographical area;

(d) Monitoring the impact of the approach under this subsection with regards to: Efficiencies in health service delivery, cost shifts to subscribers, access to and choice of managed care plans statewide, and quality of health services. The health care authority shall also advise on the value of administering a benchmark employer-managed plan to promote competition among managed care plans.

## PART X MISCELLANEOUS

NEW SECTION. **Sec. 24.** The health care authority shall pursue an application for the state to participate in the individual market wellness program demonstration as described in section 2705 of P.L. 111-148 of 2010, as amended. The health care

authority shall pursue activities that will prepare the state to apply for the demonstration project once announced by the United States department of health and human services.

**NEW SECTION. Sec. 25.** A new section is added to chapter 43.71 RCW to read as follows:

A person or entity functioning as a navigator consistent with the requirements of section 1311(i) of P.L. 111-148 of 2010, as amended, shall not be considered soliciting or negotiating insurance as stated under chapter 48.17 RCW.

**NEW SECTION. Sec. 26.** A new section is added to chapter 43.71 RCW to read as follows:

If at any time the exchange is no longer self-sustaining as defined in RCW 43.71.010, the operations of the exchange shall be suspended.

**NEW SECTION. Sec. 27.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

**NEW SECTION. Sec. 28.** Sections 4, 16, 18, and 19 through 23 of this act are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and take effect immediately."

On page 1, line 2 of the title, after "act;" strike the remainder of the title and insert "amending RCW 43.71.010, 43.71.020, 43.71.030, 43.71.060, 48.42.010, 48.42.020, and 41.05.021; reenacting and amending RCW 48.43.005 and 41.05.011; adding new sections to chapter 48.43 RCW; adding new sections to chapter 43.71 RCW; adding a new section to chapter 70.47 RCW; adding new sections to chapter 48.41 RCW; adding a new section to chapter 41.04 RCW; adding a new section to chapter 43.01 RCW; adding a new section to chapter 43.03 RCW; creating new sections; providing an expiration date; and declaring an emergency."

#### WITHDRAWAL OF AMENDMENT

On motion of Senator Hargrove, the striking amendment by Senators Hargrove and Kastama to Engrossed Second Substitute House Bill No. 2319 was withdrawn.

#### MOTION

Senator Hargrove moved that the following striking amendment by Senators Hargrove, Kastama and Pflug be adopted:

Strike everything after the enacting clause and insert the following:

#### "PART I DEFINITIONS

**Sec. 1.** RCW 48.43.005 and 2011 c 315 s 2 and 2011 c 314 s 3 are each reenacted and amended to read as follows:

Unless otherwise specifically provided, the definitions in this section apply throughout this chapter.

(1) "Adjusted community rate" means the rating method used to establish the premium for health plans adjusted to reflect actuarially demonstrated differences in utilization or cost attributable to geographic region, age, family size, and use of wellness activities.

(2) "Adverse benefit determination" means a denial, reduction, or termination of, or a failure to provide or make payment, in whole or in part, for a benefit, including a denial, reduction, termination, or failure to provide or make payment that is based on a determination of an enrollee's or applicant's eligibility to participate in a plan, and including, with respect to group health plans, a denial, reduction, or

termination of, or a failure to provide or make payment, in whole or in part, for a benefit resulting from the application of any utilization review, as well as a failure to cover an item or service for which benefits are otherwise provided because it is determined to be experimental or investigational or not medically necessary or appropriate.

(3) "Applicant" means a person who applies for enrollment in an individual health plan as the subscriber or an enrollee, or the dependent or spouse of a subscriber or enrollee.

(4) "Basic health plan" means the plan described under chapter 70.47 RCW, as revised from time to time.

(5) "Basic health plan model plan" means a health plan as required in RCW 70.47.060(2)(e).

(6) "Basic health plan services" means that schedule of covered health services, including the description of how those benefits are to be administered, that are required to be delivered to an enrollee under the basic health plan, as revised from time to time.

(7) "Board" means the governing board of the Washington health benefit exchange established in chapter 43.71 RCW.

(8)(a) For grandfathered health benefit plans issued before January 1, 2014, and renewed thereafter, "catastrophic health plan" means:

((a)) (i) In the case of a contract, agreement, or policy covering a single enrollee, a health benefit plan requiring a calendar year deductible of, at a minimum, one thousand seven hundred fifty dollars and an annual out-of-pocket expense required to be paid under the plan (other than for premiums) for covered benefits of at least three thousand five hundred dollars, both amounts to be adjusted annually by the insurance commissioner; and

((b)) (ii) In the case of a contract, agreement, or policy covering more than one enrollee, a health benefit plan requiring a calendar year deductible of, at a minimum, three thousand five hundred dollars and an annual out-of-pocket expense required to be paid under the plan (other than for premiums) for covered benefits of at least six thousand dollars, both amounts to be adjusted annually by the insurance commissioner(~~or~~

~~(c) Any health benefit plan that provides benefits for hospital inpatient and outpatient services, professional and prescription drugs provided in conjunction with such hospital inpatient and outpatient services, and excludes or substantially limits outpatient physician services and those services usually provided in an office setting).~~

(b) In July 2008, and in each July thereafter, the insurance commissioner shall adjust the minimum deductible and out-of-pocket expense required for a plan to qualify as a catastrophic plan to reflect the percentage change in the consumer price index for medical care for a preceding twelve months, as determined by the United States department of labor. For a plan year beginning in 2014, the out-of-pocket limits must be adjusted as specified in section 1302(c)(1) of P.L. 111-148 of 2010, as amended. The adjusted amount shall apply on the following January 1st.

(c) For health benefit plans issued on or after January 1, 2014, "catastrophic health plan" means:

(i) A health benefit plan that meets the definition of catastrophic plan set forth in section 1302(e) of P.L. 111-148 of 2010, as amended; or

(ii) A health benefit plan offered outside the exchange marketplace that requires a calendar year deductible or out-of-pocket expenses under the plan, other than for premiums, for covered benefits, that meets or exceeds the commissioner's annual adjustment under (b) of this subsection.

((8)) (9) "Certification" means a determination by a review organization that an admission, extension of stay, or other health care service or procedure has been reviewed and, based on the information provided, meets the clinical requirements for medical

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necessity, appropriateness, level of care, or effectiveness under the auspices of the applicable health benefit plan.

~~((9))~~ (10) "Concurrent review" means utilization review conducted during a patient's hospital stay or course of treatment.

~~((4))~~ (11) "Covered person" or "enrollee" means a person covered by a health plan including an enrollee, subscriber, policyholder, beneficiary of a group plan, or individual covered by any other health plan.

~~((4))~~ (12) "Dependent" means, at a minimum, the enrollee's legal spouse and dependent children who qualify for coverage under the enrollee's health benefit plan.

~~((2))~~ (13) "Emergency medical condition" means a medical condition manifesting itself by acute symptoms of sufficient severity, including severe pain, such that a prudent layperson, who possesses an average knowledge of health and medicine, could reasonably expect the absence of immediate medical attention to result in a condition (a) placing the health of the individual, or with respect to a pregnant woman, the health of the woman or her unborn child, in serious jeopardy, (b) serious impairment to bodily functions, or (c) serious dysfunction of any bodily organ or part.

~~((3))~~ (14) "Emergency services" means a medical screening examination, as required under section 1867 of the social security act (42 U.S.C. 1395dd), that is within the capability of the emergency department of a hospital, including ancillary services routinely available to the emergency department to evaluate that emergency medical condition, and further medical examination and treatment, to the extent they are within the capabilities of the staff and facilities available at the hospital, as are required under section 1867 of the social security act (42 U.S.C. 1395dd) to stabilize the patient. Stabilize, with respect to an emergency medical condition, has the meaning given in section 1867(e)(3) of the social security act (42 U.S.C. 1395dd(e)(3)).

~~((4))~~ (15) "Employee" has the same meaning given to the term, as of January 1, 2008, under section 3(6) of the federal employee retirement income security act of 1974.

~~((5))~~ (16) "Enrollee point-of-service cost-sharing" means amounts paid to health carriers directly providing services, health care providers, or health care facilities by enrollees and may include copayments, coinsurance, or deductibles.

~~((6))~~ (17) "Exchange" means the Washington health benefit exchange established under chapter 43.71 RCW.

(18) "Final external review decision" means a determination by an independent review organization at the conclusion of an external review.

~~((7))~~ (19) "Final internal adverse benefit determination" means an adverse benefit determination that has been upheld by a health plan or carrier at the completion of the internal appeals process, or an adverse benefit determination with respect to which the internal appeals process has been exhausted under the exhaustion rules described in RCW 48.43.530 and 48.43.535.

~~((8))~~ (20) "Grandfathered health plan" means a group health plan or an individual health plan that under section 1251 of the patient protection and affordable care act, P.L. 111-148 (2010) and as amended by the health care and education reconciliation act, P.L. 111-152 (2010) is not subject to subtitles A or C of the act as amended.

~~((9))~~ (21) "Grievance" means a written complaint submitted by or on behalf of a covered person regarding: (a) Denial of payment for medical services or nonprovision of medical services included in the covered person's health benefit plan, or (b) service delivery issues other than denial of payment for medical services or nonprovision of medical services, including dissatisfaction with medical care, waiting time for medical services, provider or staff attitude or demeanor, or dissatisfaction with service provided by the health carrier.

~~((2))~~ (22) "Health care facility" or "facility" means hospices licensed under chapter 70.127 RCW, hospitals licensed under chapter 70.41 RCW, rural health care facilities as defined in RCW 70.175.020, psychiatric hospitals licensed under chapter 71.12 RCW, nursing homes licensed under chapter 18.51 RCW, community mental health centers licensed under chapter 71.05 or 71.24 RCW, kidney disease treatment centers licensed under chapter 70.41 RCW, ambulatory diagnostic, treatment, or surgical facilities licensed under chapter 70.41 RCW, drug and alcohol treatment facilities licensed under chapter 70.96A RCW, and home health agencies licensed under chapter 70.127 RCW, and includes such facilities if owned and operated by a political subdivision or instrumentality of the state and such other facilities as required by federal law and implementing regulations.

~~((2))~~ (23) "Health care provider" or "provider" means:

(a) A person regulated under Title 18 or chapter 70.127 RCW, to practice health or health-related services or otherwise practicing health care services in this state consistent with state law; or

(b) An employee or agent of a person described in (a) of this subsection, acting in the course and scope of his or her employment.

~~((2))~~ (24) "Health care service" means that service offered or provided by health care facilities and health care providers relating to the prevention, cure, or treatment of illness, injury, or disease.

~~((3))~~ (25) "Health carrier" or "carrier" means a disability insurer regulated under chapter 48.20 or 48.21 RCW, a health care service contractor as defined in RCW 48.44.010, or a health maintenance organization as defined in RCW 48.46.020, and includes "issuers" as that term is used in the patient protection and affordable care act (P.L. 111-148).

~~((4))~~ (26) "Health plan" or "health benefit plan" means any policy, contract, or agreement offered by a health carrier to provide, arrange, reimburse, or pay for health care services except the following:

(a) Long-term care insurance governed by chapter 48.84 or 48.83 RCW;

(b) Medicare supplemental health insurance governed by chapter 48.66 RCW;

(c) Coverage supplemental to the coverage provided under chapter 55, Title 10, United States Code;

(d) Limited health care services offered by limited health care service contractors in accordance with RCW 48.44.035;

(e) Disability income;

(f) Coverage incidental to a property/casualty liability insurance policy such as automobile personal injury protection coverage and homeowner guest medical;

(g) Workers' compensation coverage;

(h) Accident only coverage;

(i) Specified disease or illness-triggered fixed payment insurance, hospital confinement fixed payment insurance, or other fixed payment insurance offered as an independent, noncoordinated benefit;

(j) Employer-sponsored self-funded health plans;

(k) Dental only and vision only coverage; and

(l) Plans deemed by the insurance commissioner to have a short-term limited purpose or duration, or to be a student-only plan that is guaranteed renewable while the covered person is enrolled as a regular full-time undergraduate or graduate student at an accredited higher education institution, after a written request for such classification by the carrier and subsequent written approval by the insurance commissioner.

~~((5))~~ (27) "Material modification" means a change in the actuarial value of the health plan as modified of more than five percent but less than fifteen percent.

~~((6))~~ (28) "Open enrollment" means a period of time as defined in rule to be held at the same time each year, during which

applicants may enroll in a carrier's individual health benefit plan without being subject to health screening or otherwise required to provide evidence of insurability as a condition for enrollment.

~~((27))~~ (29) "Preexisting condition" means any medical condition, illness, or injury that existed any time prior to the effective date of coverage.

~~((28))~~ (30) "Premium" means all sums charged, received, or deposited by a health carrier as consideration for a health plan or the continuance of a health plan. Any assessment or any "membership," "policy," "contract," "service," or similar fee or charge made by a health carrier in consideration for a health plan is deemed part of the premium. "Premium" shall not include amounts paid as enrollee point-of-service cost-sharing.

~~((29))~~ (31) "Review organization" means a disability insurer regulated under chapter 48.20 or 48.21 RCW, health care service contractor as defined in RCW 48.44.010, or health maintenance organization as defined in RCW 48.46.020, and entities affiliated with, under contract with, or acting on behalf of a health carrier to perform a utilization review.

~~((30))~~ (32) "Small employer" or "small group" means any person, firm, corporation, partnership, association, political subdivision, sole proprietor, or self-employed individual that is actively engaged in business that employed an average of at least one but no more than fifty employees, during the previous calendar year and employed at least one employee on the first day of the plan year, is not formed primarily for purposes of buying health insurance, and in which a bona fide employer-employee relationship exists. In determining the number of employees, companies that are affiliated companies, or that are eligible to file a combined tax return for purposes of taxation by this state, shall be considered an employer. Subsequent to the issuance of a health plan to a small employer and for the purpose of determining eligibility, the size of a small employer shall be determined annually. Except as otherwise specifically provided, a small employer shall continue to be considered a small employer until the plan anniversary following the date the small employer no longer meets the requirements of this definition. A self-employed individual or sole proprietor who is covered as a group of one must also: (a) Have been employed by the same small employer or small group for at least twelve months prior to application for small group coverage, and (b) verify that he or she derived at least seventy-five percent of his or her income from a trade or business through which the individual or sole proprietor has attempted to earn taxable income and for which he or she has filed the appropriate internal revenue service form 1040, schedule C or F, for the previous taxable year, except a self-employed individual or sole proprietor in an agricultural trade or business, must have derived at least fifty-one percent of his or her income from the trade or business through which the individual or sole proprietor has attempted to earn taxable income and for which he or she has filed the appropriate internal revenue service form 1040, for the previous taxable year.

~~((31))~~ (33) "Special enrollment" means a defined period of time of not less than thirty-one days, triggered by a specific qualifying event experienced by the applicant, during which applicants may enroll in the carrier's individual health benefit plan without being subject to health screening or otherwise required to provide evidence of insurability as a condition for enrollment.

~~((32))~~ (34) "Standard health questionnaire" means the standard health questionnaire designated under chapter 48.41 RCW.

~~((33))~~ (35) "Utilization review" means the prospective, concurrent, or retrospective assessment of the necessity and appropriateness of the allocation of health care resources and services of a provider or facility, given or proposed to be given to an enrollee or group of enrollees.

~~((34))~~ (36) "Wellness activity" means an explicit program of an activity consistent with department of health guidelines, such as, smoking cessation, injury and accident prevention, reduction of alcohol misuse, appropriate weight reduction, exercise, automobile and motorcycle safety, blood cholesterol reduction, and nutrition education for the purpose of improving enrollee health status and reducing health service costs.

## PART II THE WASHINGTON HEALTH BENEFIT EXCHANGE

**Sec. 2.** RCW 43.71.010 and 2011 c 317 s 2 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise. Terms and phrases used in this chapter that are not defined in this section must be defined as consistent with implementation of a state health benefit exchange pursuant to the affordable care act.

(1) "Affordable care act" means the federal patient protection and affordable care act, P.L. 111-148, as amended by the federal health care and education reconciliation act of 2010, P.L. 111-152, or federal regulations or guidance issued under the affordable care act.

(2) "Authority" means the Washington state health care authority, established under chapter 41.05 RCW.

(3) "Board" means the governing board established in RCW 43.71.020.

(4) "Commissioner" means the insurance commissioner, established in Title 48 RCW.

(5) "Exchange" means the Washington health benefit exchange established in RCW 43.71.020.

(6) "Self-sustaining" means capable of operating without direct state tax subsidy. Self-sustaining sources include, but are not limited to, federal grants, federal premium tax subsidies and credits, charges to health carriers, and premiums paid by enrollees.

**Sec. 3.** RCW 43.71.020 and 2011 c 317 s 3 are each amended to read as follows:

(1) The Washington health benefit exchange is established and constitutes a self-sustaining public-private partnership separate and distinct from the state, exercising functions delineated in chapter 317, Laws of 2011. By January 1, 2014, the exchange shall operate consistent with the affordable care act subject to statutory authorization. The exchange shall have a governing board consisting of persons with expertise in the Washington health care system and private and public health care coverage. The initial membership of the board shall be appointed as follows:

(a) By October 1, 2011, each of the two largest caucuses in both the house of representatives and the senate shall submit to the governor a list of five nominees who are not legislators or employees of the state or its political subdivisions, with no caucus submitting the same nominee.

(i) The nominations from the largest caucus in the house of representatives must include at least one employee benefit specialist;

(ii) The nominations from the second largest caucus in the house of representatives must include at least one health economist or actuary;

(iii) The nominations from the largest caucus in the senate must include at least one representative of health consumer advocates;

(iv) The nominations from the second largest caucus in the senate must include at least one representative of small business;

(v) The remaining nominees must have demonstrated and acknowledged expertise in at least one of the following areas: Individual health care coverage, small employer health care coverage, health benefits plan administration, health care finance

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and economics, actuarial science, or administering a public or private health care delivery system.

(b) By December 15, 2011, the governor shall appoint two members from each list submitted by the caucuses under (a) of this subsection. The appointments made under this subsection (1)(b) must include at least one employee benefits specialist, one health economist or actuary, one representative of small business, and one representative of health consumer advocates. The remaining four members must have a demonstrated and acknowledged expertise in at least one of the following areas: Individual health care coverage, small employer health care coverage, health benefits plan administration, health care finance and economics, actuarial science, or administering a public or private health care delivery system.

(c) By December 15, 2011, the governor shall appoint a ninth member to serve as chair. The chair may not be an employee of the state or its political subdivisions. The chair shall serve as a nonvoting member except in the case of a tie.

(d) The following members shall serve as nonvoting, ex officio members of the board:

- (i) The insurance commissioner or his or her designee; and
- (ii) The administrator of the health care authority, or his or her designee.

(2) Initial members of the board shall serve staggered terms not to exceed four years. Members appointed thereafter shall serve two-year terms.

(3) A member of the board whose term has expired or who otherwise leaves the board shall be replaced by gubernatorial appointment. When the person leaving was nominated by one of the caucuses of the house of representatives or the senate, his or her replacement shall be appointed from a list of five nominees submitted by that caucus within thirty days after the person leaves. If the member to be replaced is the chair, the governor shall appoint a new chair within thirty days after the vacancy occurs. A person appointed to replace a member who leaves the board prior to the expiration of his or her term shall serve only the duration of the unexpired term. Members of the board may be reappointed to multiple terms.

(4) No board member may be appointed if his or her participation in the decisions of the board could benefit his or her own financial interests or the financial interests of an entity he or she represents. A board member who develops such a conflict of interest shall resign or be removed from the board.

(5) Members of the board must be reimbursed for their travel expenses while on official business in accordance with RCW 43.03.050 and 43.03.060. The board shall prescribe rules for the conduct of its business. Meetings of the board are at the call of the chair.

(6) The exchange and the board are subject only to the provisions of chapter 42.30 RCW, the open public meetings act, and chapter 42.56 RCW, the public records act, and not to any other law or regulation generally applicable to state agencies. Consistent with the open public meetings act, the board may hold executive sessions to consider proprietary or confidential nonpublished information.

(7)(a) The board shall establish an advisory committee to allow for the views of the health care industry and other stakeholders to be heard in the operation of the health benefit exchange.

(b) The board may establish technical advisory committees or seek the advice of technical experts when necessary to execute the powers and duties included in chapter 317, Laws of 2011.

(8) Members of the board are not civilly or criminally liable and may not have any penalty or cause of action of any nature arise against them for any action taken or not taken, including any discretionary decision or failure to make a discretionary decision, when the action or inaction is done in good faith and in the

performance of the powers and duties under chapter 317, Laws of 2011. Nothing in this section prohibits legal actions against the board to enforce the board's statutory or contractual duties or obligations.

(9) In recognition of the government-to-government relationship between the state of Washington and the federally recognized tribes in the state of Washington, the board shall consult with the American Indian health commission.

**Sec. 4.** RCW 43.71.030 and 2011 c 317 s 4 are each amended to read as follows:

(1) The exchange may, consistent with the purposes of this chapter: (a) Sue and be sued in its own name; (b) make and execute agreements, contracts, and other instruments, with any public or private person or entity; (c) employ, contract with, or engage personnel; (d) pay administrative costs; ~~((and))~~ (e) accept grants, donations, loans of funds, and contributions in money, services, materials or otherwise, from the United States or any of its agencies, from the state of Washington and its agencies or from any other source, and use or expend those moneys, services, materials, or other contributions; (f) aggregate or delegate the aggregation of funds that comprise the premium for a health plan; and (g) complete other duties necessary to begin open enrollment in qualified health plans through the exchange beginning October 1, 2013.

(2) ~~((The powers and duties of the exchange and the board are limited to those necessary to apply for and administer grants, establish information technology infrastructure, and undertake additional administrative functions necessary to begin operation of the exchange by January 1, 2014. Any actions relating to substantive issues included in RCW 43.71.040 must be consistent with statutory direction on those issues.))~~ The board shall develop a methodology to ensure the exchange is self-sustaining after December 31, 2014. The board shall seek input from health carriers to develop funding mechanisms that fairly and equitably apportion among carriers the reasonable administrative costs and expenses incurred to implement the provisions of this chapter. The board shall submit its recommendations to the legislature by December 1, 2012. If the legislature does not enact legislation during the 2013 regular session to modify or reject the board's recommendations, the board may proceed with implementation of the recommendations.

(3) The board shall establish policies that permit city and county governments, Indian tribes, tribal organizations, urban Indian organizations, private foundations, and other entities to pay premiums on behalf of qualified individuals.

(4) The employees of the exchange may participate in the public employees' retirement system under chapter 41.40 RCW and the public employees' benefits board under chapter 41.05 RCW.

(5) Qualified employers may access coverage for their employees through the exchange for small groups under section 1311 of P.L. 111-148 of 2010, as amended. The exchange shall enable any qualified employer to specify a level of coverage so that any of its employees may enroll in any qualified health plan offered through the small group exchange at the specified level of coverage.

(6) The exchange shall report its activities and status to the governor and the legislature as requested, and no less often than annually.

**Sec. 5.** RCW 43.71.060 and 2011 c 317 s 7 are each amended to read as follows:

(1) The health benefit exchange account is created in the custody of the state treasurer. All receipts from federal grants received under the affordable care act ~~((shall))~~ may be deposited into the account. Expenditures from the account may be used only for purposes consistent with the grants. Until March 15, 2012, only the administrator of the health care authority, or his or her designee, may authorize expenditures from the account. Beginning March

15, 2012, only the board of the Washington health benefit exchange or designee may authorize expenditures from the account. The account is subject to allotment procedures under chapter 43.88 RCW, but an appropriation is not required for expenditures.  
 (2) This section expires January 1, 2014.

### PART III MARKET RULES

**NEW SECTION. Sec. 6.** A new section is added to chapter 48.43 RCW to read as follows:

(1) For plan or policy years beginning January 1, 2014, a carrier must offer individual or small group health benefit plans that meet the definition of silver and gold level plans in section 1302 of P.L. 111-148 of 2010, as amended, in any market outside the exchange in which it offers a plan that meets the definition of bronze level in section 1302 of P.L. 111-148 of 2010, as amended.

(2) A health benefit plan meeting the definition of a catastrophic plan in RCW 48.43.005(8)(c)(i) may only be sold through the exchange.

(3) By December 1, 2016, the exchange board, in consultation with the commissioner, must complete a review of the impact of this section on the health and viability of the markets inside and outside the exchange and submit the recommendations to the legislature on whether to maintain the market rules or let them expire.

(4) The commissioner shall evaluate plans offered at each actuarial value defined in section 1302 of P.L. 111-148 of 2010, as amended, and determine whether variation in prescription drug benefit cost-sharing, both inside and outside the exchange in both the individual and small group markets results in adverse selection. If so, the commissioner may adopt rules to assure substantial equivalence of prescription drug cost-sharing.

**NEW SECTION. Sec. 7.** A new section is added to chapter 48.43 RCW to read as follows:

All health plans, other than catastrophic health plans, offered outside of the exchange must conform with the actuarial value tiers specified in section 1302 of P.L. 111-148 of 2010, as amended, as bronze, silver, gold, or platinum.

### PART IV QUALIFIED HEALTH PLANS

**NEW SECTION. Sec. 8.** A new section is added to chapter 43.71 RCW to read as follows:

(1) The board shall certify a plan as a qualified health plan to be offered through the exchange if the plan is determined by the:

(a) Insurance commissioner to meet the requirements of Title 48 RCW and rules adopted by the commissioner pursuant to chapter 34.05 RCW to implement the requirements of Title 48 RCW;

(b) Board to meet the requirements of the affordable care act for certification as a qualified health plan; and

(c) Board to include tribal clinics and urban Indian clinics as essential community providers in the plan's provider network consistent with federal law. If consistent with federal law, integrated delivery systems shall be exempt from the requirement to include essential community providers in the provider network.

(2) Consistent with section 1311 of P.L. 111-148 of 2010, as amended, the board shall allow stand-alone dental plans to offer coverage in the exchange beginning January 1, 2014. Dental benefits offered in the exchange must be offered and priced separately to assure transparency for consumers.

(3) The board may permit direct primary care medical home plans, consistent with section 1301 of P.L. 111-148 of 2010, as amended, to be offered in the exchange beginning January 1, 2014.

(4) Upon request by the board, a state agency shall provide information to the board for its use in determining if the requirements under subsection (1)(b) or (c) of this section have been met. Unless the agency and the board agree to a later date, the agency shall provide the information within sixty days of the request. The exchange shall reimburse the agency for the cost of compiling and providing the requested information within one hundred eighty days of its receipt.

(5) A decision by the board denying a request to certify or recertify a plan as a qualified health plan may be appealed according to procedures adopted by the board.

**NEW SECTION. Sec. 9.** A new section is added to chapter 43.71 RCW to read as follows:

The board shall establish a rating system consistent with section 1311 of P.L. 111-148 of 2010, as amended, for qualified health plans to assist consumers in evaluating plan choices in the exchange. Rating factors established by the board may include, but are not limited to:

(1) Affordability with respect to premiums, deductibles, and point-of-service cost-sharing;

(2) Enrollee satisfaction;

(3) Provider reimbursement methods that incentivize health homes or chronic care management or care coordination for enrollees with complex, high-cost, or multiple chronic conditions;

(4) Promotion of appropriate primary care and preventive services utilization;

(5) High standards for provider network adequacy, including consumer choice of providers and service locations and robust provider participation intended to improve access to underserved populations through participation of essential community providers, family planning providers and pediatric providers;

(6) High standards for covered services, including languages spoken or transportation assistance; and

(7) Coverage of benefits for spiritual care services that are deductible under section 213(d) of the internal revenue code.

**Sec. 10.** RCW 48.42.010 and 1985 c 264 s 15 are each amended to read as follows:

(1) Notwithstanding any other provision of law, and except as provided in this chapter, any person or other entity which provides coverage in this state for life insurance, annuities, loss of time, medical, surgical, chiropractic, physical therapy, speech pathology, audiology, professional mental health, dental, hospital, or optometric expenses, whether the coverage is by direct payment, reimbursement, the providing of services, or otherwise, shall be subject to the authority of the state insurance commissioner, unless the person or other entity shows that while providing the services it is subject to the jurisdiction and regulation of another agency of this state, any subdivisions thereof, or the federal government.

(2) "Another agency of this state, any subdivision thereof, or the federal government" does not include the Washington health benefit exchange under chapter 43.71 RCW or P.L. 111-148 of 2010, as amended.

**Sec. 11.** RCW 48.42.020 and 1983 c 36 s 2 are each amended to read as follows:

(1) A person or entity may show that it is subject to the jurisdiction and regulation of another agency of this state, any subdivision thereof, or the federal government, by providing to the insurance commissioner the appropriate certificate, license, or other document issued by the other governmental agency which permits or qualifies it to provide the coverage as defined in RCW 48.42.010.

(2) "Another agency of this state, any subdivision thereof, or the federal government" does not include the Washington health benefit exchange under chapter 43.71 RCW or P.L. 111-148 of 2010, as amended.



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**NEW SECTION. Sec. 12.** A new section is added to chapter 48.43 RCW to read as follows:

Certification by the Washington health benefit exchange of a plan as a qualified health plan, or of a carrier as a qualified issuer, does not exempt the plan or carrier from any of the requirements of this title or rules adopted by the commissioner pursuant to chapter 34.05 RCW to implement this title.

**PART V  
ESSENTIAL HEALTH BENEFITS**

**NEW SECTION. Sec. 13.** A new section is added to chapter 48.43 RCW to read as follows:

(1) Consistent with federal law, the commissioner, in consultation with the board and the health care authority, shall, by rule, select the largest small group plan in the state by enrollment as the benchmark plan for the individual and small group market for purposes of establishing the essential health benefits in Washington state under P.L. 111-148 of 2010, as amended.

(2) If the essential health benefits benchmark plan for the individual and small group market does not include all of the ten benefit categories specified by section 1302 of P.L. 111-148, as amended, the commissioner, in consultation with the board and the health care authority, shall, by rule, supplement the benchmark plan benefits as needed to meet the minimum requirements of section 1302.

(3) A health plan required to offer the essential health benefits, other than a health plan offered through the federal basic health program or medicaid, under P.L. 111-148 of 2010, as amended, may not be offered in the state unless the commissioner finds that it is substantially equal to the benchmark plan. When making this determination, the commissioner must:

(a) Ensure that the plan covers the ten essential health benefits categories specified in section 1302 of P.L. 111-148 of 2010, as amended; and

(b) May consider whether the health plan has a benefit design that would create a risk of biased selection based on health status and whether the health plan contains meaningful scope and level of benefits in each of the ten essential health benefit categories specified by section 1302 of P.L. 111-148 of 2010, as amended.

(4) Beginning December 15, 2012, and every year thereafter, the commissioner shall submit to the legislature a list of state-mandated health benefits, the enforcement of which will result in federally imposed costs to the state related to the plans sold through the exchange because the benefits are not included in the essential health benefits designated under federal law. The list must include the anticipated costs to the state of each state-mandated health benefit on the list and any statutory changes needed if funds are not appropriated to defray the state costs for the listed mandate. The commissioner may enforce a mandate on the list for the entire market only if funds are appropriated in an omnibus appropriations act specifically to pay the state portion of the identified costs.

**NEW SECTION. Sec. 14.** Nothing in this act prohibits the offering of benefits for spiritual care services deductible under section 213(d) of the internal revenue code in health plans inside and outside of the exchange.

**PART VI  
THE BASIC HEALTH OPTION**

**NEW SECTION. Sec. 15.** A new section is added to chapter 70.47 RCW to read as follows:

(1) On or before December 1, 2012, the director of the health care authority shall submit a report to the legislature on whether to proceed with implementation of a federal basic health option, under

section 1331 of P.L. 111-148 of 2010, as amended. The report shall address whether:

(a) Sufficient funding is available to support the design and development work necessary for the program to provide health coverage to enrollees beginning January 1, 2014;

(b) Anticipated federal funding under section 1331 will be sufficient, absent any additional state funding, to cover the provision of essential health benefits and costs for administering the basic health plan. Enrollee premium levels will be below the levels that would apply to persons with income between one hundred thirty-four and two hundred percent of the federal poverty level through the exchange; and

(c) Health plan payment rates will be sufficient to ensure enrollee access to a robust provider network and health homes, as described under RCW 70.47.100.

(2) If the legislature determines to proceed with implementation of a federal basic health option, the director shall provide the necessary certifications to the secretary of the federal department of health and human services under section 1331 of P.L. 111-148 of 2010, as amended, to proceed with adoption of the federal basic health program option.

(3) Prior to making this finding, the director shall:

(a) Actively consult with the board of the Washington health benefit exchange, the office of the insurance commissioner, consumer advocates, provider organizations, carriers, and other interested organizations;

(b) Consider any available objective analysis specific to Washington state, by an independent nationally recognized consultant that has been actively engaged in analysis and economic modeling of the federal basic health program option for multiple states.

(4) The director shall report any findings and supporting analysis made under this section to the governor and relevant policy and fiscal committees of the legislature.

(5) To the extent funding is available specifically for this purpose in the operating budget, the health care authority shall assume the federal basic health plan option will be implemented in Washington state, and initiate the necessary design and development work. If the legislature determines under subsection (1) of this section not to proceed with implementation, the authority may cease activities related to basic health program implementation.

(6) If implemented, the federal basic health program must be guided by the following principles:

(a) Meeting the minimum state certification standards in section 1331 of the federal patient protection and affordable care act;

(b) To the extent allowed by the federal department of health and human services, twelve-month continuous eligibility for the basic health program, and corresponding twelve-month continuous enrollment in standard health plans by enrollees; or, in lieu of twelve-month continuous eligibility, financing mechanisms that enable enrollees to remain with a plan for the entire plan year;

(c) Achieving an appropriate balance between:

(i) Premiums and cost-sharing minimized to increase the affordability of insurance coverage;

(ii) Standard health plan contracting requirements that minimize plan and provider administrative costs, while incentivizing improvements in quality and enrollee health outcomes; and

(iii) Health plan payment rates and provider payment rates that are sufficient to ensure enrollee access to a robust provider network and health homes, as described under RCW 70.47.100; and

(d) Transparency in program administration, including active and ongoing consultation with basic health program enrollees and interested organizations, and ensuring adequate enrollee notice and appeal rights.

**PART VII  
RISK ADJUSTMENT AND REINSURANCE**

**NEW SECTION. Sec. 16.** A new section is added to chapter 48.43 RCW to read as follows:

(1)(a) The commissioner, in consultation with the board, shall adopt rules establishing the reinsurance and risk adjustment programs required by P.L. 111-148 of 2010, as amended.

(b) The commissioner must include in deliberations related to reinsurance rule making an analysis of an invisible high risk pool option, in which the full premium and risk associated with certain high-risk or high-cost enrollees would be ceded to the transitional reinsurance program. The analysis must include a determination as to whether that option is authorized under the federal reinsurance program regulations, whether the option would provide sufficiently comprehensive coverage for current nonmedicare high risk pool enrollees, and how an invisible high risk pool option could be designed to ensure that carriers ceding risk provide effective care management to high-risk or high-cost enrollees.

(2) Consistent with federal law, the rules for the reinsurance program must, at a minimum, establish:

- (a) A mechanism to collect reinsurance contribution funds;
- (b) A reinsurance payment formula; and
- (c) A mechanism to disburse reinsurance payments.

(3)(a) The commissioner may adjust the rules adopted under this section as needed to preserve a healthy market both inside and outside of the exchange.

(b) The rules adopted under this section must identify and may require submission of the data needed to support operation of the reinsurance and risk adjustment programs established under this section. The commissioner must identify by rule the sources of the data, and other requirements related to the collection, validation, correction, interpretation, transmission or exchange, and retention of the data.

(4) The commissioner shall contract with one or more nonprofit entities to administer the risk adjustment and reinsurance programs.

(5) Contribution amounts for the transitional reinsurance program under section 1341 of P.L. 111-148 of 2010, as amended, may be increased to include amounts sufficient to cover the costs of administration of the reinsurance program including reasonable costs incurred for preoperational and planning activities related to the reinsurance program.

**PART VIII  
THE WASHINGTON STATE HEALTH INSURANCE  
POOL**

**NEW SECTION. Sec. 17.** A new section is added to chapter 48.41 RCW to read as follows:

(1) The board shall review populations that may need ongoing access to coverage through the pool, with specific attention to those persons who may be excluded from or may receive inadequate coverage beginning January 1, 2014, such as persons with end-stage renal disease or HIV/AIDS, or persons not eligible for coverage in the exchange.

(2) If the review under subsection (1) of this section indicates a continued need for coverage through the pool after December 31, 2013, the board shall submit recommendations regarding any modifications to pool eligibility requirements for new and ongoing enrollment after December 31, 2013. The recommendations must address any needed modifications to the standard health questionnaire or other eligibility screening tool that could be used in a manner consistent with federal law to determine eligibility for enrollment in the pool.

(3) The board shall complete an analysis of current pool assessment requirements in relation to assessments that will fund the reinsurance program and recommend changes to pool assessments or any credits against assessments that may be considered for the reinsurance program. The analysis shall recommend whether the categories of members paying assessments should be adjusted to make the assessment fair and equitable among all payers.

(4) The board shall report its recommendations to the governor and the legislature by December 1, 2012.

**NEW SECTION. Sec. 18.** A new section is added to chapter 48.41 RCW to read as follows:

(1) The pool is authorized to contract with the commissioner to administer risk management functions if necessary, consistent with section 16 of this act, and consistent with P.L. 111-148 of 2010, as amended. Prior to entering into a contract, the pool may conduct preoperational and planning activities related to these programs, including defining and implementing an appropriate legal structure or structures to administer and coordinate the reinsurance or risk adjustment programs.

(2) The reasonable costs incurred by the pool for preoperational and planning activities related to the reinsurance program may be reimbursed from federal funds or from the additional contributions authorized under section 16 of this act to pay the administrative costs of the reinsurance program.

(3) If the pool contracts to administer and coordinate the reinsurance or risk adjustment program, the board must submit recommendations to the legislature with suggestions for additional consumer representatives or other representative members to the board.

(4) The pool shall report on these activities to the appropriate committees of the senate and house of representatives by December 15, 2012, and December 15, 2013.

**PART IX  
EXCHANGE EMPLOYEES**

**NEW SECTION. Sec. 19.** A new section is added to chapter 41.04 RCW to read as follows:

Except for chapters 41.05 and 41.40 RCW, this title does not apply to any position in or employee of the Washington health benefit exchange established in chapter 43.71 RCW.

**NEW SECTION. Sec. 20.** A new section is added to chapter 43.01 RCW to read as follows:

This chapter does not apply to any position in or employee of the Washington health benefit exchange established in chapter 43.71 RCW.

**NEW SECTION. Sec. 21.** A new section is added to chapter 43.03 RCW to read as follows:

This chapter does not apply to any position in or employee of the Washington health benefit exchange established in chapter 43.71 RCW.

**Sec. 22.** RCW 41.05.011 and 2011 1st sp.s. c 15 s 54 are each reenacted and amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Authority" means the Washington state health care authority.

(2) "Board" means the public employees' benefits board established under RCW 41.05.055.

(3) "Dependent care assistance program" means a benefit plan whereby state and public employees may pay for certain employment related dependent care with pretax dollars as provided in the salary reduction plan under this chapter pursuant to 26 U.S.C. Sec. 129 or other sections of the internal revenue code.

(4) "Director" means the director of the authority.

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(5) "Emergency service personnel killed in the line of duty" means law enforcement officers and firefighters as defined in RCW 41.26.030, members of the Washington state patrol retirement fund as defined in RCW 43.43.120, and reserve officers and firefighters as defined in RCW 41.24.010 who die as a result of injuries sustained in the course of employment as determined consistent with Title 51 RCW by the department of labor and industries.

(6) "Employee" includes all employees of the state, whether or not covered by civil service; elected and appointed officials of the executive branch of government, including full-time members of boards, commissions, or committees; justices of the supreme court and judges of the court of appeals and the superior courts; and members of the state legislature. Pursuant to contractual agreement with the authority, "employee" may also include: (a) Employees of a county, municipality, or other political subdivision of the state and members of the legislative authority of any county, city, or town who are elected to office after February 20, 1970, if the legislative authority of the county, municipality, or other political subdivision of the state seeks and receives the approval of the authority to provide any of its insurance programs by contract with the authority, as provided in RCW 41.04.205 and 41.05.021(1)(g); (b) employees of employee organizations representing state civil service employees, at the option of each such employee organization, and, effective October 1, 1995, employees of employee organizations currently pooled with employees of school districts for the purpose of purchasing insurance benefits, at the option of each such employee organization; (c) employees of a school district if the authority agrees to provide any of the school districts' insurance programs by contract with the authority as provided in RCW 28A.400.350; ~~(and)~~ (d) employees of a tribal government, if the governing body of the tribal government seeks and receives the approval of the authority to provide any of its insurance programs by contract with the authority, as provided in RCW 41.05.021(1) (f) and (g); and (e) employees of the Washington health benefit exchange if the governing board of the exchange established in RCW 43.71.020 seeks and receives approval of the authority to provide any of its insurance programs by contract with the authority, as provided in RCW 41.05.021(1) (g) and (n). "Employee" does not include: Adult family homeowners; unpaid volunteers; patients of state hospitals; inmates; employees of the Washington state convention and trade center as provided in RCW 41.05.110; students of institutions of higher education as determined by their institution; and any others not expressly defined as employees under this chapter or by the authority under this chapter.

(7) "Employer" means the state of Washington.

(8) "Employing agency" means a division, department, or separate agency of state government, including an institution of higher education; a county, municipality, school district, educational service district, or other political subdivision; and a tribal government covered by this chapter.

(9) "Faculty" means an academic employee of an institution of higher education whose workload is not defined by work hours but whose appointment, workload, and duties directly serve the institution's academic mission, as determined under the authority of its enabling statutes, its governing body, and any applicable collective bargaining agreement.

(10) "Flexible benefit plan" means a benefit plan that allows employees to choose the level of health care coverage provided and the amount of employee contributions from among a range of choices offered by the authority.

(11) "Insuring entity" means an insurer as defined in chapter 48.01 RCW, a health care service contractor as defined in chapter 48.44 RCW, or a health maintenance organization as defined in chapter 48.46 RCW.

(12) "Medical flexible spending arrangement" means a benefit plan whereby state and public employees may reduce their salary before taxes to pay for medical expenses not reimbursed by insurance as provided in the salary reduction plan under this chapter pursuant to 26 U.S.C. Sec. 125 or other sections of the internal revenue code.

(13) "Participant" means an individual who fulfills the eligibility and enrollment requirements under the salary reduction plan.

(14) "Plan year" means the time period established by the authority.

(15) "Premium payment plan" means a benefit plan whereby state and public employees may pay their share of group health plan premiums with pretax dollars as provided in the salary reduction plan under this chapter pursuant to 26 U.S.C. Sec. 125 or other sections of the internal revenue code.

(16) "Retired or disabled school employee" means:

(a) Persons who separated from employment with a school district or educational service district and are receiving a retirement allowance under chapter 41.32 or 41.40 RCW as of September 30, 1993;

(b) Persons who separate from employment with a school district or educational service district on or after October 1, 1993, and immediately upon separation receive a retirement allowance under chapter 41.32, 41.35, or 41.40 RCW;

(c) Persons who separate from employment with a school district or educational service district due to a total and permanent disability, and are eligible to receive a deferred retirement allowance under chapter 41.32, 41.35, or 41.40 RCW.

(17) "Salary" means a state employee's monthly salary or wages.

(18) "Salary reduction plan" means a benefit plan whereby state and public employees may agree to a reduction of salary on a pretax basis to participate in the dependent care assistance program, medical flexible spending arrangement, or premium payment plan offered pursuant to 26 U.S.C. Sec. 125 or other sections of the internal revenue code.

(19) "Seasonal employee" means an employee hired to work during a recurring, annual season with a duration of three months or more, and anticipated to return each season to perform similar work.

(20) "Separated employees" means persons who separate from employment with an employer as defined in:

(a) RCW 41.32.010(17) on or after July 1, 1996; or

(b) RCW 41.35.010 on or after September 1, 2000; or

(c) RCW 41.40.010 on or after March 1, 2002;

and who are at least age fifty-five and have at least ten years of service under the teachers' retirement system plan 3 as defined in RCW 41.32.010(33), the Washington school employees' retirement system plan 3 as defined in RCW 41.35.010, or the public employees' retirement system plan 3 as defined in RCW 41.40.010.

(21) "State purchased health care" or "health care" means medical and health care, pharmaceuticals, and medical equipment purchased with state and federal funds by the department of social and health services, the department of health, the basic health plan, the state health care authority, the department of labor and industries, the department of corrections, the department of veterans affairs, and local school districts.

(22) "Tribal government" means an Indian tribal government as defined in section 3(32) of the employee retirement income security act of 1974, as amended, or an agency or instrumentality of the tribal government, that has government offices principally located in this state.

**Sec. 23.** RCW 41.05.021 and 2011 1st sp.s. c 15 s 56 are each amended to read as follows:

(1) The Washington state health care authority is created within the executive branch. The authority shall have a director appointed by the governor, with the consent of the senate. The director shall serve at the pleasure of the governor. The director may employ a deputy director, and such assistant directors and special assistants as may be needed to administer the authority, who shall be exempt from chapter 41.06 RCW, and any additional staff members as are necessary to administer this chapter. The director may delegate any power or duty vested in him or her by law, including authority to make final decisions and enter final orders in hearings conducted under chapter 34.05 RCW. The primary duties of the authority shall be to: Administer state employees' insurance benefits and retired or disabled school employees' insurance benefits; administer the basic health plan pursuant to chapter 70.47 RCW; administer the children's health program pursuant to chapter 74.09 RCW; study state-purchased health care programs in order to maximize cost containment in these programs while ensuring access to quality health care; implement state initiatives, joint purchasing strategies, and techniques for efficient administration that have potential application to all state-purchased health services; and administer grants that further the mission and goals of the authority. The authority's duties include, but are not limited to, the following:

(a) To administer health care benefit programs for employees and retired or disabled school employees as specifically authorized in RCW 41.05.065 and in accordance with the methods described in RCW 41.05.075, 41.05.140, and other provisions of this chapter;

(b) To analyze state-purchased health care programs and to explore options for cost containment and delivery alternatives for those programs that are consistent with the purposes of those programs, including, but not limited to:

(i) Creation of economic incentives for the persons for whom the state purchases health care to appropriately utilize and purchase health care services, including the development of flexible benefit plans to offset increases in individual financial responsibility;

(ii) Utilization of provider arrangements that encourage cost containment, including but not limited to prepaid delivery systems, utilization review, and prospective payment methods, and that ensure access to quality care, including assuring reasonable access to local providers, especially for employees residing in rural areas;

(iii) Coordination of state agency efforts to purchase drugs effectively as provided in RCW 70.14.050;

(iv) Development of recommendations and methods for purchasing medical equipment and supporting services on a volume discount basis;

(v) Development of data systems to obtain utilization data from state-purchased health care programs in order to identify cost centers, utilization patterns, provider and hospital practice patterns, and procedure costs, utilizing the information obtained pursuant to RCW 41.05.031; and

(vi) In collaboration with other state agencies that administer state purchased health care programs, private health care purchasers, health care facilities, providers, and carriers:

(A) Use evidence-based medicine principles to develop common performance measures and implement financial incentives in contracts with insuring entities, health care facilities, and providers that:

(I) Reward improvements in health outcomes for individuals with chronic diseases, increased utilization of appropriate preventive health services, and reductions in medical errors; and

(II) Increase, through appropriate incentives to insuring entities, health care facilities, and providers, the adoption and use of information technology that contributes to improved health outcomes, better coordination of care, and decreased medical errors;

(B) Through state health purchasing, reimbursement, or pilot strategies, promote and increase the adoption of health information

technology systems, including electronic medical records, by hospitals as defined in RCW 70.41.020(4), integrated delivery systems, and providers that:

(I) Facilitate diagnosis or treatment;

(II) Reduce unnecessary duplication of medical tests;

(III) Promote efficient electronic physician order entry;

(IV) Increase access to health information for consumers and their providers; and

(V) Improve health outcomes;

(C) Coordinate a strategy for the adoption of health information technology systems using the final health information technology report and recommendations developed under chapter 261, Laws of 2005;

(c) To analyze areas of public and private health care interaction;

(d) To provide information and technical and administrative assistance to the board;

(e) To review and approve or deny applications from counties, municipalities, and other political subdivisions of the state to provide state-sponsored insurance or self-insurance programs to their employees in accordance with the provisions of RCW 41.04.205 and (g) of this subsection, setting the premium contribution for approved groups as outlined in RCW 41.05.050;

(f) To review and approve or deny the application when the governing body of a tribal government applies to transfer their employees to an insurance or self-insurance program administered under this chapter. In the event of an employee transfer pursuant to this subsection (1)(f), members of the governing body are eligible to be included in such a transfer if the members are authorized by the tribal government to participate in the insurance program being transferred from and subject to payment by the members of all costs of insurance for the members. The authority shall: (i) Establish the conditions for participation; (ii) have the sole right to reject the application; and (iii) set the premium contribution for approved groups as outlined in RCW 41.05.050. Approval of the application by the authority transfers the employees and dependents involved to the insurance, self-insurance, or health care program approved by the authority;

(g) To ensure the continued status of the employee insurance or self-insurance programs administered under this chapter as a governmental plan under section 3(32) of the employee retirement income security act of 1974, as amended, the authority shall limit the participation of employees of a county, municipal, school district, educational service district, or other political subdivision, the Washington health benefit exchange, or a tribal government, including providing for the participation of those employees whose services are substantially all in the performance of essential governmental functions, but not in the performance of commercial activities;

(h) To establish billing procedures and collect funds from school districts in a way that minimizes the administrative burden on districts;

(i) To publish and distribute to nonparticipating school districts and educational service districts by October 1st of each year a description of health care benefit plans available through the authority and the estimated cost if school districts and educational service district employees were enrolled;

(j) To apply for, receive, and accept grants, gifts, and other payments, including property and service, from any governmental or other public or private entity or person, and make arrangements as to the use of these receipts to implement initiatives and strategies developed under this section;

(k) To issue, distribute, and administer grants that further the mission and goals of the authority;

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(l) To adopt rules consistent with this chapter as described in RCW 41.05.160 including, but not limited to:

(i) Setting forth the criteria established by the board under RCW 41.05.065 for determining whether an employee is eligible for benefits;

(ii) Establishing an appeal process in accordance with chapter 34.05 RCW by which an employee may appeal an eligibility determination;

(iii) Establishing a process to assure that the eligibility determinations of an employing agency comply with the criteria under this chapter, including the imposition of penalties as may be authorized by the board;

(m)(i) To administer the medical services programs established under chapter 74.09 RCW as the designated single state agency for purposes of Title XIX of the federal social security act;

(ii) To administer the state children's health insurance program under chapter 74.09 RCW for purposes of Title XXI of the federal social security act;

(iii) To enter into agreements with the department of social and health services for administration of medical care services programs under Titles XIX and XXI of the social security act. The agreements shall establish the division of responsibilities between the authority and the department with respect to mental health, chemical dependency, and long-term care services, including services for persons with developmental disabilities. The agreements shall be revised as necessary, to comply with the final implementation plan adopted under section 116, chapter 15, Laws of 2011 1st sp. sess.;

(iv) To adopt rules to carry out the purposes of chapter 74.09 RCW;

(v) To appoint such advisory committees or councils as may be required by any federal statute or regulation as a condition to the receipt of federal funds by the authority. The director may appoint statewide committees or councils in the following subject areas: (A) Health facilities; (B) children and youth services; (C) blind services; (D) medical and health care; (E) drug abuse and alcoholism; (F) rehabilitative services; and (G) such other subject matters as are or come within the authority's responsibilities. The statewide councils shall have representation from both major political parties and shall have substantial consumer representation. Such committees or councils shall be constituted as required by federal law or as the director in his or her discretion may determine. The members of the committees or councils shall hold office for three years except in the case of a vacancy, in which event appointment shall be only for the remainder of the unexpired term for which the vacancy occurs. No member shall serve more than two consecutive terms. Members of such state advisory committees or councils may be paid their travel expenses in accordance with RCW 43.03.050 and 43.03.060 as now existing or hereafter amended;

(n) To review and approve or deny the application from the governing board of the Washington health benefit exchange to provide state-sponsored insurance or self-insurance programs to employees of the exchange. The authority shall (i) establish the conditions for participation; (ii) have the sole right to reject an application; and (iii) set the premium contribution for approved groups as outlined in RCW 41.05.050.

(2) On and after January 1, 1996, the public employees' benefits board may implement strategies to promote managed competition among employee health benefit plans. Strategies may include but are not limited to:

(a) Standardizing the benefit package;

(b) Soliciting competitive bids for the benefit package;

(c) Limiting the state's contribution to a percent of the lowest priced qualified plan within a geographical area;

(d) Monitoring the impact of the approach under this subsection with regards to: Efficiencies in health service delivery, cost shifts to subscribers, access to and choice of managed care plans statewide, and quality of health services. The health care authority shall also advise on the value of administering a benchmark employer-managed plan to promote competition among managed care plans.

**PART X  
MISCELLANEOUS**

NEW SECTION. Sec. 24. The health care authority shall pursue an application for the state to participate in the individual market wellness program demonstration as described in section 2705 of P.L. 111-148 of 2010, as amended. The health care authority shall pursue activities that will prepare the state to apply for the demonstration project once announced by the United States department of health and human services.

NEW SECTION. Sec. 25. A new section is added to chapter 43.71 RCW to read as follows:

A person or entity functioning as a navigator consistent with the requirements of section 1311(i) of P.L. 111-148 of 2010, as amended, shall not be considered soliciting or negotiating insurance as stated under chapter 48.17 RCW.

NEW SECTION. Sec. 26. A new section is added to chapter 43.71 RCW to read as follows:

If at any time the exchange is no longer self-sustaining as defined in RCW 43.71.010, the operations of the exchange shall be suspended.

NEW SECTION. Sec. 27. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 28. Sections 4, 16, 18, and 19 through 23 of this act are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and take effect immediately."

Senator Hargrove spoke in favor of adoption of the striking amendment.

The President declared the question before the Senate to be the adoption of the striking amendment by Senators Hargrove, Kastama and Pflug to Engrossed Second Substitute House Bill No. 2319.

The motion by Senator Hargrove carried and the striking amendment was adopted by voice vote.

**MOTION**

There being no objection, the following title amendment was adopted:

On page 1, line 2 of the title, after "act;" strike the remainder of the title and insert "amending RCW 43.71.010, 43.71.020, 43.71.030, 43.71.060, 48.42.010, 48.42.020, and 41.05.021; reenacting and amending RCW 48.43.005 and 41.05.011; adding new sections to chapter 48.43 RCW; adding new sections to chapter 43.71 RCW; adding a new section to chapter 70.47 RCW; adding new sections to chapter 48.41 RCW; adding a new section to chapter 41.04 RCW; adding a new section to chapter 43.01 RCW; adding a new section to chapter 43.03 RCW; creating new sections; providing an expiration date; and declaring an emergency."

**MOTION**

On motion of Senator Keiser, the rules were suspended, Engrossed Second Substitute House Bill No. 2319 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Keiser, Frockt, Kastama, Conway and Pflug spoke in favor of passage of the bill.

Senators Becker and Ericksen spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Second Substitute House Bill No. 2319 as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute House Bill No. 2319 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 27; Nays, 22; Absent, 0; Excused, 0.

Voting yea: Senators Brown, Chase, Conway, Eide, Fraser, Frockt, Hargrove, Harper, Hatfield, Haugen, Hobbs, Kastama, Keiser, Kilmer, Kline, Kohl-Welles, McAuliffe, Murray, Nelson, Pflug, Prentice, Pridemore, Ranker, Regala, Rolfes, Shin and Tom

Voting nay: Senators Baumgartner, Becker, Benton, Carrell, Delvin, Ericksen, Fain, Hewitt, Hill, Holmquist Newbry, Honeyford, King, Litzow, Morton, Padden, Parlette, Roach, Schoesler, Sheldon, Stevens, Swecker and Zarelli

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2319 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MOTION

On motion of Senator Eide, Engrossed Second Substitute House Bill No. 2319 was immediately transmitted to the House of Representatives.

#### SECOND READING

ENGROSSED HOUSE BILL NO. 2771, by Representatives Pettigrew, Cody and Springer

Addressing employer and employee relationships under the state retirement systems.

The measure was read the second time.

#### MOTION

Senator Fraser moved that the following committee amendment by the Committee on Ways & Means be adopted:

On page 2, after line 29, insert the following:

"(5) This act shall apply solely to eligibility for state-sponsored public employee pension plans under chapters 41.26, 41.32, 41.35, 41.37, and 41.40 RCW and shall not affect any other statute or rule regarding employee benefits, status, or workplace protections."

Re-number the remaining subsection consecutively and correct any internal references accordingly.

Senator Fraser spoke in favor of adoption of the committee amendment.

The President declared the question before the Senate to be the adoption of the committee amendment by the Committee on Ways & Means to Engrossed House Bill No. 2771.

The motion by Senator Fraser carried and the committee amendment was adopted by voice vote.

#### MOTION

On motion of Senator Fraser, the rules were suspended, Engrossed House Bill No. 2771 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Fraser and Schoesler spoke in favor of passage of the bill.

Senators Kline and Nelson spoke against passage of the bill.

#### MOTION

On motion of Senator Hill, Senator Ericksen was excused.

The President declared the question before the Senate to be the final passage of Engrossed House Bill No. 2771 as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 2771 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 38; Nays, 10; Absent, 0; Excused, 1.

Voting yea: Senators Baumgartner, Becker, Benton, Brown, Carrell, Conway, Delvin, Eide, Fain, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Kastama, Kilmer, King, Litzow, Morton, Padden, Parlette, Pflug, Prentice, Pridemore, Regala, Roach, Rolfes, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Voting nay: Senators Chase, Frockt, Harper, Keiser, Kline, Kohl-Welles, McAuliffe, Murray, Nelson and Ranker

Excused: Senator Ericksen

ENGROSSED HOUSE BILL NO. 2771 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MOTION

On motion of Senator Eide, Engrossed House Bill No. 2771 was immediately transmitted to the House of Representatives.

#### SECOND READING

ENGROSSED HOUSE BILL NO. 2328, by Representatives Dammeier, Haigh and Hunt

Addressing job order contracting.

The measure was read the second time.

#### MOTION

On motion of Senator Pridemore, the rules were suspended, Engrossed House Bill No. 2328 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Pridemore spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed House Bill No. 2328.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 2328 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Baumgartner, Becker, Benton, Brown, Carrell, Chase, Conway, Delvin, Eide, Fain, Fraser, Frockt, Hargrove, Harper, Hatfield, Haugen, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles, Litzow, McAuliffe, Morton, Murray, Nelson, Padden, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rolfes, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Excused: Senator Ericksen

ENGROSSED HOUSE BILL NO. 2328, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2361, by House Committee on Business & Financial Services (originally sponsored by Representatives Kirby, Bailey, Kelley, Parker, Rivers, Buys, Blake, Hurst, Condotta and Pollet)

Concerning usage-based automobile insurance.

The measure was read the second time.

MOTION

Senator Hobbs moved that the following committee striking amendment by the Committee on Financial Institutions, Housing & Insurance be adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 48.19.040 and 1994 c 131 s 8 are each amended to read as follows:

(1) Every insurer or rating organization shall, before using, file with the commissioner every classifications manual, manual of rules and rates, rating plan, rating schedule, minimum rate, class rate, and rating rule, and every modification of any of the foregoing which it proposes. The insurer need not so file any rate on individually rated risks as described in subdivision (1) of RCW 48.19.030; except that any such specific rate made by a rating organization shall be filed.

(2) Every such filing shall indicate the type and extent of the coverage contemplated and must be accompanied by sufficient information to permit the commissioner to determine whether it meets the requirements of this chapter. An insurer or rating organization shall offer in support of any filing:

(a) The experience or judgment of the insurer or rating organization making the filing;

(b) An exhibit detailing the major elements of operating expense for the types of insurance affected by the filing;

(c) An explanation of how investment income has been taken into account in the proposed rates; and

(d) Any other information which the insurer or rating organization deems relevant.

(3) If an insurer has insufficient loss experience to support its proposed rates, it may submit loss experience for similar exposures of other insurers or of a rating organization.

(4) Every such filing shall state its proposed effective date.

(5)(a) A filing made pursuant to this chapter shall be exempt from the provisions of RCW 48.02.120(3). However, the filing and all supporting information accompanying it shall be open to public inspection only after the filing becomes effective, except as provided in (b) of this subsection.

(b) For the purpose of this section, "usage-based insurance" means private passenger automobile coverage that uses data gathered by an insurer through a recording device as defined in RCW 46.35.010 to determine rates or premiums. Information in a filing of usage-based insurance about the usage-based component of the rate is confidential and must be withheld from public inspection.

(6) Where a filing is required no insurer shall make or issue an insurance contract or policy except in accordance with its filing then in effect, except as is provided by RCW 48.19.090.

Sec. 2. RCW 42.56.400 and 2011 c 188 s 21 are each amended to read as follows:

The following information relating to insurance and financial institutions is exempt from disclosure under this chapter:

(1) Records maintained by the board of industrial insurance appeals that are related to appeals of crime victims' compensation claims filed with the board under RCW 7.68.110;

(2) Information obtained and exempted or withheld from public inspection by the health care authority under RCW 41.05.026, whether retained by the authority, transferred to another state purchased health care program by the authority, or transferred by the authority to a technical review committee created to facilitate the development, acquisition, or implementation of state purchased health care under chapter 41.05 RCW;

(3) The names and individual identification data of either all owners or all insureds, or both, received by the insurance commissioner under chapter 48.102 RCW;

(4) Information provided under RCW 48.30A.045 through 48.30A.060;

(5) Information provided under RCW 48.05.510 through 48.05.535, 48.43.200 through 48.43.225, 48.44.530 through 48.44.555, and 48.46.600 through 48.46.625;

(6) Examination reports and information obtained by the department of financial institutions from banks under RCW 30.04.075, from savings banks under RCW 32.04.220, from savings and loan associations under RCW 33.04.110, from credit unions under RCW 31.12.565, from check cashers and sellers under RCW 31.45.030(3), and from securities brokers and investment advisers under RCW 21.20.100, all of which is confidential and privileged information;

(7) Information provided to the insurance commissioner under RCW 48.110.040(3);

(8) Documents, materials, or information obtained by the insurance commissioner under RCW 48.02.065, all of which are confidential and privileged;

(9) Confidential proprietary and trade secret information provided to the commissioner under RCW 48.31C.020 through 48.31C.050 and 48.31C.070;

(10) Data filed under RCW 48.140.020, 48.140.030, 48.140.050, and 7.70.140 that, alone or in combination with any other data, may reveal the identity of a claimant, health care provider, health care facility, insuring entity, or self-insurer involved in a particular claim or a collection of claims. For the purposes of this subsection:

(a) "Claimant" has the same meaning as in RCW 48.140.010(2).

(b) "Health care facility" has the same meaning as in RCW 48.140.010(6).

(c) "Health care provider" has the same meaning as in RCW 48.140.010(7).

(d) "Insuring entity" has the same meaning as in RCW 48.140.010(8).

(e) "Self-insurer" has the same meaning as in RCW 48.140.010(11);

(11) Documents, materials, or information obtained by the insurance commissioner under RCW 48.135.060;

(12) Documents, materials, or information obtained by the insurance commissioner under RCW 48.37.060;

(13) Confidential and privileged documents obtained or produced by the insurance commissioner and identified in RCW 48.37.080;

(14) Documents, materials, or information obtained by the insurance commissioner under RCW 48.37.140;

(15) Documents, materials, or information obtained by the insurance commissioner under RCW 48.17.595;

(16) Documents, materials, or information obtained by the insurance commissioner under RCW 48.102.051(1) and 48.102.140(3) and (7)(a)(ii);

(17) Documents, materials, or information obtained by the insurance commissioner in the commissioner's capacity as receiver under RCW 48.31.025 and 48.99.017, which are records under the jurisdiction and control of the receivership court. The commissioner is not required to search for, log, produce, or otherwise comply with the public records act for any records that the commissioner obtains under chapters 48.31 and 48.99 RCW in the commissioner's capacity as a receiver, except as directed by the receivership court;

(18) Documents, materials, or information obtained by the insurance commissioner under RCW 48.13.151; ~~((and))~~

(19) Data, information, and documents provided by a carrier pursuant to section 1, chapter 172, Laws of 2010; and

(20) Information in a filing of usage-based insurance about the usage-based component of the rate pursuant to RCW 48.19.040(5)(b)."

#### MOTION

Senator Haugen moved that the following amendment by Senators Haugen and Prentice to the committee striking amendment be adopted:

On page 4, after line 11, insert the following:

**NEW SECTION. Sec. 3.** This act shall not be used, directly or indirectly, as a basis for a cause of action claiming damages for a violation of proprietary intellectual property subject to one or more United States patents.

Re-number the remaining sections consecutively and correct any internal references accordingly.

Senators Haugen and Prentice spoke in favor of adoption of the amendment to the committee striking amendment.

Senator Benton and Hobbs spoke against adoption of the amendment to the committee striking amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senators Haugen and Prentice on page 4, after line 11 to the committee striking amendment to Engrossed Substitute House Bill No. 2361.

The motion by Senator Haugen failed and the amendment to the committee striking amendment was not adopted by voice vote.

The President declared the question before the Senate to be the adoption of the committee striking amendment by the

Committee on Financial Institutions, Housing & Insurance to Engrossed Substitute House Bill No. 2361.

The motion by Senator Hobbs carried and the committee striking amendment was adopted by voice vote.

#### MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 2 of the title, after "inspection;" strike the remainder of the title and insert "and amending RCW 48.19.040 and 42.56.400."

#### MOTION

On motion of Senator Hobbs, the rules were suspended, Engrossed Substitute House Bill No. 2361 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Hobbs and Benton spoke in favor of passage of the bill.

Senators Prentice and Haugen spoke against passage of the bill.

#### MOTION

On motion of Senator Harper, Senator Tom was excused.

The President declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 2361 as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 2361 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 38; Nays, 10; Absent, 0; Excused, 1.

Voting yea: Senators Baumgartner, Becker, Benton, Brown, Carrell, Conway, Delvin, Eide, Fain, Frockt, Harper, Hatfield, Hewitt, Hill, Hobbs, Honeyford, Keiser, Kilmer, King, Kline, Kohl-Welles, Litzow, McAuliffe, Morton, Nelson, Parlette, Pflug, Pridemore, Ranker, Roach, Rolfes, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Voting nay: Senators Chase, Fraser, Hargrove, Haugen, Holmquist Newbry, Kastama, Murray, Padden, Prentice and Regala

Excused: Senator Ericksen

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2361 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2545, by House Committee on Technology, Energy & Communications (originally sponsored by Representatives Zeiger, Ladenburg, Dammeier, Seaquist, Angel, Dahlquist, Wilcox, Jinkins, McCune and Kelley)

Including compressed natural gas in fuel usage requirements for local governments. Revised for 1st Substitute: Including compressed natural gas in fuel usage requirements for local governments. (REVISED FOR ENGROSSED: Including



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compressed natural gas, liquefied natural gas, or propane in fuel usage requirements for local governments. )

The measure was read the second time.

#### MOTION

On motion of Senator Ranker, the rules were suspended, Engrossed Substitute House Bill No. 2545 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Ranker and Morton spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 2545.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 2545 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 1; Absent, 0; Excused, 0.

Voting yea: Senators Baumgartner, Becker, Benton, Brown, Carrell, Chase, Conway, Delvin, Eide, Fain, Fraser, Frockt, Hargrove, Harper, Hatfield, Haugen, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles, Litzow, McAuliffe, Morton, Murray, Nelson, Padden, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rolfes, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Voting nay: Senator Ericksen

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2545, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MOTION

At 5:26 p.m., on motion of Senator Eide, the Senate was declared to be at ease subject to the call of the President.

#### EVENING SESSION

The Senate was called to order at 6:38 p.m. by President Owen.

#### SECOND READING

SUBSTITUTE HOUSE BILL NO. 2177, by House Committee on Public Safety & Emergency Preparedness (originally sponsored by Representatives Ladenburg, Dammeier, Jinkins, Zeiger, Darneille, Dahlquist, Seaquist, Angel, Kelley, Wilcox, Hurst, McCune, Kirby, Appleton, Green, Ryu, Warnick and Finn)

Protecting children from sexual exploitation.

The measure was read the second time.

#### MOTION

Senator Kline moved that the following committee striking amendment by the Committee on Judiciary be adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 9.68A.001 and 2010 c 227 s 1 are each amended to read as follows:

The legislature finds that the prevention of sexual exploitation and abuse of children constitutes a government objective of surpassing importance. The care of children is a sacred trust and should not be abused by those who seek commercial gain or personal gratification based on the exploitation of children.

The legislature further finds that the protection of children from sexual exploitation can be accomplished without infringing on a constitutionally protected activity. The definition of "sexually explicit conduct" and other operative definitions demarcate a line between protected and prohibited conduct and should not inhibit legitimate scientific, medical, or educational activities.

The legislature further finds that children engaged in sexual conduct for financial compensation are frequently the victims of sexual abuse. Approximately eighty to ninety percent of children engaged in sexual activity for financial compensation have a history of sexual abuse victimization. It is the intent of the legislature to encourage these children to engage in prevention and intervention services and to hold those who pay to engage in the sexual abuse of children accountable for the trauma they inflict on children.

The legislature further finds that due to the changing nature of technology, offenders are now able to access child pornography in different ways and in increasing quantities. By amending current statutes governing depictions of a minor engaged in sexually explicit conduct, it is the intent of the legislature to ensure that intentional viewing of and dealing in child pornography over the internet is subject to a criminal penalty without limiting the scope of existing prohibitions on the possession of or dealing in child pornography, including the possession of electronic depictions of a minor engaged in sexually explicit conduct. It is also the intent of the legislature to clarify, in response to *State v. Sutherby*, 204 P.3d 916 (2009), the unit of prosecution for the statutes governing possession of and dealing in depictions of a minor engaged in sexually explicit conduct. It is the intent of the legislature that the first degree offenses under RCW 9.68A.050, 9.68A.060, and 9.68A.070 have a per depiction or image unit of prosecution, while the second degree offenses under RCW 9.68A.050, 9.68A.060, and 9.68A.070 have a per incident unit of prosecution as established in *State v. Sutherby*, 204 P.3d 916 (2009). Furthermore, it is the intent of the legislature to set a different unit of prosecution for the new offense of viewing of depictions of a minor engaged in sexually explicit conduct such that each separate session of intentionally viewing over the internet of visual depictions or images of a minor engaged in sexually explicit conduct constitutes a separate offense. The decisions of the Washington supreme court in *State v. Boyd*, 160 W.2d 424, 158 P.3d 54 (2007), and *State v. Grenning*, 169 Wn.2d 47, 234 P.3d 169 (2010), require prosecutors to duplicate and distribute depictions of a minor engaged in sexually explicit conduct ("child pornography") as part of the discovery process in a criminal prosecution. The legislature finds that the importance of protecting children from repeat exploitation in child pornography is not being given sufficient weight under these decisions. The importance of protecting children from repeat exploitation in child pornography is based upon the following findings:

(1) Child pornography is not entitled to protection under the First Amendment and thus may be prohibited;

(2) The state has a compelling interest in protecting children from those who sexually exploit them, and this interest extends to stamping out the vice of child pornography at all levels in the distribution chain;

(3) Every instance of viewing images of child pornography represents a renewed violation of the privacy of the victims and a

repetition of their abuse;

(4) Child pornography constitutes prima facie contraband, and as such should not be distributed to, or copied by, child pornography defendants or their attorneys;

(5) It is imperative to prohibit the reproduction of child pornography in criminal cases so as to avoid repeated violation and abuse of victims, so long as the government makes reasonable accommodations for the inspection, viewing, and examination of such material for the purposes of mounting a criminal defense. The legislature is also aware that the Adam Walsh child protection and safety act, P.L. 109-248, 120 Stat. 587 (2006), codified at 18 U.S.C. Sec. 3509(m), prohibits the duplication and distribution of child pornography as part of the discovery process in federal prosecutions. This federal law has been in effect since 2006, and upheld repeatedly as constitutional. Courts interpreting the Walsh act have found that such limitations can be employed while still providing the defendant due process. The legislature joins congress, and the legislatures of other states that have passed similar provisions, in protecting these child victims so that our justice system does not cause repeat exploitation, while still providing due process to criminal defendants.

**NEW SECTION. Sec. 2.** A new section is added to chapter 9.68A RCW to read as follows:

(1) In any criminal proceeding, any property or material that constitutes a depiction of a minor engaged in sexually explicit conduct shall remain in the care, custody, and control of either a law enforcement agency or the court.

(2) Despite any request by the defendant or prosecution, any property or material that constitutes a depiction of a minor engaged in sexually explicit conduct shall not be copied, photographed, duplicated, or otherwise reproduced, so long as the property or material is made reasonably available to the parties. Such property or material shall be deemed to be reasonably available to the parties if the prosecution, defense counsel, or any individual sought to be qualified to furnish expert testimony at trial has ample opportunity for inspection, viewing, and examination of the property or material at a law enforcement facility or a neutral facility approved by the court upon petition by the defense.

(3) The defendant may view and examine the property and materials only while in the presence of his or her attorney. If the defendant is proceeding pro se, the court will appoint an individual to supervise the defendant while he or she examines the materials.

(4) The court may direct that a mirror image of a computer hard drive containing such depictions be produced for use by an expert only upon a showing that an expert has been retained and is prepared to conduct a forensic examination while the mirror imaged hard drive remains in the care, custody, and control of a law enforcement agency or the court. Upon a substantial showing that the expert's analysis cannot be accomplished while the mirror imaged hard drive is kept within the care, custody, and control of a law enforcement agency or the court, the court may order its release to the expert for analysis for a limited time. If release is granted, the court shall issue a protective order setting forth such terms and conditions as are necessary to protect the rights of the victims, to document the chain of custody, and to protect physical evidence.

**NEW SECTION. Sec. 3.** A new section is added to chapter 9.68A RCW to read as follows:

(1) Whenever a depiction of a minor engaged in sexually explicit conduct, regardless of its format, is marked as an exhibit in a criminal proceeding, the prosecutor shall seek an order sealing the exhibit at the close of the trial. Any exhibits sealed under this section shall be sealed with evidence tape in a manner that prevents access to, or viewing of, the depiction of a minor engaged in sexually explicit conduct and shall be labeled so as to identify its contents. Anyone seeking to view such an exhibit must obtain

permission from the superior court after providing at least ten day's notice to the prosecuting attorney. Appellate attorneys for the defendant and the state shall be given access to the exhibit, which must remain in the care and custody of either a law enforcement agency or the court. Any other person moving to view such an exhibit must demonstrate to the court that his or her reason for viewing the exhibit is of sufficient importance to justify another violation of the victim's privacy.

(2) Whenever the clerk of the court receives an exhibit of a depiction of a minor engaged in sexually explicit conduct, he or she shall store the exhibit in a secure location, such as a safe. The clerk may arrange for the transfer of such exhibits to a law enforcement agency evidence room for safekeeping provided the agency agrees not to destroy or dispose of the exhibits without an order of the court.

(3) If the criminal proceeding ends in a conviction, the clerk of the court shall destroy any exhibit containing a depiction of a minor engaged in sexually explicit conduct five years after the judgment is final, as determined by the provisions of RCW 10.73.090(3). Before any destruction, the clerk shall contact the prosecuting attorney and verify that there is no collateral attack on the judgment pending in any court. If the criminal proceeding ends in a mistrial, the clerk shall either maintain the exhibit or return it to the law enforcement agency that investigated the criminal charges for safekeeping until the matter is set for retrial. If the criminal proceeding ends in an acquittal, the clerk shall return the exhibit to the law enforcement agency that investigated the criminal charges for either safekeeping or destruction.

**NEW SECTION. Sec. 4.** A new section is added to chapter 9.68A RCW to read as follows:

Any depiction of a minor engaged in sexually explicit conduct, in any format, distributed as discovery to defense counsel or an expert witness prior to the effective date of this section shall either be returned to the law enforcement agency that investigated the criminal charges or destroyed, if the case is no longer pending in superior court. If the case is still pending, the depiction shall be returned to the superior court judge assigned to the case or the presiding judge. The court shall order either the destruction of the depiction or the safekeeping of the depiction if it will be used at trial. It is not a defense to violations of this chapter for crimes committed after December 31, 2012, that the initial receipt of the depictions was done under the color of law through the discovery process."

Senator Kline spoke in favor of adoption of the committee striking amendment.

MOTION

On motion of Senator Ericksen, Senators Baumgartner, Benton, Fain, Hill, Litzow, Roach and Zarelli were excused.

MOTION

On motion of Senator Harper, Senator Haugen was excused.

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Judiciary to Substitute House Bill No. 2177.

The motion by Senator Kline carried and the committee striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

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On page 1, line 1 of the title, after "exploitation;" strike the remainder of the title and insert "amending RCW 9.68A.001; and adding new sections to chapter 9.68A RCW."

MOTION

On motion of Senator Kline, the rules were suspended, Substitute House Bill No. 2177 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Kline and Padden spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 2177 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2177 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Baumgartner, Becker, Benton, Brown, Carrell, Chase, Conway, Delvin, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles, Litzow, McAuliffe, Morton, Murray, Nelson, Padden, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Rolfes, Schoesler, Sheldon, Shin, Stevens, Swecker and Tom

Excused: Senators Haugen, Roach and Zarelli

SUBSTITUTE HOUSE BILL NO. 2177 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1552, by House Committee on Judiciary (originally sponsored by Representative Goodman)

Concerning garnishment.

The measure was read the second time.

MOTION

Senator Kline moved that the following committee striking amendment by the Committee on Judiciary be adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 6.27.010 and 2003 c 222 s 16 are each amended to read as follows:

(1) As used in this chapter, the term "earnings" means compensation paid or payable to an individual for personal services, whether denominated as wages, salary, commission, bonus, or otherwise, and includes periodic payments pursuant to a governmental or nongovernmental pension or retirement program.

(2) As used in this chapter, the term "disposable earnings" means that part of earnings remaining after the deduction from those earnings of any amounts required by law to be withheld.

Sec. 2. RCW 6.27.090 and 2000 c 72 s 2 are each amended to read as follows:

(1) The writ of garnishment shall set forth in the first paragraph the amount that garnishee is required to hold, which shall be an amount determined as follows: (a)(i) If after judgment, the amount of the judgment remaining unsatisfied on the clerk of the court's execution docket, if any, plus interest to the date of garnishment, as provided in RCW 4.56.110, plus estimated interest that may accrue during the garnishment process on a per diem basis under subsection (3) of this section plus taxable costs and ((attorney's)) attorneys' fees, or (ii) if before judgment, the amount prayed for in the complaint plus estimated taxable costs of suit and attorneys' fees, together with, (b) whether before or after judgment, estimated costs of garnishment as provided in subsection (2) of this section. The court may, by order, set a higher amount to be held upon a showing of good cause by plaintiff.

(2) Costs recoverable in garnishment proceedings, to be estimated for purposes of subsection (1) of this section, include filing and ex parte fees, service and affidavit fees, postage and costs of certified mail, answer fee or fees, other fees legally chargeable to a plaintiff in the garnishment process, and a garnishment attorney fee in the amount of the greater of ((fifty)) one hundred dollars or ten percent of (a) the amount of the judgment remaining unsatisfied or (b) the amount prayed for in the complaint. The garnishment attorney fee shall not exceed ((two)) three hundred ((fifty)) dollars. (3) For purposes of subsection (1) of this section, the plaintiff must indicate in the writ a specific dollar amount of estimated interest that may accrue during the garnishment process per day. The amount must be based on an interest rate of twelve percent or the interest rate set forth in the judgment, whichever rate is less.

Sec. 3. RCW 6.27.100 and 2003 c 222 s 4 are each amended to read as follows:

(1) ((The)) A writ issued for a continuing lien on earnings shall be substantially in the form provided in section 4 of this act. All other writs of garnishment shall be substantially in the following form, but if the writ is issued under ((a court)) an order or judgment for child support, the following statement shall appear conspicuously in the caption: "This garnishment is based on a judgment or ((court)) order for child support"; and ((if the garnishment is for a continuing lien, the form shall be modified as provided in RCW 6.27.340; and if the writ is not directed to an employer for the purpose of garnishing a defendant's earnings, the paragraph relating to the earnings exemption may be omitted and the paragraph relating to the deduction of processing fees may be omitted; and)) if the writ is issued by an attorney, the writ shall be revised as indicated in subsection (2) of this section:

"IN THE . . . . COURT OF THE STATE OF WASHINGTON IN AND FOR THE COUNTY OF . . . . .

..... ,  
Plaintiff, No. . . . .  
vs.  
..... ,  
Defendant, WRIT OF GARNISHMENT  
..... ,  
Garnishee

THE STATE OF WASHINGTON TO: .....

Garnishee

AND TO: .....

Defendant

The above-named plaintiff has applied for a writ of garnishment against you, claiming that the above-named defendant is indebted to plaintiff and that the amount to be held to satisfy that indebtedness is \$ . . . . ., consisting of:

Balance on Judgment or Amount of Claim	\$ . . . .
Interest under Judgment from . . . . to . . . .	\$ . . . .
<u>Per Day Rate of Estimated Interest</u>	<u>\$ . . . .</u> <u>per day</u>
Taxable Costs and Attorneys' Fees	\$ . . . .
Estimated Garnishment Costs:	
Filing <u>and Ex Parte</u> Fees	\$ . . . .
Service and Affidavit Fees	\$ . . . .
Postage and Costs of Certified Mail	\$ . . . .
Answer Fee or Fees (( <del>If applicable</del> ))	\$ . . . .
Garnishment Attorney Fee	\$ . . . .
Other	\$ . . . .

YOU ARE HEREBY COMMANDED, unless otherwise directed by the court, by the attorney of record for the plaintiff, or by this writ, not to pay any debt, whether earnings subject to this garnishment or any other debt, owed to the defendant at the time this writ was served and not to deliver, sell, or transfer, or recognize any sale or transfer of, any personal property or effects of the defendant in your possession or control at the time when this writ was served. Any such payment, delivery, sale, or transfer is void to the extent necessary to satisfy the plaintiff's claim and costs for this writ with interest.

YOU ARE FURTHER COMMANDED to answer this writ ((~~by filling in the attached form~~)) according to the instructions in this writ and in the answer forms and, within twenty days after the service of the writ upon you, to mail or deliver the original of such answer to the court, one copy to the plaintiff or the plaintiff's attorney, and one copy to the defendant, ((~~in the envelopes provided~~)) at the addresses listed at the bottom of this writ.

((If, at the time this writ was served, you owed the defendant any earnings (that is, wages, salary, commission, bonus, or other compensation for personal services or any periodic payments pursuant to a nongovernmental pension or retirement program), the defendant is entitled to receive amounts that are exempt from garnishment under federal and state law. You must pay the exempt amounts to the defendant on the day you would customarily pay the compensation or other periodic payment. As more fully explained in the answer, the basic exempt amount is the greater of seventy-five percent of disposable earnings or a minimum amount determined by reference to the employee's pay period, to be calculated as provided in the answer. However, if this writ carries a statement in the heading that "This garnishment is based on a judgment or court order for child support," the basic exempt amount is forty percent of disposable earnings.

IF THIS IS A WRIT FOR A CONTINUING LIEN ON EARNINGS, YOU MAY DEDUCT A PROCESSING FEE FROM THE REMAINDER OF THE EMPLOYEE'S EARNINGS AFTER WITHHOLDING UNDER THIS WRIT. THE PROCESSING FEE MAY NOT EXCEED TWENTY DOLLARS FOR THE FIRST ANSWER AND TEN DOLLARS AT THE TIME YOU SUBMIT THE SECOND ANSWER.))

If you owe the defendant a debt payable in money in excess of the amount set forth in the first paragraph of this writ, hold only the amount set forth in the first paragraph and any processing fee if one is charged and release all additional funds or property to defendant.

IF YOU FAIL TO ANSWER THIS WRIT AS COMMANDED, A JUDGMENT MAY BE ENTERED AGAINST YOU FOR THE FULL AMOUNT OF THE PLAINTIFF'S CLAIM AGAINST THE DEFENDANT WITH ACCRUING INTEREST, ATTORNEY FEES, AND COSTS WHETHER OR NOT YOU OWE ANYTHING TO THE DEFENDANT. IF YOU PROPERLY ANSWER THIS WRIT, ANY JUDGMENT AGAINST YOU WILL NOT EXCEED THE AMOUNT OF ANY NONEXEMPT DEBT OR THE VALUE OF ANY NONEXEMPT PROPERTY OR EFFECTS IN YOUR POSSESSION OR CONTROL.

JUDGMENT MAY ALSO BE ENTERED AGAINST THE DEFENDANT FOR COSTS AND FEES INCURRED BY THE PLAINTIFF.

Witness, the Honorable . . . . ., Judge of the above-entitled Court, and the seal thereof, this . . . . day of . . . . ., 20 . . .

[Seal]

.....

Attorney for Plaintiff (or Plaintiff, if no attorney)

Clerk of the Court

.....

Address

By

.....

Name of Defendant

Address"

.....

Address of Defendant

(2) If an attorney issues the writ of garnishment, the final paragraph of the writ, containing the date, and the subscribed attorney and clerk provisions, shall be replaced with text in substantially the following form:

"This writ is issued by the undersigned attorney of record for plaintiff under the authority of chapter 6.27 of the Revised Code of Washington, and must be complied with in the same manner as a writ issued by the clerk of the court.

Dated this . . . . . day of . . . . ., 20 . . . . .

.....

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Attorney for Plaintiff

Filing and Ex Parte Fees

\$ . . . .

.....

Service and Affidavit Fees

\$ . . . .

Address(=)

Address of the Clerk of the Court"

Postage and Costs of Certified Mail

\$ . . . .

.....

Answer Fee or Fees

\$ . . . .

Name of Defendant

Garnishment Attorney Fee

\$ . . . .

.....

Other

\$ . . . .

Address of Defendant

NEW SECTION. Sec. 4. A new section is added to chapter 6.27 RCW to read as follows:

(1) A writ that is issued for a continuing lien on earnings shall be substantially in the following form, but if the writ is issued under an order or judgment for child support, the following statement shall appear conspicuously in the caption: "This garnishment is based on a judgment or order for child support;" and if the writ is issued by an attorney, the writ shall be revised as indicated in subsection (2) of this section:

"IN THE . . . . COURT
OF THE STATE OF WASHINGTON IN AND FOR
THE COUNTY OF . . . . .

.....

Plaintiff,

No. . . . .

vs.

.....

WRIT OF

Defendant

GARNISHMENT FOR
CONTINUING LIEN ON

.....

EARNINGS

Garnishee

THE STATE OF WASHINGTON TO:.....

Garnishee

AND TO:.....

Defendant

The above-named plaintiff has applied for a writ of garnishment against you, claiming that the above-named defendant is indebted to plaintiff and that the amount to be held to satisfy that indebtedness is \$ . . . . ., consisting of:

Balance on Judgment or Amount of Claim \$ . . . .

Interest under Judgment from . . . . to . . . . \$ . . . .

Per Day Rate of Estimated Interest \$ . . . .
per day

Taxable Costs and Attorneys' Fees \$ . . . .

Estimated Garnishment Costs:

THIS IS A WRIT FOR A CONTINUING LIEN. THE GARNISHEE SHALL HOLD the nonexempt portion of the defendant's earnings due at the time of service of this writ and shall also hold the defendant's nonexempt earnings that accrue through the last payroll period ending on or before SIXTY days after the date of service of this writ. HOWEVER, IF THE GARNISHEE IS PRESENTLY HOLDING THE NONEXEMPT PORTION OF THE DEFENDANT'S EARNINGS UNDER A PREVIOUSLY SERVED WRIT FOR A CONTINUING LIEN, THE GARNISHEE SHALL HOLD UNDER THIS WRIT only the defendant's nonexempt earnings that accrue from the date the previously served writ or writs terminate and through the last payroll period ending on or before sixty days after the date of termination of the previous writ or writs. IN EITHER CASE, THE GARNISHEE SHALL STOP WITHHOLDING WHEN THE SUM WITHHELD EQUALS THE AMOUNT STATED IN THIS WRIT OF GARNISHMENT.

YOU ARE HEREBY COMMANDED, unless otherwise directed by the court, by the attorney of record for the plaintiff, or by this writ, not to pay any debt, whether earnings subject to this garnishment or any other debt, owed to the defendant at the time this writ was served and not to deliver, sell, or transfer, or recognize any sale or transfer of, any personal property or effects of the defendant in your possession or control at the time when this writ was served. Any such payment, delivery, sale, or transfer is void to the extent necessary to satisfy the plaintiff's claim and costs for this writ with interest.

YOU ARE FURTHER COMMANDED to answer this writ according to the instructions in this writ and in the answer forms and, within twenty days after the service of the writ upon you, to mail or deliver the original of such answer to the court, one copy to the plaintiff or the plaintiff's attorney, and one copy to the defendant, at the addresses listed at the bottom of this writ.

If, at the time this writ was served, you owed the defendant any earnings (that is, wages, salary, commission, bonus, tips, or other compensation for personal services or any periodic payments pursuant to a nongovernmental pension or retirement program), the defendant is entitled to receive amounts that are exempt from garnishment under federal and state law. You must pay the exempt amounts to the defendant on the day you would customarily pay the compensation or other periodic payment. As more fully explained in the answer, the basic exempt amount is the greater of seventy-five percent of disposable earnings or a minimum amount determined by reference to the employee's pay period, to be calculated as provided in the answer. However, if this writ carries a statement in the heading that "This garnishment is based on a judgment or order for child support," the basic exempt amount is fifty percent of disposable earnings.

YOU MAY DEDUCT A PROCESSING FEE FROM THE REMAINDER OF THE EMPLOYEE'S EARNINGS AFTER WITHHOLDING UNDER THIS WRIT. THE PROCESSING FEE MAY NOT EXCEED TWENTY DOLLARS FOR THE

FIRST ANSWER AND TEN DOLLARS AT THE TIME YOU SUBMIT THE SECOND ANSWER.

If you owe the defendant a debt payable in money in excess of the amount set forth in the first paragraph of this writ, hold only the amount set forth in the first paragraph and any processing fee if one is charged and release all additional funds or property to defendant.

IF YOU FAIL TO ANSWER THIS WRIT AS COMMANDED, A JUDGMENT MAY BE ENTERED AGAINST YOU FOR THE FULL AMOUNT OF THE PLAINTIFF'S CLAIM AGAINST THE DEFENDANT WITH ACCRUING INTEREST, ATTORNEY FEES, AND COSTS WHETHER OR NOT YOU OWE ANYTHING TO THE DEFENDANT. IF YOU PROPERLY ANSWER THIS WRIT, ANY JUDGMENT AGAINST YOU WILL NOT EXCEED THE AMOUNT OF ANY NONEXEMPT DEBT OR THE VALUE OF ANY NONEXEMPT PROPERTY OR EFFECTS IN YOUR POSSESSION OR CONTROL.

JUDGMENT MAY ALSO BE ENTERED AGAINST THE DEFENDANT FOR COSTS AND FEES INCURRED BY THE PLAINTIFF.

Witness, the Honorable . . . . ., Judge of the above-entitled Court, and the seal thereof, this . . . . day of . . . . ., 20 . . .

[Seal]

.....

Attorney for Plaintiff (or Plaintiff, if no attorney)

Clerk of the Court

.....

Address

By

.....

Name of Defendant

Address"

.....

Address of Defendant

(2) If an attorney issues the writ of garnishment, the final paragraph of the writ, containing the date, and the subscripted attorney and clerk provisions, shall be replaced with text in substantially the following form:

"This writ is issued by the undersigned attorney of record for plaintiff under the authority of chapter 6.27 of the Revised Code of Washington, and must be complied with in the same manner as a writ issued by the clerk of the court.

Dated this . . . . .day of . . . . ., 20 . . . . .

.....

Attorney for Plaintiff

.....

Address

.....

Name of Defendant

.....

Address of Defendant

Address of the Clerk of the Court"

Sec. 5. RCW 6.27.340 and 2003 c 222 s 13 are each amended to read as follows:

(1) Service of a writ for a continuing lien shall comply fully with RCW 6.27.110.

(2) ((The caption of the writ shall be marked "CONTINUING LIEN ON EARNINGS" and the following additional paragraph shall be included in the writ form prescribed in RCW 6.27.100:

"THIS IS A WRIT FOR A CONTINUING LIEN. THE GARNISHEE SHALL HOLD the nonexempt portion of the defendant's earnings due at the time of service of this writ and shall also hold the defendant's nonexempt earnings that accrue through the last payroll period ending on or before SIXTY days after the date of service of this writ. HOWEVER, IF THE GARNISHEE IS PRESENTLY HOLDING THE NONEXEMPT PORTION OF THE DEFENDANT'S EARNINGS UNDER A PREVIOUSLY SERVED WRIT FOR A CONTINUING LIEN, THE GARNISHEE SHALL HOLD UNDER THIS WRIT only the defendant's nonexempt earnings that accrue from the date the previously served writ or writs terminate and through the last payroll period ending on or before sixty days after the date of termination of the previous writ or writs. IN EITHER CASE, THE GARNISHEE SHALL STOP WITHHOLDING WHEN THE SUM WITHHELD EQUALS THE AMOUNT STATED IN THIS WRIT OF GARNISHMENT."

(3) The answer forms served on an employer with the writ shall include in the caption, "ANSWER TO WRIT OF GARNISHMENT FOR CONTINUING LIEN ON EARNINGS," and the following paragraph shall be added to section I of the answer form prescribed in RCW 6.27.190:

"If you are withholding the defendant's nonexempt earnings under a previously served writ for a continuing lien, answer only sections I and II of this form and mail or deliver the forms as directed in the writ. Withhold from the defendant's future nonexempt earnings as directed in the writ, and a second set of answer forms will be forwarded to you later.

ANSWER: I am presently holding the defendant's nonexempt earnings under a previous writ served on . . . . . that will terminate not later than . . . . ., 20 . . . . .

.....

If you are NOT withholding the defendant's earnings under a previously served writ for a continuing lien, answer this entire form and mail or deliver the forms as directed in the writ. A second set of answer forms will be forwarded to you later for subsequently withheld earnings.") If the writ is

directed to an employer for the purpose of garnishing the defendant's wages, the first answer shall accurately state, as of the date the writ of garnishment was issued as indicated by the date appearing on the last page of the writ, whether the defendant was employed by the garnishee defendant (and if not the date employment terminated), whether the defendant's earnings were subject to a preexisting writ of garnishment for continuing liens on earnings (and if so the date such writ will terminate and the current writ will be enforced), whether the defendant maintained a financial account with garnishee, and whether the garnishee defendant had possession of or control over any funds, personal property, or effects of the defendant (and if so the garnishee defendant shall list all of defendant's personal property or effects in its possession or control). The first answer shall further accurately state, as of the time of service of the writ of garnishment on the garnishee defendant, the amount due and owing from the garnishee defendant to the defendant, and the defendant's total earnings, allowable deductions, disposable earnings, exempt earnings, deductions for superior liens such as child support, and net earnings withheld under the writ. The first answer may be substantially in the following form:

IN THE . . . . COURT  
OF THE STATE OF WASHINGTON IN AND FOR  
THE COUNTY OF . . . . .

....., NO. . . . .

Plaintiff,

vs.

FIRST ANSWER

....., TO WRIT OF

Defendant,

.....

Garnishee Defendant

FOR CONTINUING LIEN

ON EARNINGS

SECTION I. If you are withholding the defendant's nonexempt earnings under a previously served writ for a continuing lien, answer only sections I and III of this form and mail or deliver the forms as directed in the writ. Withhold from the defendant's future nonexempt earnings as directed in the writ, and a second set of answer forms will be forwarded to you later.

If you are NOT withholding the defendant's earnings under a previously served writ for a continuing lien, answer this ENTIRE form and mail or deliver the forms as directed in the writ. A second set of answer forms will be forwarded to you later for subsequently withheld earnings.

ANSWER: I am presently holding the defendant's nonexempt earnings under a previous writ served on . . . . . that will terminate not later than . . . . ., 20 . . .

On the date the writ of garnishment was issued as indicated by the date appearing on the last page of the writ:

(A) The defendant: (check one) [ ] was, [ ] was not employed by garnishee. If not employed and you have no possession or control of any funds of defendant, indicate the last day of employment: . . . . .; and complete section III of this answer and mail or deliver the forms as directed in the writ;

(B) The defendant: (check one) [ ] did, [ ] did not maintain a financial account with garnishee; and

(C) The garnishee: (check one) [ ] did, [ ] did not have possession of or control over any funds, personal property, or effects of the defendant. (List all of defendant's personal property or effects in your possession or control on the last page of this answer form or attach a schedule if necessary.)

SECTION II. At the time of service of the writ of garnishment on the garnishee there was due and owing from the garnishee to the above-named defendant \$ . . . . .

This writ attaches a maximum of . . . . . percent of the defendant's disposable earnings (that is, compensation payable for personal services, whether called wages, salary, commission, bonus, or otherwise, and including periodic payments pursuant to a nongovernmental pension or retirement program).

Calculate the attachable amount as follows:

Gross Earnings \$ . . . . .(1)

Less deductions required by law (social security,

federal withholding tax, etc. Do not include

deductions for child support orders or government

liens here. Deduct child support orders and liens

on line 7): \$ . . . . .(2)

Disposable Earnings (subtract line 2 from

line 1): \$ . . . . .(3)

Enter . . . . . percent of line 3: \$ . . . . .(4)

Enter one of the following exempt amounts\*: \$ . . . . .(5)

<u>    </u> If	<u>Weekly</u>	<u>\$ . . . . .</u>	<u>Semi-monthly</u>	<u>\$ . . . . .</u>
<u>paid:</u>	<u>Bi-weekly</u>	<u>\$ . . . . .</u>	<u>Monthly</u>	<u>\$ . . . . .</u>

\*These are minimum exempt amounts that the defendant must be paid. If your answer covers more than one pay period, multiply the preceding amount by the number of pay periods and/or fraction thereof your answer covers. If you use a pay period not shown, prorate the monthly exempt amount.

Subtract the larger of lines 4 and 5 from line 3: \$ . . . . .(6)

Enter amount (if any) withheld for ongoing government liens such as child support: \$ . . . . .(7)

Subtract line 7 from line 6. This amount must be held out for the plaintiff: \$ . . . . .(8)

This is the formula that you will use for withholding each pay period over the required sixty day garnishment period. Deduct any allowable processing fee you may charge from the amount that is to be paid to the defendant.

If there is any uncertainty about your answer, give an explanation on the last page or on an attached page.



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SECTION III. An attorney may answer for the garnishee.

Under penalty of perjury, I affirm that I have examined this answer, including accompanying schedules, and to the best of my knowledge and belief it is true, correct, and complete.

Signature of Garnishee Defendant Date
Signature of Person Connection with Answering for Garnishee
Print Name of Person Signing Address of Garnishee

(3) Prior to serving the answer forms for a writ for continuing lien on earnings, the plaintiff shall fill in the minimum exemption amounts for the different pay periods, and the maximum percentages of disposable earnings subject to lien and exempt from lien.

(4) In the event plaintiff fails to comply with this section, employer may elect to treat the garnishment as one not creating a continuing lien.

Sec. 6. RCW 6.27.110 and 1998 c 227 s 4 are each amended to read as follows:

(1) Service of the writ of garnishment, including a writ for continuing lien on earnings, on the garnishee is invalid unless the writ is served together with: (a) ((Four)) An answer form((s)) as prescribed in RCW 6.27.190; and (b) ((three stamped envelopes addressed respectively to the clerk of the court issuing the writ, the attorney for the plaintiff (or to the plaintiff if the plaintiff has no attorney), and the defendant; and (c)) a check or money order made payable to the garnishee in the amount of twenty dollars for the answer fee if the writ of garnishment is not a writ for a continuing lien on earnings.

(2) Except as provided in RCW 6.27.080 for service on a bank, savings and loan association, or credit union, the writ of garnishment shall be mailed to the garnishee by certified mail, return receipt requested, addressed in the same manner as a summons in a civil action, and will be binding upon the garnishee on the day set forth on the return receipt. In the alternative, the writ shall be served by the sheriff of the county in which the garnishee lives or has its place of business or by any person qualified to serve process in the same manner as a summons in a civil action is served.

(3) If a writ of garnishment is served by a sheriff, the sheriff shall file with the clerk of the court that issued the writ a signed return showing the time, place, and manner of service and that the writ was accompanied by an answer form((s, addressed envelopes)),

and check or money order if required by this section, and noting thereon fees for making the service. If service is made by any person other than a sheriff, such person shall file an affidavit including the same information and showing qualifications to make such service. If a writ of garnishment is served by mail, the person making the mailing shall file an affidavit showing the time, place, and manner of mailing and that the writ was accompanied by an answer form((s and addressed envelopes)), and check or money order if required by this section, and shall attach the return receipt or electronic return receipt delivery confirmation to the affidavit.

Sec. 7. RCW 6.27.140 and 2011 c 162 s 5 are each amended to read as follows:

(1) The notice required by RCW 6.27.130(1) to be mailed to or served on an individual judgment debtor shall be in the following form, printed or typed in ((type)) no smaller than ((elite type)) size twelve point font type:

NOTICE OF GARNISHMENT AND OF YOUR RIGHTS

A Writ of Garnishment issued in a Washington court has been or will be served on the garnishee named in the attached copy of the writ. After receipt of the writ, the garnishee is required to withhold payment of any money that was due to you and to withhold any other property of yours that the garnishee held or controlled. This notice of your rights is required by law.

YOU HAVE THE FOLLOWING EXEMPTION RIGHTS:

WAGES. If the garnishee is your employer who owes wages or other personal earnings to you, your employer is required to pay amounts to you that are exempt under state and federal laws, as explained in the writ of garnishment. You should receive a copy of your employer's answer, which will show how the exempt amount was calculated. If the garnishment is for child support, the exempt amount paid to you will be ((forty)) a percent of ((wages due you, but if you are supporting a spouse, state registered domestic partner, or dependent child, you are entitled to claim an

~~additional ten percent as exempt~~) your disposable earnings, which is fifty percent of that part of your earnings remaining after your employer deducts those amounts which are required by law to be withheld.

BANK ACCOUNTS. If the garnishee is a bank or other institution with which you have an account in which you have deposited benefits such as Temporary Assistance for Needy Families, Supplemental Security Income (SSI), Social Security, veterans' benefits, unemployment compensation, or ~~((a United States pension))~~ any federally qualified pension, such as a state or federal pension, individual retirement account (IRA), or 401K plan, you may claim the account as fully exempt if you have deposited only such benefit funds in the account. It may be partially exempt even though you have deposited money from other sources in the same account. An exemption is also available under RCW 26.16.200, providing that funds in a community bank account that can be identified as the earnings of a stepparent are exempt from a garnishment on the child support obligation of the parent.

OTHER EXEMPTIONS. If the garnishee holds other property of yours, some or all of it may be exempt under RCW 6.15.010, a Washington statute that exempts certain property of your choice (including money in a bank account up to \$200.00 for debts owed to state agencies, or up to \$500.00 for all other debts) and certain other property such

as household furnishings, tools of trade, and a motor vehicle (all limited by differing dollar values).

HOW TO CLAIM EXEMPTIONS. Fill out the enclosed claim form and mail or deliver it as described in instructions on the claim form. If the plaintiff does not object to your claim, the funds or other property that you have claimed as exempt must be released not later than 10 days after the plaintiff receives your claim form. If the plaintiff objects, the law requires a hearing not later than 14 days after the plaintiff receives your claim form, and notice of the objection and hearing date will be mailed to you at the address that you put on the claim form.

THE LAW ALSO PROVIDES OTHER EXEMPTION RIGHTS. IF NECESSARY, AN ATTORNEY CAN ASSIST YOU TO ASSERT THESE AND OTHER RIGHTS, BUT YOU MUST ACT IMMEDIATELY TO AVOID LOSS OF RIGHTS BY DELAY.

(2)(a) If the writ is to garnish funds or property held by a financial institution, the claim form required by RCW 6.27.130(1) to be mailed to or served on an individual judgment debtor shall be in the following form, printed or typed in ~~((type))~~ no smaller than ~~((elite type))~~ size twelve point font type:

[Caption to be filled in by judgment creditor or plaintiff before mailing.]

.....

Name of Court

.....

No . . . . .

Plaintiff,

vs.

.....

EXEMPTION CLAIM

Defendant,

~~((IF EARNINGS ARE GARNISHED FOR CHILD SUPPORT:~~

- ~~I claim maximum exemption.~~
- ~~I am supporting another child or other children.~~
- ~~I am supporting a husband, wife, or state registered domestic partner.~~

~~IF PENSION OR RETIREMENT BENEFITS ARE GARNISHED:~~

~~Name and address of employer who is paying the benefits: .....~~

OTHER PROPERTY:

Describe property .....

(If you claim other personal property as exempt, you must attach a list of all other personal property that you own.)

Garnishee Defendant

INSTRUCTIONS:

1. Read this whole form after reading the enclosed notice. Then put an X in the box or boxes that describe your exemption claim or claims and write in the necessary information on the blank lines. If additional space is needed, use the bottom of the last page or attach another sheet.
2. Make two copies of the completed form. Deliver the original form by first-class mail or in person to the clerk of the court, whose address is shown at the bottom of the writ of garnishment. Deliver one of the copies by first-class mail or in person to the plaintiff or plaintiff's attorney, whose name and address are shown at the bottom of the writ. Keep the other copy. YOU SHOULD DO THIS AS QUICKLY AS POSSIBLE, BUT NO LATER THAN 28 DAYS (4 WEEKS) AFTER THE DATE ON THE WRIT.

I/We claim the following money or property as exempt:

IF BANK ACCOUNT IS GARNISHED:

The account contains payments from:

- Temporary assistance for needy families, SSI, or other public assistance. I receive \$ . . . . monthly.
- Social Security. I receive \$ . . . . monthly.
- Veterans' Benefits. I receive \$ . . . . monthly.
- Pensions and retirement accounts including, but not limited to, U.S. Government Pension, federally qualified pension, individual retirement account (IRA), 401K, 403(b), and any state retirement system listed in RCW 41.50.030. I receive \$ . . . . monthly.
- Unemployment Compensation. I receive \$ . . . . monthly.
- Child support. I receive \$ . . . . monthly.
- Other. Explain .....
- \$200 exemption if debt is to state agency.
- \$500 exemption for all other debts.

Print: Your name If married or in a state registered domestic partnership, name of husband/wife/state registered domestic partner

Your signature Signature of husband, wife, or state registered domestic partner

Address Address (if different from yours)

Telephone number Telephone number (if different from yours)

IF EXEMPTION IN BANK ACCOUNT IS CLAIMED, ANSWER ONE OR BOTH OF THE FOLLOWING:

- No money other than from above payments are in the account.
- Moneys in addition to the above payments have been deposited in the account. Explain .....

CAUTION: If the plaintiff objects to your claim, you will have to go to court and give proof of your claim. For example, if you claim that a bank account is exempt, you may have to show the judge your bank statements and papers that show the source of the money you deposited in the bank. Your claim may be granted more quickly if you attach copies of such proof to your claim.

IF THE JUDGE DENIES YOUR EXEMPTION CLAIM, YOU WILL HAVE TO PAY THE PLAINTIFF'S COSTS. IF THE JUDGE DECIDES THAT YOU DID NOT MAKE THE CLAIM

IN GOOD FAITH, HE OR SHE MAY DECIDE THAT YOU MUST PAY THE PLAINTIFF'S ATTORNEY FEES.

(b) If the writ is directed to an employer to garnish earnings, the claim form required by RCW 6.27.130(1) to be mailed to or served on an individual judgment debtor shall be in the following form, subject to (c) of this subsection, printed or typed in no smaller than size twelve point font type:

[Caption to be filled in by judgment creditor or plaintiff before mailing.]

.....

Name of Court

..... No .....

Plaintiff,

vs.

..... EXEMPTION CLAIM

Defendant,

.....

Garnishee Defendant

.....

Print: Your name If married or in a state registered domestic partnership, name of husband/wife/state registered domestic partner

.....

Your signature Signature of husband, wife, or state registered domestic partner

.....

Address Address

..... (if different from yours)

.....

Telephone number Telephone number

..... (if different from yours)

INSTRUCTIONS:

1. Read this whole form after reading the enclosed notice. Then put an X in the box or boxes that describe your exemption claim or claims and write in the necessary information on the blank lines. If additional space is needed, use the bottom of the last page or attach another sheet.
2. Make two copies of the completed form. Deliver the original form by first-class mail or in person to the clerk of the court, whose address is shown at the bottom of the writ of garnishment. Deliver one of the copies by first-class mail or in person to the plaintiff or plaintiff's attorney, whose name and address are shown at the bottom of the writ. Keep the other copy. YOU SHOULD DO THIS AS QUICKLY AS POSSIBLE, BUT NO LATER THAN 28 DAYS (4 WEEKS) AFTER THE DATE ON THE WRIT.

I/We claim the following money or property as exempt:

CAUTION: If the plaintiff objects to your claim, you will have to go to court and give proof of your claim. For example, if you claim that a bank account is exempt, you may have to show the judge your bank statements and papers that show the source of the money you deposited in the bank. Your claim may be granted more quickly if you attach copies of such proof to your claim.

IF THE JUDGE DENIES YOUR EXEMPTION CLAIM, YOU WILL HAVE TO PAY THE PLAINTIFF'S COSTS. IF THE JUDGE DECIDES THAT YOU DID NOT MAKE THE CLAIM IN GOOD FAITH, HE OR SHE MAY DECIDE THAT YOU MUST PAY THE PLAINTIFF'S ATTORNEY FEES.

(c) If the writ under (b) of this subsection is not a writ for the collection of child support, the exemption language pertaining to child support may be omitted.

**Sec. 8.** RCW 6.27.140 and 2011 c 162 s 6 are each amended to read as follows:

(1) The notice required by RCW 6.27.130(1) to be mailed to or served on an individual judgment debtor shall be in the following form, printed or typed in ((type)) no smaller than ((~~ele~~type)) size twelve point font:

NOTICE OF GARNISHMENT AND OF YOUR RIGHTS

IF PENSION OR RETIREMENT BENEFITS ARE GARNISHED:

Name and address of employer who is paying the benefits:.....

IF EARNINGS ARE GARNISHED FOR CHILD SUPPORT:

I claim maximum exemption.

A Writ of Garnishment issued in a Washington court has been or will be served on the garnishee named in the attached copy of the writ. After receipt of the writ, the garnishee is required to withhold payment of any money that was due to

FIFTY THIRD DAY, MARCH 1, 2012

2012 REGULAR SESSION

you and to withhold any other property of yours that the garnishee held or controlled. This notice of your rights is required by law.

YOU HAVE THE FOLLOWING EXEMPTION RIGHTS:

WAGES. If the garnishee is your employer who owes wages or other personal earnings to you, your employer is required to pay amounts to you that are exempt under state and federal laws, as explained in the writ of garnishment. You should receive a copy of your employer's answer, which will show how the exempt amount was calculated. If the garnishment is for child support, the exempt amount paid to you will be ~~((forty))~~ a percent of ((wages due you, but if you are supporting a spouse, state registered domestic partner, or dependent child, you are entitled to claim an additional ten percent as exempt)) your disposable earnings, which is fifty percent of that part of your earnings remaining after your employer deducts those amounts which are required by law to be withheld.

BANK ACCOUNTS. If the garnishee is a bank or other institution with which you have an account in which you have deposited benefits such as Temporary Assistance for Needy Families, Supplemental Security Income (SSI), Social Security, veterans' benefits, unemployment compensation, or ~~((a United States pension))~~ any federally qualified pension, such as a state or federal pension, individual retirement account

(IRA), or 401K plan, you may claim the account as fully exempt if you have deposited only such benefit funds in the account. It may be partially exempt even though you have deposited money from other sources in the same account. An exemption is also available under RCW 26.16.200, providing that funds in a community bank account that can be identified as the earnings of a stepparent are exempt from a garnishment on the child support obligation of the parent.

OTHER EXEMPTIONS. If the garnishee holds other property of yours, some or all of it may be exempt under RCW 6.15.010, a Washington statute that exempts certain property of your choice (including up to \$500.00 in a bank account) and certain other property such as household furnishings, tools of trade, and a motor vehicle (all limited by differing dollar values).

HOW TO CLAIM EXEMPTIONS. Fill out the enclosed claim form and mail or deliver it as described in instructions on the claim form. If the plaintiff does not object to your claim, the funds or other property that you have claimed as exempt must be released not later than 10 days after the plaintiff receives your claim form. If the plaintiff objects, the law requires a hearing not later than 14 days after the plaintiff receives your claim form, and notice of the objection and hearing date will be mailed to you at the address that you put on the claim form.

THE LAW ALSO PROVIDES OTHER EXEMPTION RIGHTS. IF NECESSARY, AN ATTORNEY CAN ASSIST YOU TO ASSERT THESE AND OTHER RIGHTS, BUT YOU MUST ACT IMMEDIATELY TO AVOID LOSS OF RIGHTS BY DELAY.

(2)(a) If the writ is to garnish funds or property held by a financial institution, the claim form required by RCW 6.27.130(1) to be mailed to or served on an individual judgment debtor shall be in the following form, printed or typed in ((type)) no smaller than ((elite type)) size twelve point font:

[Caption to be filled in by judgment creditor or plaintiff before mailing.]

.....

Name of Court

..... No .....

Plaintiff,

vs.

..... EXEMPTION CLAIM

Defendant,

.....

Garnishee Defendant

INSTRUCTIONS:

- 1. Read this whole form after reading the enclosed notice. Then put an X in the box or boxes that describe your exemption claim or claims and write in the necessary information on the blank lines. If additional space is needed, use the bottom of the last page or attach another sheet.
2. Make two copies of the completed form. Deliver the original form by first-class mail or in person to the clerk of the court, whose address is shown at the bottom of the writ of garnishment. Deliver one of the copies by first-class mail or in person to the plaintiff or plaintiff's attorney, whose name and address are shown at the bottom of the writ. Keep the other copy. YOU SHOULD DO THIS AS QUICKLY AS POSSIBLE, BUT NO LATER THAN 28 DAYS (4 WEEKS) AFTER THE DATE ON THE WRIT.

I/We claim the following money or property as exempt:

IF BANK ACCOUNT IS GARNISHED:

[ ] The account contains payments from:

- [ ] Temporary assistance for needy families, SSI, or other public assistance. I receive \$ . . . . monthly.
[ ] Social Security. I receive \$ . . . . monthly.
[ ] Veterans' Benefits. I receive \$ . . . . monthly.
[ ] ((U.S. Government Pension.)) Federally qualified pension, such as a state or federal pension, individual retirement account (IRA), or 401K plan. I receive \$ . . . . monthly.
[ ] Unemployment Compensation. I receive \$ . . . . monthly.
[ ] Child support. I receive \$ . . . . monthly.
[ ] Other. Explain .....

IF EXEMPTION IN BANK ACCOUNT IS CLAIMED, ANSWER ONE OR BOTH OF THE FOLLOWING:

- [ ] No money other than from above payments are in the account.
[ ] Moneys in addition to the above payments have been deposited in the account. Explain .....

((IF EARNINGS ARE GARNISHED FOR CHILD SUPPORT:

- [ ] I claim maximum exemption.
[ ] I am supporting another child or other children.
[ ] I am supporting a husband, wife, or state registered domestic partner.

IF PENSION OR RETIREMENT BENEFITS ARE GARNISHED:

- [ ] Name and address of employer who is paying the benefits: .....

OTHER PROPERTY:

- [ ] Describe property .....
(If you claim other personal property as exempt, you must attach a list of all other personal property that you own.)

Print: Your name If married or in a state registered domestic partnership, name of husband/wife/state registered domestic partner

Your signature Signature of husband,

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wife, or state registered domestic partner

clerk of the court, whose address is shown at the bottom of the writ of garnishment. Deliver one of the copies by first-class mail or in person to the plaintiff or plaintiff's attorney, whose name and address are shown at the bottom of the writ. Keep the other copy. YOU SHOULD DO THIS AS QUICKLY AS POSSIBLE, BUT NO LATER THAN 28 DAYS (4 WEEKS) AFTER THE DATE ON THE WRIT.

I/We claim the following money or property as exempt:

Address

Address

(if different from yours)

Telephone number

Telephone number

(if different from yours)

CAUTION: If the plaintiff objects to your claim, you will have to go to court and give proof of your claim. For example, if you claim that a bank account is exempt, you may have to show the judge your bank statements and papers that show the source of the money you deposited in the bank. Your claim may be granted more quickly if you attach copies of such proof to your claim.

IF PENSION OR RETIREMENT BENEFITS ARE GARNISHED:

[ ] Name and address of employer who is paying the benefits:

IF EARNINGS ARE GARNISHED FOR CHILD SUPPORT:

[ ] I claim maximum exemption.

IF THE JUDGE DENIES YOUR EXEMPTION CLAIM, YOU WILL HAVE TO PAY THE PLAINTIFF'S COSTS. IF THE JUDGE DECIDES THAT YOU DID NOT MAKE THE CLAIM IN GOOD FAITH, HE OR SHE MAY DECIDE THAT YOU MUST PAY THE PLAINTIFF'S ATTORNEY FEES.

(b) If the writ is directed to an employer to garnish earnings, the claim form required by RCW 6.27.130(1) to be mailed to or served on an individual judgment debtor shall be in the following form, subject to (c) of this subsection, printed or typed in no smaller than size twelve point font type:

Print: Your name

If married or in a state registered domestic partnership, name of husband/wife/state registered domestic partner

Your signature

Signature of husband, wife, or state registered domestic partner

[Caption to be filled in by judgment creditor or plaintiff before mailing.]

Name of Court

No . . . . .

Address

Address

(if different from yours)

Plaintiff,

vs.

EXEMPTION CLAIM

Telephone number

Telephone number

(if different from yours)

Defendant,

Garnishee Defendant

INSTRUCTIONS:

- 1. Read this whole form after reading the enclosed notice. Then put an X in the box or boxes that describe your exemption claim or claims and write in the necessary information on the blank lines. If additional space is needed, use the bottom of the last page or attach another sheet.
2. Make two copies of the completed form. Deliver the original form by first-class mail or in person to the

CAUTION: If the plaintiff objects to your claim, you will have to go to court and give proof of your claim. For example, if you claim that a bank account is exempt, you may have to show the judge your bank statements and papers that show the source of the money you deposited in the bank. Your claim may be granted more quickly if you attach copies of such proof to your claim.

IF THE JUDGE DENIES YOUR EXEMPTION CLAIM, YOU WILL HAVE TO PAY THE PLAINTIFF'S COSTS. IF THE JUDGE DECIDES THAT YOU DID NOT MAKE THE CLAIM IN GOOD FAITH, HE OR SHE MAY DECIDE THAT YOU MUST PAY THE PLAINTIFF'S ATTORNEY FEES.

(c) If the writ under (b) of this subsection is not a writ for the

collection of child support, the exemption language pertaining to child support may be omitted.

Sec. 9. RCW 6.27.150 and 1991 c 365 s 26 are each amended to read as follows:

(1) Except as provided in subsection (2) of this section, if the garnishee is an employer owing the defendant earnings, then for each week of such earnings, an amount shall be exempt from garnishment which is the greatest of the following:

(a) Thirty-five times the federal minimum hourly wage ((prescribed by section 206(a)(1) of Title 29 of the United States Code)) in effect at the time the earnings are payable; or

(b) Seventy-five percent of the disposable earnings of the defendant.

(2) In the case of a garnishment based on a judgment or other ((court)) order for child support or court order for spousal maintenance, other than a mandatory wage assignment order pursuant to chapter 26.18 RCW, or a mandatory assignment of retirement benefits pursuant to chapter 41.50 RCW, the exemption shall be fifty percent of the disposable earnings of the defendant ((if the individual is supporting a spouse or dependent child (other than a spouse or child on whose behalf the garnishment is brought), or forty percent of the disposable earnings of the defendant if the individual is not supporting such a spouse or dependent child)).

(3) The exemptions stated in this section shall apply whether such earnings are paid, or are to be paid, weekly, monthly, or at other intervals, and whether earnings are due the defendant for one week, a portion thereof, or for a longer period.

(4) Unless directed otherwise by the court, the garnishee shall determine and deduct exempt amounts under this section as directed in the writ of garnishment and answer, and shall pay these amounts to the defendant.

(5) No money due or earned as earnings as defined in RCW 6.27.010 shall be exempt from garnishment under the provisions of RCW 6.15.010, as now or hereafter amended.

Sec. 10. RCW 6.27.190 and 2003 c 222 s 8 are each amended to read as follows:

(1) The answer of the garnishee shall be signed by the garnishee or attorney or if the garnishee is a corporation, by an officer, attorney or duly authorized agent of the garnishee, under penalty of perjury, and the original and copies delivered, either personally or by mail, ((to the clerk of the court, one copy to the plaintiff or the plaintiff's attorney, and one copy to the defendant. The answer shall be made on a form substantially as appears in this section, served on the garnishee with the writ. Prior to serving the answer forms for a writ for continuing lien on earnings, the plaintiff shall fill in the minimum exemption amounts for the different pay periods, and the maximum percentages of disposable earnings subject to lien and exempt from lien)) as instructed in the writ.

(2) If the writ of garnishment is for a continuing lien, the answer forms shall be as prescribed in RCW 6.27.340 and 6.27.350.

(3) If the writ is not directed to an employer for the purpose of garnishing the defendant's wages, the ((paragraphs in section II of the answer relating to earnings and calculations of withheld amounts may be omitted.)) answer shall be substantially in the following form:

IN THE . . . . COURT
OF THE STATE OF WASHINGTON IN AND FOR
THE COUNTY OF . . . .

..... NO. ....

Plaintiff

vs.

ANSWER

..... TO WRIT OF
Defendant GARNISHMENT

.....
Garnishee Defendant

SECTION I. On the date the writ of garnishment was issued as indicated by the date appearing on the last page of the writ:

(A) The defendant: (check one) . . . . was, . . . . was not employed by garnishee. If not employed and you have no possession or control of any funds of defendant, indicate the last day of employment: . . . . ; and complete section III of this answer and mail or deliver the forms as directed in the writ;

(B) The defendant: (check one) . . . . did, . . . . did not maintain a financial account with garnishee; and

(C) The garnishee: (check one) . . . . did, . . . . did not have possession of or control over any funds, personal property, or effects of the defendant. (List all of defendant's personal property or effects in your possession or control on the last page of this answer form or attach a schedule if necessary.)

SECTION II. At the time of service of the writ of garnishment on the garnishee there was due and owing from the garnishee to the above-named defendant \$ . . . .

((This writ attaches a maximum of . . . . percent of the defendant's disposable earnings (that is, compensation payable for personal services, whether called wages, salary, commission, bonus, or otherwise, and including periodic payments pursuant to a nongovernmental pension or retirement program). Calculate the attachable amount as follows:

Gross Earnings \$ . . . . .(1)
Less deductions required by law (social security, federal withholding tax, etc. Do not include deductions for child support orders or government liens here. Deduct child support orders and liens on line 7): \$ . . . . .(2)
Disposable Earnings (subtract line 2 from line 1): \$ . . . . .(3)
Enter . . . . percent of line 3: \$ . . . . .(4)
Enter one of the following exempt amounts\*: \$ . . . . .(5)

If paid: Weekly \$ . . . . . Semi-monthly \$ . . . . .
Bi-weekly \$ . . . . . Monthly \$ . . . . .

\*These are minimum exempt amounts that the defendant must be paid. If your answer covers more than one pay period, multiply the preceding amount by the number of pay periods and/or fraction thereof your answer covers. If you use a pay period not shown, prorate the monthly exempt amount. Subtract the larger of lines 4 and 5 from

line 3: \$ . . . . .(6)
Enter amount (if any) withheld for ongoing government liens such as child support: \$ . . . . .(7)
Subtract line 7 from line 6. This amount must be held out for the plaintiff: \$ . . . . .(8)

This is the formula that you will use for withholding each pay period over the required sixty-day garnishment period. Deduct any allowable processing fee you may charge from the amount that is to be paid to the defendant.))



If there is any uncertainty about your answer, give an explanation on the last page or on an attached page.

SECTION III. An attorney may answer for the garnishee.

Under penalty of perjury, I affirm that I have examined this answer, including accompanying schedules, and to the best of my knowledge and belief it is true, correct, and complete.

.....	.....
Signature of	Date
Garnishee Defendant	
.....	.....
Signature of person	Connection with
answering for	garnishee
garnishee	
.....	.....
Print name of person	.....
signing	Address of garnishee

Sec. 11. RCW 6.27.200 and 2003 c 222 s 9 are each amended to read as follows:

If the garnishee fails to answer the writ within the time prescribed in the writ, after the time to answer the writ has expired and after required returns or affidavits have been filed, showing service on the garnishee and service on or mailing to the defendant, it shall be lawful for the court to render judgment by default against such garnishee, after providing a notice to the garnishee by personal service or first-class mail deposited in the mail at least ten calendar days prior to entry of the judgment, for the full amount claimed by the plaintiff against the defendant, or in case the plaintiff has a judgment against the defendant, for the full amount of the plaintiff's unpaid judgment against the defendant with all accruing interest and costs as prescribed in RCW 6.27.090: PROVIDED, That upon motion by the garnishee at any time within seven days following service on, or mailing to, the garnishee of a copy of the first writ of execution or writ of garnishment under such judgment, the judgment against the garnishee shall be reduced to the amount of any nonexempt funds or property which was actually in the possession of the garnishee at the time the writ was served, plus the cumulative amount of the nonexempt earnings subject to the lien provided for in RCW 6.27.350, or the sum of one hundred dollars, whichever is more, but in no event to exceed the full amount claimed by the plaintiff or the amount of the unpaid judgment against the principal defendant (~~plus~~) with all accruing interest and costs and attorney's fees as prescribed in RCW 6.27.090, plus the accruing interest and costs and attorneys' fees as prescribed in RCW 6.27.090 for any garnishment on the judgment against the garnishee, and in addition the plaintiff shall be entitled to a reasonable attorney's fee for the plaintiff's response to the garnishee's motion to reduce said judgment against the garnishee under this proviso and the court may allow additional attorney's fees for other actions taken because of the garnishee's failure to answer.

Sec. 12. RCW 6.27.250 and 2003 c 222 s 10 are each amended to read as follows:

(1)(a) If it appears from the answer of the garnishee or if it is otherwise made to appear that the garnishee was indebted to the defendant in any amount, not exempt, when the writ of garnishment

was served, and if the required return or affidavit showing service on or mailing to the defendant is on file, the court shall render judgment for the plaintiff against such garnishee for the amount so admitted or found to be due to the defendant from the garnishee, unless such amount exceeds the amount of the plaintiff's claim or judgment against the defendant with accruing interest and costs and attorney's fees as prescribed in RCW 6.27.090, in which case it shall be for the amount of such claim or judgment, with said interest, costs, and fees. If there is no unresolved exemption claim and no controversy, the plaintiff may apply for the judgment and order to pay ex parte. In the case of a superior court garnishment, the court shall order the garnishee to pay to the plaintiff or to the plaintiff's attorney through the registry of the court the amount of the judgment against the garnishee, the clerk of the court shall note receipt of any such payment, and the clerk of the court shall disburse the payment to the plaintiff. In the case of a district court garnishment, the court shall order the garnishee to pay the judgment amount directly to the plaintiff or to the plaintiff's attorney. In either case, the court shall inform the garnishee that failure to pay the amount may result in execution of the judgment, including garnishment.

(b) If, prior to judgment, the garnishee tenders to the plaintiff or to the plaintiff's attorney or to the court any amounts due, such tender will support judgment against the garnishee in the amount so tendered, subject to any exemption claimed within the time required in RCW 6.27.160 after the amounts are tendered, and subject to any controversy filed within the time required in RCW 6.27.210 after the amounts are tendered. Any amounts tendered to the court by or on behalf of the garnishee or the defendant prior to judgment shall be disbursed to the party entitled to same upon entry of judgment or order, and any amounts so tendered after entry of judgment or order shall be disbursed upon receipt to the party entitled to same.

(2) If it shall appear from the answer of the garnishee and the same is not controverted, or if it shall appear from the hearing or trial on controversion or by stipulation of the parties that the garnishee is indebted to the principal defendant in any sum, but that such indebtedness is not matured and is not due and payable, and if the required return or affidavit showing service on or mailing to the defendant is on file, the court shall make an order requiring the garnishee to pay such sum into court when the same becomes due, the date when such payment is to be made to be specified in the order, and in default thereof that judgment shall be entered against the garnishee for the amount of such indebtedness so admitted or found due. In case the garnishee pays the sum at the time specified in the order, the payment shall operate as a discharge, otherwise judgment shall be entered against the garnishee for the amount of such indebtedness, which judgment shall have the same force and effect, and be enforced in the same manner as other judgments entered against garnishees as provided in this chapter: PROVIDED, That if judgment is rendered in favor of the principal defendant, or if any judgment rendered against the principal defendant is satisfied prior to the date of payment specified in an order of payment entered under this subsection, the garnishee shall not be required to make the payment, nor shall any judgment in such case be entered against the garnishee.

(3) The court shall, upon request of the plaintiff at the time judgment is rendered against the garnishee or within one year thereafter, or within one year after service of the writ on the garnishee if no judgment is taken against the garnishee, render judgment against the defendant for recoverable garnishment costs and attorney fees. However, if it appears from the answer of garnishee or otherwise that, at the time the writ was issued, the garnishee held no funds, personal property, or effects of the defendant and, in the case of a garnishment on earnings, the defendant was not employed by the garnishee, or, in the case of a writ directed to a financial institution, the defendant maintained no

account therein, then the plaintiff may not be awarded judgment against the defendant for such costs or attorney fees.

**Sec. 13.** RCW 6.27.330 and 1987 c 442 s 1032 are each amended to read as follows:

A judgment creditor may obtain a continuing lien on earnings by a garnishment pursuant to ~~((RCW 6.27.340, 6.27.350, 6.27.360, and 7.33.390))~~ this chapter.

**Sec. 14.** RCW 6.27.350 and 2003 c 222 s 14 are each amended to read as follows:

(1) Where the garnishee's answer to a garnishment for a continuing lien reflects that the defendant is employed by the garnishee, the judgment or balance due thereon as reflected on the writ of garnishment shall become a lien on earnings due at the time of the effective date of the writ, as defined in this subsection, to the extent that they are not exempt from garnishment, and such lien shall continue as to subsequent nonexempt earnings until the total subject to the lien equals the amount stated on the writ of garnishment or until the expiration of the employer's payroll period ending on or before sixty days after the effective date of the writ, whichever occurs first, except that such lien on subsequent earnings shall terminate sooner if the employment relationship is terminated or if the underlying judgment is vacated, modified, or satisfied in full or if the writ is dismissed. The "effective date" of a writ is the date of service of the writ if there is no previously served writ; otherwise, it is the date of termination of a previously served writ or writs.

(2) At the time of the expected termination of the lien, the plaintiff shall mail to the garnishee ~~((three additional stamped envelopes addressed as provided in RCW 6.27.110, and four additional copies))~~ one copy of the answer form prescribed in RCW ~~((6.27.190))~~ 6.27.340. The plaintiff shall replace the text of section I of the answer form with a statement in substantially the following form: "ANSWER SECTION II OF THIS FORM WITH RESPECT TO THE TOTAL AMOUNT OF EARNINGS WITHHELD UNDER THIS GARNISHMENT, INCLUDING THE AMOUNT, IF ANY, STATED IN YOUR FIRST ANSWER, AND WITHIN TWENTY DAYS AFTER YOU RECEIVE THESE FORMS, MAIL OR DELIVER THEM AS DIRECTED IN THE WRIT."

<u>Nonexempt</u> amount due and owing stated in first answer	\$ . . .
<u>Nonexempt</u> amount accrued since first answer	\$ . . .
TOTAL AMOUNT WITHHELD	\$

(3) Within twenty days of receipt of the second answer form the garnishee shall file a second answer, either in the form as provided in subsection (2) of this section, stating the total amount held subject to the garnishment, or otherwise containing the information required in subsection (2) of this section and a calculation indicating the total amount due and owing from the garnishee defendant to the defendant, the defendant's total earnings, allowable deductions, disposable earnings, exempt earnings, deductions for superior liens such as child support, and net earnings withheld under the writ.

**Sec. 15.** RCW 6.27.360 and 1997 c 296 s 8 are each amended to read as follows:

(1) Except as provided in subsection ~~((2))~~ (3) of this section, a lien obtained under RCW 6.27.350 shall have priority over any subsequent garnishment lien or wage assignment except that service of a writ shall not be effective to create a continuing lien with such priority if a writ in the same case is pending at the time of the service of the new writ.

(2) A lien obtained under RCW 6.27.350 shall have priority over any prior wage assignment, except an assignment for child support as provided in subsection (3) of this section and an assignment for legal financial obligations as provided under RCW 9.94A.760, 9.94A.7702, and 72.09.111.

(3) A lien obtained under RCW 6.27.350 shall not have priority over a notice of payroll deduction issued under RCW 26.23.060 or a wage assignment or other garnishment for child support issued under chapters 26.18 and 74.20A RCW. Should nonexempt wages remain after deduction of all amounts owing under a notice of payroll deduction, wage assignment, or garnishment for child support, the garnishee shall withhold the remaining nonexempt wages under the lien obtained under RCW 6.27.350.

**Sec. 16.** RCW 6.27.370 and 1997 c 296 s 9 are each amended to read as follows:

(1) Whenever the federal government is named as a garnishee defendant, the attorney for the plaintiff, or the clerk of the court shall, upon submitting a notice in the appropriate form by the plaintiff, issue a notice which directs the garnishee defendant to disburse any nonexempt earnings to the court in accordance with the garnishee defendant's normal pay and disbursement cycle.

(2) Funds received by the clerk from a garnishee defendant may be deposited into the registry of the court or, in the case of negotiable instruments, may be retained in the court file. Upon presentation of an order directing the clerk to disburse the funds received, the clerk shall pay or endorse the funds over to the party entitled to receive the funds. Except for good cause shown, the funds shall not be paid or endorsed to the plaintiff prior to the expiration of any minimum statutory period allowed to the defendant for filing an exemption claim.

(3) The plaintiff shall, in the same manner permitted for service of the writ of garnishment, provide to the garnishee defendant a copy of the notice issued ~~((by the clerk and an envelope addressed to the court))~~ under subsection (1) of this section, and shall supply to the garnished party a copy of the notice.

(4) Any answer or processing fees charged by the garnishee defendant to the plaintiff under federal law shall be a recoverable cost under RCW 6.27.090.

(5) The notice to the federal government garnishee shall be in substantially the following form:

IN THE . . . . . COURT OF THE STATE OF  
WASHINGTON

IN AND FOR . . . . . COUNTY

....., NO . . . . .

Plaintiff, NOTICE TO FEDERAL

vs. GOVERNMENT GARNISHEE

DEFENDANT

.....,

Defendant,

.....,

Garnishee Defendant.

TO: THE GOVERNMENT OF THE UNITED STATES  
AND ANY DEPARTMENT, AGENCY, OR DIVISION  
THEREOF

FIFTY THIRD DAY, MARCH 1, 2012

2012 REGULAR SESSION

You have been named as the garnishee defendant in the above-entitled cause. A Writ of Garnishment accompanies this Notice. The Writ of Garnishment directs you to hold the nonexempt earnings of the named defendant, but does not instruct you to disburse the funds you hold.

BY THIS NOTICE THE COURT DIRECTS YOU TO WITHHOLD ALL NONEXEMPT EARNINGS AND DISBURSE THEM IN ACCORDANCE WITH YOUR NORMAL PAY AND DISBURSEMENT CYCLE, TO THE FOLLOWING:

..... County ..... Court Clerk
Cause No .....
.....
(Address)

PLEASE REFERENCE THE DEFENDANT EMPLOYEE'S NAME AND THE ABOVE CAUSE NUMBER ON ALL DISBURSEMENTS.

The enclosed Writ also directs you to respond to the Writ within twenty (20) days, but you are allowed thirty (30) days to respond under federal law.

DATED this .... day of ....., ((49)) 20...

.....
Clerk of the Court

(6) If the writ of garnishment is issued by the attorney of record for the judgment creditor, the following paragraph shall replace the clerk's signature and date:
This notice is issued by the undersigned attorney of record for plaintiff under the authority of RCW 6.27.370, and must be complied with in the same manner as a notice issued by the court.

Dated this .....day of.....20.....

.....
Attorney for Plaintiff

Sec. 17. RCW 2.10.180 and 1991 c 365 s 18 are each amended to read as follows:

(1) Except as provided in subsections (2), (3), and (4) of this section, the right of a person to a retirement allowance, disability allowance, or death benefit, the retirement, disability or death allowance itself, any optional benefit, any other right accrued or accruing to any person under the provisions of this chapter, and the moneys in the fund created under this chapter, are hereby exempt from any state, county, municipal, or other local tax and shall not be subject to execution, garnishment, or any other process of law whatsoever whether the same be in actual possession of the person or be deposited or loaned.

(2) Subsection (1) of this section shall not be deemed to prohibit a beneficiary of a retirement allowance from authorizing deductions therefrom for payment of premiums due on any group insurance policy or plan issued for the benefit of a group comprised of public employees of the state of Washington.

(3) Deductions made in the past from retirement benefits are hereby expressly recognized, ratified, and affirmed. Future deductions may only be made in accordance with this section.

(4) Subsection (1) of this section shall not prohibit the department of retirement systems from complying with (a) a wage assignment order for child support issued pursuant to chapter 26.18 RCW, (b) a notice of payroll deduction issued under chapter 26.23 RCW, (c) an order to withhold and deliver issued pursuant to chapter 74.20A RCW, (d) a mandatory benefits assignment order issued pursuant to chapter 41.50 RCW, (e) a court order directing the department of retirement systems to pay benefits directly to an obligee under a dissolution order as defined in RCW 41.50.500(3) which fully complies with RCW 41.50.670 and 41.50.700, or (f) any administrative or court order expressly authorized by federal law.

Sec. 18. RCW 2.12.090 and 1991 c 365 s 19 are each amended to read as follows:

(1) Except as provided in subsections (2), (3), and (4) of this section, the right of any person to a retirement allowance or optional retirement allowance under the provisions of this chapter and all moneys and investments and income thereof are exempt from any state, county, municipal, or other local tax and shall not be subject to execution, garnishment, attachment, the operation of bankruptcy or the insolvency laws, or other processes of law whatsoever whether the same be in actual possession of the person or be deposited or loaned and shall be unassignable except as herein specifically provided.

(2) Subsection (1) of this section shall not prohibit the department of retirement systems from complying with (a) a wage assignment order for child support issued pursuant to chapter 26.18 RCW, (b) a notice of payroll deduction issued under chapter 26.23 RCW, (c) an order to withhold and deliver issued pursuant to chapter 74.20A RCW, (d) a mandatory benefits assignment order issued pursuant to chapter 41.50 RCW, (e) a court order directing the department of retirement systems to pay benefits directly to an obligee under a dissolution order as defined in RCW 41.50.500(3) which fully complies with RCW 41.50.670 and 41.50.700, or (f) any administrative or court order expressly authorized by federal law.

(3) Subsection (1) of this section shall not be deemed to prohibit a beneficiary of a retirement allowance from authorizing deductions therefrom for payment of premiums due on any group insurance policy or plan issued for the benefit of a group comprised of public employees of the state of Washington.

(4) Deductions made in the past from retirement benefits are hereby expressly recognized, ratified, and affirmed. Future deductions may only be made in accordance with this section.

Sec. 19. RCW 41.20.180 and 1979 ex.s. c 205 s 2 are each amended to read as follows:

The right of a person to a pension, an annuity, or retirement allowance, or disability allowance, or death benefits, or any optional benefit, or any other right accrued or accruing to any person under the provisions of this chapter, and any fund created hereby, and all moneys and investments and income thereof, are exempt from any state, county, municipal, or other local tax, and shall not be subject to execution, garnishment, attachment, the operation of bankruptcy or insolvency laws, or other process of law whatsoever, whether the same be in actual possession of the person or be deposited or loaned and shall be unassignable: PROVIDED, That benefits under this chapter shall be payable to a spouse or ex-spouse to the extent expressly provided for in any court decree of dissolution or legal separation or in any court order or court-approved property settlement agreement incident to any court decree of dissolution or legal separation.

Sec. 20. RCW 41.32.052 and 1991 c 365 s 21 and 1991 c 35 s 63 are each reenacted and amended to read as follows:

(1) Subject to subsections (2) and (3) of this section, the right of a person to a pension, an annuity, a retirement allowance, or disability allowance, to the return of contributions, any optional benefit or death benefit, any other right accrued or accruing to any person under the provisions of this chapter and the moneys in the various funds created by this chapter shall be unassignable, and are hereby exempt from any state, county, municipal or other local tax, and shall not be subject to execution, garnishment, attachment, the operation of bankruptcy or insolvency laws, or other process of law whatsoever whether the same be in actual possession of the person or be deposited or loaned.

(2) This section shall not be deemed to prohibit a beneficiary of a retirement allowance who is eligible:

(a) Under RCW 41.05.080 from authorizing monthly deductions therefrom for payment of premiums due on any group insurance policy or plan issued for the benefit of a group comprised of public employees of the state of Washington or its political subdivisions;

(b) Under a group health care benefit plan approved pursuant to RCW 28A.400.350 or 41.05.065 from authorizing monthly deductions therefrom, of the amount or amounts of subscription payments, premiums, or contributions to any person, firm, or corporation furnishing or providing medical, surgical, and hospital care or other health care insurance; or

(c) Under this system from authorizing monthly deductions therefrom for payment of dues and other membership fees to any retirement association composed of retired teachers and/or public employees pursuant to a written agreement between the director and the retirement association.

Deductions under (a) and (b) of this subsection shall be made in accordance with rules that may be adopted by the director.

(3) Subsection (1) of this section shall not prohibit the department from complying with (a) a wage assignment order for child support issued pursuant to chapter 26.18 RCW, (b) an order to withhold and deliver issued pursuant to chapter 74.20A RCW, (c) a notice of payroll deduction issued pursuant to RCW 26.23.060, (d) a mandatory benefits assignment order issued by the department, (e) a court order directing the department of retirement systems to pay benefits directly to an obligee under a dissolution order as defined in RCW 41.50.500(3) which fully complies with RCW 41.50.670 and 41.50.700, or (f) any administrative or court order expressly authorized by federal law.

**Sec. 21.** RCW 41.26.053 and 1991 c 365 s 20 and 1991 c 35 s 25 are each reenacted and amended to read as follows:

(1) Subject to subsections (2) and (3) of this section, the right of a person to a retirement allowance, disability allowance, or death benefit, to the return of accumulated contributions, the retirement, disability or death allowance itself, any optional benefit, any other right accrued or accruing to any person under the provisions of this chapter, and the moneys in the fund created under this chapter, are hereby exempt from any state, county, municipal, or other local tax and shall not be subject to execution, garnishment, attachment, the operation of bankruptcy or insolvency laws, or any other process of law whatsoever, whether the same be in actual possession of the person or be deposited or loaned and shall be unassignable.

(2) On the written request of any person eligible to receive benefits under this section, the department may deduct from such payments the premiums for life, health, or other insurance. The request on behalf of any child or children shall be made by the legal guardian of such child or children. The department may provide for such persons one or more plans of group insurance, through contracts with regularly constituted insurance carriers or health care service contractors.

(3) Subsection (1) of this section shall not prohibit the department from complying with (a) a wage assignment order for

child support issued pursuant to chapter 26.18 RCW, (b) an order to withhold and deliver issued pursuant to chapter 74.20A RCW, (c) a notice of payroll deduction issued pursuant to RCW 26.23.060, (d) a mandatory benefits assignment order issued by the department, (e) a court order directing the department of retirement systems to pay benefits directly to an obligee under a dissolution order as defined in RCW 41.50.500(3) which fully complies with RCW 41.50.670 and 41.50.700, or (f) any administrative or court order expressly authorized by federal law.

**Sec. 22.** RCW 41.28.200 and 1939 c 207 s 21 are each amended to read as follows:

The right of a person to a pension, an annuity or a retirement allowance, to the return of contributions, the pension, annuity or retirement allowance itself, any optional benefit, any other right accrued or accruing to any person under the provisions of this chapter, and the moneys in the fund created under this chapter shall not be subject to execution, garnishment, attachment, or any other process whatsoever, whether the same be in actual possession of the person or be deposited or loaned and shall be unassignable except as in this chapter specifically provided.

**Sec. 23.** RCW 41.34.080 and 2000 c 247 s 405 are each amended to read as follows:

(1) Subject to subsections (2) and (3) of this section, the right of a person to a pension, an annuity, a retirement allowance, any optional benefit, any other right accrued or accruing to any person under the provisions of this chapter, and the various funds created by chapter 239, Laws of 1995; chapter 341, Laws of 1998; and chapter 247, Laws of 2000 and all moneys and investments and income thereof, is hereby exempt from any state, county, municipal, or other local tax, and shall not be subject to execution, garnishment, attachment, the operation of bankruptcy or insolvency laws, or other process of law whatsoever, whether the same be in actual possession of the person or be deposited or loaned and shall be unassignable.

(2) This section shall not be deemed to prohibit a beneficiary of a retirement allowance from authorizing deductions therefrom for payment of premiums due on any group insurance policy or plan issued for the benefit of a group comprised of public employees of the state of Washington or its political subdivisions and that has been approved for deduction in accordance with rules that may be adopted by the state health care authority and/or the department. This section shall not be deemed to prohibit a beneficiary of a retirement allowance from authorizing deductions therefrom for payment of dues and other membership fees to any retirement association or organization the membership of which is composed of retired public employees, if a total of three hundred or more of such retired employees have authorized such deduction for payment to the same retirement association or organization.

(3) Subsection (1) of this section shall not prohibit the department from complying with (a) a wage assignment order for child support issued pursuant to chapter 26.18 RCW, (b) an order to withhold and deliver issued pursuant to chapter 74.20A RCW, (c) a notice of payroll deduction issued pursuant to RCW 26.23.060, (d) a mandatory benefits assignment order issued by the department, (e) a court order directing the department to pay benefits directly to an obligee under a dissolution order as defined in RCW 41.50.500(3) which fully complies with RCW 41.50.670 and 41.50.700, or (f) any administrative or court order expressly authorized by federal law.

**Sec. 24.** RCW 41.35.100 and 1998 c 341 s 11 are each amended to read as follows:

(1) Subject to subsections (2) and (3) of this section, the right of a person to a pension, an annuity, or retirement allowance, any optional benefit, any other right accrued or accruing to any person under the provisions of this chapter, the various funds created by this chapter, and all moneys and investments and income thereof, are hereby exempt from any state, county, municipal, or other local tax,

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and shall not be subject to execution, garnishment, attachment, the operation of bankruptcy or insolvency laws, or other process of law whatsoever, whether the same be in actual possession of the person or be deposited or loaned and shall be unassignable.

(2) This section does not prohibit a beneficiary of a retirement allowance from authorizing deductions therefrom for payment of premiums due on any group insurance policy or plan issued for the benefit of a group comprised of public employees of the state of Washington or its political subdivisions and which has been approved for deduction in accordance with rules that may be adopted by the state health care authority and/or the department. This section also does not prohibit a beneficiary of a retirement allowance from authorizing deductions therefrom for payment of dues and other membership fees to any retirement association or organization the membership of which is composed of retired public employees, if a total of three hundred or more of such retired employees have authorized such deduction for payment to the same retirement association or organization.

(3) Subsection (1) of this section does not prohibit the department from complying with (a) a wage assignment order for child support issued pursuant to chapter 26.18 RCW, (b) an order to withhold and deliver issued pursuant to chapter 74.20A RCW, (c) a notice of payroll deduction issued pursuant to RCW 26.23.060, (d) a mandatory benefits assignment order issued by the department, (e) a court order directing the department of retirement systems to pay benefits directly to an obligee under a dissolution order as defined in RCW 41.50.500(3) which fully complies with RCW 41.50.670 and 41.50.700, or (f) any administrative or court order expressly authorized by federal law.

**Sec. 25.** RCW 41.37.090 and 2004 c 242 s 12 are each amended to read as follows:

(1) Subject to subsections (2) and (3) of this section, the right of a person to a pension, an annuity, or retirement allowance, any optional benefit, any other right accrued or accruing to any person under this chapter, the various funds created by this chapter, and all moneys and investments and income thereof, are hereby exempt from any state, county, municipal, or other local tax, and shall not be subject to execution, garnishment, attachment, the operation of bankruptcy or insolvency laws, or other process of law whatsoever, whether the same be in actual possession of the person or be deposited or loaned and shall be unassignable.

(2) This section does not prohibit a beneficiary of a retirement allowance from authorizing deductions therefrom for payment of premiums due on any group insurance policy or plan issued for the benefit of a group comprised of public employees of the state of Washington or its political subdivisions and which has been approved for deduction in accordance with rules that may be adopted by the state health care authority and/or the department. This section also does not prohibit a beneficiary of a retirement allowance from authorizing deductions therefrom for payment of dues and other membership fees to any retirement association or organization the membership of which is composed of retired public employees, if a total of three hundred or more retired employees have authorized the deduction for payment to the same retirement association or organization.

(3) Subsection (1) of this section does not prohibit the department from complying with (a) a wage assignment order for child support issued pursuant to chapter 26.18 RCW, (b) an order to withhold and deliver issued pursuant to chapter 74.20A RCW, (c) a notice of payroll deduction issued pursuant to RCW 26.23.060, (d) a mandatory benefits assignment order issued by the department, (e) a court order directing the department to pay benefits directly to an obligee under a dissolution order as defined in RCW 41.50.500(3) which fully complies with RCW 41.50.670 and 41.50.700, or (f) any administrative or court order expressly authorized by federal law.

**Sec. 26.** RCW 41.40.052 and 1999 c 83 s 1 are each amended to read as follows:

(1) Subject to subsections (2) and (3) of this section, the right of a person to a pension, an annuity, or retirement allowance, any optional benefit, any other right accrued or accruing to any person under the provisions of this chapter, the various funds created by this chapter, and all moneys and investments and income thereof, are hereby exempt from any state, county, municipal, or other local tax, and shall not be subject to execution, garnishment, attachment, the operation of bankruptcy or insolvency laws, or other process of law whatsoever, whether the same be in actual possession of the person or be deposited or loaned and shall be unassignable.

(2)(a) This section shall not be deemed to prohibit a beneficiary of a retirement allowance from authorizing deductions therefrom for payment of premiums due on any group insurance policy or plan issued for the benefit of a group comprised of public employees of the state of Washington or its political subdivisions and which has been approved for deduction in accordance with rules that may be adopted by the state health care authority and/or the department, and this section shall not be deemed to prohibit a beneficiary of a retirement allowance from authorizing deductions therefrom for payment of dues and other membership fees to any retirement association or organization the membership of which is composed of retired public employees, if a total of three hundred or more of such retired employees have authorized such deduction for payment to the same retirement association or organization.

(b) This section does not prohibit a beneficiary of a retirement allowance from authorizing deductions from that allowance for charitable purposes on the same terms as employees and public officers under RCW 41.04.035 and 41.04.036.

(3) Subsection (1) of this section shall not prohibit the department from complying with (a) a wage assignment order for child support issued pursuant to chapter 26.18 RCW, (b) an order to withhold and deliver issued pursuant to chapter 74.20A RCW, (c) a notice of payroll deduction issued pursuant to RCW 26.23.060, (d) a mandatory benefits assignment order issued by the department, (e) a court order directing the department of retirement systems to pay benefits directly to an obligee under a dissolution order as defined in RCW 41.50.500(3) which fully complies with RCW 41.50.670 and 41.50.700, or (f) any administrative or court order expressly authorized by federal law.

**Sec. 27.** RCW 41.44.240 and 1989 c 360 s 28 are each amended to read as follows:

The right of a person to a pension, annuity or a retirement allowance, to the return of contribution, the pension, annuity or retirement allowance itself, any optional benefit, any other right accrued or accruing to any person under the provisions of this chapter, and the moneys in the fund created under this chapter shall not be subject to execution, garnishment, or any other process whatsoever whether the same be in actual possession of the person or be deposited or loaned. This section shall not apply to child support collection actions taken under chapter 26.18, 26.23, or 74.20A RCW against benefits payable under any such plan or arrangement. Benefits under this chapter shall be payable to a spouse or ex-spouse to the extent expressly provided for in any court decree of dissolution or legal separation or in any court order or court-approved property settlement agreement incident to any court decree of dissolution or legal separation.

**Sec. 28.** RCW 43.43.310 and 1991 c 365 s 23 are each amended to read as follows:

(1) Except as provided in subsections (2) and (3) of this section, the right of any person to a retirement allowance or optional retirement allowance under the provisions hereof and all moneys and investments and income thereof are exempt from any state, county, municipal, or other local tax and shall not be subject to

execution, garnishment, attachment, the operation of bankruptcy or the insolvency laws, or other processes of law whatsoever, whether the same be in actual possession of the person or be deposited or loaned and shall be unassignable except as herein specifically provided.

(2) Subsection (1) of this section shall not prohibit the department of retirement systems from complying with (a) a wage assignment order for child support issued pursuant to chapter 26.18 RCW, (b) an order to withhold and deliver issued pursuant to chapter 74.20A RCW, (c) a notice of payroll deduction issued pursuant to RCW 26.23.060, (d) a mandatory benefits assignment order issued pursuant to chapter 41.50 RCW, (e) a court order directing the department of retirement systems to pay benefits directly to an obligee under a dissolution order as defined in RCW 41.50.500(3) which fully complies with RCW 41.50.670 and 41.50.700, or (f) any administrative or court order expressly authorized by federal law.

(3) Subsection (1) of this section shall not be deemed to prohibit a beneficiary of a retirement allowance from authorizing deductions therefrom for payment of premiums due on any group insurance policy or plan issued for the benefit of a group comprised of members of the Washington state patrol or other public employees of the state of Washington, or for contributions to the Washington state patrol memorial foundation.

**NEW SECTION. Sec. 29.** Section 7 of this act expires January 1, 2018.

**NEW SECTION. Sec. 30.** Section 8 of this act takes effect January 1, 2018."

Senator Kline spoke in favor of adoption of the committee striking amendment.

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Judiciary to Substitute House Bill No. 1552.

The motion by Senator Kline carried and the committee striking amendment was adopted by voice vote.

#### MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 1 of the amendment, after "garnishment;" strike the remainder of the title and insert "amending RCW 6.27.010, 6.27.090, 6.27.100, 6.27.340, 6.27.110, 6.27.140, 6.27.140, 6.27.150, 6.27.190, 6.27.200, 6.27.250, 6.27.330, 6.27.350, 6.27.360, 6.27.370, 2.10.180, 2.12.090, 41.20.180, 41.28.200, 41.34.080, 41.35.100, 41.37.090, 41.40.052, 41.44.240, and 43.43.310; reenacting and amending RCW 41.32.052 and 41.26.053; adding a new section to chapter 6.27 RCW; providing an effective date; and providing an expiration date."

#### MOTION

On motion of Senator Kline, the rules were suspended, Substitute House Bill No. 1552 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Kline spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1552 as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1552 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Baumgartner, Becker, Benton, Brown, Carrell, Chase, Conway, Delvin, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles, Litzow, McAuliffe, Morton, Murray, Nelson, Padden, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Rolfes, Schoesler, Sheldon, Shin, Stevens, Swecker and Tom

Excused: Senators Haugen, Roach and Zarelli

SUBSTITUTE HOUSE BILL NO. 1552 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

HOUSE BILL NO. 2210, by Representatives Billig, Carlyle, Lytton, Dahlquist, Asay, Fitzgibbon, Appleton, Warnick, Klippert, Hurst, Stanford, Kelley, Goodman, Ryu, Hudgins, Ormsby, Nealey, Hunt, Haigh, Hargrove, Finn, Tharinger, Santos, Moeller, Takko, Armstrong, McCoy, Jinkins, Probst, Van De Wege, Maxwell, Green, Sells, Reykdal, Ladenburg, Hasegawa, Pollet, Kenney and Kagi

Extending contribution limits to school board candidates.

The measure was read the second time.

#### MOTION

On motion of Senator Pridemore, the rules were suspended, House Bill No. 2210 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Pridemore and Benton spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 2210.

#### ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2210 and the bill passed the Senate by the following vote: Yeas, 43; Nays, 4; Absent, 0; Excused, 2.

Voting yea: Senators Baumgartner, Becker, Benton, Brown, Carrell, Chase, Conway, Delvin, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hatfield, Hewitt, Hill, Hobbs, Honeyford, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles, Litzow, McAuliffe, Morton, Murray, Nelson, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rolfes, Schoesler, Sheldon, Shin, Swecker and Tom

Voting nay: Senators Holmquist Newbry, Padden, Parlette and Stevens

Excused: Senators Haugen and Zarelli

HOUSE BILL NO. 2210, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

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SECOND SUBSTITUTE HOUSE BILL NO. 2216, by House Committee on Ways & Means (originally sponsored by Representatives Hurst, Pearson, Van De Wege, Dahlquist, Tharinger, Goodman, Johnson, Dammeier, Sells, Kelley, McCune and Kristiansen)

Increasing penalties for vehicular homicide and vehicular assault.

The measure was read the second time.

#### MOTION

On motion of Senator Kline, the rules were suspended, Second Substitute House Bill No. 2216 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Kline and Padden spoke in favor of passage of the bill.

#### MOTION

On motion of Senator Harper, Senator Prentice was excused.

The President declared the question before the Senate to be the final passage of Second Substitute House Bill No. 2216.

#### ROLL CALL

The Secretary called the roll on the final passage of Second Substitute House Bill No. 2216 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Baumgartner, Becker, Benton, Brown, Carrell, Chase, Conway, Delvin, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles, Litzow, McAuliffe, Morton, Murray, Nelson, Padden, Parlette, Pflug, Pridemore, Ranker, Regala, Roach, Rolfes, Schoesler, Sheldon, Shin, Stevens, Swecker and Tom

Excused: Senators Haugen, Prentice and Zarelli

SECOND SUBSTITUTE HOUSE BILL NO. 2216, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

ENGROSSED HOUSE BILL NO. 2671, by Representatives Takko and Fitzgibbon

Clarifying procedures for appealing department of ecology final action on a local shoreline master program by ensuring consistency with existing procedural provisions of the growth management act, chapter 36.70A RCW, the administrative procedure act, chapter 34.05 RCW, and the state environmental policy act, chapter 43.21C RCW.

The measure was read the second time.

#### MOTION

On motion of Senator Ranker, the rules were suspended, Engrossed House Bill No. 2671 was advanced to third reading,

the second reading considered the third and the bill was placed on final passage.

Senators Ranker and Morton spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed House Bill No. 2671.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 2671 and the bill passed the Senate by the following vote: Yeas, 42; Nays, 6; Absent, 0; Excused, 1.

Voting yea: Senators Becker, Brown, Carrell, Chase, Conway, Delvin, Eide, Fain, Fraser, Frockt, Hargrove, Harper, Hatfield, Haugen, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles, Litzow, McAuliffe, Morton, Murray, Nelson, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Rolfes, Schoesler, Sheldon, Shin, Swecker and Tom

Voting nay: Senators Baumgartner, Benton, Ericksen, Padden, Roach and Stevens

Excused: Senator Zarelli

ENGROSSED HOUSE BILL NO. 2671, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SUBSTITUTE HOUSE BILL NO. 2263, by House Committee on Ways & Means (originally sponsored by Representatives Kagi, Walsh, Carlyle, Ladenburg, Darneille, Goodman, Fitzgibbon, Jinkins, Roberts, Ryu and Kenney)

Reinvesting savings resulting from changes in the child welfare system.

The measure was read the second time.

#### MOTION

Senator Hargrove moved that the following committee striking amendment by the Committee on Human Services & Corrections be adopted:

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** (1) The legislature finds that the federal child and family services improvement and innovation act provides an important new opportunity for Washington state to flexibly use federal funding, traditionally limited to foster care, to achieve the following outcomes: Increase permanency for all infants, children, and youth by reducing the time spent in foster care placements when possible and promoting a successful transition to adulthood for older youth; increase the positive outcomes for infants, children, youth, and families in their homes and communities, including tribal communities; improve the safety and well-being of infants, children, and youth; and prevent child abuse and neglect and the reentry of infants, children, and youth into foster care.

(2) The legislature finds that the licensed out-of-home foster care caseload has declined by eighteen percent from fiscal year 2008 to fiscal year 2011. The legislature further finds that under the current system, as caseloads decline, fewer state and federal funds

are available in the child welfare budget for prevention and reunification services to continue improving outcomes.

(3) The legislature recognizes the need to reinvest savings related to foster care caseload reductions into effective efforts that improve outcomes. The legislature intends to maximize limited resources by continuing to focus on efforts to improve child safety, child permanency, and child well-being in Washington state.

**NEW SECTION. Sec. 2.** A new section is added to chapter 74.13 RCW to read as follows:

(1) The child and family reinvestment account is created in the state treasury. Moneys in the account may be spent only after appropriation. Moneys in the account may be expended solely for improving outcomes related to: (a) Safely reducing entry into the foster care system and preventing reentry; (b) safely increasing reunifications; (c) achieving permanency for children unable to be reunified; and (d) improving outcomes for youth who will age out of the foster care system. Moneys may be expended for shared savings under performance-based contracts.

(2) Revenues to the child and family reinvestment account consist of: (a) Savings to the state general fund resulting from reductions in foster care caseloads and per capita costs, as calculated and transferred into the account under this section; and (b) any other public or private funds appropriated to or deposited in the account.

(3)(a) The department of social and health services, in collaboration with the office of financial management and the caseload forecast council, shall develop a methodology for calculating the savings under this section. The methodology must be used for the 2013-2015 fiscal biennium, and for each biennium thereafter. The methodology must establish a baseline for calculating savings. In developing the methodology, the department of social and health services shall incorporate the relevant requirements of any demonstration waiver granted to the state under P.L. 112-34. The savings must be based on actual caseload and per capita expenditures. By December 1, 2012, the department of social and health services shall submit the proposed methodology to the governor and the appropriate committees of the legislature. The methodology is deemed approved unless the legislature enacts legislation to modify or reject the methodology.

(b) The department of social and health services shall use the methodology established in (a) of this subsection to calculate savings to the state general fund for transfer into the child and family reinvestment account in fiscal year 2014 and each fiscal year thereafter. Savings calculated by the department under this section are not subject to RCW 43.79.460. The department shall report the amount of the state general fund savings achieved to the office of financial management and the fiscal committees of the legislature at the end of each fiscal year. The office of financial management shall provide notice to the state treasurer of the amount of state general fund savings, as calculated by the department of social and health services, for transfer into the child and family reinvestment account.

(c) Nothing in this section prohibits (i) the caseload forecast council from forecasting the foster care caseload under RCW 43.88C.010 or (ii) the department from including maintenance funding in its budget submittal for caseload costs that exceed the baseline established in (a) of this subsection.

**NEW SECTION. Sec. 3.** A new section is added to chapter 43.135 RCW to read as follows:

RCW 43.135.034(4) does not apply to the transfer established under section 2 of this act.

**NEW SECTION. Sec. 4.** A new section is added to chapter 43.131 RCW to read as follows:

The child and family reinvestment account and methodology for calculating savings as established under this act shall be terminated on June 30, 2018, as provided in section 5 of this act.

**NEW SECTION. Sec. 5.** A new section is added to chapter 43.131 RCW to read as follows:

The following acts or parts of acts, as now existing or hereafter amended, are each repealed, effective June 30, 2019:

- (1) Section 1 of this act;
- (2) Section 2 of this act; and
- (3) Section 3 of this act."

Senator Hargrove spoke in favor of adoption of the committee striking amendment.

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Human Services & Corrections to Substitute House Bill No. 2263.

The motion by Senator Hargrove carried and the committee striking amendment was adopted by voice vote.

#### MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 2 of the title, after "system;" strike the remainder of the title and insert "adding a new section to chapter 74.13 RCW; adding a new section to chapter 43.135 RCW; adding new sections to chapter 43.131 RCW; creating a new section; and providing an effective date."

#### MOTION

On motion of Senator Hargrove, the rules were suspended, Substitute House Bill No. 2263 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Hargrove spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 2263 as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2263 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 42; Nays, 6; Absent, 0; Excused, 1.

Voting yea: Senators Becker, Benton, Brown, Carrell, Chase, Conway, Delvin, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hatfield, Haugen, Hewitt, Hill, Hobbs, Holmquist, Newbry, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles, Litzow, McAuliffe, Murray, Nelson, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Rolfes, Sheldon, Shin, Stevens, Swecker and Tom

Voting nay: Senators Baumgartner, Honeyford, Morton, Padden, Roach and Schoesler

Excused: Senator Zarelli

SUBSTITUTE HOUSE BILL NO. 2263 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2264, by House Committee on Ways & Means (originally



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sponsored by Representatives Kagi, Walsh, Hinkle, Carlyle, Darneille, Jinkins, Roberts, Dickerson and Ryu)

Concerning performance-based contracting related to child welfare services.

The measure was read the second time.

MOTION

Senator Hargrove moved that the following committee striking amendment by the Committee on Human Services & Corrections be not adopted:

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** (1) The legislature finds that:

(a) The state of Washington and several Indian tribes in the state of Washington assume legal responsibility for abused or neglected children when their parents or caregivers are unable or unwilling to adequately provide for their safety, health, and welfare;

(b) Washington state has a strong history of partnership between the department of social and health services and contracted service providers who currently serve children and families in the child welfare system. The department and its contracted service providers have responsibility for providing services to address parenting deficiencies resulting in child maltreatment, and the needs of children impacted by maltreatment;

(c) Department caseworkers and contracted service providers each play a critical and complementary role in the child welfare system. A 2007 Washington state children's administration workload study found significant gaps in the number of case-carrying social workers relative to the demands of their workload;

(d) The current system of contracting for services needed by children and families in the child welfare system is fragmented, inflexible, and lacks incentives for improving outcomes for children and families.

(2) The legislature intends:

(a) To reform the delivery of certain services to children and families in the child welfare system by creating a flexible, accountable community-based system of care that utilizes performance-based contracting, maximizes the use of evidence-based, research-based, and promising practices, and expands the capacity of community-based agencies to leverage local funding and other resources to benefit children and families served by the department;

(b) To phase in implementation of performance-based contracting in order to develop the contracting experience and other capacity necessary for statewide implementation;

(c) To achieve improved child safety, child permanency, including reunification, and child well-being outcomes through the collaborative efforts of the department and contracted service providers and the prioritization of these goals in performance-based contracting; and

(d) To implement performance-based contracting under this act in a manner that supports and complies with the federal and Washington state Indian child welfare act.

**NEW SECTION. Sec. 2.** For purposes of this chapter:

(1) "Case management" means convening family meetings, developing, revising, and monitoring implementation of any case plan or individual service and safety plan, coordinating and monitoring services needed by the child and family, caseworker-child visits, family visits, and the assumption of court-related duties, excluding legal representation, including preparing court reports, attending judicial hearings and permanency

hearings, and ensuring that the child is progressing toward permanency within state and federal mandates, including the Indian child welfare act.

(2) "Child" means:

(a) A person less than eighteen years of age; or

(b) A person age eighteen to twenty-one years who is eligible to receive the extended foster care services authorized under RCW 74.13.031.

(3) "Child-placing agency" has the same meaning as in RCW 74.15.020.

(4) "Child welfare services" means social services including voluntary and in-home services, out-of-home care, case management, and adoption services which strengthen, supplement, or substitute for, parental care and supervision for the purpose of:

(a) Preventing or remedying, or assisting in the solution of problems which may result in families in conflict, or the neglect, abuse, exploitation, or criminal behavior of children;

(b) Protecting and caring for dependent, abused, or neglected children;

(c) Assisting children who are in conflict with their parents, and assisting parents who are in conflict with their children, with services designed to resolve such conflicts;

(d) Protecting and promoting the welfare of children, including the strengthening of their own homes where possible, or, where needed;

(e) Providing adequate care of children away from their homes in foster family homes or day care or other child care agencies or facilities.

(5) "Department" means the department of social and health services.

(6) "Evidence-based" means a program or practice that is cost-effective and includes at least two randomized or statistically controlled evaluations that have demonstrated improved outcomes for its intended population.

(7) "Network administrator" means an entity that contracts with the department to provide defined services to children and families in the child welfare system through its provider network, as provided in section 3 of this act.

(8) "Performance-based contracting" means structuring all aspects of the procurement of services around the purpose of the work to be performed and the desired results with the contract requirements set forth in clear, specific, and objective terms with measurable outcomes and linking payment for services to contractor performance.

(9) "Promising practice" means a practice that presents, based upon preliminary information, potential for becoming a research-based or consensus-based practice.

(10) "Provider network" means those service providers who contract with a network administrator to provide services to children and families in the geographic area served by the network administrator.

(11) "Research-based" means a program or practice that has some research demonstrating effectiveness, but that does not yet meet the standard of evidence-based practices.

**NEW SECTION. Sec. 3.** (1) No later than December 1, 2013, the department shall enter into performance-based contracts for the provision of family support and related services. The department may enter into performance-based contracts for additional services, other than case management, in future procurements.

(2) Beginning December 1, 2013, the department may not renew its current contracts with individuals or entities for the provision of the child welfare services included in performance-based contracts under this section for services in geographic areas served by network administrators under such

contracts, except as mutually agreed upon between the department and the network administrator to allow for the successful transition of services that meet the needs of children and families.

(3) The department shall conduct a procurement process to enter into performance-based contracts with one or more network administrators for family support and related services. As part of the procurement process, the department shall consult with department caseworkers, the exclusive bargaining representative for employees of the department, tribal representatives, parents who were formerly involved in the child welfare system, youth currently or previously in foster care, child welfare services researchers, and the Washington state institute for public policy to assist in identifying the array of family support and related services that will be included in the procurement. In identifying services, the department must review current data and research related to the effectiveness of family support and related services, and prioritize those services that are most critical to the mitigation of child safety concerns and are evidence-based or research-based. Expenditures for family support and related services purchased under this section must remain within the levels appropriated in the operating budget.

(4)(a) Network administrators shall, directly or through subcontracts with service providers:

(i) Assist caseworkers in meeting their responsibility for implementation of case plans and individual service and safety plans; and

(ii) Provide the family support and related services included in a child or family's case plan or individual service and safety plan within funds available under contract.

(b) While the department caseworker retains responsibility for case management, nothing in this act limits the ability of the department to continue to contract for the provision of case management services by child-placing agencies, behavioral rehabilitation services agencies, or other entities that provided case management under contract with the department prior to July 1, 2005.

(5) In conducting the procurement, the department shall actively consult with other state agencies with relevant expertise, such as the health care authority, and with philanthropic entities with expertise in performance-based contracting for child welfare services. The director of the office of financial management must approve the request for proposal prior to its issuance.

(6) The procurement process must be developed and implemented in a manner that complies with applicable provisions of intergovernmental agreements between the state of Washington and tribal governments and must provide an opportunity for tribal governments to contract for service delivery through network administrators.

(7) The procurement and resulting contracts must include, but are not limited to, the following standards and requirements:

(a) The use of family engagement approaches to successfully motivate families to engage in services and training of the network's contracted providers to apply such approaches;

(b) The use of parents and youth who are successful veterans of the child welfare system to act as mentors through activities that include, but are not limited to, helping families navigate the system, facilitating parent engagement, and minimizing distrust of the child welfare system;

(c) The establishment of qualifications for service providers participating in provider networks, such as appropriate licensure or certification, education, and accreditation by professional accrediting entities;

(d) Adequate provider capacity to meet the anticipated service needs in the network administrator's contracted service area. The network administrator must be able to demonstrate that its provider network is culturally competent and has adequate capacity to

address disproportionality, including utilization of tribal and other ethnic providers capable of serving children and families of color or who need language-appropriate services;

(e) Fiscal solvency of network administrators and providers participating in the network;

(f) The use of evidence-based, research-based, and promising practices, where appropriate, including fidelity and quality assurance provisions;

(g) Network administrator quality assurance activities, including monitoring of the performance of providers in their provider network, with respect to meeting measurable service outcomes;

(h) Network administrator data reporting, including data on contracted provider performance and service outcomes; and

(i) Network administrator compliance with applicable provisions of intergovernmental agreements between the state of Washington and tribal governments and the federal and Washington state Indian child welfare act.

(8) Performance-based payment methodologies must be used in network administrator contracting. Performance measures should relate to successful engagement by a child or parent in services included in their case plan, and resulting improvement in identified problem behaviors and interactions. For the initial three-year period of implementation of performance-based contracting, the department may transfer financial risk for the provision of services to network administrators only to the limited extent necessary to implement a performance-based payment methodology, such as phased payment for services. However, the department may develop a shared savings methodology through which the network administrator will receive a defined share of any savings that result from improved performance. If the department receives a Title IV-E waiver, the shared savings methodology must be consistent with the terms of the waiver. If a shared savings methodology is adopted, the network administrator shall reinvest the savings in enhanced services to better meet the needs of the families and children they serve.

(9) The department must actively monitor network administrator compliance with the terms of contracts executed under this section.

(10) The use of performance-based contracts under this section must be done in a manner that does not adversely affect the state's ability to continue to obtain federal funding for child welfare-related functions currently performed by the state and with consideration of options to further maximize federal funding opportunities and increase flexibility in the use of such funds, including use for preventive and in-home child welfare services.

**NEW SECTION. Sec. 4.** (1) For those services included in contracts under section 3 of this act, the service providers must be chosen by the department caseworker from among those in the network administrator's provider network. The criteria for provider selection must include the geographic proximity of the provider to the child or family, and the performance of the provider based upon data collected and provided by the network administrator. If a reasonably qualified provider is not available through the network administrator's provider network, at the request of a department caseworker, a provider who is not currently under contract with the network administrator may be offered a provisional contract by the network administrator, pending that provider demonstrating that he or she meets applicable provider qualifications to participate in the administrator's provider network.

(2) The department shall develop a dispute resolution process to be used when the network administrator disagrees with the department caseworker's choice of a service provider due to factors such as the service provider's performance history or ability to serve culturally diverse families. The mediator or decision maker must

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be a neutral employee of the department who has not been previously involved in the case. The dispute resolution process must not result in a delay of more than two business days in the receipt of needed services by the child or family.

(3) The department and network administrator shall collaborate to identify and respond to patterns or trends in service utilization that may indicate overutilization or underutilization of family support and related services, or may indicate a need to enhance service capacity.

**NEW SECTION. Sec. 5.** (1) On an annual basis, beginning in the 2015-2017 biennium, the department and contracted network administrators shall:

(a) Review and update the services offered through performance-based contracts in response to service outcome data for currently contracted services and any research that has identified new evidence-based or research-based services not included in a previous procurement; and

(b) Review service utilization and outcome data to determine whether changes are needed in procurement policies or performance-based contracts to better meet the goals established in section 1 of this act.

(2) In conducting the review under subsection (1) of this section, the department must consult with department caseworkers, the exclusive bargaining representative for employees of the department, tribal representatives, parents who were formerly involved in the child welfare system, youth currently or previously in foster care, child welfare services researchers, representatives of child welfare service providers, and the Washington state institute for public policy.

**NEW SECTION. Sec. 6.** (1) To achieve the service delivery improvements and efficiencies intended in sections 1, 3, 4, and 7 of this act and in RCW 74.13.370, and pursuant to RCW 41.06.142(3), contracting with network administrators to provide services needed by children and families in the child welfare system, pursuant to sections 3 and 4 of this act, and execution and monitoring of individual provider contracts, pursuant to section 3 of this act, are expressly mandated by the legislature and are not subject to the processes set forth in RCW 41.06.142 (1), (4), and (5).

(2) The express mandate in subsection (1) of this section is limited to those services and activities provided in sections 3 and 4 of this act. If the department includes services customarily and historically performed by department employees in the classified service in a procurement for network administrators that exceeds the scope of services or activities provided in sections 3 and 4 of this act, such contracting is not specifically mandated and will be subject to all applicable contractual and legal obligations.

**NEW SECTION. Sec. 7.** For the purposes of the provision of child welfare services by provider networks, when all other elements of the responses to any procurement under section 3 of this act are equal, private nonprofit entities, federally recognized Indian tribes located in this state, and state employees must receive primary preference over private for-profit entities.

**Sec. 8.** RCW 74.13.360 and 2010 c 291 s 4 are each amended to read as follows:

(1) (No later than July 1, 2011, the department shall convert its current contracts with providers of child welfare services into performance-based contracts. In accomplishing this conversion, the department shall decrease the total number of contracts it uses to purchase child welfare services from providers. The conversion of contracts for the provision of child welfare services to performance-based contracts must be done in a manner that does not adversely affect the state's ability to continue to obtain federal funding for child welfare related functions currently performed by the state and with consideration of options to further maximize federal funding opportunities and increase flexibility in the use of

such funds, including use for preventive and in-home child welfare services.

(2))) No later than December 30, ((2012)) 2015:

(a) In the demonstration sites selected under RCW 74.13.368(4)(a), child welfare services shall be provided by supervising agencies with whom the department has entered into performance-based contracts. Supervising agencies may enter into subcontracts with other licensed agencies; and

(b) Except as provided in subsection (((4))) (3) of this section, and notwithstanding any law to the contrary, the department may not directly provide child welfare services to families and children provided child welfare services by supervising agencies in the demonstration sites selected under RCW 74.13.368(4)(a).

(((3))) (2) No later than December 30, ((2012)) 2015, for families and children provided child welfare services by supervising agencies in the demonstration sites selected under RCW 74.13.368(4)(a), the department is responsible for only the following:

(a) Monitoring the quality of services for which the department contracts under this chapter;

(b) Ensuring that the services are provided in accordance with federal law and the laws of this state, including the Indian child welfare act;

(c) Providing child protection functions and services, including intake and investigation of allegations of child abuse or neglect, emergency shelter care functions under RCW 13.34.050, and referrals to appropriate providers; and

(d) Issuing licenses pursuant to chapter 74.15 RCW.

(((4))) (3) No later than December 30, ((2012)) 2015, for families and children provided child welfare services by supervising agencies in the demonstration sites selected under RCW 74.13.368(4)(a), the department may provide child welfare services only:

(a) For the limited purpose of establishing a control or comparison group as deemed necessary by the child welfare transformation design committee, with input from the Washington state institute for public policy, to implement the demonstration sites selected and defined pursuant to RCW 74.13.368(4)(a) in which the performance in achieving measurable outcomes will be compared and evaluated pursuant to RCW 74.13.370; or

(b) In an emergency or as a provider of last resort. The department shall adopt rules describing the circumstances under which the department may provide those services. For purposes of this section, "provider of last resort" means the department is unable to contract with a private agency to provide child welfare services in a particular geographic area or, after entering into a contract with a private agency, either the contractor or the department terminates the contract.

(((5))) (4) For purposes of this chapter, on and after September 1, 2010, performance-based contracts shall be structured to hold the supervising agencies accountable for achieving the following goals in order of importance: Child safety; child permanency, including reunification; and child well-being.

(((6))) (5) A federally recognized tribe located in this state may enter into a performance-based contract with the department to provide child welfare services to Indian children whether or not they reside on a reservation. Nothing in this section prohibits a federally recognized Indian tribe located in this state from providing child welfare services to its members or other Indian children pursuant to existing tribal law, regulation, or custom, or from directly entering into agreements for the provision of such services with the department, if the department continues to otherwise provide such services, or with federal agencies.

**Sec. 9.** RCW 74.13.370 and 2009 c 520 s 9 are each amended to read as follows:

(1) ((Based upon the recommendations of the child welfare transformation design committee, including the two sets of outcomes developed by the committee under RCW 74.13.368(4)(b), the Washington state institute for public policy is to conduct a review of measurable effects achieved by the supervising agencies and compare those measurable effects with the existing services offered by the state. The report on the measurable effects shall be provided to the governor and the legislature no later than April 1, 2015.

(2)) No later than ((June 30, 2011)) December 1, 2014, the Washington state institute for public policy shall provide the legislature and the governor an initial report on the department's conversion to the use of performance-based contracts as provided in ((RCW 74.13.360(1))) sections 3 and 4 of this act. No later than June 30, ((2012)) 2016, the Washington state institute for public policy shall provide the governor and the legislature with a second report on the ((department's conversion of its contracts to performance-based contracts)) extent to which the use of performance-based contracting has resulted in:

(a) Increased use of evidence-based, research-based, and promising practices; and

(b) Improvements in outcomes for children, including child safety, child permanency, including reunification, and child well-being.

((~~3~~)) (2) The department and network administrators shall respond to the Washington institute for public policy's request for data and other information with which to complete these reports in a timely manner.

(3) The Washington state institute for public policy must consult with a university-based child welfare research entity to evaluate performance-based contracting.

NEW SECTION. Sec. 10. RCW 74.13.362 (Performance-based contracts--Legislative mandate) and 2009 c 520 s 4 are each repealed.

NEW SECTION. Sec. 11. Sections 1 through 7 of this act constitute a new chapter in Title 74 RCW."

On page 1, line 2 of the title, after "system;" strike the remainder of the title and insert "amending RCW 74.13.360 and 74.13.370; adding a new chapter to Title 74 RCW; and repealing RCW 74.13.362."

The President declared the question before the Senate to be the motion by Senator Hargrove to not adopt the committee striking amendment by the Committee on Human Services & Corrections to Engrossed Second Substitute House Bill No. 2264.

The motion by Senator Hargrove carried and the committee striking amendment was not adopted by voice vote.

#### MOTION

Senator Hargrove moved that the following striking amendment by Senators Hargrove and Stevens be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. (1) The legislature finds that:

(a) The state of Washington and several Indian tribes in the state of Washington assume legal responsibility for abused or neglected children when their parents or caregivers are unable or unwilling to adequately provide for their safety, health, and welfare;

(b) Washington state has a strong history of partnership between the department of social and health services and contracted service providers who currently serve children and families in the child welfare system. The department and its contracted service providers have responsibility for providing services to address

parenting deficiencies resulting in child maltreatment, and the needs of children impacted by maltreatment;

(c) Department caseworkers and contracted service providers each play a critical and complementary role in the child welfare system. A 2007 Washington state children's administration workload study found significant gaps in the number of case-carrying social workers relative to the demands of their workload;

(d) The current system of contracting for services needed by children and families in the child welfare system is fragmented, inflexible, and lacks incentives for improving outcomes for children and families.

(2) The legislature intends:

(a) To reform the delivery of certain services to children and families in the child welfare system by creating a flexible, accountable community-based system of care that utilizes performance-based contracting, maximizes the use of evidence-based, research-based, and promising practices, and expands the capacity of community-based agencies to leverage local funding and other resources to benefit children and families served by the department;

(b) To achieve improved child safety, child permanency, including reunification, and child well-being outcomes through the collaborative efforts of the department and contracted service providers and the prioritization of these goals in performance-based contracting; and

(c) To implement performance-based contracting under this act in a manner that supports and complies with the federal and Washington state Indian child welfare act.

NEW SECTION. Sec. 2. For purposes of this chapter:

(1) "Case management" means convening family meetings, developing, revising, and monitoring implementation of any case plan or individual service and safety plan, coordinating and monitoring services needed by the child and family, caseworker-child visits, family visits, and the assumption of court-related duties, excluding legal representation, including preparing court reports, attending judicial hearings and permanency hearings, and ensuring that the child is progressing toward permanency within state and federal mandates, including the Indian child welfare act.

(2) "Child" means:

(a) A person less than eighteen years of age; or

(b) A person age eighteen to twenty-one years who is eligible to receive the extended foster care services authorized under RCW 74.13.031.

(3) "Child-placing agency" has the same meaning as in RCW 74.15.020.

(4) "Child welfare services" means social services including voluntary and in-home services, out-of-home care, case management, and adoption services which strengthen, supplement, or substitute for, parental care and supervision for the purpose of:

(a) Preventing or remedying, or assisting in the solution of problems which may result in families in conflict, or the neglect, abuse, exploitation, or criminal behavior of children;

(b) Protecting and caring for dependent, abused, or neglected children;

(c) Assisting children who are in conflict with their parents, and assisting parents who are in conflict with their children, with services designed to resolve such conflicts;

(d) Protecting and promoting the welfare of children, including the strengthening of their own homes where possible, or, where needed;

(e) Providing adequate care of children away from their homes in foster family homes or day care or other child care agencies or facilities.

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(5) "Department" means the department of social and health services.

(6) "Evidence-based" means a program or practice that is cost-effective and includes at least two randomized or statistically controlled evaluations that have demonstrated improved outcomes for its intended population.

(7) "Network administrator" means an entity that contracts with the department to provide defined services to children and families in the child welfare system through its provider network, as provided in section 3 of this act.

(8) "Performance-based contracting" means structuring all aspects of the procurement of services around the purpose of the work to be performed and the desired results with the contract requirements set forth in clear, specific, and objective terms with measurable outcomes and linking payment for services to contractor performance.

(9) "Promising practice" means a practice that presents, based upon preliminary information, potential for becoming a research-based or consensus-based practice.

(10) "Provider network" means those service providers who contract with a network administrator to provide services to children and families in the geographic area served by the network administrator.

(11) "Research-based" means a program or practice that has some research demonstrating effectiveness, but that does not yet meet the standard of evidence-based practices.

**NEW SECTION. Sec. 3.** (1) No later than December 1, 2013, the department shall enter into performance-based contracts for the provision of family support and related services. The department may enter into performance-based contracts for additional services, other than case management, in future procurements.

(2) Beginning December 1, 2013, the department may not renew its current contracts with individuals or entities for the provision of the child welfare services included in performance-based contracts under this section for services in geographic areas served by network administrators under such contracts, except as mutually agreed upon between the department and the network administrator to allow for the successful transition of services that meet the needs of children and families.

(3) The department shall conduct a procurement process to enter into performance-based contracts with one or more network administrators for family support and related services designed to improve family functioning, prevent children from entering out-of-home care, or to support reunification efforts when placement is unavoidable.

(4) As part of the procurement process, following the selection of the network administrators, the department, in collaboration with the network administrators, shall consult with, but not be limited to, department caseworkers, the exclusive bargaining representative for employees of the department, tribal representatives, parents who were formerly involved in the child welfare system, youth currently or previously in foster care, child welfare services researchers, and the Washington state institute for public policy to assist in identifying the array of family support and related services that will be included in the provider network. In identifying services, the department, in collaboration with the network administrators, must review current data and research related to the effectiveness of family support and related services, and prioritize those services that are most critical to the mitigation of child safety concerns and are evidence-based or research-based, while remaining cognizant of the need for diverse and culturally appropriate services. Expenditures for family support and related services purchased under this section must remain within the levels appropriated in the operating budget.

(5)(a) Network administrators shall, through subcontracts with service providers:

(i) Assist caseworkers in meeting their responsibility for implementation of case plans and individual service and safety plans; and

(ii) Provide the family support and related services included in a child or family's case plan or individual service and safety plan within funds available under contract.

(b) While the department caseworker retains responsibility for case management, nothing in this act limits the ability of the department to continue to contract for the provision of case management services by child-placing agencies, behavioral rehabilitation services agencies, or other entities that provided case management under contract with the department prior to July 1, 2005.

(6) In conducting the procurement, the department shall actively consult with other state agencies with relevant expertise, such as the health care authority, and with philanthropic entities with expertise in performance-based contracting for child welfare services. The director of the office of financial management must approve the request for proposal prior to its issuance.

(7) The procurement process must be developed and implemented in a manner that complies with applicable provisions of intergovernmental agreements between the state of Washington and tribal governments and must provide an opportunity for tribal governments to contract for service delivery through network administrators.

(8) The procurement and resulting contracts must include, but are not limited to, the following standards and requirements:

(a) The use of family engagement approaches to successfully motivate families to engage in services and training of the network's contracted providers to apply such approaches;

(b) The use of parents and youth who are successful veterans of the child welfare system to act as mentors through activities that include, but are not limited to, helping families navigate the system, facilitating parent engagement, and minimizing distrust of the child welfare system;

(c) The establishment of qualifications for service providers participating in provider networks, such as appropriate licensure or certification, education, and accreditation by professional accrediting entities;

(d) Adequate provider capacity to meet the anticipated service needs in the network administrator's contracted service area. The network administrator must be able to demonstrate that its provider network is culturally competent and has adequate capacity to address disproportionality, including utilization of tribal and other ethnic providers capable of serving children and families of color or who need language-appropriate services;

(e) Fiscal solvency of network administrators and providers participating in the network;

(f) The use of evidence-based, research-based, and promising practices, where appropriate, including fidelity and quality assurance provisions;

(g) Network administrator quality assurance activities, including monitoring of the performance of providers in their provider network, with respect to meeting measurable service outcomes;

(h) Network administrator data reporting, including data on contracted provider performance and service outcomes; and

(i) Network administrator compliance with applicable provisions of intergovernmental agreements between the state of Washington and tribal governments and the federal and Washington state Indian child welfare act.

(9) Performance-based payment methodologies must be used in network administrator contracting. Performance measures should

relate to successful engagement by a child or parent in services included in their case plan, and resulting improvement in identified problem behaviors and interactions. For the initial three-year period of implementation of performance-based contracting, the department may transfer financial risk for the provision of services to network administrators only to the limited extent necessary to implement a performance-based payment methodology, such as phased payment for services. However, the department may develop a shared savings methodology through which the network administrator will receive a defined share of any savings that result from improved performance. If the department receives a Title IV-E waiver, the shared savings methodology must be consistent with the terms of the waiver. If a shared savings methodology is adopted, the network administrator shall reinvest the savings in enhanced services to better meet the needs of the families and children they serve.

(10) The department must actively monitor network administrator compliance with the terms of contracts executed under this section.

(11) The use of performance-based contracts under this section must be done in a manner that does not adversely affect the state's ability to continue to obtain federal funding for child welfare-related functions currently performed by the state and with consideration of options to further maximize federal funding opportunities and increase flexibility in the use of such funds, including use for preventive and in-home child welfare services.

**NEW SECTION. Sec. 4.** (1) For those services included in contracts under section 3 of this act, the service providers must be chosen by the department caseworker from among those in the network administrator's provider network. The criteria for provider selection must include the geographic proximity of the provider to the child or family, and the performance of the provider based upon data collected and provided by the network administrator. If a reasonably qualified provider is not available through the network administrator's provider network, at the request of a department caseworker, a provider who is not currently under contract with the network administrator may be offered a provisional contract by the network administrator, pending that provider demonstrating that he or she meets applicable provider qualifications to participate in the administrator's provider network.

(2) The department shall develop a dispute resolution process to be used when the network administrator disagrees with the department caseworker's choice of a service provider due to factors such as the service provider's performance history or ability to serve culturally diverse families. The mediator or decision maker must be a neutral employee of the department who has not been previously involved in the case. The dispute resolution process must not result in a delay of more than two business days in the receipt of needed services by the child or family.

(3) The department and network administrator shall collaborate to identify and respond to patterns or trends in service utilization that may indicate overutilization or underutilization of family support and related services, or may indicate a need to enhance service capacity.

**NEW SECTION. Sec. 5.** (1) On an annual basis, beginning in the 2015-2017 biennium, the department and contracted network administrators shall:

(a) Review and update the services offered through performance-based contracts in response to service outcome data for currently contracted services and any research that has identified new evidence-based or research-based services not included in a previous procurement; and

(b) Review, and make public, service utilization and outcome data to determine whether changes are needed in procurement

policies or performance-based contracts to better meet the goals established in section 1 of this act.

(2) In conducting the review under subsection (1) of this section, the department must consult with department caseworkers, the exclusive bargaining representative for employees of the department, tribal representatives, parents who were formerly involved in the child welfare system, youth currently or previously in foster care, child welfare services researchers, representatives of child welfare service providers, and the Washington state institute for public policy.

**NEW SECTION. Sec. 6.** (1) To achieve the service delivery improvements and efficiencies intended in sections 1, 3, 4, and 7 of this act and in RCW 74.13.370, and pursuant to RCW 41.06.142(3), contracting with network administrators to provide services needed by children and families in the child welfare system, pursuant to sections 3 and 4 of this act, and execution and monitoring of individual provider contracts, pursuant to section 3 of this act, are expressly mandated by the legislature and are not subject to the processes set forth in RCW 41.06.142 (1), (4), and (5).

(2) The express mandate in subsection (1) of this section is limited to those services and activities provided in sections 3 and 4 of this act. If the department includes services customarily and historically performed by department employees in the classified service in a procurement for network administrators that exceeds the scope of services or activities provided in sections 3 and 4 of this act, such contracting is not specifically mandated and will be subject to all applicable contractual and legal obligations.

**NEW SECTION. Sec. 7.** For the purposes of the provision of child welfare services by provider networks, when all other elements of the responses to any procurement under section 3 of this act are equal, private nonprofit entities, federally recognized Indian tribes located in this state, and state employees must receive primary preference over private for-profit entities.

**Sec. 8.** RCW 74.13.360 and 2010 c 291 s 4 are each amended to read as follows:

(1) ((No later than July 1, 2011, the department shall convert its current contracts with providers of child welfare services into performance-based contracts. In accomplishing this conversion, the department shall decrease the total number of contracts it uses to purchase child welfare services from providers. The conversion of contracts for the provision of child welfare services to performance-based contracts must be done in a manner that does not adversely affect the state's ability to continue to obtain federal funding for child welfare related functions currently performed by the state and with consideration of options to further maximize federal funding opportunities and increase flexibility in the use of such funds, including use for preventive and in-home child welfare services.

((2))) No later than December 30, ((2012)) 2015:

(a) In the demonstration sites selected under RCW 74.13.368(4)(a), child welfare services shall be provided by supervising agencies with whom the department has entered into performance-based contracts. Supervising agencies may enter into subcontracts with other licensed agencies; and

(b) Except as provided in subsection ((4)) (3) of this section, and notwithstanding any law to the contrary, the department may not directly provide child welfare services to families and children provided child welfare services by supervising agencies in the demonstration sites selected under RCW 74.13.368(4)(a).

((3)) (2) No later than December 30, ((2012)) 2015, for families and children provided child welfare services by supervising agencies in the demonstration sites selected under RCW 74.13.368(4)(a), the department is responsible for only the following:

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(a) Monitoring the quality of services for which the department contracts under this chapter;

(b) Ensuring that the services are provided in accordance with federal law and the laws of this state, including the Indian child welfare act;

(c) Providing child protection functions and services, including intake and investigation of allegations of child abuse or neglect, emergency shelter care functions under RCW 13.34.050, and referrals to appropriate providers; and

(d) Issuing licenses pursuant to chapter 74.15 RCW.

~~((4))~~ (3) No later than December 30, ~~((2012))~~ 2015, for families and children provided child welfare services by supervising agencies in the demonstration sites selected under RCW 74.13.368(4)(a), the department may provide child welfare services only:

(a) For the limited purpose of establishing a control or comparison group as deemed necessary by the child welfare transformation design committee, with input from the Washington state institute for public policy, to implement the demonstration sites selected and defined pursuant to RCW 74.13.368(4)(a) in which the performance in achieving measurable outcomes will be compared and evaluated pursuant to RCW 74.13.370; or

(b) In an emergency or as a provider of last resort. The department shall adopt rules describing the circumstances under which the department may provide those services. For purposes of this section, "provider of last resort" means the department is unable to contract with a private agency to provide child welfare services in a particular geographic area or, after entering into a contract with a private agency, either the contractor or the department terminates the contract.

~~((5))~~ (4) For purposes of this chapter, on and after September 1, 2010, performance-based contracts shall be structured to hold the supervising agencies accountable for achieving the following goals in order of importance: Child safety; child permanency, including reunification; and child well-being.

~~((6))~~ (5) A federally recognized tribe located in this state may enter into a performance-based contract with the department to provide child welfare services to Indian children whether or not they reside on a reservation. Nothing in this section prohibits a federally recognized Indian tribe located in this state from providing child welfare services to its members or other Indian children pursuant to existing tribal law, regulation, or custom, or from directly entering into agreements for the provision of such services with the department, if the department continues to otherwise provide such services, or with federal agencies.

**Sec. 9.** RCW 74.13.370 and 2009 c 520 s 9 are each amended to read as follows:

(1) Based upon the recommendations of the child welfare transformation design committee, including the two sets of outcomes developed by the committee under RCW 74.13.368(4)(b), the Washington state institute for public policy is to conduct a review of measurable effects achieved by the supervising agencies and compare those measurable effects with the existing services offered by the state. The report on the measurable effects shall be provided to the governor and the legislature no later than April 1, ~~((2015))~~ 2018.

(2) No later than ~~((June 30, 2011))~~ December 1, 2014, the Washington state institute for public policy shall provide the legislature and the governor an initial report on the department's conversion to the use of performance-based contracts as provided in ~~((RCW 74.13.360(1)))~~ sections 3 and 4 of this act. No later than June 30, ~~((2012))~~ 2016, the Washington state institute for public policy shall provide the governor and the legislature with a second report on the ~~((department's conversion of its contracts to performance-based contracts))~~ extent to which the use of

performance-based contracting has resulted in:

(a) Increased use of evidence-based, research-based, and promising practices; and

(b) Improvements in outcomes for children, including child safety, child permanency, including reunification, and child well-being.

(3) The department and network administrators shall respond to the Washington institute for public policy's request for data and other information with which to complete these reports in a timely manner.

(4) The Washington state institute for public policy must consult with a university-based child welfare research entity to evaluate performance-based contracting.

**Sec. 10.** RCW 74.13.368 and 2010 c 291 s 2 are each amended to read as follows:

(1)(a) The child welfare transformation design committee is established, with members as provided in this subsection.

(i) The governor or the governor's designee;

(ii) Four private agencies that, as of May 18, 2009, provide child welfare services to children and families referred to them by the department. Two agencies must be headquartered in western Washington and two must be headquartered in eastern Washington. Two agencies must have an annual budget of at least one million state-contracted dollars and two must have an annual budget of less than one million state-contracted dollars;

(iii) The assistant secretary of the children's administration in the department;

(iv) Two regional administrators in the children's administration selected by the assistant secretary, one from one of the department's administrative regions one or two, and one from one of the department's administrative regions three, four, five, or six;

(v) The administrator for the division of licensed resources in the children's administration;

(vi) Two nationally recognized experts in performance-based contracts;

(vii) The attorney general or the attorney general's designee;

(viii) A representative of the collective bargaining unit that represents the largest number of employees in the children's administration;

(ix) A representative from the office of the family and children's ombudsman;

(x) Four representatives from the Indian policy advisory committee convened by the department's office of Indian policy and support services;

(xi) Two currently elected or former superior court judges with significant experience in dependency matters, selected by the superior court judges' association;

(xii) One representative from partners for our children affiliated with the University of Washington school of social work;

(xiii) A member of the Washington state racial disproportionality advisory committee;

(xiv) A foster parent;

(xv) A youth currently in or a recent alumnus of the Washington state foster care system, to be designated by the cochairs of the committee; and

(xvi) A parent representative who has had personal experience with the dependency system.

(b) The president of the senate and the speaker of the house of representatives shall jointly appoint the members under (a)(ii), (xiv), and (xvi) of this subsection.

(c) The representative from partners for our children shall convene the initial meeting of the committee no later than June 15, 2009.

(d) The cochairs of the committee shall be the assistant secretary for the children's administration and another member selected by a majority vote of those members present at the initial meeting.

(2) The committee shall establish a transition plan containing recommendations to the legislature and the governor consistent with this section for the provision of child welfare services by supervising agencies pursuant to RCW 74.13.360.

(3) The plan shall include the following:

(a) A model or framework for performance-based contracts to be used by the department that clearly defines:

(i) The target population;

(ii) The referral and exit criteria for the services;

(iii) The child welfare services including the use of evidence-based services and practices to be provided by contractors;

(iv) The roles and responsibilities of public and private agency workers in key case decisions;

(v) Contract performance and outcomes, including those related to eliminating racial disparities in child outcomes;

(vi) That supervising agencies will provide culturally competent service;

(vii) How to measure whether each contractor has met the goals listed in RCW 74.13.360(~~(5)~~) (4); and

(viii) Incentives to meet performance outcomes;

(b) A method by which the department will substantially reduce its current number of contracts for child welfare services;

(c) A method or methods by which clients will access community-based services, how private supervising agencies will engage other services or form local service networks, develop subcontracts, and share information and supervision of children;

(d) Methods to address the effects of racial disproportionality, as identified in the 2008 Racial Disproportionality Advisory Committee Report published by the Washington state institute for public policy in June 2008;

(e) Methods for inclusion of the principles and requirements of the centennial accord executed in November 2001, executed between the state of Washington and federally recognized tribes in Washington state;

(f) Methods for assuring performance-based contracts adhere to the letter and intent of the federal Indian child welfare act;

(g) Contract monitoring and evaluation procedures that will ensure that children and families are receiving timely and quality services and that contract terms are being implemented;

(h) A method or methods by which to ensure that the children's administration has sufficiently trained and experienced staff to monitor and manage performance-based contracts;

(i) A process by which to expand the capacity of supervising and other private agencies to meet the service needs of children and families in a performance-based contractual arrangement;

(j) A method or methods by which supervising and other private agencies can expand services in underserved areas of the state;

(k) The appropriate amounts and procedures for the reimbursement of supervising agencies given the proposed services restructuring;

(l) A method by which to access and enhance existing data systems to include contract performance information;

(m) A financing arrangement for the contracts that examines:

(i) The use of case rates or performance-based fee-for-service contracts that include incentive payments or payment schedules that link reimbursement to outcomes; and

(ii) Ways to reduce a contractor's financial risk that could jeopardize the solvency of the contractor, including consideration of the use of a risk-reward corridor that limits risk of loss and potential profits or the establishment of a statewide risk pool;

(n) A description of how the transition will impact the state's ability to obtain federal funding and examine options to further maximize federal funding opportunities and increased flexibility;

(o) A review of whether current administrative staffing levels in the regions should be continued when the majority of child welfare services are being provided by supervising agencies;

(p) A description of the costs of the transition, the initial start-up costs and the mechanisms to periodically assess the overall adequacy of funds and the fiscal impact of the changes, and the feasibility of the plan and the impact of the plan on department employees during the transition; and

(q) Identification of any statutory and regulatory revisions necessary to accomplish the transition.

(4)(a) The committee, with the assistance of the department, shall select two demonstration sites within which to implement chapter 520, Laws of 2009. One site must be located on the eastern side of the state. The other site must be located on the western side of the state. Neither site must be wholly located in any of the department's administrative regions.

(b) The committee shall develop two sets of performance outcomes to be included in the performance-based contracts the department enters into with supervising agencies. The first set of outcomes shall be used for those cases transferred to a supervising agency over time. The second set of outcomes shall be used for new entrants to the child welfare system.

(c) The committee shall also identify methods for ensuring that comparison of performance between supervising agencies and the existing service delivery system takes into account the variation in the characteristics of the populations being served as well as historical trends in outcomes for those populations.

(5) The committee shall determine the appropriate size of the child and family populations to be provided services under performance-based contracts with supervising agencies. The committee shall also identify the time frame within which cases will be transferred to supervising agencies. The performance-based contracts entered into with supervising agencies shall encompass the provision of child welfare services to enough children and families in each demonstration site to allow for the assessment of whether there are meaningful differences, to be defined by the committee, between the outcomes achieved in the demonstration sites and the comparison sites or populations. To ensure adequate statistical power to assess these differences, the populations served shall be large enough to provide a probability greater than seventy percent that meaningful difference will be detected and a ninety-five percent probability that observed differences are not due to chance alone.

(6) The committee shall also prepare as part of the plan a recommendation as to how to implement chapter 520, Laws of 2009 so that full implementation of chapter 520, Laws of 2009 is achieved no later than December 30, (~~2012~~) 2015.

(7) The committee shall prepare the plan to manage the delivery of child welfare services in a manner that achieves coordination of the services and programs that deliver primary prevention services.

(8) Beginning June 30, 2009, the committee shall report quarterly to the governor and the legislative children's oversight committee established in RCW 44.04.220. From June 30, 2012, until (~~January 1~~) December 30, 2015, the committee need only report twice a year. The committee shall report on its progress in meeting its duties under subsections (2) and (3) of this section and on any other matters the committee or the legislative children's oversight committee or the governor deems appropriate. The portion of the plan required in subsection (6) of this section shall be due to the legislative children's oversight committee on or before June 1, 2010. The reports shall be in written form.

(9) The committee, by majority vote, may establish advisory committees as it deems necessary.



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(10) All state executive branch agencies and the agencies with whom the department contracts for child welfare services shall cooperate with the committee and provide timely information as the chair or cochairs may request. Cooperation by the children's administration must include developing and scheduling training for supervising agencies to access data and information necessary to implement and monitor the contracts.

(11) It is expected that the administrative costs for the committee will be supported through private funds.

(12) Staff support for the committee shall be provided jointly by partners for our children and legislative staff.

(13) The committee is subject to chapters 42.30 (open public meetings act) and 42.52 (ethics in public service) RCW.

(14) This section expires July 1, ~~((2015))~~ 2016.

**Sec. 11.** RCW 74.13.372 and 2009 c 520 s 10 are each amended to read as follows:

Not later than June 1, ~~((2015))~~ 2018, the governor shall, based on the report by the Washington state institute for public policy, determine whether to expand chapter 520, Laws of 2009 to the remainder of the state or terminate chapter 520, Laws of 2009. The governor shall inform the legislature of his or her decision within seven days of the decision. The department shall, regardless of the decision of the governor regarding the delivery of child welfare services, continue to purchase services through the use of performance-based contracts.

**Sec. 12.** RCW 74.13.020 and 2011 c 330 s 4 are each reenacted and amended to read as follows:

For purposes of this chapter:

(1) "Case management" means the management of services delivered to children and families in the child welfare system, including permanency services, caseworker-child visits, family visits, the convening of family group conferences, the development and revision of the case plan, the coordination and monitoring of services needed by the child and family, and the assumption of court-related duties, excluding legal representation, including preparing court reports, attending judicial hearings and permanency hearings, and ensuring that the child is progressing toward permanency within state and federal mandates, including the Indian child welfare act.

(2) "Child" means:

(a) A person less than eighteen years of age; or

(b) A person age eighteen to twenty-one years who is eligible to receive the extended foster care services authorized under RCW 74.13.031.

(3) "Child protective services" has the same meaning as in RCW 26.44.020.

(4) "Child welfare services" means social services including voluntary and in-home services, out-of-home care, case management, and adoption services which strengthen, supplement, or substitute for, parental care and supervision for the purpose of:

(a) Preventing or remedying, or assisting in the solution of problems which may result in families in conflict, or the neglect, abuse, exploitation, or criminal behavior of children;

(b) Protecting and caring for dependent, abused, or neglected children;

(c) Assisting children who are in conflict with their parents, and assisting parents who are in conflict with their children, with services designed to resolve such conflicts;

(d) Protecting and promoting the welfare of children, including the strengthening of their own homes where possible, or, where needed;

(e) Providing adequate care of children away from their homes in foster family homes or day care or other child care agencies or facilities.

"Child welfare services" does not include child protection services.

(5) "Committee" means the child welfare transformation design committee.

(6) "Department" means the department of social and health services.

(7) "Extended foster care services" means residential and other support services the department is authorized to provide to foster children. These services include, but are not limited to, placement in licensed, relative, or otherwise approved care, or supervised independent living settings; assistance in meeting basic needs; independent living services; medical assistance; and counseling or treatment.

(8) "Measurable effects" means a statistically significant change which occurs as a result of the service or services a supervising agency is assigned in a performance-based contract, in time periods established in the contract.

(9) "Out-of-home care services" means services provided after the shelter care hearing to or for children in out-of-home care, as that term is defined in RCW 13.34.030, and their families, including the recruitment, training, and management of foster parents, the recruitment of adoptive families, and the facilitation of the adoption process, family reunification, independent living, emergency shelter, residential group care, and foster care, including relative placement.

(10) "Performance-based contracting" means the structuring of all aspects of the procurement of services around the purpose of the work to be performed and the desired results with the contract requirements set forth in clear, specific, and objective terms with measurable outcomes. Contracts shall also include provisions that link the performance of the contractor to the level and timing of reimbursement.

(11) "Permanency services" means long-term services provided to secure a child's safety, permanency, and well-being, including foster care services, family reunification services, adoption services, and preparation for independent living services.

(12) "Primary prevention services" means services which are designed and delivered for the primary purpose of enhancing child and family well-being and are shown, by analysis of outcomes, to reduce the risk to the likelihood of the initial need for child welfare services.

(13) "Supervising agency" means an agency licensed by the state under RCW 74.15.090, or licensed by a federally recognized Indian tribe located in this state under RCW 74.15.190, that has entered into a performance-based contract with the department to provide case management for the delivery and documentation of child welfare services, as defined in this section. This definition is applicable on or after December 1, 2015.

**NEW SECTION. Sec. 13.** Sections 1 through 7 of this act constitute a new chapter in Title 74 RCW."

Senator Hargrove spoke in favor of adoption of the striking amendment.

The President declared the question before the Senate to be the adoption of the striking amendment by Senators Hargrove and Stevens to Engrossed Second Substitute House Bill No. 2264.

The motion by Senator Hargrove carried and the striking amendment was adopted by voice vote.

#### MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 2 of the title, after "system;" strike the remainder of the title and insert "amending RCW 74.13.360, 74.13.370,

74.13.368, and 74.13.372; reenacting and amending RCW 74.13.020; adding a new chapter to Title 74 RCW; and providing an expiration date."

#### MOTION

On motion of Senator Hargrove, the rules were suspended, Engrossed Second Substitute House Bill No. 2264 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Hargrove spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Second Substitute House Bill No. 2264 as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute House Bill No. 2264 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 47; Nays, 1; Absent, 0; Excused, 1.

Voting yea: Senators Baumgartner, Becker, Benton, Brown, Carrell, Chase, Conway, Delvin, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hatfield, Haugen, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles, Litzow, McAuliffe, Morton, Murray, Nelson, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rolfes, Schoesler, Sheldon, Shin, Stevens, Swecker and Tom

Voting nay: Senator Padden

Excused: Senator Zarelli

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2264 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2536, by House Committee on Ways & Means (originally sponsored by Representatives Dickerson, Johnson, Goodman, Hinkle, Kretz, Pettigrew, Warnick, Cody, Harris, Kenney, Kagi, Darneille, Orwall, Condotta, Ladenburg, Appleton, Jinkins and Maxwell)

Concerning the use of evidence-based practices for the delivery of services to children and juveniles.

The measure was read the second time.

#### MOTION

Senator Hargrove moved that the following committee striking amendment by the Committee on Ways & Means be adopted:

Strike everything after the enacting clause and insert the following:

"**NEW SECTION. Sec. 1.** (1) The legislature recognizes that the use of evidence-based practices plays a very important role in the delivery of services to children and juveniles. Especially in times of diminished resources, it is critical to fund practices which are known to provide desired outcomes rather than continue to expend moneys on programs that may be familiar but less effective.

(2) Evidence-based practices or programs are those that are cost-effective and include at least two randomized or statistically controlled evaluations demonstrating that the program or practice is effective in obtaining improved outcomes for its intended population.

(3) The legislature intends that prevention and intervention services delivered to children and juveniles in the areas of mental health, child welfare, and juvenile justice must be primarily evidence-based, and it is anticipated that such services will be provided in a manner that is culturally competent.

(4) The legislature also acknowledges that baseline information is not presently available regarding the extent to which evidence-based practices are presently available and in use in the areas of mental health, child welfare, and juvenile justice; the cost of those practices; their effectiveness relative to other standard treatment protocols upon which statistically controlled evaluations have not been completed; and the most effective strategies and appropriate time frames for expecting their broader use. Thus, it would be unwise to establish specific requirements and time frames for widespread implementation without further analysis and discussion.

(5) It is the intent of the legislature that the department of social and health services will ensure that an expansion of the use of evidence-based practices be accomplished to the extent possible with existing resources by coordinating the purchase of evidence-based services, the development of a trained workforce and the implementation of a system of care that supports evidence-based practices by the juvenile rehabilitation administration, the division of behavioral health and recovery services, and the children's administration.

(6) The legislature recognizes that in order to effectively provide evidence-based practices, contractors must have a work force trained in these programs, and there must be an evaluation of the outcomes from their use. For purposes of this act, "contractors" does not include county probation staff that provide evidence-based programs.

**NEW SECTION. Sec. 2.** The department of social and health services shall accomplish the following in consultation and collaboration with the Washington state institute for public policy, the evidence-based practice institute at the University of Washington, a university-based child welfare partnership and research entity, other national experts in the delivery of evidence-based services, and organizations representing Washington practitioners in each of the service areas:

(1) By September 30, 2012, the department shall publish descriptive definitions of evidence-based and research-based practices in the areas of child welfare, juvenile rehabilitation, and children's mental health services.

(2) By June 30, 2013, the department shall complete a baseline assessment of the extent to which evidence-based and research-based practices are in place in the state in the areas of child welfare, juvenile rehabilitation, and children's mental health services. The assessment shall include estimates of (a) the number of children receiving each service; (b) the total amount of state and federal funds expended on the service; (c) the relative availability of the service in the various regions of the state; and (d) the number of children served by state programs who would significantly benefit from but who do not presently have access to the service.

(3) By December 1, 2013, the department shall report to the governor and to the appropriate fiscal and policy committees of the legislature on recommended strategies, timelines, and costs for increasing availability of evidence-based and research-based practices in each of the identified areas."

Senator Hargrove spoke in favor of adoption of the committee striking amendment.

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The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Ways & Means to Engrossed Second Substitute House Bill No. 2536.

The motion by Senator Hargrove carried and the committee striking amendment was adopted by voice vote.

## MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 2 of the title, after "juveniles;" strike the remainder of the title and insert "and creating new sections."

## MOTION

On motion of Senator Hargrove, the rules were suspended, Engrossed Second Substitute House Bill No. 2536 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Hargrove spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Second Substitute House Bill No. 2536 as amended by the Senate.

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute House Bill No. 2536 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Baumgartner, Becker, Benton, Brown, Carrell, Chase, Conway, Delvin, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hatfield, Haugen, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles, Litzow, McAuliffe, Morton, Murray, Nelson, Padden, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rolfes, Schoesler, Sheldon, Shin, Stevens, Swecker and Tom

Excused: Senator Zarelli

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2536 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## MOTION

At 7:31 p.m., on motion of Senator Eide, the Senate was declared to be at ease subject to the call of the President.

The Senate was called to order at 7:43 p.m. by President Owen.

## SECOND READING

SUBSTITUTE HOUSE BILL NO. 1057, by House Committee on Labor & Workforce Development (originally sponsored by Representatives Hudgins, Green and Reykdal)

Creating the farm labor account. Revised for 1st Substitute: Creating the farm labor contractor account.

The measure was read the second time.

## MOTION

Senator Kohl-Welles moved that the following striking amendment by Senator Kohl-Welles and others be adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 19.30.030 and 2011 1st sp.s. c 50 s 927 are each reenacted to read as follows:

(1) The director shall not issue to any person a license to act as a farm labor contractor until:

(a) Such person has executed a written application on a form prescribed by the director, subscribed and sworn to by the applicant, and containing (i) a statement by the applicant of all facts required by the director concerning the applicant's character, competency, responsibility, and the manner and method by which he or she proposes to conduct operations as a farm labor contractor if such license is issued, and (ii) the names and addresses of all persons financially interested, either as partners, stockholders, associates, profit sharers, or providers of board or lodging to agricultural employees in the proposed operation as a labor contractor, together with the amount of their respective interests;

(b) The director, after investigation, is satisfied as to the character, competency, and responsibility of the applicant;

(c) The applicant has paid to the director a license fee of: (i) Thirty-five dollars in the case of a farm labor contractor not engaged in forestation or reforestation, or (ii) one hundred dollars in the case of a farm labor contractor engaged in forestation or reforestation or such other sum as the director finds necessary, and adopts by rule, for the administrative costs of evaluating applications;

(d) The applicant has filed proof satisfactory to the director of the existence of a policy of insurance with any insurance carrier authorized to do business in the state of Washington in an amount satisfactory to the director, which insures the contractor against liability for damage to persons or property arising out of the contractor's operation of, or ownership of, any vehicle or vehicles for the transportation of individuals in connection with the contractor's business, activities, or operations as a farm labor contractor;

(e) The applicant has filed a surety bond or other security which meets the requirements set forth in RCW 19.30.040;

(f) The applicant executes a written statement which shall be subscribed and sworn to and shall contain the following declaration:

"With regards to any action filed against me concerning my activities as a farm labor contractor, I appoint the director of the Washington department of labor and industries as my lawful agent to accept service of summons when I am not present in the jurisdiction in which the action is commenced or have in any other way become unavailable to accept service"; and

(g) The applicant has stated on his or her application whether or not his or her contractor's license or the license of any of his or her agents, partners, associates, stockholders, or profit sharers has ever been suspended, revoked, or denied by any state or federal agency, and whether or not there are any outstanding judgments against him or her or any of his or her agents, partners, associates, stockholders, or profit sharers in any state or federal court arising out of activities as a farm labor contractor.

(2) The farm labor contractor account is created in the state treasury. All receipts from farm labor contractor licenses, security deposits, penalties, and donations must be deposited into the account. Moneys in the account may be spent only after appropriation. Expenditures from the account may be used only for administering the farm labor contractor licensing program, subject to authorization from the director or the director's designee."

Senator Kohl-Welles spoke in favor of adoption of the striking amendment.

The President declared the question before the Senate to be the adoption of the striking amendment by Senator Kohl-Welles and others to Substitute House Bill No. 1057.

The motion by Senator Kohl-Welles carried and the striking amendment was adopted by voice vote.

#### MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 1 of the title, after "account;" strike the remainder of the title and insert "and reenacting RCW 19.30.030."

#### MOTION

On motion of Senator Kohl-Welles, the rules were suspended, Substitute House Bill No. 1057 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1057 as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1057 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 1; Excused, 1.

Voting yea: Senators Baumgartner, Becker, Benton, Brown, Carrell, Chase, Conway, Delvin, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hatfield, Haugen, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles, Litzow, McAuliffe, Morton, Murray, Nelson, Padden, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rolfes, Schoesler, Sheldon, Stevens, Swecker and Tom

Absent: Senator Shin

Excused: Senator Zarelli

SUBSTITUTE HOUSE BILL NO. 1057 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MOTION

At 7:53 p.m., on motion of Senator Eide, the Senate adjourned until 9:30 a.m. Friday, March 2, 2012.

BRAD OWEN, President of the Senate

THOMAS HOEMANN, Secretary of the Senate

**FIFTY FOURTH DAY**

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MORNING SESSION

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Senate Chamber, Olympia, Friday, March 2, 2012

The Senate was called to order at 9:30 a.m. by President Owen. The Secretary called the roll and announced to the President that all Senators were present with the exception of Senator Litzow.

The Sergeant at Arms Color Guard consisting of Pages Dustin Coffey and Morgan Anderson, presented the Colors. Pastor Rusty Carlson of Rainer View Christian Church of Tacoma offered the prayer.

MOTION

On motion of Senator Eide, the reading of the Journal of the previous day was dispensed with and it was approved.

MOTION

On motion of Senator Eide, the Senate advanced to the fourth order of business.

MESSAGE FROM THE HOUSE

March 1, 2012

MR. PRESIDENT:

The House has passed:

- SENATE BILL NO. 5365,
- ENGROSSED SUBSTITUTE SENATE BILL NO. 5715,
- ENGROSSED SUBSTITUTE SENATE BILL NO. 5991,
- SENATE BILL NO. 6098,
- SENATE BILL NO. 6171,
- SUBSTITUTE SENATE BILL NO. 6208,
- ENGROSSED SENATE BILL NO. 6255,
- SENATE BILL NO. 6290,
- SUBSTITUTE SENATE BILL NO. 6371,
- ENGROSSED SUBSTITUTE SENATE BILL NO. 6470,
- SUBSTITUTE SENATE BILL NO. 6574.

and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MESSAGE FROM THE HOUSE

March 1, 2012

MR. PRESIDENT:

The House has passed:

- SENATE BILL NO. 5981,
- SUBSTITUTE SENATE BILL NO. 6002,
- SENATE BILL NO. 6046,
- SENATE BILL NO. 6059,
- SUBSTITUTE SENATE BILL NO. 6112,
- SUBSTITUTE SENATE BILL NO. 6167,
- SUBSTITUTE SENATE BILL NO. 6325.

and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MESSAGE FROM THE HOUSE

March 1, 2012

MR. PRESIDENT:

The House has passed:

SENATE BILL NO. 6218.

and the same is herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

On motion of Senator Eide, the Senate advanced to the fifth order of business.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

ESHB 1820 by House Committee on Public Safety & Emergency Preparedness (originally sponsored by Representatives Hope, Liias, Rivers, Ryu, Moscoso, Morris, Hurst, Condotta, Jinkins, Fitzgibbon, Klippert, Johnson, Sells, Reykdal, Billig, Maxwell and Kelley)

AN ACT Relating to the blue alert system; and adding a new chapter to Title 10 RCW.

3ESHB 2127 by House Committee on Ways & Means (originally sponsored by Representative Hunter)

AN ACT Relating to fiscal matters; amending RCW 28B.15.067, 38.52.540, 41.06.560, 43.07.129, 43.30.720, 43.88.110, 74.48.090, 76.04.610, 77.12.201, 77.12.203, 79.22.010, 79.22.040, 79.64.100, 79.105.150, 79.105.240, 79A.25.200, 86.26.007, and 90.48.390; amending 2012 c 86 (ESHB 2190) (uncodified); amending 2011 2nd sp.s. c 9 ss 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 125, 128, 129, 130, 131, 126, 127, 132, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 401, 402, 501, 502, 503, 504, 505, 507, 508, 509, 510, 511, 513, 514, 515, 601, 602, 603, 604, 605, 606, 607, 608, 609, 612, 613, 614, 615, 616, 617, 701, 702, and 801 (uncodified); amending 2011 1st sp.s. c 50 ss 103, 104, 106, 105, 108, 112, 115, 117, 120, 124, 128, 132, 133, 137, 136, 142, 147, 151, 149, 214, 516, 616, 715, 801, 802, 803, 910, 920, 921, and 922 (uncodified); amending 2010 c 23 s 205 (uncodified); reenacting and amending RCW 2.68.020, 70.105D.070, and 79.64.040; adding new sections to 2011 1st sp.s. c 50 (uncodified); repealing 2011 2nd sp.s. c 9 ss 610, 611, 705, 706, 707, and 708 (uncodified); repealing 2011 1st sp.s. c 50 ss 709 and 710 (uncodified); making appropriations; and declaring an emergency.

Referred to Committee on Ways & Means.

EHB 2814 by Representatives Clibborn, Armstrong, Eddy and Springer

AN ACT Relating to the replacement of certain elements of the state route number 520 corridor; amending RCW 90.58.140; creating a new section; providing an expiration date; and declaring an emergency.

MOTION

On motion of Senator Eide, all measures listed on the Introduction and First Reading report were referred to the committees as designated with the exception of Engrossed Substitute House Bill No. 1820 and Engrossed House Bill No. 2814 which were placed on the second reading calendar under suspension of the rules.

#### MOTION

On motion of Senator Eide, Senate Bill No. 6406 was made a special order of business for the day to be considered at 4:59 p.m.

**EDITOR'S NOTE:** Senate Rule 15 establishes the floor schedule and calls for a lunch and dinner break of 90 minutes each per day during regular daily sessions.

#### MOTION

Senator Eide moved that Senate Bill No. 6406 be made the special order of business at 4:59 p.m. today.

#### MOTION

On motion of Senator Eide, the Senate advanced to the sixth order of business.

#### SECOND READING

SUBSTITUTE HOUSE BILL NO. 2326, by House Committee on Environment (originally sponsored by Representatives Jinkins, Ladenburg, Darneille, Fitzgibbon, Upthegrove, Seaquist, Moscoso, Green, Kagi, Billig, Tharinger, Pollet, Wylie, Reykdal, McCoy, Eddy, Hunt and Lytton)

Protecting air quality that is impacted by high emitting solid fuel burning devices.

The measure was read the second time.

#### MOTION

Senator Nelson moved that the following committee striking amendment by the Committee on Environment be not adopted:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 70.94.473 and 2008 c 40 s 1 are each amended to read as follows:

(1) Any person in a residence or commercial establishment which has an adequate source of heat without burning wood shall:

(a) Not burn wood in any solid fuel burning device whenever the department has determined under RCW 70.94.715 that any air pollution episode exists in that area;

(b) Not burn wood in any solid fuel burning device except those which are either Oregon department of environmental quality phase II or United States environmental protection agency certified or certified by the department under RCW 70.94.457(1) or a pellet stove either certified or issued an exemption by the United States environmental protection agency in accordance with Title 40, Part 60 of the code of federal regulations, in the geographical area and for the period of time that a first stage of impaired air quality has been determined, by the department or any authority, for that area. A first stage of impaired air quality is reached when forecasted meteorological conditions are predicted to cause fine particulate levels to reach or exceed (~~thirty-five~~) thirty micrograms per cubic

meter, measured on a twenty-four hour average, within (~~forty-eight~~) seventy-two hours; and

(c)(i) Not burn wood in any solid fuel burning device in a geographical area and for the period of time that a second stage of impaired air quality has been determined by the department or any authority, for that area. A second stage of impaired air quality is reached when a first stage of impaired air quality has been in force and has not been sufficient to reduce the increasing fine particulate pollution trend, fine particulates are at an ambient level of twenty-five micrograms per cubic meter measured on a twenty-four hour average, and forecasted meteorological conditions are not expected to allow levels of fine particulates to decline below twenty-five micrograms per cubic meter for a period of twenty-four hours or more from the time that the fine particulates are measured at the trigger level.

(ii) A second stage burn ban may be called without calling a first stage burn ban only when all of the following occur and shall require the department or the local air pollution control authority calling a second stage burn ban under this subsection to comply with the requirements of subsection (~~(4)~~) (3) of this section:

(A) Fine particulate levels have reached or exceeded twenty-five micrograms per cubic meter, measured on a twenty-four hour average;

(B) Meteorological conditions have caused fine particulate levels to rise rapidly;

(C) Meteorological conditions are predicted to cause fine particulate levels to reach or exceed the (~~thirty-five~~) thirty micrograms per cubic meter, measured on a twenty-four hour average, within twenty-four hours; and

(D) Meteorological conditions are highly likely to prevent sufficient dispersion of fine particulate.

(2) Actions of the department and local air pollution control authorities under this section shall preempt actions of other state agencies and local governments for the purposes of controlling air pollution from solid fuel burning devices, except where authorized by chapter 199, Laws of 1991.

(3) The department or any local air pollution control authority that has called a second stage burn ban under the authority of subsection (1)(c)(ii) of this section shall, within ninety days, prepare a written report describing:

(a) The meteorological conditions that resulted in their calling the second stage burn ban;

(b) Whether the agency could have taken actions to avoid calling a second stage burn ban without calling a first stage burn ban; and

(c) Any changes the department or authority is making to its procedures of calling first stage and second stage burn bans to avoid calling a second stage burn ban without first calling a first stage burn ban.

After consulting with affected parties, the department shall prescribe the format of such a report and may also require additional information be included in the report. All reports shall be sent to the department and the department shall keep the reports on file for not less than five years and available for public inspection and copying in accordance with RCW 42.56.090.

((4) The department and local air pollution control authorities shall evaluate the effectiveness of the burn ban programs contained in this section in avoiding fine particulate levels to exceed thirty-five micrograms per cubic meter, measured on a twenty-four hour average, and provide a joint report of the results to the legislature by September 1, 2011.))

**Sec. 2.** RCW 70.94.477 and 2009 c 282 s 1 are each amended to read as follows:

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(1) Unless allowed by rule under chapter 34.05 RCW, a person shall not cause or allow any of the following materials to be burned in any residential solid fuel burning device:

- (a) Garbage;
- (b) Treated wood;
- (c) Plastics;
- (d) Rubber products;
- (e) Animals;
- (f) Asphaltic products;
- (g) Waste petroleum products;
- (h) Paints; or

(i) Any substance, other than properly seasoned fuel wood, which normally emits dense smoke or obnoxious odors.

(2) To achieve and maintain attainment in areas of nonattainment for fine particulates in accordance with section 172 of the federal clean air act, a local air pollution control authority or the department may, after meeting requirements in subsection (3) of this section, prohibit the use of solid fuel burning devices, except:

(a) Fireplaces as defined in RCW 70.94.453(3), except if needed to meet federal requirements as a contingency measure in a state implementation plan for a fine particulate nonattainment area;

(b) Woodstoves meeting the standards set forth in RCW 70.94.473(1)(b); or

(c) Pellet stoves.

(3) Prior to prohibiting the use of solid fuel burning devices under subsection (2) of this section, the department or the local air pollution control authority must:

(a) Seek input from any city, county, or jurisdictional health department affected by the proposal to prohibit the use of solid fuel burning devices; and

(b) Make written findings that:

(i) The area is designated as an area of nonattainment for fine particulate matter by the United States environmental protection agency, or is in maintenance status under that designation;

(ii) Emissions from solid fuel burning devices in the area are a major contributing factor for violating the national ambient air quality standard for fine particulates; and

(iii) The area has an adequately funded program to assist low-income households to secure an adequate source of heat, which may include woodstoves meeting the requirements of RCW 70.94.453(2).

(4) If and only if the nonattainment area is within the jurisdiction of the department and the legislative authority of a city or county within the area of nonattainment formally expresses concerns with the department's written findings, then the department must publish on the department's web site the reasons for prohibiting the use of solid fuel burning devices under subsection (2) of this section that includes a response to the concerns expressed by the city or county legislative authority.

(5) When a local air pollution control authority or the department prohibits the use of solid fuel burning devices as authorized by this section, the cities, counties, and jurisdictional health departments serving the area shall cooperate with the department or local air pollution control authority as the department or the local air pollution control authority implements the prohibition. ~~((However, cooperation shall not include enforcement of this prohibition.))~~ The responsibility for actual enforcement of the prohibition shall reside solely with the department or the local air pollution control authority. A city, county, or jurisdictional health department serving the area may agree to assist with enforcement activities.

(6) A prohibition issued by a local air pollution control authority or the department under this section shall not apply to a person in a residence or commercial establishment that does not have an adequate source of heat without burning wood.

(7) As used in this section((c));

(a) "Jurisdictional health department" means a city, county, city-county, or district public health department.

(b) "Prohibit the use" or "prohibition" may include requiring disclosure, removal, rendering inoperable, providing evidence of destruction, or other similar requirements as may be approved by rule by a local air pollution control authority or the department. However, except as provided in RCW 64.06.020 relating to the seller disclosure of wood burning appliances, any such prohibition may not include imposing separate time of sale obligations on the seller or buyer of real estate as part of a real estate transaction.

**NEW SECTION. Sec. 3.** A new section is added to chapter 70.94 RCW to read as follows:

(1) The department of ecology and local air pollution control authorities shall report back to the appropriate standing committees of the legislature by December 31, 2014, and every two years thereafter, on progress toward achieving attainment for areas of nonattainment that the revised burn ban and prohibition requirements contained in RCW 70.94.473 and 70.94.477 were enacted to address, as well as whether other implementation tools are necessary to achieve attainment.

(2) This section expires January 1, 2019."

On page 1, beginning on line 2 of the title, after "devices;" strike the remainder of the title and insert "amending RCW 70.94.473 and 70.94.477; adding a new section to chapter 70.94 RCW; and providing an expiration date."

The President declared the question before the Senate to be the motion by Senator Nelson that the committee striking amendment by the Committee on Environment to Substitute House Bill No. 2326 be not adopted.

The motion by Senator Nelson carried and the committee striking amendment was not adopted by voice vote.

MOTION

Senator Nelson moved that the following striking amendment by Senator Hargrove and others be adopted:

Strike everything after the enacting clause and insert the following:

**"Sec. 1.** RCW 70.94.473 and 2008 c 40 s 1 are each amended to read as follows:

(1) Any person in a residence or commercial establishment which has an adequate source of heat without burning wood shall:

(a) Not burn wood in any solid fuel burning device whenever the department has determined under RCW 70.94.715 that any air pollution episode exists in that area;

(b) Not burn wood in any solid fuel burning device except those which are either Oregon department of environmental quality phase II or United States environmental protection agency certified or certified by the department under RCW 70.94.457(1) or a pellet stove either certified or issued an exemption by the United States environmental protection agency in accordance with Title 40, Part 60 of the code of federal regulations, in the geographical area and for the period of time that a first stage of impaired air quality has been determined, by the department or any authority, for that area.

(i) A first stage of impaired air quality is reached when forecasted meteorological conditions are predicted to cause fine particulate levels to exceed thirty-five micrograms per cubic meter, measured on a twenty-four hour average, within forty-eight hours, except for areas of fine particulate nonattainment or areas at risk for fine particulate nonattainment;

(ii) A first stage burn ban for impaired air quality may be called for a county containing fine particulate nonattainment areas or areas at risk for fine particulate nonattainment, and when feasible only for

the necessary portions of the county, when forecasted meteorological conditions are predicted to cause fine particulate levels to reach or exceed thirty micrograms per cubic meter, measured on a twenty-four hour average, within seventy-two hours; and

(c)(i) Not burn wood in any solid fuel burning device in a geographical area and for the period of time that a second stage of impaired air quality has been determined by the department or any authority, for that area. A second stage of impaired air quality is reached when a first stage of impaired air quality has been in force and has not been sufficient to reduce the increasing fine particulate pollution trend, fine particulates are at an ambient level of twenty-five micrograms per cubic meter measured on a twenty-four hour average, and forecasted meteorological conditions are not expected to allow levels of fine particulates to decline below twenty-five micrograms per cubic meter for a period of twenty-four hours or more from the time that the fine particulates are measured at the trigger level.

(ii) A second stage burn ban may be called without calling a first stage burn ban only when all of the following occur and shall require the department or the local air pollution control authority calling a second stage burn ban under this subsection to comply with the requirements of subsection ~~((4))~~ (3) of this section:

(A) Fine particulate levels have reached or exceeded twenty-five micrograms per cubic meter, measured on a twenty-four hour average;

(B) Meteorological conditions have caused fine particulate levels to rise rapidly;

(C) Meteorological conditions are predicted to cause fine particulate levels to exceed the thirty-five micrograms per cubic meter, measured on a twenty-four hour average, within twenty-four hours; and

(D) Meteorological conditions are highly likely to prevent sufficient dispersion of fine particulate.

(iii) In fine particulate nonattainment areas or areas at risk for fine particulate nonattainment, a second stage burn ban may be called for the county containing the nonattainment area or areas at risk for nonattainment, and when feasible only for the necessary portions of the county, without calling a first stage burn ban only when (c)(ii)(A), (B), and (D) of this subsection have been met and meteorological conditions are predicted to cause fine particulate levels to reach or exceed thirty micrograms per cubic meter, measured on a twenty-four hour average, within twenty-four hours.

(2) Actions of the department and local air pollution control authorities under this section shall preempt actions of other state agencies and local governments for the purposes of controlling air pollution from solid fuel burning devices, except where authorized by chapter 199, Laws of 1991.

(3) The department or any local air pollution control authority that has called a second stage burn ban under the authority of subsection (1)(c)(ii) of this section shall, within ninety days, prepare a written report describing:

(a) The meteorological conditions that resulted in their calling the second stage burn ban;

(b) Whether the agency could have taken actions to avoid calling a second stage burn ban without calling a first stage burn ban; and

(c) Any changes the department or authority is making to its procedures of calling first stage and second stage burn bans to avoid calling a second stage burn ban without first calling a first stage burn ban.

After consulting with affected parties, the department shall prescribe the format of such a report and may also require additional information be included in the report. All reports shall be sent to the department and the department shall keep the reports on file for

not less than five years and available for public inspection and copying in accordance with RCW 42.56.090.

(4) ((The department and local air pollution control authorities shall evaluate the effectiveness of the burn ban programs contained in this section in avoiding fine particulate levels to exceed thirty-five micrograms per cubic meter, measured on a twenty-four hour average, and provide a joint report of the results to the legislature by September 1, 2011.)) For the purposes of this act, an area at risk for nonattainment means an area where the three-year average of the annual ninety-eighth percentile of twenty-four hour fine particulate values is greater than twenty-nine micrograms per cubic meter, based on the years 2008 through 2010 monitoring data.

**Sec. 2.** RCW 70.94.477 and 2009 c 282 s 1 are each amended to read as follows:

(1) Unless allowed by rule under chapter 34.05 RCW, a person shall not cause or allow any of the following materials to be burned in any residential solid fuel burning device:

- (a) Garbage;
- (b) Treated wood;
- (c) Plastics;
- (d) Rubber products;
- (e) Animals;
- (f) Asphaltic products;
- (g) Waste petroleum products;
- (h) Paints; or

(i) Any substance, other than properly seasoned fuel wood, which normally emits dense smoke or obnoxious odors.

(2) To achieve and maintain attainment in areas of nonattainment for fine particulates in accordance with section 172 of the federal clean air act, a local air pollution control authority or the department may, after meeting requirements in subsection (3) of this section, prohibit the use of solid fuel burning devices, except:

(a) Fireplaces as defined in RCW 70.94.453(3), except if needed to meet federal requirements as a contingency measure in a state implementation plan for a fine particulate nonattainment area;

(b) Woodstoves meeting the standards set forth in RCW 70.94.473(1)(b); or

(c) Pellet stoves.

(3) Prior to prohibiting the use of solid fuel burning devices under subsection (2) of this section, the department or the local air pollution control authority must:

(a) Seek input from any city, county, or jurisdictional health department affected by the proposal to prohibit the use of solid fuel burning devices; and

(b) Make written findings that:

(i) The area is designated as an area of nonattainment for fine particulate matter by the United States environmental protection agency, or is in maintenance status under that designation;

(ii) Emissions from solid fuel burning devices in the area are a major contributing factor for violating the national ambient air quality standard for fine particulates; and

(iii) The area has an adequately funded program to assist low-income households to secure an adequate source of heat, which may include woodstoves meeting the requirements of RCW 70.94.453(2).

(4) If and only if the nonattainment area is within the jurisdiction of the department and the legislative authority of a city or county within the area of nonattainment formally expresses concerns with the department's written findings, then the department must publish on the department's web site the reasons for prohibiting the use of solid fuel burning devices under subsection (2) of this section that includes a response to the concerns expressed by the city or county legislative authority.

(5) When a local air pollution control authority or the department prohibits the use of solid fuel burning devices as



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authorized by this section, the cities, counties, and jurisdictional health departments serving the area shall cooperate with the department or local air pollution control authority as the department or the local air pollution control authority implements the prohibition. ~~((However, cooperation shall not include enforcement of this prohibition.))~~ The responsibility for actual enforcement of the prohibition shall reside solely with the department or the local air pollution control authority. A city, county, or jurisdictional health department serving a fine particulate nonattainment area may agree to assist with enforcement activities.

(6) A prohibition issued by a local air pollution control authority or the department under this section shall not apply to a person in a residence or commercial establishment that does not have an adequate source of heat without burning wood.

(7) As used in this section(8):

(a) "Jurisdictional health department" means a city, county, city-county, or district public health department.

(b) "Prohibit the use" or "prohibition" may include requiring disclosure, removal, rendering inoperable, providing evidence of destruction, or other similar requirements as may be approved by rule by a local air pollution control authority or the department for areas designated in nonattainment for fine particulates. However, except as provided in RCW 64.06.020 relating to the seller disclosure of wood burning appliances, any such prohibition may not include imposing separate time of sale obligations on the seller or buyer of real estate as part of a real estate transaction.

**NEW SECTION. Sec. 3.** A new section is added to chapter 70.94 RCW to read as follows:

(1) The department of ecology and local air pollution control authorities shall report back to the appropriate standing committees of the legislature by December 31, 2014, and every two years thereafter, on progress toward achieving attainment for areas of nonattainment that the revised burn ban and prohibition requirements contained in RCW 70.94.473 and 70.94.477 were enacted to address, as well as whether other implementation tools are necessary to achieve attainment.

(2) This section expires January 1, 2019."

Senator Nelson spoke in favor of adoption of the striking amendment.

#### MOTION

Senator King moved that the following amendment by Senators King and Nelson to the striking amendment be adopted:

On page 5, beginning on line 24 of the amendment, after "apply to" strike all material through "wood" on line 26 and insert "~~((a person in a residence or commercial establishment that does not have an adequate source of heat without burning wood))~~;

(a) A person in a residence or commercial establishment that does not have an adequate source of heat without burning wood; or

(b) A person with a shop or garage that is detached from the main residence or commercial establishment that does not have an adequate source of heat in the detached shop or garage without burning wood"

Senators King and Nelson spoke in favor of adoption of the amendment to the striking amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senators King and Nelson on page 5, line 24 to the striking amendment to Substitute House Bill No. 2326.

The motion by Senator King carried and the amendment to the striking amendment was adopted by voice vote.

#### MOTION

Senator King moved that the following amendment by Senator King to the striking amendment be adopted:

On page 5, beginning on line 24 of the amendment, after "apply to" strike all material through "wood" on line 26 and insert "~~((a person in a residence or commercial establishment that does not have an adequate source of heat without burning wood))~~;

(a) A person in a residence or commercial establishment that does not have an adequate source of heat without burning wood; or

(b) A person with a shop or garage that is detached from the main residence or commercial establishment that does not have an adequate source of heat in the detached shop or garage without burning wood, provided that the person owns and operates a small business out of the detached shop or garage"

#### WITHDRAWAL OF AMENDMENT

On motion of Senator King, the amendment by Senator King on page 5, line 24 to the striking amendment to Substitute House Bill No. 2326 was withdrawn.

#### MOTION

Senator Carrell moved that the following amendment by Senator Carrell and others to the striking amendment be adopted:

On page 5, line 27 of the amendment, after "(7)" insert "On the effective date of this section, and prior to January 1, 2015, the local air pollution control authority or the department shall, within available resources, provide assistance to households using solid fuel burning devices to reduce the emissions from those devices or change out to a lower emission device. Prior to the effective date of a prohibition, as defined in this section, on the use of uncertified stoves, the department or local air pollution control authority shall provide public education in the nonattainment area regarding how households can reduce their emissions through cleaner burning practices, the importance of respecting burn bans, and the opportunities for assistance in obtaining a cleaner device. If the area is designated as a nonattainment area as of January 1, 2015, or if required by the United States environmental protection agency, the local air pollution control authority or the department may prohibit the use of uncertified devices.

(8)"

On page 5, beginning on line 30 of the amendment, after "(b)" strike all material through "particulates." on line 34 and insert ""Prohibit the use" or "prohibition" may include requiring disclosure of an uncertified device, removal, or rendering inoperable, as may be approved by rule by a local air pollution control authority or the department. The effective date of such a rule may not be prior to January 1, 2015."

Senators Carrell and Nelson spoke in favor of adoption of the amendment to the striking amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Carrell and others on page 5, line 27 to the striking amendment to Substitute House Bill No. 2326.

The motion by Senator Carrell carried and the amendment to the striking amendment was adopted by voice vote.

The President declared the question before the Senate to be the adoption of the striking amendment by Senator Hargrove and others as amended to Substitute House Bill No. 2326.

The motion by Senator Nelson carried and the striking amendment as amended was adopted by voice vote.

## MOTION

There being no objection, the following title amendment was adopted:

On page 1, beginning on line 2 of the title, after "devices;" strike the remainder of the title and insert "amending RCW 70.94.473 and 70.94.477; adding a new section to chapter 70.94 RCW; and providing an expiration date."

## MOTION

On motion of Senator Nelson, the rules were suspended, Substitute House Bill No. 2326 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Nelson, Hargrove, Regala, Kastama and Conway spoke in favor of passage of the bill.

Senators Carrell, Roach, Sheldon and Morton spoke against passage of the bill.

## MOTION

On motion of Senator Ericksen, Senators Becker and Litzow were excused.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 2326 as amended by the Senate.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2326 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 26; Nays, 21; Absent, 0; Excused, 2.

Voting yea: Senators Brown, Chase, Conway, Eide, Fraser, Frockt, Hargrove, Harper, Haugen, Hobbs, Kastama, Keiser, Kilmer, Kline, Kohl-Welles, McAuliffe, Murray, Nelson, Prentice, Pridemore, Ranker, Regala, Rolfes, Shin, Swecker and Tom

Voting nay: Senators Baumgartner, Benton, Carrell, Delvin, Ericksen, Fain, Hatfield, Hewitt, Hill, Holmquist Newbry, Honeyford, King, Morton, Padden, Parlette, Pflug, Roach, Schoesler, Sheldon, Stevens and Zarelli

Excused: Senators Becker and Litzow

SUBSTITUTE HOUSE BILL NO. 2326 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## MOTION

On motion of Senator Eide, Substitute House Bill No. 2326 was immediately transmitted to the House of Representatives.

## MOTION TO LIMIT DEBATE

Senator Eide: "Mr. President, I move that the members of the Senate be allowed to speak but once on each question before the Senate, that such speech be limited to three minutes and that members be prohibited from yielding their time, however, the maker of a motion shall be allowed to open and close debate. This motion shall be in effect through March 2, 2012."

The President declared the question before the Senate to be the motion by Senator Eide to limit debate.

The motion by Senator Eide carried and debate was limited through March 2, 2012 by voice vote.

## SECOND READING

SECOND SUBSTITUTE HOUSE BILL NO. 2452, by House Committee on Ways & Means (originally sponsored by Representatives Wylie, Alexander, Kenney, Haigh, Hunt, Hudgins, Harris, McCoy, Ryu, Hasegawa, Springer, Billig, Maxwell, Uptegrove and Ormsby)

Centralizing the authority and responsibility for the development, process, and oversight of state procurement of goods and services.

The measure was read the second time.

## MOTION

Senator Holmquist Newbry moved that the following amendment by Senator Holmquist Newbry and others be adopted.

Beginning on page 4, line 35, strike all of subsection (23)

Renumber the remaining subsection consecutively and correct any internal references accordingly.

On page 16, beginning on line 4, strike all of section 21

Renumber the remaining sections consecutively and correct any internal references accordingly.

Senator Holmquist Newbry spoke in favor of adoption of the amendment.

Senator Pridemore spoke against adoption of the amendment.

Senator Eide demanded a roll call.

The President declared that one-sixth of the members supported the demand and the demand was sustained.

The President declared the question before the Senate to be the adoption of the amendment by Senator Holmquist Newbry and others on page 4, line 35 to Second Substitute House Bill No. 2452.

## ROLL CALL

The Secretary called the roll on the adoption of the amendment by Senator Holmquist Newbry and others and the amendment was adopted by the following vote: Yeas, 25; Nays, 24; Absent, 0; Excused, 0.

Voting yea: Senators Becker, Benton, Carrell, Delvin, Ericksen, Fain, Hargrove, Hewitt, Hill, Holmquist Newbry, Honeyford, Kastama, King, Litzow, Morton, Padden, Parlette, Pflug, Roach, Schoesler, Sheldon, Stevens, Swecker, Tom and Zarelli

Voting nay: Senators Baumgartner, Brown, Chase, Conway, Eide, Fraser, Frockt, Harper, Hatfield, Haugen, Hobbs, Keiser, Kilmer, Kline, Kohl-Welles, McAuliffe, Murray, Nelson, Prentice, Pridemore, Ranker, Regala, Rolfes and Shin

## MOTION

On motion of Senator Pridemore, the rules were suspended, Second Substitute House Bill No. 2452 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Pridemore and Swecker spoke in favor of passage of the bill.

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Senator Baumgartner spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Second Substitute House Bill No. 2452 as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of Second Substitute House Bill No. 2452 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 39; Nays, 10; Absent, 0; Excused, 0.

Voting yea: Senators Becker, Benton, Brown, Chase, Conway, Delvin, Eide, Fain, Fraser, Frockt, Hargrove, Harper, Hatfield, Haugen, Hill, Hobbs, Holmquist Newbry, Kastama, Keiser, Kilmer, Kline, Kohl-Welles, Litzow, McAuliffe, Morton, Murray, Nelson, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rolfes, Schoesler, Sheldon, Shin, Swecker and Tom

Voting nay: Senators Baumgartner, Carrell, Ericksen, Hewitt, Honeyford, King, Padden, Parlette, Stevens and Zarelli

SECOND SUBSTITUTE HOUSE BILL NO. 2452 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

HOUSE BILL NO. 2308, by Representatives Rodne and Pedersen

Regulating awarding of costs, including attorneys' fees, in actions challenging actions taken by professional peer review bodies.

The measure was read the second time.

#### MOTION

Senator Kline moved that the following committee striking amendment by the Committee on Judiciary be adopted:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 7.71.030 and 1987 c 269 s 3 are each amended to read as follows:

(1) This section shall provide the exclusive remedy for any action taken by a professional peer review body of health care providers as defined in RCW 7.70.020, that is found to be based on matters not related to the competence or professional conduct of a health care provider.

(2) Actions shall be limited to appropriate injunctive relief, and damages shall be allowed only for lost earnings directly attributable to the action taken by the professional peer review body, incurred between the date of such action and the date the action is functionally reversed by the professional peer review body.

(3) Reasonable attorneys' fees and costs (~~as approved by the court~~) shall be awarded (~~to the prevailing party, if any, as determined~~) if approved by the court under section 2 of this act.

(4) The statute of limitations for actions under this section shall be one year from the date of the action of the professional peer review body.

**NEW SECTION. Sec. 2.** A new section is added to chapter 7.71 RCW to read as follows:

(1) Except as provided for in subsection (2) of this section, at the conclusion of an action under RCW 7.71.030 the court shall award to the substantially prevailing party the costs of the suit attributable

to any claim or defense asserted in the action by the nonprevailing party, including reasonable attorneys' fees, if the nonprevailing party's claim, defense, or conduct was frivolous, unreasonable, without foundation, or in bad faith.

(2) At the conclusion of an action under RCW 7.71.030 the court shall award to the substantially prevailing defendant the cost of the suit, including reasonable attorneys' fees, if the nonprevailing plaintiff failed to first exhaust all administrative remedies available before the professional peer review body.

(3) A party shall not be considered to have substantially prevailed if the opposing party obtains an award for damages or permanent injunctive relief under this chapter."

Senator Kline spoke in favor of adoption of the committee striking amendment.

#### MOTION

On motion of Senator Holmquist Newbry, Senator Ericksen was excused.

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Judiciary to House Bill No. 2308.

The motion by Senator Kline carried and the committee striking amendment was adopted by voice vote.

#### MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 2 of the title, after "bodies;" strike the remainder of the title and insert "amending RCW 7.71.030; and adding a new section to chapter 7.71 RCW."

#### MOTION

On motion of Senator Kline, the rules were suspended, House Bill No. 2308 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Kline and Pflug spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 2308 as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2308 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Baumgartner, Becker, Benton, Brown, Carrell, Chase, Conway, Delvin, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hatfield, Haugen, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles, Litzow, McAuliffe, Morton, Murray, Nelson, Padden, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rolfes, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

HOUSE BILL NO. 2308 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MOTION

On motion of Senator Harper, Senators Brown and Kastama were excused.

#### SECOND READING

SENATE BILL NO. 6600, by Senator Eide

Extending property tax exemptions to property used exclusively by certain nonprofit organizations that is leased from an entity that acquired the property from a previously exempt nonprofit organization.

#### MOTIONS

On motion of Senator Murray, Substitute Senate Bill No. 6600 was substituted for Senate Bill No. 6600 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Murray, the rules were suspended, Substitute Senate Bill No. 6600 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Murray spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6600.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6600 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Baumgartner, Becker, Benton, Carrell, Chase, Conway, Delvin, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hatfield, Haugen, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, Kilmer, King, Kline, Kohl-Welles, Litzow, McAuliffe, Morton, Murray, Nelson, Padden, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rolfes, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Excused: Senators Brown and Kastama

SUBSTITUTE SENATE BILL NO. 6600, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5950, by Senators Roach and Conway

Regulating nonstate pension plans offered by towns.

The measure was read the second time.

#### MOTION

On motion of Senator Roach, the rules were suspended, Senate Bill No. 5950 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Roach spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5950.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5950 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Baumgartner, Becker, Benton, Carrell, Chase, Conway, Delvin, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hatfield, Haugen, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, Kilmer, King, Kline, Kohl-Welles, Litzow, McAuliffe, Morton, Murray, Nelson, Padden, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rolfes, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Excused: Senators Brown and Kastama

SENATE BILL NO. 5950, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 6598, by Senators Ericksen, Haugen, Holmquist Newbry, Harper, Rolfes, King, Becker, Hatfield, Morton, Litzow, Schoesler and Hewitt

Concerning property tax exemptions for nonprofit fair associations in rural counties.

#### MOTIONS

On motion of Senator Ericksen, Substitute Senate Bill No. 6598 was substituted for Senate Bill No. 6598 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Ericksen, the rules were suspended, Substitute Senate Bill No. 6598 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Ericksen spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6598.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6598 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Baumgartner, Becker, Benton, Carrell, Chase, Conway, Delvin, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hatfield, Haugen, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, Kilmer, King, Kline, Kohl-Welles, Litzow, McAuliffe, Morton, Murray, Nelson, Padden, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rolfes, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Excused: Senators Brown and Kastama

SUBSTITUTE SENATE BILL NO. 6598, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SUBSTITUTE HOUSE BILL NO. 2261, by House Committee on Judiciary (originally sponsored by Representatives Takko, Reykdal, Orcutt, Wilcox, Jinkins, Finn and Hudgins)

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Providing limited immunity for organizations making charitable donations of eye glasses or hearing instruments.

The measure was read the second time.

MOTION

Senator Padden moved that the following striking amendment by Senators Padden and Keiser be adopted:

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** A new section is added to chapter 4.24 RCW to read as follows:

(1) A charitable organization is not liable for any civil damages arising out of any act or omission, other than acts or omissions constituting gross negligence or willful or wanton misconduct, associated with providing previously owned eyeglasses or hearing instruments to a person if:

(a) The person is at least fourteen years of age; and

(b) The eyeglasses or hearing instruments are provided to the person without compensation or the expectation of compensation.

(2) The immunity provided by subsection (1) of this section applies to eyeglasses only if the eyeglasses are provided by a physician licensed under chapter 18.71 RCW, an osteopathic physician licensed under chapter 18.57 RCW, an optometrist licensed under chapter 18.53 RCW, or an optician licensed under chapter 18.34 RCW who has:

(a) Personally examined the person who will receive the eyeglasses; or

(b) Personally consulted with the licensed physician, osteopathic physician, or optometrist who examined the person who will receive the eyeglasses.

(3) The immunity provided by subsection (1) of this section applies to eyeglasses if the eyeglasses are provided by a physician's or optician's optical assistant who has personally consulted with the licensed physician, osteopathic physician, or optometrist who examined the person who will receive the eyeglasses.

(4) The immunity provided by subsection (1) of this section applies to hearing instruments only if the hearing instruments are provided by a physician licensed under chapter 18.71 RCW, an osteopathic physician licensed under chapter 18.57 RCW, or hearing health care professional licensed under chapter 18.35 RCW who has:

(a) Personally examined the person who will receive the hearing instruments; or

(b) Personally consulted with the licensed physician, osteopathic physician, or hearing health care professional who has examined the person who will receive the hearing instruments.

(5) For purposes of this section, "charitable organization" means an organization:

(a) That regularly engages in or provides financial support for some form of benevolent or charitable activity with the purpose of doing good to others rather than for the convenience of its members;

(b) In which no part of the organization's income is distributable to its members, directors, or officers; and

(c) In which no member, director, officer, agent, or employee is paid, or directly receives, in the form of salary or other compensation, an amount beyond that which is just and reasonable compensation commonly paid for such services rendered and which has been fixed and approved by the members, directors, or other governing body of the organization."

Senators Padden and Keiser spoke in favor of adoption of the striking amendment.

The President declared the question before the Senate to be the adoption of the striking amendment by Senators Padden and Keiser to Substitute House Bill No. 2261.

The motion by Senator Padden carried and the striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 2 of the title, after "instruments;" strike the remainder of the title and insert "and adding a new section to chapter 4.24 RCW."

MOTION

On motion of Senator Keiser, the rules were suspended, Substitute House Bill No. 2261 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Keiser spoke in favor of passage of the bill.

MOTION

On motion of Senator Holmquist Newbry, Senator Ericksen was excused.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 2261 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2261 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Baumgartner, Becker, Benton, Brown, Carrell, Chase, Conway, Delvin, Eide, Fain, Fraser, Frockt, Hargrove, Harper, Hatfield, Haugen, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles, Litzow, McAuliffe, Morton, Murray, Nelson, Padden, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rolfes, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Excused: Senator Ericksen

SUBSTITUTE HOUSE BILL NO. 2261 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2239, by House Committee on Judiciary (originally sponsored by Representatives Pedersen, Goodman, Rodne and Hudgins)

Establishing social purpose corporations.

The measure was read the second time.

MOTION

On motion of Senator Kline, the rules were suspended, Substitute House Bill No. 2239 was advanced to third reading, the

second reading considered the third and the bill was placed on final passage.

Senators Kline, Pflug and Frockt spoke in favor of passage of the bill.

Senator Padden spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 2239.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2239 and the bill passed the Senate by the following vote: Yeas, 34; Nays, 14; Absent, 0; Excused, 1.

Voting yea: Senators Brown, Chase, Conway, Eide, Fain, Fraser, Frockt, Hargrove, Harper, Hatfield, Haugen, Hewitt, Hobbs, Kastama, Keiser, Kilmer, Kline, Kohl-Welles, Litzow, McAuliffe, Murray, Nelson, Pflug, Prentice, Pridemore, Ranker, Regala, Rolfes, Schoesler, Sheldon, Shin, Swecker, Tom and Zarelli

Voting nay: Senators Baumgartner, Becker, Benton, Carrell, Delvin, Hill, Holmquist Newbry, Honeyford, King, Morton, Padden, Parlette, Roach and Stevens

Excused: Senator Ericksen

SUBSTITUTE HOUSE BILL NO. 2239, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2301, by House Committee on Business & Financial Services (originally sponsored by Representatives Green, Kirby, Pettigrew, Condotta and Jinkins)

Concerning boxing, martial arts, and wrestling. Revised for 1st Substitute: Concerning mixed martial arts, boxing, martial arts, and wrestling.

The measure was read the second time.

#### MOTION

On motion of Senator Kohl-Welles, the rules were suspended, Engrossed Substitute House Bill No. 2301 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Kohl-Welles spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 2301.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 2301 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 5; Absent, 0; Excused, 0.

Voting yea: Senators Baumgartner, Becker, Brown, Carrell, Chase, Conway, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hatfield, Haugen, Hewitt, Hill, Hobbs, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles, Litzow, McAuliffe, Morton, Murray, Nelson, Padden, Parlette, Pflug, Prentice, Pridemore,

Ranker, Regala, Roach, Rolfes, Schoesler, Sheldon, Shin, Swecker, Tom and Zarelli

Voting nay: Senators Benton, Delvin, Holmquist Newbry, Honeyford and Stevens

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2301, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MOTION

On motion of Senator Eide, the Senate advanced to the eighth order of business.

#### MOTION

Senator Conway moved adoption of the following resolution:

#### SENATE RESOLUTION 8702

By Senators Conway, Honeyford, Fraser, Baumgartner, Keiser, Nelson, Regala, Kohl-Welles, McAuliffe, Chase, Shin, Prentice, Holmquist Newbry, Padden, Harper, Brown, Rolfes, Morton, Delvin, Roach, Swecker, Pflug, King, Litzow, Eide, Hill, Fain, and Zarelli

WHEREAS, The history of the automobile is intrinsically linked to the history of America; and

WHEREAS, Nowhere in our state will this link be made more apparent than when LeMay - America's Car Museum opens its doors to the public in June; and

WHEREAS, Lifelong Washingtonians Harold and Nancy LeMay amassed the largest privately owned collection of automobiles, other vehicles, and related memorabilia in the world; and

WHEREAS, At its peak, the LeMay Collection numbered in excess of 3,000 vehicles and thousands of artifacts; and

WHEREAS, The collection is broadly American and spans the 20th Century powerfully demonstrating both the dominance of the American auto industry in that time period as well as the American experience with the automobile; and

WHEREAS, The realization of the museum is a project fifteen years in the making; and

WHEREAS, It will be the largest private automotive museum in the world with a 165,000 square foot building and nine and one-half acre campus located near the Tacoma Dome; and

WHEREAS, The museum will bring more than 400,000 visitors to Tacoma annually and have an economic impact on the region and local businesses expected to exceed \$34 million dollars annually; and

WHEREAS, The museum has brought worldwide attention to the area through its presence in automotive events in Detroit, New York, Florida, and Italy among others; and

WHEREAS, Automotive press outlets throughout the country have made mention of the museum through articles appearing in the New York Times, Washington Post, Architectural Digest, Forbes, AutoWeek, Automobile, Road and Track, and others; and

WHEREAS, The museum's Grand Opening has been identified as "One of the Top 8 Attraction Openings in the World" by USA TODAY;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate congratulates the LeMay - America's Car Museum for completion of this ambitious project during difficult economic times; and

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BE IT FURTHER RESOLVED, That the Senate recognizes the museum's board of directors, staff, the City of Tacoma, and Harold and Nancy LeMay all for their tireless work to make a dream a reality; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to representatives from LeMay - America's Car Museum.

Senators Conway, Fraser, Becker, King, Chase, McAuliffe, Hewitt, Sheldon, Holmquist Newbry, Honeyford, Benton and Carrell spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8702.

The motion by Senator Conway carried and the resolution was adopted by voice vote.

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced representatives of the LeMay Car Museum in Tacoma who were seated in the gallery.

MOTION

At 11:41 a.m., on motion of Senator Eide, the Senate was declared to be at ease subject to the call of the President.

AFTERNOON SESSION

The Senate was called to order at 1:18 p.m. by President Owen.

MOTION

On motion of Senator Eide, the Senate reverted to the sixth order of business.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2592, by House Committee on Early Learning & Human Services (originally sponsored by Representatives Roberts, Haler, Carlyle, Hinkle, Reykdal, Pettigrew, Walsh, Wylie, Kagi, Darneille, Kelley, Kenney and Tharinger)

Concerning extended foster care services.

The measure was read the second time.

MOTION

On motion of Senator Hargrove, the rules were suspended, Engrossed Substitute House Bill No. 2592 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Hargrove and Hill spoke in favor of passage of the bill.

MOTION

On motion of Senator Harper, Senators Brown and Prentice were excused.

The President declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 2592.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 2592 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 2; Absent, 0; Excused, 2.

Voting yea: Senators Baumgartner, Becker, Benton, Carrell, Chase, Conway, Delvin, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hatfield, Haugen, Hewitt, Hill, Hobbs, Honeyford, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles, Litzow, McAuliffe, Morton, Murray, Nelson, Parlette, Pflug, Pridemore, Ranker, Regala, Roach, Rolfes, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Voting nay: Senators Holmquist Newbry and Padden

Excused: Senators Brown and Prentice

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2592, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2502, by House Committee on Ways & Means (originally sponsored by Representatives Hansen and Appleton)

Modifying exceptions to the compensating tax provisions for removal from forest land classification to more closely parallel open space property tax provisions.

The measure was read the second time.

MOTION

On motion of Senator Rolfes, the rules were suspended, Engrossed Substitute House Bill No. 2502 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Rolfes spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 2502.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 2502 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Baumgartner, Becker, Benton, Brown, Carrell, Chase, Conway, Delvin, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hatfield, Haugen, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles, Litzow, McAuliffe, Morton, Murray, Nelson, Padden, Parlette, Pflug, Pridemore, Ranker, Regala, Roach, Rolfes, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Excused: Senator Prentice

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2502, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2586, by House Committee on Ways & Means (originally sponsored by Representatives Kagi, Maxwell, Ladenburg, Dammeier, Kenney and Tharinger)

Phasing-in statewide implementation of the Washington kindergarten inventory of developing skills.

The measure was read the second time.

#### MOTION

Senator McAuliffe moved that the following committee striking amendment by the Committee on Ways & Means be not adopted:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 28A.150.315 and 2011 c 340 s 1 are each amended to read as follows:

(1) Beginning with the 2007-08 school year, funding for voluntary all-day kindergarten programs shall be phased-in beginning with schools with the highest poverty levels, defined as those schools with the highest percentages of students qualifying for free and reduced-price lunch support in the prior school year. During the 2011-2013 biennium, funding shall continue to be phased-in each year until full statewide implementation of all-day kindergarten is achieved in the 2017-18 school year. Once a school receives funding for the all-day kindergarten program, that school shall remain eligible for funding in subsequent school years regardless of changes in the school's percentage of students eligible for free and reduced-price lunches as long as other program requirements are fulfilled. Additionally, schools receiving all-day kindergarten program support shall agree to the following conditions:

- (a) Provide at least a one thousand-hour instructional program;
- (b) Provide a curriculum that offers a rich, varied set of experiences that assist students in:
  - (i) Developing initial skills in the academic areas of reading, mathematics, and writing;
  - (ii) Developing a variety of communication skills;
  - (iii) Providing experiences in science, social studies, arts, health and physical education, and a world language other than English;
  - (iv) Acquiring large and small motor skills;
  - (v) Acquiring social and emotional skills including successful participation in learning activities as an individual and as part of a group; and
  - (vi) Learning through hands-on experiences;
- (c) Establish learning environments that are developmentally appropriate and promote creativity;
- (d) Demonstrate strong connections and communication with early learning community providers; and
- (e) Participate in kindergarten program readiness activities with early learning providers and parents.

(2)(a) In addition to the requirements in subsection (1) of this section and to the extent funds are available, beginning with the 2011-12 school year on a voluntary basis, schools must identify the skills, knowledge, and characteristics of kindergarten students at the beginning of the school year in order to support social-emotional, physical, and cognitive growth and development of individual children; support early learning provider and parent involvement; and inform instruction. Kindergarten teachers shall administer the Washington kindergarten inventory of developing skills, as directed by the superintendent of public instruction in consultation with the department of early learning and in collaboration with the nongovernmental private-public partnership designated in RCW

43.215.070, and report the results to the superintendent. The superintendent shall share the results with the director of the department of early learning.

(b) School districts shall provide an opportunity for parents and guardians to excuse their children from participation in the Washington kindergarten inventory of developing skills.

((c) To the extent funds are available, beginning in the 2012-13 school year, the Washington kindergarten inventory of developing skills shall be administered at the beginning of the school year to all students enrolled in state-funded full-day kindergarten programs with the exception of students who have been excused from participation by their parents or guardians.

(d) Until full implementation of state-funded all-day kindergarten, the superintendent of public instruction, in consultation with the director of the department of early learning, may grant annual, renewable waivers from the requirement of (c) of this subsection to administer the Washington kindergarten inventory of developing skills. A school district seeking a waiver for one or more of its schools must submit an application to the office of the superintendent of public instruction that includes:

- (i) A description of the kindergarten readiness assessment and transition processes that it proposes to administer instead of the Washington kindergarten inventory of developing skills;
- (ii) An explanation of why the administration of the Washington kindergarten inventory of developing skills would be unduly burdensome; and
- (iii) An explanation of how administration of the alternative kindergarten readiness assessment will support social-emotional, physical, and cognitive growth and development of individual children; support early learning provider and parent involvement; and inform instruction.)

(3) Subject to funds appropriated for this purpose, the superintendent of public instruction shall designate one or more school districts to serve as resources and examples of best practices in designing and operating a high-quality all-day kindergarten program. Designated school districts shall serve as lighthouse programs and provide technical assistance to other school districts in the initial stages of implementing an all-day kindergarten program. Examples of topics addressed by the technical assistance include strategic planning, developing the instructional program and curriculum, working with early learning providers to identify students and communicate with parents, and developing kindergarten program readiness activities.

**NEW SECTION. Sec. 2.** A new section is added to chapter 28A.655 RCW to read as follows:

(1) To the extent funds are available, beginning in the 2012-13 school year, the Washington kindergarten inventory of developing skills shall be administered at the beginning of the school year to all students enrolled in state-funded full-day kindergarten programs under RCW 28A.150.315 with the exception of students who have been excused from participation by their parents or guardians.

(2)(a) The superintendent of public instruction, in consultation with the department of early learning, shall convene a work group to provide:

- (i) Input and recommendations with respect to implementation of the Washington kindergarten inventory of developing skills; and
  - (ii) Recommendations regarding the optimum way to administer the Washington kindergarten inventory of developing skills to children in half-day kindergarten while ensuring that they receive the maximum instruction as required in RCW 28A.150.205.
- (b) The work group shall include:
- (i) One representative from the office of the superintendent of public instruction;
  - (ii) One representative from the department of early learning;



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(iii) One representative from the nongovernmental private-public partnership defined in RCW 43.215.010;

(iv) Five representatives, including both teachers and principals, from school districts that participated in the pilot project, with every effort made to make sure that there is representation from across the state;

(v) Two parents who are familiar with and participated in the Washington kindergarten inventory of developing skills pilot during the 2010-11 school year; and

(vi) A representative from an independent, nonprofit children's and family services organization with a main campus in North Bend, Washington.

(c) A preliminary report and recommendations shall be submitted to the education committees of the senate and the house of representatives by December 1, 2012. A subsequent report and recommendations shall be submitted to the education committees of the senate and the house of representatives by December 1, 2013, and annually by December 1st thereafter.

(d) The work group shall terminate upon full statewide implementation of all-day kindergarten.

(3) To the extent funds are available, additional support in the form of implementation grants shall be offered to schools on a schedule to be determined by the office of superintendent of public instruction, in consultation with the department of early learning.

(4) Until full statewide implementation of the Washington kindergarten inventory of developing skills, the superintendent of public instruction, in consultation with the director of the department of early learning, may grant annual, renewable waivers from the requirement of subsection (1) of this section to administer the Washington kindergarten inventory of developing skills. A school district seeking a waiver for one or more of its schools must submit an application to the office of the superintendent of public instruction that includes:

(a) A description of the kindergarten readiness assessment and transition processes that it proposes to administer instead of the Washington kindergarten inventory of developing skills;

(b) An explanation of why the administration of the Washington kindergarten inventory of developing skills would be unduly burdensome; and

(c) An explanation of how administration of the alternative kindergarten readiness assessment will support social-emotional, physical, and cognitive growth and development of individual children; support early learning provider and parent involvement; and inform instruction.

(5) A waiver from the requirement to administer the Washington kindergarten inventory of developing skills obtained by a school district may become an ongoing waiver if the school district can show, on an annual basis:

(a) That the data derived from the administration of the alternative kindergarten readiness assessment meets the criteria of the Washington kindergarten inventory of developing skills as determined by the department of early learning and the office of the superintendent of public instruction; and

(b) That the same information is collected from all kindergarten students consistent with the criteria of the Washington kindergarten inventory of developing skills and is reported to the superintendent as required under RCW 28A.150.315(2)(a).

**NEW SECTION. Sec. 3.** If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2012, in the omnibus appropriations act, this act is null and void."

On page 1, line 2 of the title, after "skills;" strike the remainder of the title and insert "amending RCW 28A.150.315; adding a new section to chapter 28A.655 RCW; and creating a new section."

The President declared the question before the Senate to be the motion by Senator McAuliffe to not adopt the committee striking amendment by the Committee on Ways & Means to Engrossed Substitute House Bill No. 2586.

The motion by Senator McAuliffe carried and the committee striking amendment was not adopted by voice vote.

MOTION

Senator McAuliffe moved that the following striking amendment by Senators McAuliffe and Litzow be adopted:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 28A.150.315 and 2011 c 340 s 1 are each amended to read as follows:

(1) Beginning with the 2007-08 school year, funding for voluntary all-day kindergarten programs shall be phased-in beginning with schools with the highest poverty levels, defined as those schools with the highest percentages of students qualifying for free and reduced-price lunch support in the prior school year. During the 2011-2013 biennium, funding shall continue to be phased-in each year until full statewide implementation of all-day kindergarten is achieved in the 2017-18 school year. Once a school receives funding for the all-day kindergarten program, that school shall remain eligible for funding in subsequent school years regardless of changes in the school's percentage of students eligible for free and reduced-price lunches as long as other program requirements are fulfilled. Additionally, schools receiving all-day kindergarten program support shall agree to the following conditions:

(a) Provide at least a one thousand-hour instructional program;

(b) Provide a curriculum that offers a rich, varied set of experiences that assist students in:

(i) Developing initial skills in the academic areas of reading, mathematics, and writing;

(ii) Developing a variety of communication skills;

(iii) Providing experiences in science, social studies, arts, health and physical education, and a world language other than English;

(iv) Acquiring large and small motor skills;

(v) Acquiring social and emotional skills including successful participation in learning activities as an individual and as part of a group; and

(vi) Learning through hands-on experiences;

(c) Establish learning environments that are developmentally appropriate and promote creativity;

(d) Demonstrate strong connections and communication with early learning community providers; and

(e) Participate in kindergarten program readiness activities with early learning providers and parents.

(2)(a) It is the intent of the legislature that administration of the Washington kindergarten inventory of developing skills as required in this subsection (2) and section 2 of this act replace administration of other assessments being required by school districts or that other assessments only be administered if they seek to obtain information not covered by the Washington kindergarten inventory of developing skills.

(b) In addition to the requirements in subsection (1) of this section and to the extent funds are available, beginning with the 2011-12 school year on a voluntary basis, schools must identify the skills, knowledge, and characteristics of kindergarten students at the beginning of the school year in order to support social-emotional, physical, and cognitive growth and development of individual children; support early learning provider and parent involvement; and inform instruction. Kindergarten teachers shall administer the Washington kindergarten inventory of developing skills, as directed

by the superintendent of public instruction in consultation with the department of early learning and in collaboration with the nongovernmental private-public partnership designated in RCW 43.215.070, and report the results to the superintendent. The superintendent shall share the results with the director of the department of early learning.

~~((b))~~ (c) School districts shall provide an opportunity for parents and guardians to excuse their children from participation in the Washington kindergarten inventory of developing skills.

((c) To the extent funds are available, beginning in the 2012-13 school year, the Washington kindergarten inventory of developing skills shall be administered at the beginning of the school year to all students enrolled in state-funded full-day kindergarten programs with the exception of students who have been excused from participation by their parents or guardians.

(d) Until full implementation of state-funded all-day kindergarten, the superintendent of public instruction, in consultation with the director of the department of early learning, may grant annual, renewable waivers from the requirement of (c) of this subsection to administer the Washington kindergarten inventory of developing skills. A school district seeking a waiver for one or more of its schools must submit an application to the office of the superintendent of public instruction that includes:

(i) A description of the kindergarten readiness assessment and transition processes that it proposes to administer instead of the Washington kindergarten inventory of developing skills;

(ii) An explanation of why the administration of the Washington kindergarten inventory of developing skills would be unduly burdensome; and

(iii) An explanation of how administration of the alternative kindergarten readiness assessment will support social-emotional, physical, and cognitive growth and development of individual children; support early learning provider and parent involvement; and inform instruction.)

(3) Subject to funds appropriated for this purpose, the superintendent of public instruction shall designate one or more school districts to serve as resources and examples of best practices in designing and operating a high-quality all-day kindergarten program. Designated school districts shall serve as lighthouse programs and provide technical assistance to other school districts in the initial stages of implementing an all-day kindergarten program. Examples of topics addressed by the technical assistance include strategic planning, developing the instructional program and curriculum, working with early learning providers to identify students and communicate with parents, and developing kindergarten program readiness activities.

**NEW SECTION. Sec. 2.** A new section is added to chapter 28A.655 RCW to read as follows:

(1) To the extent funds are available, beginning in the 2012-13 school year, the Washington kindergarten inventory of developing skills shall be administered at the beginning of the school year to all students enrolled in state-funded full-day kindergarten programs under RCW 28A.150.315 with the exception of students who have been excused from participation by their parents or guardians.

(2)(a) The superintendent of public instruction, in consultation with the department of early learning, shall convene a work group to provide:

(i) Input and recommendations with respect to implementation of the Washington kindergarten inventory of developing skills;

(ii) Recommendations regarding the optimum way to administer the Washington kindergarten inventory of developing skills to children in half-day kindergarten while ensuring that they receive the maximum instruction as required in RCW 28A.150.205; and

(iii) Recommendations with respect to achieving the goal of replacing assessments currently required by school districts with the Washington kindergarten inventory of developing skills.

(b) The work group shall include:

(i) One representative from the office of the superintendent of public instruction;

(ii) One representative from the department of early learning;

(iii) One representative from the nongovernmental private-public partnership defined in RCW 43.215.010;

(iv) Five representatives, including both teachers and principals, from school districts that participated in the pilot project, with every effort made to make sure that there is representation from across the state;

(v) Two parents who are familiar with and participated in the Washington kindergarten inventory of developing skills pilot during the 2010-11 school year; and

(vi) A representative from an independent, nonprofit children and family services organization with a main campus in North Bend, Washington.

(c) The work group may solicit input from people who are recent implementers of the Washington kindergarten inventory of developing skills.

(d) A preliminary report and recommendations shall be submitted to the education committees of the senate and the house of representatives by December 1, 2012. A subsequent report and recommendations shall be submitted to the education committees of the senate and the house of representatives by December 1, 2013, and annually by December 1st thereafter.

(e) The work group shall terminate upon full statewide implementation of all-day kindergarten.

(3) To the extent funds are available, additional support in the form of implementation grants shall be offered to schools on a schedule to be determined by the office of superintendent of public instruction, in consultation with the department of early learning.

(4) Until full statewide implementation of all-day kindergarten programs, the superintendent of public instruction, in consultation with the director of the department of early learning, may grant annual, renewable waivers from the requirement of subsection (1) of this section to administer the Washington kindergarten inventory of developing skills. A school district seeking a waiver for one or more of its schools must submit an application to the office of the superintendent of public instruction that includes:

(a) A description of the kindergarten readiness assessment and transition processes that it proposes to administer instead of the Washington kindergarten inventory of developing skills;

(b) An explanation of why the administration of the Washington kindergarten inventory of developing skills would be unduly burdensome; and

(c) An explanation of how administration of the alternative kindergarten readiness assessment will support social-emotional, physical, and cognitive growth and development of individual children; support early learning provider and parent involvement; and inform instruction.

**NEW SECTION. Sec. 3.** If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2012, in the omnibus appropriations act, this act is null and void."

Senator McAuliffe spoke in favor of adoption of the striking amendment.

The President declared the question before the Senate to be the adoption of the striking amendment by Senators McAuliffe and Litow to Engrossed Substitute House Bill No. 2586.

The motion by Senator McAuliffe carried and the striking amendment was adopted by voice vote.

## MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 2 of the title, after "skills;" strike the remainder of the title and insert "amending RCW 28A.150.315; adding a new section to chapter 28A.655 RCW; and creating a new section."

## MOTION

On motion of Senator McAuliffe, the rules were suspended, Engrossed Substitute House Bill No. 2586 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators McAuliffe, Litzow and Baumgartner spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 2586 as amended by the Senate.

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 2586 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 43; Nays, 5; Absent, 0; Excused, 1.

Voting yea: Senators Baumgartner, Becker, Benton, Brown, Carrell, Chase, Conway, Delvin, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hatfield, Haugen, Hewitt, Hill, Hobbs, Honeyford, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles, Litzow, McAuliffe, Morton, Murray, Nelson, Parlette, Pflug, Pridemore, Ranker, Regala, Rolfes, Schoesler, Sheldon, Shin, Swecker and Tom

Voting nay: Senators Holmquist Newbry, Padden, Roach, Stevens and Zarelli

Excused: Senator Prentice

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2586 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

ENGROSSED HOUSE BILL NO. 2814, by Representatives Clibborn, Armstrong, Eddy and Springer

Concerning the replacement of certain elements of the state route number 520 corridor.

The measure was read the second time.

## MOTION

Senator Ericksen moved that the following amendment by Senator Ericksen be adopted:

On page 2, line 25, after "state.", strike all material through "sinking." on line 30 and insert the following:

"It is the intent of the legislature to utilize the underlying bill as it is to be applied in the city of Seattle after final passage as a model for statewide application."

Senator Ericksen spoke in favor of adoption of the amendment.

Senators Haugen and Frockt spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Ericksen on page 2, line 25 to Engrossed House Bill No. 2814.

The motion by Senator Ericksen failed and the amendment was not adopted by voice vote.

## MOTION

Senator Ericksen moved that the following amendment by Senator Ericksen be adopted:

On page 4, line 30, after "Medina.", strike all material through the end of line 3 on page 5.

Senator Ericksen spoke in favor of adoption of the amendment.

Senator Haugen spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Ericksen on page 4, line 30 to Engrossed House Bill No. 2814.

The motion by Senator Ericksen failed and the amendment was not adopted by voice vote.

## MOTION

Senator Ericksen moved that the following amendment by Senator Ericksen be adopted:

On page 8, line 15, after "state.", strike all material in lines 16 through 19, and insert

**NEW SECTION. Sec. 3** This act shall be null and void until a law is enacted which provides that all projects may begin construction twenty-one days from the date of filing of a substantial development permit.

Renumber the remaining sections consecutively and correct any internal references accordingly.

On page 1, line 3 of the title, after "section;", strike "providing an expiration date; and declaring an emergency" insert "and providing an expiration date"

Senators Ericksen and Holmquist Newbry spoke in favor of adoption of the amendment.

Senators Haugen and Frockt spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Ericksen on page 8, line 15 to Engrossed House Bill No. 2814.

The motion by Senator Ericksen failed and the amendment was not adopted by voice vote.

## MOTION

On motion of Senator Haugen, the rules were suspended, Engrossed House Bill No. 2814 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Haugen and King spoke in favor of passage of the bill.

Senator Erickson spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed House Bill No. 2814.

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 2814 and the bill passed the Senate by the following vote: Yeas, 33; Nays, 16; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Brown, Chase, Conway, Eide, Fain, Fraser, Frockt, Hargrove, Harper, Hatfield, Haugen, Hewitt, Hill, Hobbs, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles, Litzow, McAuliffe, Murray, Nelson, Pflug, Prentice, Pridemore, Regala, Rolfes, Shin, Swecker and Tom

Voting nay: Senators Baumgartner, Becker, Carrell, Delvin, Ericksen, Holmquist Newbry, Honeyford, Morton, Padden, Parlette, Ranker, Roach, Schoesler, Sheldon, Stevens and Zarelli  
 ENGROSSED HOUSE BILL NO. 2814, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SUBSTITUTE HOUSE BILL NO. 2194, by House Committee on Judiciary (originally sponsored by Representatives Pedersen, Rodne, Goodman and Kenney)

Modifying the manufactured/mobile home landlord tenant act and other related provisions.

The measure was read the second time.

#### MOTION

On motion of Senator Hobbs, the rules were suspended, Substitute House Bill No. 2194 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Hobbs spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 2194.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2194 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 3; Absent, 0; Excused, 0.

Voting yea: Senators Baumgartner, Becker, Benton, Brown, Carrell, Chase, Conway, Delvin, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hatfield, Haugen, Hewitt, Hill, Hobbs, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles, Litzow, McAuliffe, Morton, Murray, Nelson, Padden, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rolfes, Schoesler, Sheldon, Shin, Swecker, Tom and Zarelli

Voting nay: Senators Holmquist Newbry, Honeyford and Stevens

SUBSTITUTE HOUSE BILL NO. 2194, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MOTION

On motion of Senator Harper, Senator Regala was excused.

#### SECOND READING

HOUSE BILL NO. 2195, by Representatives Rivers, Pedersen, Rodne, Goodman and Kelley

Enacting the uniform interstate depositions and discovery act.

The measure was read the second time.

#### MOTION

On motion of Senator Kline, the rules were suspended, House Bill No. 2195 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Kline and Pflug spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 2195.

#### ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2195 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Baumgartner, Becker, Benton, Brown, Carrell, Chase, Conway, Delvin, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hatfield, Haugen, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles, Litzow, McAuliffe, Morton, Murray, Nelson, Padden, Parlette, Pflug, Prentice, Pridemore, Ranker, Roach, Rolfes, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Excused: Senator Regala

HOUSE BILL NO. 2195, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2318, by House Committee on Health Care & Wellness (originally sponsored by Representatives Cody, Hinkle, Bailey and Jinkins)

Concerning shared decision making.

The measure was read the second time.

#### MOTION

On motion of Senator Keiser, the rules were suspended, Engrossed Substitute House Bill No. 2318 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Keiser and Becker spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 2318.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 2318 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 2; Absent, 0; Excused, 1.

Voting yea: Senators Baumgartner, Becker, Benton, Brown, Carrell, Chase, Conway, Delvin, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hatfield, Haugen, Hewitt, Hill, Hobbs, Honeyford, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles,

FIFTY FOURTH DAY, MARCH 2, 2012

2012 REGULAR SESSION

Litzow, McAuliffe, Morton, Murray, Nelson, Padden, Parlette, Pflug, Prentice, Pridemore, Ranker, Roach, Rolfes, Schoesler, Sheldon, Shin, Swecker, Tom and Zarelli

Voting nay: Senators Holmquist Newbry and Stevens

Excused: Senator Regala

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2318, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2229, by House Committee on Health Care & Wellness (originally sponsored by Representatives Jinkins, Hasegawa, Darneille, Wylie, Cody and Roberts)

Regarding reporting compensation of certain hospital employees.

The measure was read the second time.

MOTION

On motion of Senator Keiser, the rules were suspended, Engrossed Substitute House Bill No. 2229 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Keiser spoke in favor of passage of the bill.

MOTION

On motion of Senator Harper, Senator Ranker was excused.

The President declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 2229.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 2229 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 2; Absent, 0; Excused, 1.

Voting yea: Senators Baumgartner, Becker, Benton, Brown, Carrell, Chase, Conway, Delvin, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hatfield, Haugen, Hewitt, Hill, Hobbs, Holmquist Newbry, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles, Litzow, McAuliffe, Morton, Murray, Nelson, Padden, Parlette, Pflug, Prentice, Pridemore, Regala, Roach, Rolfes, Schoesler, Sheldon, Shin, Swecker, Tom and Zarelli

Voting nay: Senators Honeyford and Stevens

Excused: Senator Ranker

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2229, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2640, by House Committee on Community & Economic Development & Housing (originally sponsored by Representatives Smith, Kenney, Warnick, Finn, Walsh, Orcutt and Kelley)

Emphasizing cost-effectiveness in the housing trust fund.

The measure was read the second time.

MOTION

Senator Tom moved that the following amendment by Senators Tom and Hobbs be adopted:

On page 2, line 11, after "manner." insert "If total cost and per-unit costs are a factor to consider in awarding funds in a cost-effective manner, these costs must include maintenance and energy life-cycle costs.

Senator Tom spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senators Tom and Hobbs on page 2, line 11 to Substitute House Bill No. 2640.

The motion by Senator Tom carried and the amendment was adopted by voice vote.

MOTION

On motion of Senator Hobbs, the rules were suspended, Substitute House Bill No. 2640 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Hobbs spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 2640 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2640 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Baumgartner, Becker, Benton, Brown, Carrell, Chase, Conway, Delvin, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hatfield, Haugen, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles, Litzow, McAuliffe, Morton, Murray, Nelson, Padden, Parlette, Pflug, Prentice, Pridemore, Regala, Roach, Rolfes, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Excused: Senator Ranker

SUBSTITUTE HOUSE BILL NO. 2640 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2570, by House Committee on Public Safety & Emergency Preparedness (originally sponsored by Representatives Goodman, Hurst and Ross)

Addressing metal property theft.

The measure was read the second time.

MOTION

Senator Kline moved that the following committee striking amendment by the Committee on Judiciary be adopted:

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** (1) The task force on commercial and nonferrous metal property theft is established. For purposes of this section, "commercial metal property," "nonferrous metal property," and "scrap metal business" have the same meanings as defined in RCW 19.290.010.

(2) The purpose of the task force is to formulate suggestions for state policy regarding regulation of commercial and nonferrous metal property theft.

(3) The task force shall consist of the following members:

(a) A representative of a national trade association or other organization that represents scrap metal recycling businesses, such as the institute of scrap metal recycling industries incorporated or its successor organization or another entity representing comparable interests;

(b) A scrap metal business located in Washington who is appointed by and a member of the institute of scrap recycling industries, or its successor organization and whose primary business location is located in a city with a minimum population more than five hundred thousand;

(c) A scrap metal business located in Washington who is appointed by and a member of the institute of scrap recycling industries, or its successor organization and whose primary business location is located in a city with a maximum population less than five hundred thousand;

(d) One investor-owned utility, as defined in RCW 19.29A.010, whose service territory is predominately located on the western side of the Cascade mountain range;

(e) One investor-owned utility, as defined in RCW 19.29A.010, whose service territory is predominately located on the eastern side of the Cascade mountain range;

(f) A consumer-owned utility, as defined in RCW 19.29A.010;

(g) A municipally owned utility;

(h) A representative of the Washington department of transportation;

(i) A representative of the Washington state prosecutors association;

(j) A representative of the Washington state patrol;

(k) A representative from a city with a population of less than five hundred thousand;

(l) A representative from a city with a population of more than five hundred thousand;

(m) A representative of a law enforcement agency, appointed by the Washington council of police and sheriffs;

(n) A representative from the Washington association of sheriffs and police chiefs;

(o) A representative from a county appointed by the Washington state association of counties;

(p) A representative of the broadband and cable telecommunications industry;

(q) A representative of the wireless telecommunications industry;

(r) A representative of the wireline telecommunications industry;

(s) A representative from the Washington state emergency communications committee;

(t) A representative from the AM/FM radio communications industry;

(u) A representative from the Washington state farm bureau; and

(v) A representative of crime victims, appointed by the office of crime victims advocacy.

(4) The task force shall elect a chair and organize itself in a manner, and adopt rules of procedure that it determines are most conducive to the timely completion of its charge.

(5) In conducting its study, the task force shall consider, at a minimum, the following issues:

(a) Penalties, both criminal and civil, for theft of commercial and nonferrous metal property including, but not limited to, issues such as categorization of crimes, trespass, organized commercial metal property theft, and aggregation of crimes;

(b) Valuation in the criminal prosecution of theft of commercial and nonferrous metal property, where the actual damages of the theft may greatly exceed the value of the stolen property;

(c) The role of local governments in policing and prosecuting theft of commercial and nonferrous property;

(d) Restrictions on cash purchases of commercial and nonferrous metal property;

(e) Private rights of action to prosecute theft of commercial and nonferrous metal property;

(f) Registration or licensing of all scrap metal businesses;

(g) A no-buy list for commercial and nonferrous metal purchases;

(h) Use and effectiveness of a scrap theft alert system, such as scraptheftalert.com, offered as a no fee service by the institute of scrap recycling industries; and

(i) Such other items the task force deems necessary.

(6) The task force shall meet at least quarterly.

(7) Members must seek reimbursement for travel and other membership expenses through their respective agencies or organizations within existing resources.

(8) The task force shall report its preliminary findings and recommendations for legislative action to the legislature by December 31, 2012. The task force shall continue to communicate and collaborate regarding a policy plan through December 31, 2014.

(9) This section expires December 31, 2014.

**Sec. 2.** RCW 9A.56.030 and 2009 c 431 s 7 are each amended to read as follows:

(1) A person is guilty of theft in the first degree if he or she commits theft of:

(a) Property or services which exceed(s) five thousand dollars in value other than a firearm as defined in RCW 9.41.010;

(b) Property of any value, other than a firearm as defined in RCW 9.41.010 or a motor vehicle, taken from the person of another; ~~((e))~~

(c) A search and rescue dog, as defined in RCW 9.91.175, while the search and rescue dog is on duty; or

(d) Metal wire, taken from a public service company, as defined in RCW 80.04.010, or a consumer-owned utility, as defined in RCW 19.280.020, and the costs of the damage to the public service company's or consumer-owned utility's property exceed five thousand dollars in value.

(2) Theft in the first degree is a class B felony.

**Sec. 3.** RCW 9A.56.040 and 2009 c 431 s 8 are each amended to read as follows:

(1) A person is guilty of theft in the second degree if he or she commits theft of:

(a) Property or services which exceed(s) seven hundred fifty dollars in value but does not exceed five thousand dollars in value, other than a firearm as defined in RCW 9.41.010 or a motor vehicle; ~~((e))~~

(b) A public record, writing, or instrument kept, filed, or deposited according to law with or in the keeping of any public office or public servant; ~~((e))~~

(c) Metal wire, taken from a public service company, as defined in RCW 80.04.010, or a consumer-owned utility, as defined in RCW 19.280.020, and the costs of the damage to the public service

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company's or consumer-owned utility's property exceed seven hundred fifty dollars but does not exceed five thousand dollars in value; or

(d) An access device.

(2) Theft in the second degree is a class C felony."

Senator Kline spoke in favor of adoption of the committee striking amendment.

#### MOTION

Senator Carrell moved that the following amendment by Senators Carrell and Kline to the committee striking amendment be adopted:

On page 1, beginning on line 12, after "(a)" strike all material through "interests" on line 16 and insert "A scrap metal business located in Washington that is not affiliated with the institute of scrap recycling industries"

On page 2, line 25, after "bureau;" strike "and"

On page 2, line 27, after "advocacy" insert ";

(w) A representative of a Washington state affiliate of a national trade association representing commercial electrical contractors installing electrical fixtures and materials; and

(x) A representative of a Washington state affiliate of a national trade association representing commercial plumbing contractors installing plumbing fixtures and materials"

Senator Carrell spoke in favor of adoption of the amendment to the committee striking amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senators Carrell and Kline on page 1, line 12 to the committee striking amendment to Engrossed Substitute House Bill No. 2570.

The motion by Senator Carrell carried and the amendment to the committee striking amendment was adopted by voice vote.

#### MOTION

Senator Carrell moved that the following amendment by Senators Carrell and Kline to the committee striking amendment be adopted:

On page 2, line 25 of the amendment, after "bureau;" strike "and"

On page 2, line 27 of the amendment, after "advocacy" insert ";

(w) A representative of a Washington state affiliate of a national trade association representing commercial electrical contractors installing electrical fixtures and materials;

(x) A representative of a Washington state affiliate of a national trade association representing commercial plumbing contractors installing plumbing fixtures and materials; and

(y) A scrap metal business located in Washington that is not affiliated with the institute of scrap recycling industries"

#### WITHDRAWAL OF AMENDMENT

On motion of Senator Carrell, the amendment by Senators Carrell and Kline on page 2, line 25 to the committee striking amendment to Engrossed Substitute House Bill No. 2570 was withdrawn.

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Judiciary as amended to Engrossed Substitute House Bill No. 2570.

The motion by Senator Kline carried and the committee striking amendment as amended was adopted by voice vote.

#### MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 1 of the title, after "theft;" strike the remainder of the title and insert "amending RCW 9A.56.030 and 9A.56.040; creating a new section; prescribing penalties; and providing an expiration date."

#### MOTION

On motion of Senator Kline, the rules were suspended, Engrossed Substitute House Bill No. 2570 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Kline and Pflug spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 2570 as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 2570 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Baumgartner, Becker, Benton, Brown, Carrell, Chase, Conway, Delvin, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hatfield, Haugen, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles, Litzow, McAuliffe, Morton, Murray, Nelson, Padden, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rolfes, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2570 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1820, by House Committee on Public Safety & Emergency Preparedness (originally sponsored by Representatives Hope, Lias, Rivers, Ryu, Moscoso, Morris, Hurst, Condotta, Jinkins, Fitzgibbon, Klippert, Johnson, Sells, Reykdal, Billig, Maxwell and Kelley)

Implementing the blue alert system.

The measure was read the second time.

#### MOTION

Senator Regala moved that the following striking amendment by Senators Regala and Padden be adopted:

Strike everything after the enacting clause and insert the following:

**NEW SECTION. Sec. 1.** There is currently no system in place in Washington state to expedite the apprehension of violent criminals who seriously injure or kill law enforcement officers. Other states have adopted blue alert systems to achieve this objective. The legislature declares that it is necessary to create a statewide blue alert system to speed the apprehension of violent

criminals who kill or seriously injure local, state, or federal law enforcement officers.

**NEW SECTION. Sec. 2.** The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Blue alert system" means a quick response system designed to issue and coordinate alerts following an attack upon a law enforcement officer.

(2) "Investigating law enforcement agency" means the law enforcement agency that has primary jurisdiction over the area or has been delegated and accepted investigatory responsibility in which a law enforcement officer has been seriously injured or killed.

(3) "Law enforcement agency" means a general law enforcement agency as defined in RCW 10.93.020 and a limited law enforcement agency as defined in RCW 10.93.020. Such agencies shall include only the following:

(a) The Washington state patrol;

(b) All law enforcement agencies and police departments of any political subdivision of the state; and

(c) The department of corrections.

(4) "Law enforcement officer" includes an employee of a law enforcement agency who is authorized by law to engage in or supervise the prevention, detection, or investigation of, or the incarceration of any person for, any violation of law, and who has statutory powers of arrest.

(5) "Officer's employing law enforcement agency" means the law enforcement agency by which the officer is employed.

**NEW SECTION. Sec. 3.** (1) Within existing resources, the Washington state patrol, in partnership with the Washington association of sheriffs and police chiefs, shall study the utilization of blue alert systems in other states to ascertain their effectiveness in apprehending the suspect or in developing additional investigation leads. The study shall include a plan for the implementation of a blue alert system, consistent with the Amber alert program, endangered missing person advisory plan, and the missing person clearinghouse, for voluntary cooperation between local, state, tribal, and other law enforcement agencies, state government agencies, radio and television stations, and cable and satellite systems to enhance the public's ability to assist in apprehending persons suspected of killing or seriously injuring a law enforcement officer. The plan for the blue alert system shall include the following components:

(a) Procedures to provide support to the investigating law enforcement agency as a resource for the receipt and dissemination of information regarding the suspect and the suspect's whereabouts and/or method of escape;

(b) The process for reporting the information to designated media outlets in Washington;

(c) Criteria for the investigating law enforcement agency to determine quickly whether an officer has been seriously injured or killed and a blue alert therefore needs to be requested;

(d) The process by which the investigating law enforcement agency may request activation of the blue alert system and notify appropriate participants in the blue alert system, when the investigating law enforcement agency believes that:

(i) A suspect has not been apprehended;

(ii) A suspect may be a serious threat to the public;

(iii) Sufficient information is available to disseminate to the public that could assist in locating and apprehending the suspect;

(iv) Release of the information will not compromise the investigation; and

(v) Criteria to ensure that releasing the victim information is proper, as to avoid improper next of kin notification.

(e) The process by which when a blue alert is activated, the investigating law enforcement agency may be required provide

descriptive information under the criminal justice information act, chapter 10.98 RCW, and the national crime information center system.

(f) The process by which the investigating law enforcement agency may terminate the blue alert with respect to a particular suspect when the suspect is located or the incident is otherwise resolved, or when the investigating law enforcement agency determines that the blue alert system is no longer an effective tool for locating and apprehending the suspect.

(2) The Washington state patrol, in partnership with the Washington association of sheriffs and police chiefs, shall report to the legislature by December, 2012, on the results of the study along with recommendations for legislation to implement a blue alert system in Washington state.

**NEW SECTION. Sec. 4.** Sections 1 through 3 of this act constitute a new chapter in Title 10 RCW.

Senators Regala and Padden spoke in favor of adoption of the striking amendment.

Senator Fain spoke on adoption of the striking amendment.

The President declared the question before the Senate to be the adoption of the striking amendment by Senators Regala and Padden to Engrossed Substitute House Bill No. 1820.

The motion by Senator Regala carried and the striking amendment was adopted by voice vote.

#### MOTION

On motion of Senator Eide, further consideration of Engrossed Substitute House Bill No. 1820 was deferred and the bill held its place on the second reading calendar.

#### INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced members of the Makah Nation, Chairman Micah McCarty and Makah Office of Marine Affairs manager, Chad Bowchop who were seated in the gallery.

#### MOTION

At 2:43 p.m., on motion of Senator Eide, the Senate was declared to be at ease subject to the call of the President.

The Senate was called to order at 3:25 p.m. by President Owen.

#### MOTION FOR IMMEDIATE RECONSIDERATION

Senator Padden moved to immediately reconsider the vote by which the striking amendment by Senators Regala and Padden to Engrossed Substitute House Bill No. 1820 was adopted earlier in the day.

Senators Padden and Regala spoke in favor of the motion.

The President declared the question before the Senate to be motion by Senator Padden to immediately reconsider the vote by which the striking amendment by Senators Regala and Padden to Engrossed Substitute House Bill No. 1820 was passed.

The motion by Senator Padden carried by a voice vote.

The President declared the question to be the adoption of the striking amendment by Senators Regala and Padden to Engrossed Substitute House Bill No. 1820 on reconsideration.



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The motion by Senator Padden failed and the striking amendment was not adopted by voice vote.

#### MOTION

On motion of Senator Regala, the rules were suspended, Engrossed Substitute House Bill No. 1820 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 1820.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1820 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 1; Excused, 0.

Voting yea: Senators Baumgartner, Becker, Benton, Brown, Carrell, Chase, Conway, Delvin, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hatfield, Haugen, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles, Litzow, McAuliffe, Morton, Nelson, Padden, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rolfes, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Absent: Senator Murray

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1820, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MOTION

Senator Benton moved that the Senate advanced to the ninth order.

Senator Eide spoke against the motion.

Senator Brown demanded a roll call.

The President declared that one-sixth of the members supported the demand and the demand was sustained.

Senator Brown spoke against the motion.

The President declared the question before the Senate to be the motion by Senator Benton to advance to the ninth order of business.

The Secretary called the roll on the motion by Senator Benton and the motion carried by the following vote: Yeas, 25; Nays, 24; Absent, 0; Excused, 0.

Voting yea: Senators Baumgartner, Becker, Benton, Carrell, Delvin, Ericksen, Fain, Hewitt, Hill, Holmquist Newbry, Honeyford, Kastama, King, Litzow, Morton, Padden, Parlette, Pflug, Roach, Schoesler, Sheldon, Stevens, Swecker, Tom and Zarelli

Voting nay: Senators Brown, Chase, Conway, Eide, Fraser, Frockt, Hargrove, Harper, Hatfield, Haugen, Hobbs, Keiser, Kilmer, Kline, Kohl-Welles, McAuliffe, Murray, Nelson, Prentice, Pridemore, Ranker, Regala, Rolfes and Shin

#### MOTION

Senator Benton moved that the rules be suspended and that the Committee on Ways & Means be relieved of further

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consideration of Senate Bill No. 5967, Senate Bill No. 6378, Senate Bill No. 6615 and Senate Bill No. 6616 and that the measures be placed on the second reading calendar.

#### MOTION

Senator Eide moved to amend the motion by Senator Benton so that the Committee on Rules be relieved of further consideration of Engrossed Substitute House Bill No. 2330 and that the bill also be placed on the second reading calendar.

Senator Eide demanded a roll call.

The President declared that one-sixth of the members supported the demand and the demand was sustained.

Senator Benton spoke against the motion.

Senator Brown spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Eide that the motion by Senator Benton be amended so that the Committee on Rules be relieved of further consideration of Engrossed Substitute House Bill No. 2330 and that the bill also be placed on the second reading calendar.

The Secretary called the roll on the motion by Senator Eide that the motion by Senator Benton be amended so that the Committee on Rules be relieved of further consideration of Engrossed Substitute House Bill No. 2330 and the motion failed by the following vote: Yeas, 23; Nays, 26; Absent, 0; Excused, 0.

Voting yea: Senators Brown, Chase, Conway, Eide, Fraser, Frockt, Harper, Hatfield, Haugen, Hobbs, Keiser, Kilmer, Kline, Kohl-Welles, McAuliffe, Murray, Nelson, Prentice, Pridemore, Ranker, Regala, Rolfes and Shin

Voting nay: Senators Baumgartner, Becker, Benton, Carrell, Delvin, Ericksen, Fain, Hargrove, Hewitt, Hill, Holmquist Newbry, Honeyford, Kastama, King, Litzow, Morton, Padden, Parlette, Pflug, Roach, Schoesler, Sheldon, Stevens, Swecker, Tom and Zarelli

#### MOTION

Senator Eide moved to divide the question and that the senate vote on each measure individually.

#### REPLY BY THE PRESIDENT

President Owen: "Senator Eide, you may demand the division of the question and it will be granted. So the question that is before us now is to vote on each one of the motions to relieve the committee on each one of the bills, separately."

Senator Benton spoke against the motion.

#### REPLY BY THE PRESIDENT

President Owen: "Senator Benton, you misunderstand the President's explanation. She does not, there is no motion. Any member can demand a division. And it was granted. So, there will be vote on each one of the bills separately. We will take them in the order that you presented them."

The President declared the question before the Senate to be the motion by Senator Benton that the Committee on Ways and Means be relieved of further consideration of Senate Bill No. 5967 and the bill be placed on the day's second reading calendar.

Senator Fraser demanded a roll call.

The President declared that one-sixth of the members supported the demand and the demand was sustained.

POINT OF INQUIRY

Senator Eide: "Would Senator Benton yield to a question?"

President Owen: "He does not yield."

POINT OF INQUIRY

Senator Eide: "Would Senator Zarelli yield to a question?"

President Owen.: "The Senator does not yield."

The President declared the question before the Senate to be the motion by Senator Benton that the Committee on Ways and Means be relieved of further consideration of Senate Bill No. 5967 and that the bill be placed on the day's second reading calendar.

POINT OF INQUIRY

Senator Eide: "Would Senator Murray yield to a question?"

Senator Murray: "I believe your question is, 'what is the bill in front of us?' It's the Governor's supplemental budget without action and consideration on the part of the Ways and Means Committee."

POINT OF INQUIRY

Senator Hargrove: "Would Senator Murray yield to a question? Yes, would you tell me what's in Senate Bill No. 5967 please?"

Senator Murray: "Line by line Senator? Well, obviously, in summary, the Governor's supplemental budget, which was built before the most recent forecast, had significant cuts to our safety net, to our higher education system and to our K12 system. This does not include her recommendations on how you would deal with those cuts, such as with revenue."

POINT OF INQUIRY

Senator Eide: "Well, I guess I want to know this bill has not been taken out of Ways and Means is my understanding, so if I'm correct it is the Governor's bill as it is. Senate Bill No. 5967 is the Governor's budget with all her proposal, her cuts and everything that is in the budget. Is that correct?"

REPLY BY THE PRESIDENT

President Owen: "The question is not to be proposed to the President. It is to be proposed to a member."

REMARKS BY SENATOR MURRAY

Senator Murray: "Again, this is the Governor's supplemental budget as she proposed it. It is a budget where in December we had night after night, week after week, hour after hour late into the evenings hearing from the citizens of the state

about their concerns about this budget. None of the issues that they brought up are addressed in the budget as it is before us."

POINT OF INQUIRY

Senator Keiser: "Would the good gentleman from the 43<sup>rd</sup> District yield to a question? My question is, does the bill being called forward from the Ways and Means Committee have any updated information about the case load forecast or the forecast, economic forecast or is it as it was in December?"

Senator Murray: "It does not reflect any of those changes in the case load or revenue forecast and that's why you continue to see the draconian cuts to things such as levy equalization."

POINT OF INQUIRY

Senator Haugen: "May I ask the good senator from the 43<sup>rd</sup> District a question?"

REMARKS BY THE PRESIDENT

President Owen: "The President is going to exercise some discretion here for just a moment, just to make clear. You can ask these questions for a certain period of time and then you would be getting to a point where you are interfering with the operation of the senate and getting its work done and then the President will exercise his discretion to move forward and call for a vote. Just want to lay that out for you so you understand what's going to happen in just about, another few minutes."

POINT OF INQUIRY

Senator Haugen: "Thank you very much Mr. President, we really do appreciate your patience with us because some of us have real concerns and you know my concern is K-12 and if the good Senator from the Forty-Third District could tell me what it does to the education. I am particularly interested in the rural counties and small schools. You know one of our concerns is in some parts of the state is that there's adequate funding's for these rural school districts and I don't really remember the bill and I would really appreciate hearing what it really did for rural school districts. I do have some concerns and I think we all should have some concerns what this bill might mean to the people we represent in our legislative districts."

Senator Murray: "I will continue to yield, Mr. President, until you tell me not to. The question concerning what the budget that we may vote on or I guess are about to vote on does in regards to schools and rural communities, it basically, in regards to schools, again levy equalization is gone. It has an incredibly negative impact on our rural and to some extent our suburban schools districts. Critical care hospitals, again that our rural communities depend on, are cut in the proposal before you."

MOTION

Senator Hargrove: "I'd like to amend the motion to relieve Ways and Means of this bill and refer it to the Government Operations, Tribal Relations and Elections."

POINT OF ORDER

Senator Benton: "According to Reed's Rule 225, it is the duty to the presiding officer in cases where debate and

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parliamentary motions are employed to create disorder and impede the business of the senate..."

REPLY BY THE PRESIDENT

President Owen: "Senator Benton, the President has already made clear that that is a rule. Senator Hargrove did you not speak on this just a moment ago?"

Senator Hargrove: "I was making a motion, Mr. President."

REPLY BY THE PRESIDENT

President Owen: "Senator Hargrove, if you stand up and even ask a question that is speaking on the motion."

PARLIAMENTARY INQUIRY

Senator Hargrove: "I cannot make a motion?"

REPLY BY THE PRESIDENT

President Owen: "You can make a motion, yes."

Senator Hargrove moved to amend the motion by Senator Benton that Senate Bill No. 5967 be placed on the second reading calendar and, instead the bill be referred to the Committee on Government Operations, Tribal Relations & Elections.

Senator Hargrove demanded a roll call.

The President declared that one-sixth of the members supported the demand and the demand was sustained.

PARLIAMENTARY INQUIRY

Senator Eide: "Would you please tell us what the motion is before us? I believe it's my demand to the question, splitting the four bills. Is that...?"

REPLY BY THE PRESIDENT

President Owen: "No."

PARLIAMENTARY INQUIRY

Senator Eide: "Okay, what's the motion before us?"

REPLY BY THE PRESIDENT

President Owen: "Senator Eide, your demand has been granted by the mere fact that you made it. The motion was, originally, was to relieve the Ways and Means Committee of the bill and put it on the second reading calendar. Senator Hargrove has just moved to amend that motion to send the bill rather than to the second reading calendar but to Government Operations, Tribal Relations & Elections Committee. That is the motion that is before us right now."

Senator Eide demanded a roll call.

The President declared that one-sixth of the members supported the demand and the demand was sustained.

Senator Benton spoke against the motion.

PARLIAMENTARY INQUIRY

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Senator Ericksen: "It is my understanding, I'd like to clarify all of the actions that taking in the ninth order of business and the bills that we will be bringing up are not subject to five o'clock cutoff and we can continue action on this as long as the body would like."

REPLY BY THE PRESIDENT

President Owen: "The President believes that if these bills are budget-related bills, necessary to implement the budget, or the budget, they are not subject to the cutoff."

The President declared the question before the Senate to be the motion by Senator Hargrove that the motion by Senator Benton that the Committee on Ways & Means be relieved of further consideration of Senate Bill No. 5967 and that the bill be placed on the second reading calendar be amended so that Senate Bill No. 5967 be referred to the Committee on Government Operations, Tribal Relations and Elections.

The Secretary called the roll on the motion by Senator Hargrove to amend the motion by Senator Benton and to refer Senate Bill No. 5967 from the Committee on Ways and Means to the Government Operations, Tribal Relations and Elections and the motion failed by the following vote: Yeas, 24; Nays, 25; Absent, 0; Excused, 0.

Voting yea: Senators Brown, Chase, Conway, Eide, Fraser, Frockt, Hargrove, Harper, Hatfield, Haugen, Hobbs, Keiser, Kilmer, Kline, Kohl-Welles, McAuliffe, Murray, Nelson, Prentice, Pridemore, Ranker, Regala, Rolfes and Shin

Voting nay: Senators Baumgartner, Becker, Benton, Carrell, Delvin, Ericksen, Fain, Hewitt, Hill, Holmquist Newbry, Honeyford, Kastama, King, Litzow, Morton, Padden, Parlette, Pflug, Roach, Schoesler, Sheldon, Stevens, Swecker, Tom and Zarelli

The President declared the question before the Senate to be the motion by Senator Benton that the Committee on Ways and Means be relieved of further consideration of Senate Bill No. 5967 and the bill be placed on the second reading calendar.

The Secretary called the roll on the motion by Senator Benton that the Committee on Ways & Means be relieved of further consideration of Senate Bill No. 5967 and the motion carried by the following vote: Yeas, 25; Nays, 24; Absent, 0; Excused, 0.

Voting yea: Senators Baumgartner, Becker, Benton, Carrell, Delvin, Ericksen, Fain, Hewitt, Hill, Holmquist Newbry, Honeyford, Kastama, King, Litzow, Morton, Padden, Parlette, Pflug, Roach, Schoesler, Sheldon, Stevens, Swecker, Tom and Zarelli

Voting nay: Senators Brown, Chase, Conway, Eide, Fraser, Frockt, Hargrove, Harper, Hatfield, Haugen, Hobbs, Keiser, Kilmer, Kline, Kohl-Welles, McAuliffe, Murray, Nelson, Prentice, Pridemore, Ranker, Regala, Rolfes and Shin

The President declared the question before the Senate to be the motion by Senator Benton that the Committee on the Ways and Means be relieved of further consideration of Senate Bill No. 6378 and that the bill be placed on the second reading calendar.

Senator Murray spoke against the motion.

Senator Eide demanded a roll call.

The President declared that one-sixth of the members supported the demand and the demand was sustained.

## REMARKS BY THE PRESIDENT

President Owen: "The President believes that before it was divided there was a demand for a roll call which included all of them so you do not need to make that motion each time. It is done."

## PARLIAMENTARY INQUIRY

Senator Conway: "Are we allowed to speak on this motion?"

## REPLY BY THE PRESIDENT

President Owen: "Let the President explain. The motion is to move it, relieve the Committee. Therefore your debate should be on whether or not to relieve the Committee not the merits of the issue. However, the President is going to provide some discretion on this because the members are not very aware of what these bills are so he will allow debate, not debate, but comments on each side of the issue then you must get back to the merits of relieving the Committee and putting it on the floor. So you may comment on this, yes."

Senator Conway spoke against the motion.

The Secretary called the roll on the motion by Senator Benton that the Committee on Ways & Means be relieved of further consideration of Senate Bill No. 6378 and the motion carried by the following vote: Yeas, 25; Nays, 24; Absent, 0; Excused, 0.

Voting yea: Senators Baumgartner, Becker, Benton, Carrell, Delvin, Erickson, Fain, Hewitt, Hill, Holmquist Newbry, Honeyford, Kastama, King, Litzow, Morton, Padden, Parlette, Pflug, Roach, Schoesler, Sheldon, Stevens, Swecker, Tom and Zarelli

Voting nay: Senators Brown, Chase, Conway, Eide, Fraser, Frockt, Hargrove, Harper, Hatfield, Haugen, Hobbs, Keiser, Kilmer, Kline, Kohl-Welles, McAuliffe, Murray, Nelson, Prentice, Pridemore, Ranker, Regala, Rolfes and Shin

The President declared the question before the Senate to be the motion by Senator Benton that the Committee on Ways and Means be relieved of further consideration of Senate Bill No. 6615 and the bill be placed on the second reading calendar.

Senator Murray spoke against the motion.

Senator Zarelli spoke in favor of the motion.

## POINT OF INQUIRY

Senator Fraser: "Would Senator Murray yield to a question? My question is, is the revenue, are the revenue implications of this bill reflected in the budget proposal by the Chair of the Senate Ways and Means Committee?"

Senator Murray: "The answer is that some of the liquor money, one time, is utilized in this budget. It is not a permanent shift away and it is not to the extent that you see reflected in this bill."

The Secretary called the roll on the motion by Senator Benton that the Committee on Ways & Means be relieved of further consideration of Senate Bill No. 6615 and the motion carried by the following vote: Yeas, 25; Nays, 24; Absent, 0; Excused, 0.

Voting yea: Senators Baumgartner, Becker, Benton, Carrell, Delvin, Erickson, Fain, Hewitt, Hill, Holmquist Newbry, Honeyford, Kastama, King, Litzow, Morton, Padden, Parlette, Pflug, Roach, Schoesler, Sheldon, Stevens, Swecker, Tom and Zarelli

Voting nay: Senators Brown, Chase, Conway, Eide, Fraser, Frockt, Hargrove, Harper, Hatfield, Haugen, Hobbs, Keiser, Kilmer, Kline, Kohl-Welles, McAuliffe, Murray, Nelson, Prentice, Pridemore, Ranker, Regala, Rolfes and Shin

The President declared the question before the Senate to be the motion by Senator Benton that the Committee on Ways and Means be relieved of further consideration of Senate Bill No. 6616 and the bill be placed on the second reading calendar.

Senator Kilmer spoke against the motion.

## POINT OF ORDER

Senator Benton: "I believe that the good gentleman from the Twenty-sixth is speaking to the merits to the bill and not to the merits of the motion before the body."

## REPLY BY THE PRESIDENT

President Owen: "If you recall, Senator Benton, the President said he was going to allow discretion because these bills are not well known amongst the members. If you wish to respond, he would allow you to do that as well."

Senator Zarelli spoke in favor of the motion.

The Secretary called the roll on the motion by Senator Benton that the Committee on Ways & Means be relieved of further consideration of Senate Bill No. 6616 and the motion carried by the following vote: Yeas, 25; Nays, 24; Absent, 0; Excused, 0.

Voting yea: Senators Baumgartner, Becker, Benton, Carrell, Delvin, Erickson, Fain, Hewitt, Hill, Holmquist Newbry, Honeyford, Kastama, King, Litzow, Morton, Padden, Parlette, Pflug, Roach, Schoesler, Sheldon, Stevens, Swecker, Tom and Zarelli

Voting nay: Senators Brown, Chase, Conway, Eide, Fraser, Frockt, Hargrove, Harper, Hatfield, Haugen, Hobbs, Keiser, Kilmer, Kline, Kohl-Welles, McAuliffe, Murray, Nelson, Prentice, Pridemore, Ranker, Regala, Rolfes and Shin

## MOTION

Senator Eide moved that the Committee on Rules be relieved of further consideration of Engrossed Substitute House Bill No. 2330 and the bill be placed on the second reading calendar.

Senator Eide demanded a roll call.

The President declared that one-sixth of the members supported the demand and the demand was sustained.

## POINT OF ORDER

Senator Benton: "I believe that motion has already been made and I believe this body has already voted it down."

## REPLY BY THE PRESIDENT

President Owen: "Senator Benton, the original motion was to amend your motion which failed. Now she is taking this as an independent effort and that is allowed."

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The President declared the question before the Senate to be the motion by Senator Eide that the Committee on Rules be relieved of Engrossed Substitute House Bill No. 2330 and the bill be placed on the second reading calendar.

Senator Keiser spoke in favor of the motion.  
 Senator Ericksen spoke against the motion.

The Secretary called the roll on the motion by Senator Eide that the Committee on Rules be relieved of Engrossed Substitute House Bill No. 2330 and the motion failed by the following vote: Yeas, 23; Nays, 26; Absent, 0; Excused, 0.

Voting yea: Senators Brown, Chase, Conway, Eide, Fraser, Frockt, Harper, Hatfield, Haugen, Hobbs, Keiser, Kilmer, Kline, Kohl-Welles, McAuliffe, Murray, Nelson, Prentice, Pridemore, Ranker, Regala, Rolfes and Shin

Voting nay: Senators Baumgartner, Becker, Benton, Carrell, Delvin, Ericksen, Fain, Hargrove, Hewitt, Hill, Holmquist Newbry, Honeyford, Kastama, King, Litzow, Morton, Padden, Parlette, Pflug, Roach, Schoesler, Sheldon, Stevens, Swecker, Tom and Zarelli

PARLIAMENTARY INQUIRY

Senator Benton: "I'd like to be sure that Senate Bill No. 5967, Senate Bill No. 6378, Senate Bill No. 6615 and Senate Bill No. 6616 are on the second reading calendar."

REPLY BY THE PRESIDENT

President Owen: "They are."

MOTION

Senator Schoesler moved to revert to the sixth order of business.

Senator Eide demanded a roll call.

The President declared that one-sixth of the members supported the demand and the demand was sustained.

The President declared the question before the Senate to be the motion by Senator Schoesler to revert to the sixth order of business.

The Secretary called the roll on the motion by Senator Schoesler and the motion carried by the following vote: Yeas, 25; Nays, 24; Absent, 0; Excused, 0.

Voting yea: Senators Baumgartner, Becker, Benton, Carrell, Delvin, Ericksen, Fain, Hewitt, Hill, Holmquist Newbry, Honeyford, Kastama, King, Litzow, Morton, Padden, Parlette, Pflug, Roach, Schoesler, Sheldon, Stevens, Swecker, Tom and Zarelli

Voting nay: Senators Brown, Chase, Conway, Eide, Fraser, Frockt, Hargrove, Harper, Hatfield, Haugen, Hobbs, Keiser, Kilmer, Kline, Kohl-Welles, McAuliffe, Murray, Nelson, Prentice, Pridemore, Ranker, Regala, Rolfes and Shin

MOTION

Senator Eide moved that the Senate be at ease.

MOTION

Senator Schoesler moved that the Senate immediately consider Senate Bill No. 5967.

REPLY BY THE PRESIDENT

President Owen: "Senator Schoesler, Senator Eide's motion is a privileged motion and has priority so the motion before us is Senator Eide's motion to go at ease for the purpose of Caucuses."

Senator Schoesler spoke against the motion.

Senator Benton demanded a roll call.

The President declared that one-sixth of the members supported the demand and the demand was sustained.

The President declared the question before the Senate to be the motion by Senator Eide that the Senate be at ease subject to the call of the President.

The Secretary called the roll on the motion by Senator Eide and the motion failed by the following vote: Yeas, 24; Nays, 25; Absent, 0; Excused, 0.

Voting yea: Senators Brown, Chase, Conway, Eide, Fraser, Frockt, Hargrove, Harper, Hatfield, Haugen, Hobbs, Keiser, Kilmer, Kline, Kohl-Welles, McAuliffe, Murray, Nelson, Prentice, Pridemore, Ranker, Regala, Rolfes and Shin

Voting nay: Senators Baumgartner, Becker, Benton, Carrell, Delvin, Ericksen, Fain, Hewitt, Hill, Holmquist Newbry, Honeyford, Kastama, King, Litzow, Morton, Padden, Parlette, Pflug, Roach, Schoesler, Sheldon, Stevens, Swecker, Tom and Zarelli

MOTION

Senator Schoesler moved that the Senate immediately consider Senate Bill No. 5967.

MOTION

Pursuant to Senate Rule 64, Senator Eide moved that the bill be read section by section, in full.

REMARKS BY THE PRESIDENT

President Owen: "The President will have the galleries cleared if you continue to try to communicate with the members on the floor. Right now we are not considering that bill because the bill is not before us. Your motion is not germane at this time."

Senator Eide demanded a roll call.

The President declared that one-sixth of the members supported the demand and the demand was sustained.

Senators Brown, Eide, Murray and Keiser spoke against the motion.

Senator Benton spoke in favor of the motion.

POINT OF ORDER

Senator Zarelli: "The motion here is to consider Senate Bill No. 5967?"

REPLY BY THE PRESIDENT

President Owen: "The motion is to immediately consider Senate Bill No. 5967."

## POINT OF ORDER

Senator Zarelli: "Thank you Mr. President because I'm getting a little confused by the comments."

Senators Nelson and Kohl-Wells spoke against the motion.

## POINT OF ORDER

Senator Schoesler: "Mr. President, what does the United State Congress have to do with the bill before us? Could the gentle lady stick to the motion to consider...?"

## REPLY BY THE PRESIDENT

President Owen: "The motion is to immediately consider the bill. Please keep your remarks relative to that point. Senator Kohl-Welles please continue."

Senator Pflug spoke in favor of the motion.

## MOTION

Pursuant to Senate Rule 18, Senator Schoesler moved that the Senate's consideration of Senate Bill No. 6406, a special order of business of the day at 4:59 p.m., be postponed and made a special order of business for Monday, March 5, at 11:00 a.m.

## PARLIAMENTARY INQUIRY

Senator Eide: "Now, I made that motion this morning and I think it was like when we first came on the floor at 9:30. Can you tell me, that if this happens, would that kill the bill? Would the bill be dead, because it's beyond cutoff?"

## REPLY BY THE PRESIDENT

President Owen: "Senator Eide, it's a senate bill so the President is assuming at this point that it must be necessary to implement the budget -- it's not? So, Senator Eide, if that's the case, the bill's not eligible to be heard today anyway... It's a senate bill."

Senator Eide demanded a roll call.

## REMARKS BY THE PRESIDENT

President Owen: "Senator Schoesler, we are on your motion to immediately consider Senate Bill No. 5967. You made a follow up motion which is not in order until we dispose of the first motion. So, the question before the Senate at this time is to immediately consider Senate Bill No. 5967."

The President declared the question before the Senate to be the motion by Senator Schoesler that the Senate immediately consider Senate Bill No. 5967.

Senators Hargrove, McAuliffe and Pridemore spoke against the motion.

Pursuant to Senate Rule 18, the hour fixed for the consideration having arrived, the President announced the special order of business, Senate Bill No. 6406, was before the Senate for consideration.

## POINT OF ORDER

Senator Schoesler: "You had ruled earlier that we could not change that because we were voting on the motion to immediately consider Senate Bill No. 5967. So, therefore we need to vote on the motion to immediately consider Senate Bill No. 5967."

## REPLY BY THE PRESIDENT

President Owen: "Senator, the President said that your second motion was not in order because we had not disposed of the first motion. Now, we are on the bill which still provides you the liberty to make any motion that you want on the bill."

## MOTION

Pursuant to Senate Rule 18, Senator Schoesler moved that further consideration of Senate Bill No. 6406, a special order of business of the day at 4:59 p.m., be delayed until Monday, March 5, at 11:00 a. m.

Senator Eide demanded a roll call.

The President declared that one-sixth of the members supported the demand and the demand was sustained.

The President declared the question before the Senate to be the motion by Senator Schoesler that further consideration of Senate Bill No. 6406, a special order of business of the day at 4:59 p.m., be delayed until Monday, March 5, at 11:00 a.m.

The Secretary called the roll on the motion by Senator Schoesler that further consideration of Senate Bill No. 6406 be delayed and the motion carried by the following vote: Yeas, 25; Nays, 24; Absent, 0; Excused, 0.

Voting yea: Senators Baumgartner, Becker, Benton, Carrell, Delvin, Ericksen, Fain, Hewitt, Hill, Holmquist Newbry, Honeyford, Kastama, King, Litzow, Morton, Padden, Parlette, Pflug, Roach, Schoesler, Sheldon, Stevens, Swecker, Tom and Zarelli

Voting nay: Senators Brown, Chase, Conway, Eide, Fraser, Frockt, Hargrove, Harper, Hatfield, Haugen, Hobbs, Keiser, Kilmer, Kline, Kohl-Welles, McAuliffe, Murray, Nelson, Prentice, Pridemore, Ranker, Regala, Rolfes and Shin

The President declared the question to be the motion by Senator Schoesler that the Senate immediately consider Senate Bill No. 5967.

Senator Eide demanded a roll call.

The President declared that one-sixth of the members supported the demand and the demand was sustained.

The President declared the question before the Senate to be the motion by Senator Schoesler that the Senate immediately consider Senate Bill No. 5967.

The Secretary called the roll on the motion by Senator Schoesler that the Senate immediately consider Senate Bill No. 5967 and the motion carried by the following vote: Yeas, 25; Nays, 24; Absent, 0; Excused, 0.

Voting yea: Senators Baumgartner, Becker, Benton, Carrell, Delvin, Ericksen, Fain, Hewitt, Hill, Holmquist Newbry, Honeyford, Kastama, King, Litzow, Morton, Padden, Parlette, Pflug, Roach, Schoesler, Sheldon, Stevens, Swecker, Tom and Zarelli

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Voting nay: Senators Brown, Chase, Conway, Eide, Fraser, Frockt, Hargrove, Harper, Hatfield, Haugen, Hobbs, Keiser, Kilmer, Kline, Kohl-Welles, McAuliffe, Murray, Nelson, Prentice, Pridemore, Ranker, Regala, Rolfes and Shin

## PARLIAMENTARY INQUIRY

Senator Eide: "So is Senate Bill No. 5967, is it on the second reading calendar and before us now?"

## REPLY BY THE PRESIDENT

President Owen: "It is on second reading calendar and it is before us now."

## MOTION

Pursuant to Senate Rule 64, Senator Eide demanded that Senate Bill No. 5967 be read section by section, in full.

## SECOND READING

SENATE BILL NO. 5967, by Senators Murray and Zarelli

Making 2011 2nd sp.s. supplemental operating appropriations.

The measure was read the second time.

## MOTION

Senator Schoesler moved to table the motion by Senator Eide.

## REMARKS BY THE PRESIDENT

President Owen: "Senator Schoesler, there is no motion. It's, as stated, a matter of right for a member, matter of fact, it's in your rules that it shall be read in full. Senator Eide merely pointed out that that is the rule."

## POINT OF ORDER

Senator Schoesler: "Mr. President, if that is the case in following rule 225 from Reed's Rules of Order I believe that that is being used to disrupt the process and not educate the members of the senate."

Senator Eide spoke against the point of order.

## REPLY BY THE PRESIDENT

President Owen: "Senator Schoesler, let the President respond to your point of order. Reed's Rules, in this case, are superseded by Senate Rules so Reed's Rules do not apply or that Reed's Rule does not apply."

## MOTION

Senator Benton moved to suspend Senate Rule 64 for the remainder of the day.

Senator Eide spoke against the motion.

## PARLIAMENTARY INQUIRY

Senator Eide: "How many votes does that take?"

## REPLY BY THE PRESIDENT

President Owen: "The suspension of the rules takes two-thirds."

## POINT OF ORDER

Senator Benton: "I believe within ten days of the final day of session we can suspend the rule with fifty percent vote."

## REPLY BY THE PRESIDENT

President Owen: "You might find this strange but the President had anticipated that that issue may have come up and did a little research. What the President found it is that is only to go from second reading to third reading, reading, the simple majority. Beyond that, it takes two-thirds for any other suspension of the rules."

## PARLIAMENTARY INQUIRY

Senator Eide: "So where are we? I thought we were continuing to read the bill?"

## REPLY BY THE PRESIDENT

President Owen: "We have a motion by Senator Benton to suspend the Rule, 64."

Senator Eide demanded a roll call.

The President declared that one-sixth of the members supported the demand and the demand was sustained.

The President declared the question before the Senate to be the motion by Senator Benton to suspend Senate Rule 64.

The Secretary called the roll on the motion by Senator Benton and the motion, having failed to receive the necessary two-thirds, failed by the following vote: Yeas, 25; Nays, 24; Absent, 0; Excused, 0.

Voting yea: Senators Baumgartner, Becker, Benton, Carrell, Delvin, Ericksen, Fain, Hewitt, Hill, Holmquist Newbry, Honeyford, Kastama, King, Litzow, Morton, Padden, Parlette, Pflug, Roach, Schoesler, Sheldon, Stevens, Swecker, Tom and Zarelli

Voting nay: Senators Brown, Chase, Conway, Eide, Fraser, Frockt, Hargrove, Harper, Hatfield, Haugen, Hobbs, Keiser, Kilmer, Kline, Kohl-Welles, McAuliffe, Murray, Nelson, Prentice, Pridemore, Ranker, Regala, Rolfes and Shin

The Secretary continued to read Senate Bill No. 5967 section by section, in full the second time.

## PARLIAMENTARY INQUIRY

Senator Benton: "The gentle lady from the thirtieth was very interested in hearing this bill read, as many of her members, yet I don't see any of them on the floor of the senate. Perhaps they're no longer interested in hearing what's in the bill and I may suggest that the Senate proceed with its business?"

## REPLY BY THE PRESIDENT

President Owen: "Senator Benton, as you are well aware the system goes out beyond just the floor of the senate so the

President can't determine whether they are listening to it or not. Secretary will read."

The Secretary continued to read Senate Bill No. 5967 section by section, in full the second time.

The President requested that the Secretary read the final line of Senate Bill No. 5967 and the measure was considered read section by section, in full the second time.

PERSONAL PRIVILEGE

Senator Eide: "Well, first of all I'd like to thank the readers for taking the time, both of you, to read the budget. I just want to say that I am sorry that it came to this but I truly believe that we should have had the opportunity to go at ease which we were denied Mr. President. We were denied. This is an extremely complex issue. The budget is the reason why we are here. This touches every single Washingtonian and it is something that we do not take lightly. There is a process and there is a procedure and I have always, always Mr. President given the other side time to put amendments on the bar, I have talked about schedules, I have given them dinner breaks, lunch breaks, I feel I have done quite a bit and this is how I get in repayment. I think the main point is that this is the budget. This touches every single Washingtonian and we do not take this lightly. Thank you Mr. President."

PERSONAL PRIVILEGE

Senator Murray: "Thank you Mr. President. I to want to agree with the floor leader and acknowledge the work the staff in reading this budget. I think what this regrettable exercise illustrated is how complex the budget is. It gives you just a little window into how much time members, public, stakeholders spend in preparing and writing a budget, a process that was short circuited tonight. Thank you."

MOTION

At 7:20 p.m., on motion of Senator Benton, the Senate was declared at recess until 8:00 p.m.

EVENING SESSION

The Senate was called to order at 8:03 p.m. by President Owen.

MOTION

Senator Zarelli moved that the following striking amendment by Senator Zarelli be adopted:

Strike everything after the enacting clause and insert the following:

**"PART I  
GENERAL GOVERNMENT**

**Sec. 101.** 2011 2nd sp.s. c 9 s 101 (uncodified) is amended to read as follows:

FOR THE HOUSE OF REPRESENTATIVES	
General Fund--State Appropriation (FY 2012) .....	<del>(\$29,934,000)</del>
.....	\$30,205,000
General Fund--State Appropriation (FY 2013) .....	<del>(\$30,465,000)</del>
.....	\$27,258,000
Motor Vehicle Account--State Appropriation .....	\$1,316,000

TOTAL APPROPRIATION	<del>(\$61,715,000)</del>
.....	\$58,779,000
Sec. 102. 2011 2nd sp.s. c 9 s 102 (uncodified) is amended to read as follows:	
FOR THE SENATE	
General Fund--State Appropriation (FY 2012) .....	<del>(\$21,770,000)</del>
.....	\$21,794,000
General Fund--State Appropriation (FY 2013) .....	<del>(\$23,864,000)</del>
.....	\$21,133,000
Motor Vehicle Account--State Appropriation .....	\$1,400,000
TOTAL APPROPRIATION .....	<del>(\$47,034,000)</del>
.....	\$44,327,000

**Sec. 103.** 2011 1st sp.s. c 50 s 103 (uncodified) is amended to read as follows:

FOR THE JOINT LEGISLATIVE AUDIT AND REVIEW COMMITTEE

General Fund--State Appropriation (FY 2012) .....	\$2,680,000
General Fund--State Appropriation (FY 2013) .....	<del>(\$2,741,000)</del>
.....	\$2,604,000
Medical Aid Account--State Appropriation .....	\$85,000
Accident Account--State Appropriation .....	\$85,000
TOTAL APPROPRIATION .....	<del>(\$5,591,000)</del>
.....	\$5,454,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Notwithstanding the provisions of this section, the joint legislative audit and review committee may adjust the due dates for projects included on the committee's 2011-13 work plan as necessary to efficiently manage workload.

(2) Within the amounts appropriated in this section, the committee shall conduct a review of the state's workplace safety and health program. The review shall examine workplace safety inspection, enforcement, training, and outreach efforts compared to other states and federal programs; analyze workplace injury and illness rates and trends in Washington; identify factors that may influence workplace safety and health; and identify practices that may improve workplace safety and health and/or impact insurance rates.

(3) Within the amounts appropriated in this section, the committee shall conduct a review of marketing and vendor expenditures and incentive payment programs at the state lottery commission to identify cost savings and efficiencies to maximize contributions to beneficiaries under this act. This review shall include examination of the following:

(a) An analysis of marketing expenses and the impact on ticket sales; the impact to sales of tickets from the change in lottery beneficiaries; the competitive contracting processes for marketing services and vendors and comparison to other states; identification of whether there are duplicative or unproductive marketing activities; and identification of whether savings may occur from changing vendors.

(b) A description of how the employee incentive payment program at the state lottery commission operates, and comparison to best practices for outcome-based performance payments.

(4) \$85,000 of the medical aid account--state appropriation and \$85,000 of the accident account--state appropriation are provided solely for the purposes of House Bill No. 2123 (workers' compensation). If the bill is not enacted by June 30, 2011, the amounts provided in this subsection shall lapse.

(5) The joint legislative audit and review committee will assess the costs of the department of fish and wildlife to produce trout to achieve the department's desired freshwater stocking objectives and compare these costs to the costs of the alternatives for producing trout such as contracting for services. As part of its assessment, the committee will consider the following:



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(a) The total costs to the department for producing trout at department trout production facilities, by category of trout production, to achieve the department's desired freshwater stocking objectives;

(b) The availability of alternative approaches to trout production, including opportunities to contract with registered aquatic farmers, and the costs of these alternative approaches; and

(c) A review of the experience of other states in contracting or other alternative approaches to trout production.

(d) The committee will complete its assessment and report to the legislature by December 1, 2012.

Sec. 104. 2011 1st sp.s. c 50 s 104 (uncodified) is amended to read as follows:

FOR THE LEGISLATIVE EVALUATION AND ACCOUNTABILITY PROGRAM COMMITTEE

General Fund--State Appropriation (FY 2012) .....	\$2,027,000
General Fund--State Appropriation (FY 2013) .....	(\$2,193,000)
.....	\$1,708,000
TOTAL APPROPRIATION .....	(\$4,220,000)
.....	\$3,735,000

Sec. 105. 2011 1st sp.s. c 50 s 106 (uncodified) is amended to read as follows:

FOR THE JOINT LEGISLATIVE SYSTEMS COMMITTEE

General Fund--State Appropriation (FY 2012) .....	\$8,016,000
General Fund--State Appropriation (FY 2013) .....	(\$7,911,000)
.....	\$7,516,000
TOTAL APPROPRIATION .....	(\$15,927,000)
.....	\$15,532,000

Sec. 106. 2011 2nd sp.s. c 9 s 103 (uncodified) is amended to read as follows:

FOR THE STATUTE LAW COMMITTEE

General Fund--State Appropriation (FY 2012) .....	\$4,248,000
General Fund--State Appropriation (FY 2013) .....	(\$4,689,000)
.....	\$4,455,000
TOTAL APPROPRIATION .....	(\$8,937,000)
.....	\$8,703,000

NEW SECTION. Sec. 107. A new section is added to 2011 1st sp.s. c 50 (uncodified) to read as follows:

FOR THE OFFICE OF LEGISLATIVE SUPPORT SERVICES

General Fund--State Appropriation (FY 2013) .....	\$3,016,000
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NEW SECTION. Sec. 108. A new section is added to 2011 1st sp.s. c 50 (uncodified) to read as follows:

LEGISLATIVE AGENCIES

In order to achieve operating efficiencies within the financial resources available to the legislative branch, the executive rules committee of the house of representatives and the facilities and operations committee of the senate by joint action may transfer funds among the house of representatives, senate, joint legislative audit and review committee, legislative evaluation and accountability program committee, legislative transportation committee, office of the state actuary, joint legislative systems committee, statute law committee, office of legislative support services, and redistricting commission.

Sec. 109. 2011 2nd sp.s. c 9 s 104 (uncodified) is amended to read as follows:

FOR THE SUPREME COURT

General Fund--State Appropriation (FY 2012) .....	(\$6,724,000)
.....	\$6,765,000
General Fund--State Appropriation (FY 2013) .....	\$6,738,000
TOTAL APPROPRIATION .....	(\$13,462,000)
.....	\$13,503,000

Sec. 110. 2011 2nd sp.s. c 9 s 105 (uncodified) is amended to read as follows:

FOR THE LAW LIBRARY

General Fund--State Appropriation (FY 2012) .....	\$1,506,000
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General Fund--State Appropriation (FY 2013) .....	(\$1,466,000)
.....	\$466,000
Judicial Information System Account--State	
Appropriation .....	\$1,000,000
TOTAL APPROPRIATION .....	\$2,972,000

Sec. 111. 2011 2nd sp.s. c 9 s 107 (uncodified) is amended to read as follows:

FOR THE ADMINISTRATOR FOR THE COURTS

General Fund--State Appropriation (FY 2012) .....	(\$50,692,000)
.....	\$50,756,000
General Fund--State Appropriation (FY 2013) .....	(\$50,235,000)
.....	\$48,668,000
General Fund--Federal Appropriation .....	\$2,532,000
General Fund--Private/Local Appropriation .....	\$390,000
Judicial Information Systems Account--State	
Appropriation .....	\$42,414,000
Judicial Stabilization Trust Account--State	
Appropriation .....	(\$5,414,000)
.....	\$7,354,000
TOTAL APPROPRIATION .....	(\$451,677,000)
.....	\$152,114,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$1,800,000 of the general fund--state appropriation for fiscal year 2012 and \$1,800,000 of the general fund--state appropriation for fiscal year 2013 are provided solely for school districts for petitions to juvenile court for truant students as provided in RCW 28A.225.030 and 28A.225.035. The office of the administrator for the courts shall develop an interagency agreement with the superintendent of public instruction to allocate the funding provided in this subsection. Allocation of this money to school districts shall be based on the number of petitions filed. This funding includes amounts school districts may expend on the cost of serving petitions filed under RCW 28A.225.030 by certified mail or by personal service or for the performance of service of process for any hearing associated with RCW 28A.225.030.

(2)(a) \$8,252,000 of the general fund--state appropriation for fiscal year 2012 and \$8,253,000 of the general fund--state appropriation for fiscal year 2013 are provided solely for distribution to county juvenile court administrators to fund the costs of processing truancy, children in need of services, and at-risk youth petitions. The administrator for the courts, in conjunction with the juvenile court administrators, shall develop an equitable funding distribution formula. The formula shall neither reward counties with higher than average per-petition processing costs nor shall it penalize counties with lower than average per-petition processing costs.

(b) Each fiscal year during the 2011-2013 fiscal biennium, each county shall report the number of petitions processed and the total actual costs of processing truancy, children in need of services, and at-risk youth petitions. Counties shall submit the reports to the administrator for the courts no later than 45 days after the end of the fiscal year. The administrator for the courts shall electronically transmit this information to the chairs and ranking minority members of the house of representatives and senate ways and means committees no later than 60 days after a fiscal year ends. These reports are deemed informational in nature and are not for the purpose of distributing funds.

(3) The distributions made under this subsection and distributions from the county criminal justice assistance account made pursuant to section 801 of this act constitute appropriate reimbursement for costs for any new programs or increased level of service for purposes of RCW 43.135.060.

(4) \$265,000 of the general fund--state appropriation for fiscal year 2012 is provided solely for the office of public guardianship to

provide guardianship services for low-income incapacitated persons.

(5) \$1,178,000 of the judicial information systems account--state appropriation is provided solely for replacing computer equipment at state courts and state judicial agencies.

(6) No later than September 30, 2011, the judicial information systems committee shall provide a report to the legislature on the recommendations of the case management feasibility study, including plans for a replacement of the superior court management information system (SCOMIS) and plans for completing the data exchange core system component consistent with a complete data exchange standard. No later than December 31, 2011, the judicial information systems committee shall provide a report to the legislature on the status of the data exchange, the procurement process for a SCOMIS replacement, and a case management system that is designed to meet the requirements approved by the superior courts and county clerks of all thirty-nine counties. The legislature shall solicit input on both reports from judicial, legislative, and executive stakeholders.

(7) In order to gather better data on juveniles in the criminal justice system, the administrative office of the courts shall modify the judgment and sentence form for juvenile and adult sentences to include one or more check boxes indicating whether (a) the adult superior court had original jurisdiction for a defendant who was younger than eighteen years of age at the time the case was filed; (b) the case was originally filed in juvenile court but transferred to adult superior court jurisdiction; or (c) the case was originally filed in adult superior court or transferred to adult superior court but then returned to the juvenile court.

(8) The Washington association of juvenile court administrators and the juvenile rehabilitation administration, in consultation with the community juvenile accountability act advisory committee and the Washington state institute for public policy, shall analyze and review data elements available from the administrative office of the courts for possible integration into the evidence-based program quality assurance plans and processes. The administrative office of the courts, the Washington association of juvenile court administrators, and the juvenile rehabilitation administration shall provide information necessary to complete the review and analysis. The Washington association of juvenile court administrators and the juvenile rehabilitation administration shall report the findings of their review and analysis, as well as any recommendations, to the legislature by December 1, 2012.

(9) \$540,000 of the judicial stabilization trust account--state appropriation for fiscal year 2013 is provided solely for the office of public guardianship to continue guardianship services for those low-income incapacitated persons who were receiving services on June 30, 2012.

**Sec. 112.** 2011 2nd sp.s. c 9 s 108 (uncodified) is amended to read as follows:

**FOR THE OFFICE OF PUBLIC DEFENSE**

General Fund--State Appropriation (FY 2012) .....	(\$25,030,000))
.....	\$25,027,000
General Fund--State Appropriation (FY 2013) .....	(\$24,972,000))
.....	\$31,031,000
Judicial Stabilization Trust Account--State	
Appropriation .....	\$2,490,000
TOTAL APPROPRIATION .....	(\$52,492,000))
.....	\$58,548,000

The appropriations in this section are subject to the following conditions and limitations:

- (1) The amounts provided include funding for expert and investigative services in death penalty personal restraint petitions.
- (2) By December 1, 2011, the office of public defense shall submit to the appropriate policy and fiscal committees of the

legislature a proposal for office of public defense to assume the effective and efficient administration of defense services for indigent persons throughout the state who are involved in proceedings under chapter 71.09 RCW. In developing its proposal, the office of public defense should consult with interested stakeholders, including the King county public defender, the Washington defender association, the Washington association of criminal defense lawyers, the administrative office of the courts, the superior court judges association, the office of the attorney general, the King county prosecuting attorney, the Washington association of counties, and the department of social and health services. At a minimum, the proposal should identify:

(a) Procedures to control costs and require accountability, consistent with the state's obligation to ensure the right to counsel under both the United States Constitution and the Washington Constitution;

(b) Appropriate practice standards for trial-level defense of indigent persons involved in proceedings under chapter 71.09 RCW, an estimated number of attorneys statewide who are qualified to provide such representation, and reasonable compensation for such defense services;

(c) The total budget necessary to implement the proposal statewide for fiscal year 2013, including administrative support; and

(d) Possible savings to the state and counties that might result from implementing the proposal.

(3) \$6,065,000 of the general fund--state appropriation for fiscal year 2013 is provided solely to implement Substitute Senate Bill No. 6493 (sexual predator commitment). If the bill is not enacted by June 30, 2012, the amount provided in this subsection shall lapse.

**Sec. 113.** 2011 2nd sp.s. c 9 s 109 (uncodified) is amended to read as follows:

**FOR THE OFFICE OF THE GOVERNOR**

General Fund--State Appropriation (FY 2012) .....	(((\$5,311,000))
.....	\$4,965,000
General Fund--State Appropriation (FY 2013) .....	(\$5,292,000))
.....	\$5,193,000
Economic Development Strategic Reserve Account--State	
Appropriation .....	\$1,500,000
TOTAL APPROPRIATION .....	(((\$12,103,000))
.....	\$11,658,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$1,500,000 of the economic development strategic reserve account appropriation is provided solely for efforts to assist with currently active industrial recruitment efforts that will bring new jobs to the state or will retain headquarter locations of major companies currently housed in the state.

(2) ~~(\$547,000)~~ \$404,000 of the general fund--state appropriation for fiscal year 2012 and ~~(\$547,000)~~ \$418,000 of the general fund-- state appropriation for fiscal year 2013 are provided solely for the office of the education ombudsman.

**Sec. 114.** 2011 1st sp.s. c 50 s 117 (uncodified) is amended to read as follows:

**FOR THE LIEUTENANT GOVERNOR**

General Fund--State Appropriation (FY 2012) .....	(((\$687,000))
.....	\$653,000
General Fund--State Appropriation (FY 2013) .....	(\$698,000))
.....	\$663,000
General Fund--Private/Local Appropriation.....	\$90,000
TOTAL APPROPRIATION .....	(\$1,475,000))
.....	\$1,406,000

**Sec. 115.** 2011 2nd sp.s. c 9 s 110 (uncodified) is amended to read as follows:

**FOR THE PUBLIC DISCLOSURE COMMISSION**

General Fund--State Appropriation (FY 2012) .....	(((\$2,106,000))
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.....	\$2,021,000
General Fund--State Appropriation (FY 2013) .....	(\$2,129,000))
.....	\$2,002,000
TOTAL APPROPRIATION .....	(\$4,235,000))
.....	\$4,023,000

The appropriations in this section are subject to the following conditions and limitations: \$43,000 of the general fund--state appropriation for fiscal year 2012 and \$82,000 of the general fund--state appropriation for fiscal year 2013 are provided solely for the implementation of Engrossed Substitute Senate Bill No. 5021 (election campaign disclosure).

Sec. 116. 2011 2nd sp.s. c 9 s 111 (uncodified) is amended to read as follows:

FOR THE SECRETARY OF STATE

General Fund--State Appropriation (FY 2012) .....	(\$16,014,000))
.....	\$16,013,000
General Fund--State Appropriation (FY 2013) .....	(\$12,862,000))
.....	\$8,862,000
General Fund--Federal Appropriation .....	\$7,338,000
Public Records Efficiency, Preservation, and Access	
Account--State Appropriation.....	(\$7,950,000))
.....	\$7,156,000
Charitable Organization Education Account--State	
Appropriation .....	(\$452,000))
.....	\$362,000
Local Government Archives Account--State	
Appropriation .....	(\$10,557,000))
.....	\$8,557,000
Election Account--Federal Appropriation .....	\$17,288,000
Washington State Heritage Center Account--State	
Appropriation .....	(\$1,028,000))
.....	\$5,028,000
TOTAL APPROPRIATION .....	(\$73,489,000))
.....	\$70,604,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$3,898,000 of the general fund--state appropriation for fiscal year 2012 is provided solely to reimburse counties for the state's share of primary and general election costs and the costs of conducting mandatory recounts on state measures. Counties shall be reimbursed only for those odd-year election costs that the secretary of state validates as eligible for reimbursement.

(2)(a) \$1,847,000 of the general fund--state appropriation for fiscal year 2012 and \$1,926,000 of the general fund--state appropriation for fiscal year 2013 are provided solely for contracting with a nonprofit organization to produce gavel- to-gavel television coverage of state government deliberations and other events of statewide significance during the 2011-2013 biennium. The funding level for each year of the contract shall be based on the amount provided in this subsection. The nonprofit organization shall be required to raise contributions or commitments to make contributions, in cash or in kind, in an amount equal to forty percent of the state contribution. The office of the secretary of state may make full or partial payment once all criteria in this subsection have been satisfactorily documented.

(b) The legislature finds that the commitment of on-going funding is necessary to ensure continuous, autonomous, and independent coverage of public affairs. For that purpose, the secretary of state shall enter into a contract with the nonprofit organization to provide public affairs coverage.

(c) The nonprofit organization shall prepare an annual independent audit, an annual financial statement, and an annual report, including benchmarks that measure the success of the nonprofit organization in meeting the intent of the program.

(d) No portion of any amounts disbursed pursuant to this subsection may be used, directly or indirectly, for any of the following purposes:

(i) Attempting to influence the passage or defeat of any legislation by the legislature of the state of Washington, by any county, city, town, or other political subdivision of the state of Washington, or by the congress, or the adoption or rejection of any rule, standard, rate, or other legislative enactment of any state agency;

(ii) Making contributions reportable under chapter 42.17 RCW; or

(iii) Providing any: (A) Gift; (B) honoraria; or (C) travel, lodging, meals, or entertainment to a public officer or employee.

(3) Any reductions to funding for the Washington talking book and Braille library may not exceed in proportion any reductions taken to the funding for the library as a whole.

Sec. 117. 2011 1st sp.s. c 50 s 120 (uncodified) is amended to read as follows:

FOR THE GOVERNOR'S OFFICE OF INDIAN AFFAIRS

General Fund--State Appropriation (FY 2012) .....	(\$259,000))
.....	\$246,000
General Fund--State Appropriation (FY 2013) .....	(\$267,000))
.....	\$254,000
TOTAL APPROPRIATION .....	(\$526,000))
.....	\$500,000

The appropriations in this section are subject to the following conditions and limitations: The office shall assist the department of enterprise services on providing the government-to-government training sessions for federal, state, local, and tribal government employees. The training sessions shall cover tribal historical perspectives, legal issues, tribal sovereignty, and tribal governments. Costs of the training sessions shall be recouped through a fee charged to the participants of each session. The department of enterprise services shall be responsible for all of the administrative aspects of the training, including the billing and collection of the fees for the training.

Sec. 118. 2011 2nd sp.s. c 9 s 112 (uncodified) is amended to read as follows:

FOR THE COMMISSION ON ASIAN PACIFIC AMERICAN AFFAIRS

General Fund--State Appropriation (FY 2012) .....	(\$236,000))
.....	\$224,000
General Fund--State Appropriation (FY 2013) .....	(\$219,000))
.....	\$208,000
TOTAL APPROPRIATION .....	(\$455,000))
.....	\$432,000

Sec. 119. 2011 2nd sp.s. c 9 s 113 (uncodified) is amended to read as follows:

FOR THE STATE TREASURER

State Treasurer's Service Account--State	
Appropriation .....	(\$14,994,000))
.....	\$13,488,000

Sec. 120. 2011 2nd sp.s. c 9 s 114 (uncodified) is amended to read as follows:

FOR THE STATE AUDITOR

State Auditing Services Revolving Account--State	
Appropriation .....	(\$10,293,000))
.....	\$9,253,000
Performance Audit of Government Account--State	
Appropriation .....	\$1,461,000
TOTAL APPROPRIATION .....	(\$11,754,000))
.....	\$10,714,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Audits of school districts by the division of municipal corporations shall include findings regarding the accuracy of: (a) Student enrollment data; and (b) the experience and education of the district's certified instructional staff, as reported to the superintendent of public instruction for allocation of state funding.

(2) \$1,461,000 of the performance audits of government account appropriation is provided solely for staff and related costs to verify the accuracy of reported school district data submitted for state funding purposes; conduct school district program audits of state funded public school programs; establish the specific amount of state funding adjustments whenever audit exceptions occur and the amount is not firmly established in the course of regular public school audits; and to assist the state special education safety net committee when requested.

(3) Within the amounts appropriated in this section, the state auditor shall continue to complete the annual audit of the state's comprehensive annual financial report and the annual federal single audit consistent with the auditing standards generally accepted in the United States and the standards applicable to financial audits contained in government auditing standards, issued by the comptroller general of the United States, and OMB circular A-133, audits of states, local governments, and nonprofit organizations.

**Sec. 121.** 2011 1st sp.s. c 50 s 124 (uncodified) is amended to read as follows:

**FOR THE CITIZENS' COMMISSION ON SALARIES FOR ELECTED OFFICIALS**

General Fund--State Appropriation (FY 2012) .....	(\$158,000)
.....	\$145,000
General Fund--State Appropriation (FY 2013) .....	(\$195,000)
.....	\$190,000
<b>TOTAL APPROPRIATION .....</b>	<b>(\$353,000)</b>
.....	\$335,000

Sec. 122. 2011 2nd sp.s. c 9 s 115 (uncodified) is amended to read as follows:

**FOR THE ATTORNEY GENERAL**

General Fund--State Appropriation (FY 2012) .....	\$4,758,000
General Fund--State Appropriation (FY 2013) .....	(\$2,727,000)
.....	\$7,740,000
General Fund--Federal Appropriation .....	(\$8,819,000)
.....	\$10,015,000
New Motor Vehicle Arbitration Account--State	
Appropriation .....	\$972,000
Legal Services Revolving Account--State	
Appropriation .....	(\$206,617,000)
.....	\$196,105,000
Tobacco Prevention and Control Account--State	
Appropriation .....	\$270,000
Medicaid Fraud Penalty Account--State	
Appropriation .....	\$1,129,000
<b>TOTAL APPROPRIATION .....</b>	<b>(\$224,163,000)</b>
.....	\$220,989,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The attorney general shall report each fiscal year on actual legal services expenditures and actual attorney staffing levels for each agency receiving legal services. The report shall be submitted to the office of financial management and the fiscal committees of the senate and house of representatives no later than ninety days after the end of each fiscal year. As part of its by agency report to the legislative fiscal committees and the office of financial management, the office of the attorney general shall include information detailing the agency's expenditures for its agency-wide overhead and a breakdown by division of division administration expenses.

(2) Prior to entering into any negotiated settlement of a claim against the state that exceeds five million dollars, the attorney general shall notify the director of financial management and the chairs of the senate committee on ways and means and the house of representatives committee on ways and means.

(3) The attorney general shall annually report to the fiscal committees of the legislature all new *cy pres* awards and settlements and all new accounts, disclosing their intended uses, balances, the nature of the claim or account, proposals, and intended timeframes for the expenditure of each amount. The report shall be distributed electronically and posted on the attorney general's web site. The report shall not be printed on paper or distributed physically.

(4) The attorney general shall enter into an interagency agreement with the department of social and health services for expenditure of the state's proceeds from the *cy pres* settlement in *State of Washington v. AstraZeneca (Seroquel)* for the purposes set forth in sections 204 and 213 of this act.

(5) \$62,000 of the legal services revolving fund--state appropriation is provided solely to implement House Bill No. 1770 (state purchasing). If the bill is not enacted by June 30, 2011, the amount provided in this subsection shall lapse.

(6) \$5,924,000 of the legal services revolving account--state appropriation is provided solely to implement House Bill No. 2123 (workers' compensation). If the bill is not enacted by June 30, 2011, the amount provided in this subsection shall lapse.

(7) The office of the attorney general is authorized to expend \$2,100,000 from the *Zyprexa* and other *cy pres* awards towards consumer protection costs in accordance with uses authorized in the court orders.

(8) \$96,000 of the legal services revolving fund--state appropriation is provided solely to implement Senate Bill No. 5076 (financial institutions). If the bill is not enacted by June 30, 2011, the amount provided in this subsection shall lapse.

(9) \$99,000 of the legal services revolving fund--state appropriation is provided solely to implement Engrossed Second Substitute Senate Bill No. 5769 (coal-fired generation). If the bill is not enacted by June 30, 2011, the amount provided in this subsection shall lapse.

(10) \$416,000 of the legal services revolving fund--state appropriation is provided solely to implement Substitute Senate Bill No. 5801 (industrial insurance system). If the bill is not enacted by June 30, 2011, the amount provided in this subsection shall lapse.

(11) \$31,000 of the legal services revolving fund--state appropriation is provided solely to implement Engrossed Substitute Senate Bill No. 5021 (election campaign disclosure). If the bill is not enacted by June 30, 2011, the amount provided in this subsection shall lapse.

(12) The executive ethics board shall: (a) Develop a statewide plan, with performance measures, to provide overall direction and accountability in all executive branch agencies and statewide elected offices; (b) coordinate and work with the commission on judicial conduct and the legislative ethics board; (c) assess and evaluate each agency's ethical culture through employee and stakeholder surveys, review Washington state quality award feedback reports, and publish an annual report on the results to the public; and (d) solicit outside evaluations, studies, and recommendations for improvements from academics, nonprofit organizations, the public disclosure commission, or other entities with expertise in ethics, integrity, and the public sector.

(13) \$5,743,000 of the general fund--state appropriation for fiscal year 2013 is provided solely for the legal costs associated with the evaluation, filing, prosecution, response to petitions for release, and appeal of sexually violent predator civil commitment cases as provided in chapter 71.09 RCW. Within the amount provided in this subsection, the attorney general may enter into an interagency

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agreement with a county prosecutor to perform prosecution services pursuant to chapter 71.09 RCW.

Sec. 123. 2011 2nd sp.s. c 9 s 116 (uncodified) is amended to read as follows:

FOR THE CASELOAD FORECAST COUNCIL

General Fund--State Appropriation (FY 2012) .....	(\$1,310,000))
.....	\$1,243,000
General Fund--State Appropriation (FY 2013) .....	(\$1,309,000))
.....	\$1,241,000
TOTAL APPROPRIATION .....	(\$2,619,000))
.....	\$2,484,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The appropriations in this section include funding for activities transferred from the sentencing guidelines commission to the caseload forecast council pursuant to Engrossed Substitute Senate Bill No. 5891 (criminal justice cost savings). Prior to the effective date of Engrossed Substitute Senate Bill No. 5891, the appropriations in this section may be expended for the continued operations and expenses of the sentencing guidelines commission pursuant to the expenditure authority schedule produced by the office of financial management in accordance with chapter 43.88 RCW.

(2) \$57,000 of the general fund--state appropriation for fiscal year 2012 and \$57,000 of the general fund--state appropriation for fiscal year 2013 are provided solely for the implementation of Senate Bill No. 5304 (college bound scholarship).

Sec. 124. 2011 2nd sp.s. c 9 s 117 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF COMMERCE

General Fund--State Appropriation (FY 2012) .....	(\$57,261,000))
.....	\$35,648,000
General Fund--State Appropriation (FY 2013) .....	(\$72,459,000))
.....	\$36,826,000
General Fund--Federal Appropriation .....	(\$282,185,000))
.....	\$338,284,000
General Fund--Private/Local Appropriation.....	(\$4,989,000))
.....	\$4,988,000
Public Works Assistance Account--State	
Appropriation .....	\$2,764,000
Drinking Water Assistance Administrative .....	
Account--State Appropriation .....	\$437,000
Lead Paint Account--State Appropriation .....	\$65,000
Building Code Council Account--State Appropriation .....	\$13,000
Home Security Fund Account--State Appropriation .....	\$16,652,000
Affordable Housing for All Account--State	
Appropriation .....	\$11,902,000
County Research Services Account--State	
Appropriation .....	(\$1,081,000))
.....	\$512,000
Financial Fraud and Identity Theft Crimes Investigation	
and Prosecution Account--State Appropriation .....	\$1,166,000
Low-Income Weatherization Assistance Account--State .....	
Appropriation .....	(\$5,778,000))
.....	\$2,430,000
City and Town Research Services Account--State	
Appropriation .....	(\$5,166,000))
.....	\$2,447,000
((Manufacturing Innovation and Modernization	
Account--State Appropriation.....	\$61,000))
Community and Economic Development Fee Account--State	
Appropriation .....	(\$6,488,000))
.....	\$6,786,000
Washington Housing Trust Account--State	
Appropriation .....	(\$17,498,000))

.....	\$23,498,000
Prostitution Prevention and Intervention Account--	
State Appropriation .....	\$86,000
Public Facility Construction Loan Revolving	
Account--State Appropriation .....	\$755,000
Washington Community Technology Opportunity Account--	
State Appropriation .....	\$713,000
Liquor Revolving Account--State Appropriation .....	\$2,802,000
TOTAL APPROPRIATION .....	(\$487,519,000))
.....	\$488,774,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Repayments of outstanding mortgage and rental assistance program loans administered by the department under RCW 43.63A.640 shall be remitted to the department, including any current revolving account balances. The department shall collect payments on outstanding loans, and deposit them into the state general fund. Repayments of funds owed under the program shall be remitted to the department according to the terms included in the original loan agreements.

(2) \$500,000 of the general fund--state appropriation for fiscal year 2012 and \$500,000 of the general fund--state appropriation for fiscal year 2013 are provided solely for a grant to resolution Washington to building statewide capacity for alternative dispute resolution centers and dispute resolution programs that guarantee that citizens have access to low-cost resolution as an alternative to litigation.

(3) \$306,000 of the general fund--state appropriation for fiscal year 2012 and \$306,000 of the general fund--state appropriation for fiscal year 2013 are provided solely for a grant to the retired senior volunteer program.

(4) The department shall administer its growth management act technical assistance so that smaller cities receive proportionately more assistance than larger cities or counties.

(5) \$1,800,000 of the home security fund--state appropriation is provided for transitional housing assistance or partial payments for rental assistance under the independent youth housing program.

(6) \$5,000,000 of the home security fund--state appropriation is for the operation, repair, and staffing of shelters in the homeless family shelter program.

(7) ~~(\$198,000)~~ \$115,000 of the general fund--state appropriation for fiscal year 2012 ~~(and \$198,000 of the general fund--state appropriation for fiscal year 2013 are)~~ is provided solely for the Washington new Americans program.

(8) \$2,949,000 of the general fund--state appropriation for fiscal year 2012 and \$2,949,000 of the general fund--state appropriation for fiscal year 2013 are provided solely for associate development organizations.

(9) \$127,000 of the general fund--federal appropriation is provided solely for implementation of Substitute House Bill No. 1886 (Ruckelshaus center process). If the bill is not enacted by June 30, 2011, the amount provided in this subsection shall lapse.

(10) Up to \$200,000 of the general fund--private/local appropriation is for a grant to the Washington tourism alliance for the maintenance of the Washington state tourism web site www.experiencewa.com and its related sub-sites. The department may transfer ownership of the web site and other tourism promotion assets and assign obligations to the Washington tourism alliance for purposes of tourism promotion throughout the state. The alliance may use the assets only in a manner consistent with the purposes for which they were created. Any revenue generated from these assets must be used by the alliance for the sole purposes of statewide Washington tourism promotion. The legislature finds that the Washington tourism alliance, a not-for-profit, 501.c.6 organization established, funded, and governed by Washington tourism industry

stakeholders to sustain destination tourism marketing across Washington, is an appropriate body to receive funding and assets from and assume obligations of the department for the purposes described in this section.

(11) Within the appropriations in this section, specific funding is provided to implement Substitute Senate Bill No. 5741 (economic development commission).

(12) \$2,000,000 of the community and economic development fee account appropriation is provided solely for the department of commerce for services to homeless families through the Washington families fund.

(13) ~~(\$260,000)~~ \$173,000 of the general fund--state appropriation for fiscal year 2012 ~~(and \$259,000 of the general fund--state appropriation for fiscal year 2013 are)~~ is provided solely for the Washington asset building coalitions.

(14) \$1,859,000 of the general fund--state appropriation for fiscal year 2012 and \$1,859,000 of the general fund--state appropriation for fiscal year 2013 are provided solely for innovative research teams, also known as entrepreneurial STARS, at higher education research institutions, and for entrepreneurs-in-residence programs at higher education research institutions and entrepreneurial assistance organizations. Of these amounts no more than \$50,000 in fiscal year 2012 and no more than \$50,000 in fiscal year 2013 may be provided for the operation of entrepreneurs-in-residence programs at entrepreneurial assistance organizations external to higher education research institutions.

(15) Up to \$700,000 of the general fund--private/local appropriation is for pass-through grants to cities in central Puget Sound to plan for transfer of development rights receiving areas under the central Puget Sound regional transfer of development rights program.

(16) \$16,000 of the general fund--state appropriation for fiscal year 2012 is provided solely to implement section 503 of Substitute House Bill No. 1277 (licensed settings for vulnerable adults). The long-term care ombudsman shall convene an adult family home quality assurance panel to review problems concerning the quality of care for residents in adult family homes. If Substitute House Bill No. 1277 (licensed settings for vulnerable adults) is not enacted by June 30, 2011, the amount provided in this subsection shall lapse.

(17) ~~(\$24,605,000)~~ \$4,291,000 of the general fund--state appropriation for fiscal year 2012 ~~(and \$39,527,000)~~, \$6,882,000 of the general fund--state appropriation for fiscal year 2013, and \$6,000,000 of the home security fund--state appropriation are provided solely for establishment of the essential needs and housing support program created in Engrossed Substitute House Bill No. 2082 (essential needs and assistance program). The department of commerce shall contract for these services with counties or community-based organizations involved in providing essential needs and housing supports to low-income persons who meet eligibility pursuant to Engrossed Substitute House Bill No. 2082. The department shall limit the funding used for administration of the program to no more than five percent. Counties and community providers shall limit the funding used for administration of the program to no more than seven percent.

((a) Of the amounts provided in this subsection, \$4,000,000 is provided solely for essential needs to clients who meet the eligibility established in Engrossed Substitute House Bill No. 2082. Counties and community-based organizations shall distribute basic essential products in a manner that prevents abuse. To the greatest extent possible, the counties or community-based organizations shall leverage local or private funds, and volunteer support to acquire and distribute the basic essential products.

(b) Of the amounts provided in this subsection, \$30,000,000 is provided solely for housing support services to individuals who are homeless and eligible for services under this program pursuant to

Engrossed Substitute House Bill No. 2082.

(c) Of the amounts provided in this subsection, \$30,000,000 is provided solely as a contingency fund to provide housing support services for individuals who may become homeless and are otherwise eligible for this program pursuant to Engrossed Substitute House Bill No. 2082.)

**Sec. 125.** 2011 1st sp.s. c 50 s 128 (uncodified) is amended to read as follows:

FOR THE ECONOMIC AND REVENUE FORECAST COUNCIL

General Fund--State Appropriation (FY 2012)	( <del>\$674,000</del> )
.....	\$639,000
General Fund--State Appropriation (FY 2013)	.....( <del>\$728,000</del> )
.....	\$693,000
Lottery Administrative Account--State Appropriation	.....\$50,000
TOTAL APPROPRIATION	.....( <del>\$1,452,000</del> )
.....	\$1,382,000

Sec. 126. 2011 2nd sp.s. c 9 s 118 (uncodified) is amended to read as follows:

FOR THE OFFICE OF FINANCIAL MANAGEMENT

General Fund--State Appropriation (FY 2012)	.....( <del>\$18,627,000</del> )
.....	\$18,112,000
General Fund--State Appropriation (FY 2013)	.....( <del>\$18,851,000</del> )
.....	\$18,027,000
General Fund--Federal Appropriation	.....\$31,534,000
General Fund--Private/Local Appropriation	.....( <del>\$1,270,000</del> )
.....	\$1,370,000
Performance Audits of Government Account--	
State Appropriation	.....( <del>\$25,000</del> )
.....	\$198,000
Economic Development Strategic Reserve Account--	
State Appropriation	.....\$280,000
Department of Personnel Services--State	
Appropriation	.....( <del>\$7,827,000</del> )
.....	\$8,597,000
Data Processing Revolving Account--State	
Appropriation	.....( <del>\$5,208,000</del> )
.....	\$5,918,000
Higher Education Personnel Services Account--State	
Appropriation	.....\$1,537,000
Aquatic Lands Enhancement Account--State Appropriation	.....\$100,000
Forest Fire Protection Assessment Account--State	
Appropriation	.....\$250,000
TOTAL APPROPRIATION	.....( <del>\$85,259,000</del> )
.....	\$85,923,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$1,210,000 of the general fund--state appropriation for fiscal year 2012 and \$1,210,000 of the general fund--state appropriation for fiscal year 2013 are provided solely for implementation of House Bill No. 1178 (regulatory assistance office). If the bill is not enacted by June 30, 2011, the amounts provided in this subsection shall lapse.

(2) \$150,000 of the general fund--state appropriation for fiscal year 2012 is provided solely for the office of financial management to contract with an independent consultant to evaluate and recommend the most cost-effective provision of services required to support the department of social and health services special commitment center on McNeil Island. The evaluation shall include island operation services that include, but are not limited to: (a) Marine transport of passengers and goods; (b) wastewater treatment; (c) fire protection and suppression; (d) electrical supply; (e) water supply; and (f) road maintenance.

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The office of financial management shall solicit the input of Pierce county, the department of corrections, and the department of social and health services in developing the request for proposal, evaluating applications, and directing the evaluation. The consultant shall report to the governor and legislature by November 15, 2011.

(3) \$100,000 of the aquatic lands enhancement account--state appropriation is provided solely for the office of financial management to prepare a report to be used to initiate a comprehensive, long-range planning process for the future of McNeil Island during the 2013-2015 fiscal biennium.

- (a) The report on the initiation of the process must document:
  - (i) Ownership issues, including consultation with the federal government about its current legal requirements associated with the island;
  - (ii) Federal and state decision-making processes to change use or ownership;
  - (iii) Tribal treaty interests;
  - (iv) Fish and wildlife species and their habitats;
  - (v) Land use and public safety needs;
  - (vi) Recreational opportunities for the general public;
  - (vii) Historic and archaeological resources; and
  - (viii) Revenue from and necessary to support potential future uses of the island.

(b) The report shall develop and recommend a comprehensive, long-range planning process for the future of the island and associated aquatic resources, addressing the items in (a) of this subsection.

(c) The office of financial management may use its own staff and other public agency and tribal staff or contract for services, and may create a work group of knowledgeable agencies, organizations, and individuals to assist in preparing the report.

(d) The office of financial management shall engage in broad consultation with interested parties, including, but not limited to:

- (i) Federal agencies with relevant responsibilities;
- (ii) Tribal governments;
- (iii) State agencies;
- (iv) Local governments and communities in the area, including the Anderson Island community, Steilacoom, and Pierce county; and
- (v) Interested private organizations and individuals.

(e) The report must be submitted to the governor and appropriate committees of the legislature by October 1, 2012.

(4) The appropriations in this section include funding for activities transferred from the sentencing guidelines commission to the office of financial management pursuant to Engrossed Substitute Senate Bill No. 5891 (criminal justice cost savings). Prior to the effective date of Engrossed Substitute Senate Bill No. 5891, the appropriations in this section may be expended for the continued operations and expenses of the sentencing guidelines commission pursuant to the expenditure authority schedule produced by the office of financial management in accordance with chapter 43.88 RCW.

(5)(a) \$250,000 of the forest fire protection assessment account--state appropriation is provided solely for the office of financial management to contract for analysis and recommendations to improve the efficiency and effectiveness of the state's mechanisms for funding fire prevention and suppression activities.

(b) The contract must provide for: (i) Consultation with the appropriate committees of the legislature, the office of financial management, the department of natural resources, and appropriate stakeholders at the onset of the contract regarding the scope of and timeline for the analysis and recommendations; (ii) by September 1, 2012, development of initial analysis of potential means to improve the efficiency and effectiveness of the state's mechanisms for

funding fire prevention and suppression activities, including analysis of such options as the use of private or state insurance, the increased use of revolving accounts, and any examples where those mechanisms have been previously utilized; (iii) following development of the initial analysis under (b)(ii) of this subsection, distribution of the analysis and solicitation of input from the entities identified in (b)(i) of this subsection; and (iv) based on the input under (b)(iii) of this subsection, development of recommendations for implementation of select potential means to improve the efficiency and effectiveness of the state's mechanisms for funding fire prevention and suppression activities, including the necessary steps for implementation and opportunities and risks associated with the identified mechanisms.

(c) By June 30, 2013, and consistent with RCW 43.01.036, the office of financial management must provide a report to the appropriate committees of the legislature, including the analysis and recommendations developed under this subsection.

(6) The appropriations in this section for the office of regulatory assistance assume the implementation of Senate Bill No. 6023 (permit efficiency).

**Sec. 127.** 2011 2nd sp.s. c 9 s 119 (uncodified) is amended to read as follows:

FOR THE OFFICE OF ADMINISTRATIVE HEARINGS  
Administrative Hearings Revolving Account--State

Appropriation .....	(\$34,043,000))
.....	\$35,847,000

The appropriation in this section is subject to the following conditions and limitations: \$769,000 of the administrative hearings revolving account--state appropriation is provided solely to implement Engrossed Substitute Senate Bill No. 5921 (social services programs). If the bill is not enacted by June 30, 2011, the amount provided in this subsection shall lapse.

**Sec. 128.** 2011 2nd sp.s. c 9 s 120 (uncodified) is amended to read as follows:

FOR THE WASHINGTON STATE LOTTERY  
Lottery Administrative Account--State

Appropriation (( <del>\$25,709,000</del> ))	
\$24,908,000	

The appropriation in this section is subject to the following conditions and limitations: Funding is reduced for administrative and operating costs that do not impact revenue-generating activities. Beyond these savings, the state lottery shall consider methods of achieving other efficiencies, including reductions in unproductive marketing expenses, reductions in contracted services, adjustments to prize payments, and disbursements of unclaimed prize moneys in order to increase distributions to beneficiaries.

**Sec. 129.** 2011 1st sp.s. c 50 s 132 (uncodified) is amended to read as follows:

FOR THE COMMISSION ON HISPANIC AFFAIRS

General Fund--State Appropriation (FY 2012) .....	(((\$246,000))
.....	\$234,000
General Fund--State Appropriation (FY 2013) .....	(((\$250,000))
.....	\$237,000
TOTAL APPROPRIATION .....	(((\$496,000))
.....	\$471,000

Sec. 130. 2011 1st sp.s. c 50 s 133 (uncodified) is amended to read as follows:

FOR THE COMMISSION ON AFRICAN-AMERICAN AFFAIRS

General Fund--State Appropriation (FY 2012) .....	(((\$239,000))
.....	\$221,000
General Fund--State Appropriation (FY 2013) .....	(((\$238,000))
.....	\$232,000
TOTAL APPROPRIATION .....	(((\$477,000))
.....	\$453,000

Sec. 131. 2011 2nd sp.s. c 9 s 121 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF RETIREMENT SYSTEMS--OPERATIONS**

Department of Retirement Systems Expense  
 Account--State Appropriation.....(((\$47,049,000))  
 .....\$47,128,000

The appropriation in this section is subject to the following conditions and limitations:

(1) \$146,000 of the department of retirement systems--state appropriation is provided solely for the administrative costs associated with implementation of House Bill No. 2070 (state and local government employees). If the bill is not enacted by June 30, 2011, the amount provided in this subsection shall lapse.

(2) \$65,000 of the department of retirement systems--state appropriation is provided solely for the administrative costs associated with implementation of House Bill No. 1625 (plan 3 default investment option). If the bill is not enacted by June 30, 2011, the amount provided in this subsection shall lapse.

(3) \$133,000 of the department of retirement systems--state appropriation is provided solely for the administrative costs associated with implementation of Engrossed House Bill No. 1981 as amended (post-retirement employment). If the bill is not enacted by June 30, 2011, the amount provided in this subsection shall lapse.

(4) \$15,000 of the department of retirement systems expense account--state appropriation is provided solely for the administrative costs associated with implementation of Substitute House Bill No. 2021 (plan 1 annual increase amounts). If the bill is not enacted by June 30, 2011, the amount provided in this section shall lapse.

(5) \$64,000 of the department of retirement systems expense account--state appropriation is provided solely for the administrative costs associated with implementation of House Bill No. 2441 (limiting excess compensation). If the bill is not enacted by June 30, 2012, the amount provided in this subsection shall lapse.

(6) \$32,000 of the department of retirement systems expense account--state appropriation is provided solely for the administrative costs associated with implementation of Senate Bill No. 5159 (transfer of service into the Washington state patrol retirement system). If the bill is not enacted by June 30, 2012, the amount provided in this subsection shall lapse.

**Sec. 132.** 2011 2nd sp.s. c 9 s 122 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF REVENUE**

General Fund--State Appropriation (FY 2012) .....(((\$100,927,000))  
 .....\$101,044,000  
 General Fund--State Appropriation (FY 2013) .....(((\$100,801,000))  
 .....\$101,929,000  
 Timber Tax Distribution Account--State Appropriation \$5,940,000  
 Waste Reduction/Recycling/Litter Control--State  
 Appropriation .....\$129,000  
 Waste Tire Removal Account--State Appropriation .....\$2,000  
 State Toxics Control Account--State Appropriation.....\$87,000  
 Oil Spill Prevention Account--State Appropriation.....\$19,000  
 Master License Fund--State Appropriation .....(((\$14,012,000))  
 .....\$14,810,000  
 Vehicle License Fraud Account--State Appropriation .....\$5,000  
 Performance Audits of Government Account--State  
 Appropriation .....\$3,188,000  
**TOTAL APPROPRIATION** .....(((\$225,110,000))  
 .....\$227,153,000

The appropriations in this section are subject to the following conditions and limitations: \$120,000 of the general fund--state appropriation for fiscal year 2012, \$1,133,000 of the general fund--state appropriation for fiscal year 2013, and \$798,000 of the master

license fund--state appropriation are provided solely for implementation of Engrossed Substitute Senate Bill No. 6356 (single portal for business). If the bill is not enacted by June 30, 2012, the amounts provided in this subsection shall lapse.

Sec. 133. 2011 1st sp.s. c 50 s 137 (uncodified) is amended to read as follows:

**FOR THE BOARD OF TAX APPEALS**

General Fund--State Appropriation (FY 2012) .....(((\$1,241,000))  
 .....\$1,179,000  
 General Fund--State Appropriation (FY 2013) .....(((\$1,219,000))  
 .....\$1,158,000  
**TOTAL APPROPRIATION** .....(((\$2,460,000))  
 .....\$2,337,000

Sec. 134. 2011 2nd sp.s. c 9 s 123 (uncodified) is amended to read as follows:

**FOR THE OFFICE OF MINORITY AND WOMEN'S BUSINESS ENTERPRISES**

OMWBE Enterprises Account--State Appropriation .(((\$3,264,000))  
 .....\$3,680,000

Sec. 135. 2011 2nd sp.s. c 9 s 125 (uncodified) is amended to read as follows:

**FOR THE INSURANCE COMMISSIONER**

General Fund--Federal Appropriation .....\$4,452,000  
 Insurance Commissioners Regulatory Account--State  
 Appropriation .....(((\$47,514,000))  
 .....\$47,512,000  
**TOTAL APPROPRIATION** .....(((\$51,966,000))  
 .....\$51,964,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$75,000 of the insurance commissioner's regulatory account--state appropriation is provided solely for the implementation of Substitute Senate Bill No. 5445 (health benefit exchange).

(2) \$42,000 of the insurance commissioner's regulatory account--state appropriation is provided solely for the implementation of Senate Bill No. 5213 (insurance statutes).

Sec. 136. 2011 2nd sp.s. c 9 s 128 (uncodified) is amended to read as follows:

**FOR THE LIQUOR CONTROL BOARD**

Liquor Control Board Construction and Maintenance  
 Account--State Appropriation.....(((\$10,081,000))  
 .....\$3,063,000  
 Liquor Revolving Account--State Appropriation ...(((\$176,238,000))  
 .....\$170,409,000  
 General Fund--Federal Appropriation .....(((\$120,000))  
 .....\$945,000  
 General Fund--Private/Local Appropriation.....\$25,000  
 Liquor Excise Tax Account--State Appropriation .....\$5,675,000  
**TOTAL APPROPRIATION** .....(((\$186,439,000))  
 .....\$180,117,000

Sec. 137. 2011 2nd sp.s. c 9 s 129 (uncodified) is amended to read as follows:

**FOR THE UTILITIES AND TRANSPORTATION COMMISSION**

General Fund--Federal Appropriation .....\$502,000  
 General Fund--Private/Local Appropriation.....\$11,175,000  
 Public Service Revolving Account--State  
 Appropriation .....(((\$30,992,000))  
 .....\$31,145,000  
 Pipeline Safety Account--State Appropriation .....\$3,201,000  
 Pipeline Safety Account--Federal Appropriation .....\$2,848,000  
**TOTAL APPROPRIATION** .....(((\$48,718,000))  
 .....\$48,871,000



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The appropriations in this section are subject to the following conditions and limitations:

(1) In accordance with RCW 80.36.610(1), the utilities and transportation commission is authorized to establish federal telecommunications act services fees in fiscal year 2012 as necessary to meet the actual costs of conducting business and the appropriation levels in this section.

(2) \$15,000 of the pipeline safety account--state appropriation is provided solely for the implementation of Engrossed Second Substitute House Bill No. 1634 (underground utilities).

(3) \$182,000 of the public service revolving account--state appropriation is provided solely for the implementation of Engrossed Second Substitute Senate Bill No. 5769 (coal-fired generation).

(4) \$169,000 of the public service revolving account--state appropriation is provided solely for the implementation of Second Substitute Senate Bill No. 5034 (private infrastructure).

Sec. 138. 2011 2nd sp.s. c 9 s 130 (uncodified) is amended to read as follows:

FOR THE MILITARY DEPARTMENT

General Fund--State Appropriation (FY 2012) .....	(\$7,175,000)
.....	\$7,173,000
General Fund--State Appropriation (FY 2013) .....	(\$7,175,000)
.....	\$7,171,000
General Fund--Federal Appropriation .....	\$159,181,000
Enhanced 911 Account--State Appropriation.....	(\$46,556,000)
.....	\$48,626,000
Disaster Response Account--State Appropriation .....	\$17,933,000
Disaster Response Account--Federal Appropriation .....	\$66,266,000
Military Department Rent and Lease Account--State	
Appropriation .....	\$615,000
Worker and Community Right-to-Know Account--State	
Appropriation .....	\$2,165,000
TOTAL APPROPRIATION .....	(\$307,066,000)
.....	\$309,130,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$18,018,000 of the disaster response account--state appropriation and \$66,266,000 of the disaster response account--federal appropriation may be spent only on disasters declared by the governor and with the approval of the office of financial management. The military department shall submit a report to the office of financial management and the legislative fiscal committees on October 1st and February 1st of each year detailing information on the disaster response account, including: (a) The amount and type of deposits into the account; (b) the current available fund balance as of the reporting date; and (c) the projected fund balance at the end of the 2011-2013 biennium based on current revenue and expenditure patterns.

(2) \$75,000,000 of the general fund--federal appropriation is provided solely for homeland security, subject to the following conditions:

(a) Any communications equipment purchased by local jurisdictions or state agencies shall be consistent with standards set by the Washington state interoperability executive committee; and

(b) The department shall submit an annual report to the office of financial management and the legislative fiscal committees detailing the governor's domestic security advisory group recommendations; homeland security revenues and expenditures, including estimates of total federal funding for the state; and incremental changes from the previous estimate.

Sec. 139. 2011 2nd sp.s. c 9 s 131 (uncodified) is amended to read as follows:

FOR THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

General Fund--State Appropriation (FY 2012) .....	(\$2,346,000)
.....	\$2,110,000
General Fund--State Appropriation (FY 2013) .....	(\$2,400,000)
.....	\$2,161,000
Higher Education Personnel Services Account--State	
Appropriation .....	\$251,000
Department of Personnel Service Account--State	
Appropriation .....	\$3,309,000
TOTAL APPROPRIATION .....	(\$8,306,000)
.....	\$7,831,000

Sec. 140. 2011 2nd sp.s. c 9 s 132 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF ENTERPRISE SERVICES

General Fund--State Appropriation (FY 2012) .....	(\$3,501,000)
.....	\$3,328,000
General Fund--State Appropriation (FY 2013) .....	(\$3,495,000)
.....	\$3,265,000
General Fund--Federal Appropriation .....	\$177,000
General Fund--Private/Local Appropriation.....	\$368,000
Building Code Council Account--State Appropriation ...	\$1,187,000
Department of Personnel Service Account--State	
Appropriation .....	(\$11,119,000)
.....	\$11,131,000
Enterprise Services Account--State Appropriation...	(\$26,540,000)
.....	\$26,585,000
TOTAL APPROPRIATION .....	(\$46,387,000)
.....	\$46,041,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The appropriations in this section are for the operations and expenses of the department of enterprise services as established by Engrossed Substitute Senate Bill No. 5931 (central service functions of state government), effective October 1, 2011. Prior to October 1, 2011, the appropriations in this section may be expended for the continued operations and expenses of the office of financial management, the department of general administration, the department of information services, and the department of personnel, pursuant to the expenditure authority schedules produced by the office of financial management, in accordance with chapter 43.88 RCW.

(2) (~~\$3,090,000~~) \$3,028,000 of the general fund--state appropriation for fiscal year 2012 and (~~\$3,090,000~~) \$2,967,000 of the general fund--state appropriation for fiscal year 2013 are provided solely for the payment of facilities and services charges, utilities and contracts charges, public and historic facilities charges, and capital projects surcharges allocable to the senate, house of representatives, statute law committee, and joint legislative systems committee. The department shall allocate charges attributable to these agencies among the affected revolving funds. The department shall maintain an interagency agreement with these agencies to establish performance standards, prioritization of preservation and capital improvement projects, and quality assurance provisions for the delivery of services under this subsection. The legislative agencies named in this subsection shall continue to enjoy all of the same rights of occupancy and space use on the capitol campus as historically established.

(3) In accordance with RCW 46.08.172 and 43.135.055, the department is authorized to increase parking fees in fiscal years 2012 and 2013 as necessary to meet the actual costs of conducting business.

(4) The building code council account appropriation is provided solely for the operation of the state building code council as required by statute and modified by the standards established by executive order 10-06. The council shall not consider any proposed code amendment or take any other action not authorized by statute or in

compliance with the standards established in executive order 10-06. No member of the council may receive compensation, per diem, or reimbursement for activities other than physical attendance at those meetings of the state building code council or the council's designated committees, at which the opportunity for public comment is provided generally and on all agenda items upon which the council proposes to take action.

(5) Specific funding is provided for the purposes of section 3 of House Bill No. 1770 (state purchasing).

(6) The amounts appropriated in this section are for implementation of Senate Bill No. 5931 (streamlining central service functions).

**Sec. 141.** 2011 1st sp.s. c 50 s 151 (uncodified) is amended to read as follows:

**FOR INNOVATE WASHINGTON**

General Fund--State Appropriation (FY 2012) .....	(\$2,999,000)
.....	\$2,911,000
General Fund--State Appropriation (FY 2013) .....	(\$3,011,000)
.....	\$2,798,000
<b>TOTAL APPROPRIATION .....</b>	<b>(\$6,010,000)</b>
.....	\$5,709,000

(End of part)

**PART II  
HUMAN SERVICES**

**Sec. 201.** 2011 2nd sp.s. c 9 s 201 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

(1) The appropriations to the department of social and health services in this act shall be expended for the programs and in the amounts specified in this act. Appropriations made in this act to the department of social and health services shall initially be allotted as required by this act. Subsequent allotment modifications shall not include transfers of moneys between sections of this act except as expressly provided in this act, nor shall allotment modifications permit moneys that are provided solely for a specified purpose to be used for other than that purpose.

(2) The department of social and health services shall not initiate any services that require expenditure of state general fund moneys unless expressly authorized in this act or other law. The department may seek, receive, and spend, under RCW 43.79.260 through 43.79.282, federal moneys not anticipated in this act as long as the federal funding does not require expenditure of state moneys for the program in excess of amounts anticipated in this act. If the department receives unanticipated unrestricted federal moneys, those moneys shall be spent for services authorized in this act or in any other legislation providing appropriation authority, and an equal amount of appropriated state general fund moneys shall lapse. Upon the lapsing of any moneys under this subsection, the office of financial management shall notify the legislative fiscal committees. As used in this subsection, "unrestricted federal moneys" includes block grants and other funds that federal law does not require to be spent on specifically defined projects or matched on a formula basis by state funds.

(3) The health care authority and the department are authorized to develop an integrated health care program designed to slow the progression of illness and disability and better manage medicaid expenditures for the aged and disabled population. Under this Washington medicaid integration partnership (WMIP), the health care authority and the department may combine and transfer such medicaid funds appropriated under sections 204, 206, 208, and 213 of this act as may be necessary to finance a unified health care plan

for the WMIP program enrollment. The WMIP pilot projects shall not exceed a daily enrollment of 6,000 persons, nor expand beyond one county during the 2011-2013 fiscal biennium. The amount of funding assigned from each program may not exceed the average per capita cost assumed in this act for individuals covered by that program, actuarially adjusted for the health condition of persons enrolled, times the number of clients enrolled. In implementing the WMIP, the health care authority and the department may: (a) Withhold from calculations of "available resources" as set forth in RCW 71.24.025 a sum equal to the capitated rate for enrolled individuals; and (b) employ capitation financing and risk-sharing arrangements in collaboration with health care service contractors licensed by the office of the insurance commissioner and qualified to participate in both the medicaid and medicare programs. The health care authority and the department shall conduct an evaluation of the WMIP, measuring changes in participant health outcomes, changes in patterns of service utilization, participant satisfaction, participant access to services, and the state fiscal impact.

(4) The legislature finds that medicaid payment rates, as calculated by the department pursuant to the appropriations in this act, bear a reasonable relationship to the costs incurred by efficiently and economically operated facilities for providing quality services and will be sufficient to enlist enough providers so that care and services are available to the extent that such care and services are available to the general population in the geographic area. The legislature finds that cost reports, payment data from the federal government, historical utilization, economic data, and clinical input constitute reliable data upon which to determine the payment rates.

(5) The department shall to the maximum extent practicable use the same system for delivery of spoken-language interpreter services for social services appointments as the one established for medical appointments in section 213 of this act. When contracting directly with an individual to deliver spoken language interpreter services, the department shall only contract with language access providers who are working at a location in the state and who are state-certified or state-authorized, except that when such a provider is not available, the department may use a language access provider who meets other certifications or standards deemed to meet state standards, including interpreters in other states.

(6)(a) The appropriations to the department of social and health services in this act shall be expended for the programs and in the amounts specified in this act. However, after May 1, 2012, unless specifically prohibited by this act, the department may transfer general fund--state appropriations for fiscal year 2012 among programs after approval by the director of financial management. However, the department shall not transfer state moneys that are provided solely for a specified purpose except as expressly provided in (b) of this subsection.

(b) To the extent that transfers under (a) of this subsection are insufficient to fund actual expenditures in excess of fiscal year 2012 caseload forecasts and utilization assumptions in the long-term care, foster care, adoptions support, medicaid personal care, and child support programs, the department may transfer state moneys that are provided solely for a specified purpose. The department shall not transfer funds, and the director of financial management shall not approve the transfer, unless the transfer is consistent with the objective of conserving, to the maximum extent possible, the expenditure of state funds. The director of financial management shall notify the appropriate fiscal committees of the senate and house of representatives in writing seven days prior to approving any allotment modifications or transfers under this subsection. The written notification shall include a narrative explanation and justification of the changes, along with expenditures and allotments by budget unit and appropriation, both before and after any allotment modifications or transfers.

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Sec. 202. 2011 2nd sp.s. c 9 s 202 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--CHILDREN AND FAMILY SERVICES PROGRAM

General Fund--State Appropriation (FY 2012) .....	(\$295,011,000))
.....	\$285,329,000
General Fund--State Appropriation (FY 2013) .....	(\$294,232,000))
.....	\$278,374,000
General Fund--Federal Appropriation .....	(\$487,912,000))
.....	\$475,927,000
General Fund--Private/Local Appropriation.....	\$1,358,000
Home Security Fund--State Appropriation.....	\$10,741,000
Domestic Violence Prevention Account--State	
Appropriation .....	(\$1,154,000))
.....	\$1,240,000
Education Legacy Trust Account--State Appropriation.....	\$725,000
TOTAL APPROPRIATION .....	(\$1,091,133,000))
.....	\$1,053,694,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Within amounts provided for the foster care and adoption support programs, the department shall control reimbursement decisions for foster care and adoption support cases such that the aggregate average cost per case for foster care and for adoption support does not exceed the amounts assumed in the projected caseload expenditures.

(2) (~~(\$668,000))~~ \$651,000 of the general fund--state appropriation for fiscal year 2012 and (~~(\$668,000))~~ \$601,000 of the general fund-- state appropriation for fiscal year 2013 are provided solely to contract for the operation of one pediatric interim care center. The center shall provide residential care for up to thirteen children through two years of age. Seventy-five percent of the children served by the center must be in need of special care as a result of substance abuse by their mothers. The center shall also provide on-site training to biological, adoptive, or foster parents. The center shall provide at least three months of consultation and support to the parents accepting placement of children from the center. The center may recruit new and current foster and adoptive parents for infants served by the center. The department shall not require case management as a condition of the contract. The department shall collaborate with the pediatric interim care center to determine if and how the center could be appropriately incorporated into the performance-based contract model and report its findings to the legislature by December 1, 2012.

(3)(a) (~~(\$85,202,000))~~ \$80,402,000 of the general fund--state appropriation for fiscal year 2012, (~~(\$85,408,000))~~ \$80,477,000 of the general fund--state appropriation for fiscal year 2013, and (~~(\$79,279,000))~~ \$74,358,000 of the general fund--federal appropriation are provided solely for services for children and families (~~subject to RCW 74.13.360 and House Bill No. 2122 (child welfare). Prior to approval of contract services pursuant to RCW 74.13.360 and House Bill No. 2122,)~~). The amounts provided in this section shall be allotted on a monthly basis and expenditures shall not exceed allotments based on a three month rolling average without approval of the office of financial management following notification to the legislative fiscal committees.

(b) The department shall use performance-based contracts to provide services to safely reduce the number of children in out-of-home care, safely reduce the time spent in out-of-home care prior to achieving permanency, and safely reduce the number of children returning to out-of-home care following permanency. The department shall provide an initial report to the legislature and the governor by January 15, 2012, regarding the start-up costs

associated with performance-based contracts under RCW 74.13.360 (~~and House Bill No. 2122 (child welfare)~~)).

(4) \$176,000 of the general fund--state appropriation for fiscal year 2012, \$177,000 of the general fund--state appropriation for fiscal year 2013, \$656,000 of the general fund--private/local appropriation, \$253,000 of the general fund--federal appropriation, and \$725,000 of the education legacy trust account--state appropriation are provided solely for children's administration to contract with an educational advocacy provider with expertise in foster care educational outreach. The amounts in this subsection are provided solely for contracted education coordinators to assist foster children in succeeding in K-12 and higher education systems and to assure a focus on education during the transition to performance based contracts. Funding shall be prioritized to regions with high numbers of foster care youth and/or regions where backlogs of youth that have formerly requested educational outreach services exist. The department shall utilize private matching funds to maintain educational advocacy services.

(5) \$670,000 of the general fund--state appropriation for fiscal year 2012 and \$670,000 of the general fund--state appropriation for fiscal year 2013 are provided solely for services provided through children's advocacy centers.

(6) To ensure expenditures remain within available funds appropriated in this section as required by RCW 74.13A.005 and 74.13A.020, the secretary shall not set the amount of any adoption assistance payment or payments, made pursuant to RCW 26.33.320 and 74.13A.005 through 74.13A.080, to more than ninety percent of the foster care maintenance payment for that child had he or she remained in a foster family home during the same period. This subsection does not apply to adoption assistance agreements in existence on the effective date of this section.

(7) \$10,741,000 of the home security fund--state appropriation is provided solely for the department to contract for services pursuant to RCW 13.32A.030 and 74.15.220. The department shall contract and collaborate with service providers in a manner that maintains the availability and geographic representation of secure and semi-secure crisis residential centers and HOPE centers. To achieve efficiencies and increase utilization, the department shall allow the co-location of these centers, except that a youth may not be placed in a secure facility or the secure portion of a co-located facility except as specifically authorized by chapter 13.32A RCW. The reductions to appropriations in this subsection related to semi-secure crisis residential centers reflect a reduction to the number of beds for semi- secure crisis residential centers and not a reduction in rates. Any secure crisis residential center or semi-secure crisis residential center bed reduction shall not be based solely upon bed utilization. The department is to exercise its discretion in reducing the number of beds but to do so in a manner that maintains availability and geographic representation of semi-secure and secure crisis residential centers.

(8) \$47,000 of the general fund--state appropriation for fiscal year 2012, \$14,000 of the general fund--state appropriation for fiscal year 2013, and \$40,000 of the general fund--federal appropriation are provided solely to implement Substitute House Bill No. 1697 (dependency system). If the bill is not enacted by June 30, 2011, the amounts provided in this subsection shall lapse.

(9) \$564,000 of the general fund--federal appropriation is provided solely to implement Second Substitute House Bill No. 1128 (extended foster care). If the bill is not enacted by June 30, 2011, the amount provided in this subsection shall lapse.

(10) \$1,000,000 of the general fund--state appropriation for fiscal year 2013 and \$616,000 of the general fund--federal appropriation are provided solely for the implementation of Engrossed Substitute Senate Bill No. 6555 (child protective services). If the bill is not

enacted by June 30, 2012, the amounts provided in this subsection shall lapse.

**Sec. 203.** 2011 2nd sp.s. c 9 s 203 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--JUVENILE REHABILITATION PROGRAM**

General Fund--State Appropriation (FY 2012) .....	(\$86,684,000)
.....	\$85,756,000
General Fund--State Appropriation (FY 2013) .....	(\$86,505,000)
.....	\$85,816,000
General Fund--Federal Appropriation .....	(\$3,758,000)
.....	\$3,809,000
General Fund--Private/Local Appropriation.....	\$1,903,000
Washington Auto Theft Prevention Authority Account--	
State Appropriation .....	\$196,000
Juvenile Accountability Incentive Account--Federal	
Appropriation .....	\$2,801,000
<b>TOTAL APPROPRIATION .....</b>	<b>(\$181,847,000)</b>
.....	\$180,281,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$331,000 of the general fund--state appropriation for fiscal year 2012 and \$331,000 of the general fund--state appropriation for fiscal year 2013 are provided solely for deposit in the county criminal justice assistance account for costs to the criminal justice system associated with the implementation of chapter 338, Laws of 1997 (juvenile code revisions). The amounts provided in this subsection are intended to provide funding for county adult court costs associated with the implementation of chapter 338, Laws of 1997 and shall be distributed in accordance with RCW 82.14.310.

(2) \$2,716,000 of the general fund--state appropriation for fiscal year 2012 and \$2,716,000 of the general fund--state appropriation for fiscal year 2013 are provided solely for the implementation of chapter 338, Laws of 1997 (juvenile code revisions). The amounts provided in this subsection are intended to provide funding for county impacts associated with the implementation of chapter 338, Laws of 1997 and shall be distributed to counties as prescribed in the current consolidated juvenile services (CJS) formula.

(3) \$3,482,000 of the general fund--state appropriation for fiscal year 2012 and \$3,482,000 of the general fund--state appropriation for fiscal year 2013 are provided solely to implement community juvenile accountability grants pursuant to chapter 338, Laws of 1997 (juvenile code revisions). Funds provided in this subsection may be used solely for community juvenile accountability grants, administration of the grants, and evaluations of programs funded by the grants.

(4) \$1,130,000 of the general fund--state appropriation for fiscal year 2012 and \$1,130,000 of the general fund--state appropriation for fiscal year 2013 are provided solely to implement alcohol and substance abuse treatment programs for locally committed offenders. The juvenile rehabilitation administration shall award these moneys on a competitive basis to counties that submitted a plan for the provision of services approved by the division of alcohol and substance abuse. The juvenile rehabilitation administration shall develop criteria for evaluation of plans submitted and a timeline for awarding funding and shall assist counties in creating and submitting plans for evaluation.

(5) \$3,123,000 of the general fund--state appropriation for fiscal year 2012 and \$3,123,000 of the general fund--state appropriation for fiscal year 2013 are provided solely for grants to county juvenile courts for the following programs identified by the Washington state institute for public policy (institute) in its October 2006 report: "Evidence-Based Public Policy Options to Reduce Future Prison Construction, Criminal Justice Costs and Crime Rates": Functional family therapy, multi-systemic therapy, aggression replacement

training and interagency coordination programs, or other programs with a positive benefit-cost finding in the institute's report. County juvenile courts shall apply to the juvenile rehabilitation administration for funding for program-specific participation and the administration shall provide grants to the courts consistent with the per-participant treatment costs identified by the institute.

(6) \$1,537,000 of the general fund--state appropriation for fiscal year 2012 and \$1,537,000 of the general fund--state appropriation for fiscal year 2013 are provided solely for expansion of the following treatments and therapies in juvenile rehabilitation administration programs identified by the Washington state institute for public policy in its October 2006 report: "Evidence-Based Public Policy Options to Reduce Future Prison Construction, Criminal Justice Costs and Crime Rates": Multidimensional treatment foster care, family integrated transitions, and aggression replacement training, or other programs with a positive benefit-cost finding in the institute's report. The administration may concentrate delivery of these treatments and therapies at a limited number of programs to deliver the treatments in a cost-effective manner.

(7)(a) The juvenile rehabilitation administration shall administer a block grant, rather than categorical funding, of consolidated juvenile service funds, community juvenile accountability act grants, the chemical dependency disposition alternative funds, the mental health disposition alternative, and the sentencing disposition alternative for the purpose of serving youth adjudicated in the juvenile justice system. In making the block grant, the juvenile rehabilitation administration shall follow the following formula and will prioritize evidence-based programs and disposition alternatives and take into account juvenile courts program-eligible youth in conjunction with the number of youth served in each approved evidence-based program or disposition alternative: (i) Thirty-seven and one-half percent for the at-risk population of youth ten to seventeen years old; (ii) fifteen percent for moderate and high-risk youth; (iii) twenty-five percent for evidence-based program participation; (iv) seventeen and one-half percent for minority populations; (v) three percent for the chemical dependency disposition alternative; and (vi) two percent for the mental health and sentencing dispositional alternatives. Funding for the special sex offender disposition alternative (SSODA) shall not be included in the block grant, but allocated on the average daily population in juvenile courts. Funding for the evidence-based expansion grants shall be excluded from the block grant formula. Funds may be used for promising practices when approved by the juvenile rehabilitation administration and juvenile courts, through the community juvenile accountability act committee, based on the criteria established in consultation with Washington state institute for public policy and the juvenile courts.

(b) The juvenile rehabilitation administration shall phase the implementation of the formula provided in subsection (1) of this section by including a stop-loss formula of five percent in fiscal year 2012 and five percent in fiscal year 2013.

(c) The juvenile rehabilitation administration and the juvenile courts shall establish a block grant funding formula oversight committee with equal representation from the juvenile rehabilitation administration and the juvenile courts. The purpose of this committee is to assess the ongoing implementation of the block grant funding formula, utilizing data-driven decision making and the most current available information. The committee will be cochaired by the juvenile rehabilitation administration and the juvenile courts, who will also have the ability to change members of the committee as needed to achieve its purpose. Initial members will include one juvenile court representative from the finance committee, the community juvenile accountability act committee, the risk assessment quality assurance committee, the executive

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board of the Washington association of juvenile court administrators, the Washington state center for court research, and a representative of the superior court judges association; two representatives from the juvenile rehabilitation administration headquarters program oversight staff, two representatives of the juvenile rehabilitation administration regional office staff, one representative of the juvenile rehabilitation administration fiscal staff and a juvenile rehabilitation administration division director. The committee may make changes to the formula categories other than the evidence-based program and disposition alternative categories if it is determined the changes will increase statewide service delivery or effectiveness of evidence-based program or disposition alternative resulting in increased cost benefit savings to the state. Long-term cost benefit must be considered. Percentage changes may occur in the evidence-based program or disposition alternative categories of the formula should it be determined the changes will increase evidence-based program or disposition alternative delivery and increase the cost benefit to the state. These outcomes will also be considered in determining when evidence-based expansion or special sex offender disposition alternative funds should be included in the block grant or left separate.

(d) The juvenile courts and administrative office of the courts shall be responsible for collecting and distributing information and providing access to the data systems to the juvenile rehabilitation administration and the Washington state institute for public policy related to program and outcome data. The juvenile rehabilitation administration and the juvenile courts will work collaboratively to develop program outcomes that reinforce the greatest cost benefit to the state in the implementation of evidence-based practices and disposition alternatives.

(8) The juvenile courts and administrative office of the courts shall collect and distribute information related to program outcome and provide access to these data systems to the juvenile rehabilitation administration and Washington state institute for public policy. Consistent with chapter 13.50 RCW, all confidentiality agreements necessary to implement this information-sharing shall be approved within 30 days of the effective date of this section. The agreements between administrative office of the courts, the juvenile courts, and the juvenile rehabilitation administration shall be executed to ensure that the juvenile rehabilitation administration receives the data that the juvenile rehabilitation administration identifies as needed to comply with this subsection. This includes, but is not limited to, information by program at the statewide aggregate level, individual court level, and individual client level for the purpose of the juvenile rehabilitation administration providing quality assurance and oversight for the locally committed youth block grant and associated funds and at times as specified by the juvenile rehabilitation administration as necessary to carry out these functions. The data shall be provided in a manner that reflects the collaborative work the juvenile rehabilitation administration and juvenile courts have developed regarding program outcomes that reinforce the greatest cost benefit to the state in the implementation of evidence-based practices and disposition alternatives.

(9) The Washington association of juvenile court administrators and the juvenile rehabilitation administration, in consultation with the community juvenile accountability act advisory committee and the Washington state institute for public policy, shall analyze and review data elements available from the administrative office of the courts for possible integration into the evidence-based program quality assurance plans and processes. The administrative office of the courts shall provide to the Washington association of juvenile court administrators and the juvenile rehabilitation administration information necessary to complete the review and analysis. The

Washington association of juvenile court administrators and the juvenile rehabilitation administration shall report the findings of their review and analysis, as well as any recommendations, to the legislature by December 1, 2012.

**Sec. 204.** 2011 2nd sp.s. c 9 s 204 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--MENTAL HEALTH PROGRAM

(1) COMMUNITY SERVICES/REGIONAL SUPPORT NETWORKS

General Fund--State Appropriation (FY 2012) .....	(\$317,392,000)
.....	\$317,548,000
General Fund--State Appropriation (FY 2013) .....	(\$322,982,000)
.....	\$324,319,000
General Fund--Federal Appropriation .....	(\$448,732,000)
.....	\$449,368,000
General Fund--Private/Local Appropriation.....	\$17,864,000
Hospital Safety Net Assessment Fund--State Appropriation .....	(\$6,802,000)
.....	\$5,251,000
TOTAL APPROPRIATION .....	(\$1,113,772,000)
.....	\$1,114,350,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) \$109,342,000 of the general fund--state appropriation for fiscal year 2012 and \$109,341,000 of the general fund--state appropriation for fiscal year 2013 are provided solely for persons and services not covered by the medicaid program. This is a reduction of \$4,348,000 each fiscal year from the nonmedicaid funding that was allocated for expenditure by regional support networks during fiscal year 2011 prior to supplemental budget reductions. This \$4,348,000 reduction shall be distributed among regional support networks proportional to each network's share of the total state population. To the extent possible, levels of regional support network spending shall be maintained in the following priority order: (i) Crisis and commitment services; (ii) community inpatient services; and (iii) residential care services, including personal care and emergency housing assistance.

(b) \$6,590,000 of the general fund--state appropriation for fiscal year 2012, \$6,590,000 of the general fund--state appropriation for fiscal year 2013, and \$7,620,000 of the general fund--federal appropriation are provided solely for the department and regional support networks to continue to contract for implementation of high-intensity programs for assertive community treatment (PACT) teams. In determining the proportion of medicaid and nonmedicaid funding provided to regional support networks with PACT teams, the department shall consider the differences between regional support networks in the percentages of services and other costs associated with the teams that are not reimbursable under medicaid. The department may allow regional support networks which have nonmedicaid reimbursable costs that are higher than the nonmedicaid allocation they receive under this section to supplement these funds with local dollars or funds received under section 204(1)(a) of this act. The department and regional support networks shall maintain consistency with all essential elements of the PACT evidence-based practice model in programs funded under this section.

(c) \$5,850,000 of the general fund--state appropriation for fiscal year 2012, \$5,850,000 of the general fund--state appropriation for fiscal year 2013, and \$1,300,000 of the general fund--federal appropriation are provided solely for the western Washington regional support networks to provide either community- or hospital campus-based services for persons who require the level of care previously provided by the program for adaptive living skills (PALS) at western state hospital.

(d) The number of nonforensic beds allocated for use by regional support networks at eastern state hospital shall be 192 per day. The number of nonforensic beds allocated for use by regional support networks at western state hospital shall be 557 per day through September 2012, 529 per day through January 2013, and 505 per day from February 2013 through the remainder of fiscal year 2013.

(e) From the general fund--state appropriations in this subsection, the secretary of social and health services shall assure that regional support networks reimburse the aging and disability services administration for the general fund--state cost of medicaid personal care services that enrolled regional support network consumers use because of their psychiatric disability.

(f) \$4,582,000 of the general fund--state appropriation for fiscal year 2012 and \$4,582,000 of the general fund--state appropriation for fiscal year 2013 are provided solely for mental health services for mentally ill offenders while confined in a county or city jail and for facilitating access to programs that offer mental health services upon release from confinement.

(g) The department is authorized to continue to contract directly, rather than through contracts with regional support networks, for children's long-term inpatient facility services.

(h) \$750,000 of the general fund--state appropriation for fiscal year 2012 and \$750,000 of the general fund--state appropriation for fiscal year 2013 are provided solely to continue performance-based incentive contracts to provide appropriate community support services for individuals with severe mental illness who were discharged from the state hospitals as part of the expanding community services initiative. These funds will be used to enhance community residential and support services provided by regional support networks through other state and federal funding.

(i) \$1,125,000 of the general fund--state appropriation for fiscal year 2012 and \$1,125,000 of the general fund--state appropriation for fiscal year 2013 are provided solely for the Spokane regional support network to implement services to reduce utilization and the census at eastern state hospital. Such services shall include:

(i) High intensity treatment team for persons who are high utilizers of psychiatric inpatient services, including those with co-occurring disorders and other special needs;

(ii) Crisis outreach and diversion services to stabilize in the community individuals in crisis who are at risk of requiring inpatient care or jail services;

(iii) Mental health services provided in nursing facilities to individuals with dementia, and consultation to facility staff treating those individuals; and

(iv) Services at the sixteen-bed evaluation and treatment facility.

At least annually, the Spokane regional support network shall assess the effectiveness of these services in reducing utilization at eastern state hospital, identify services that are not optimally effective, and modify those services to improve their effectiveness.

(j) \$1,529,000 of the general fund--state appropriation for fiscal year 2012 and \$1,529,000 of the general fund--state appropriation for fiscal year 2013 are provided solely to reimburse Pierce and Spokane counties for the cost of conducting 180-day commitment hearings at the state psychiatric hospitals.

(k) Regional support networks may use local funds to earn additional federal medicaid match, provided the locally matched rate does not exceed the upper-bound of their federally allowable rate range, and provided that the enhanced funding is used only to provide medicaid state plan or waiver services to medicaid clients. Additionally, regional support networks may use a portion of the state funds allocated in accordance with (a) of this subsection to earn additional medicaid match, but only to the extent that the application of such funds to medicaid services does not diminish the level of

crisis and commitment, community inpatient, residential care, and outpatient services presently available to persons not eligible for medicaid.

(l) Given the recent approval of federal medicaid matching funds for the disability lifeline and the alcohol and drug abuse treatment support act programs, the department shall charge regional support networks for only the state share rather than the total cost of community psychiatric hospitalization for persons enrolled in those programs.

(m) \$750,000 of the general fund--state appropriation for fiscal year 2012, \$750,000 of the general fund--state appropriation for fiscal year 2013, and \$1,500,000 of the general fund--federal appropriation are provided solely to adjust regional support network capitation rates to account for the per diem rates actually paid for psychiatric care provided at hospitals participating in the certified public expenditure program operated pursuant to section 213 of this act.

(2) INSTITUTIONAL SERVICES

General Fund--State Appropriation (FY 2012) .....	(\$115,317,000)
.....	\$115,088,000
General Fund--State Appropriation (FY 2013) .....	(\$114,111,000)
.....	\$110,201,000
General Fund--Federal Appropriation .....	(\$153,324,000)
.....	\$153,780,000
General Fund--Private/Local Appropriation.....	\$67,325,000
TOTAL APPROPRIATION .....	(\$450,077,000)
.....	\$446,394,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) The state psychiatric hospitals may use funds appropriated in this subsection to purchase goods and supplies through hospital group purchasing organizations when it is cost-effective to do so.

(b) \$231,000 of the general fund--state appropriation for fiscal year 2012 and \$231,000 of the general fund--state appropriation for fiscal year 2013 are provided solely for a community partnership between western state hospital and the city of Lakewood to support community policing efforts in the Lakewood community surrounding western state hospital. The amounts provided in this subsection (2)(b) are for the salaries, benefits, supplies, and equipment for one full-time investigator, one full-time police officer, and one full-time community service officer at the city of Lakewood.

(c) \$45,000 of the general fund--state appropriation for fiscal year 2012 and \$45,000 of the general fund--state appropriation for fiscal year 2013 are provided solely for payment to the city of Lakewood for police services provided by the city at western state hospital and adjacent areas.

(d) \$20,000,000 of the general fund--state appropriation for fiscal year 2012 and \$20,000,000 of the general fund--state appropriation for fiscal year 2013 are provided solely to maintain staffed capacity to serve an average daily census in forensic wards at western state hospital of 270 patients per day.

(e) The appropriations in this section reflect efficiencies to be achieved through enactment of Substitute Senate Bill No. 6492 (competency to stand trial). These efficiencies are expected to enable the hospitals to substantially increase the timeliness with which evaluations of defendant competency to stand trial are completed, and treatment to restore competency is initiated, without corresponding increases in state appropriations.

(3) SPECIAL PROJECTS

General Fund--State Appropriation (FY 2012).....	\$1,168,000
General Fund--State Appropriation (FY 2013) .....	(\$1,164,000)
.....	\$1,162,000
General Fund--Federal Appropriation .....	\$4,109,000

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General Fund--Private/Local Appropriation.....	\$700,000
TOTAL APPROPRIATION .....	(\$7,141,000))
.....	\$7,139,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) \$1,161,000 of the general fund--state appropriation for fiscal year 2012 and \$1,161,000 of the general fund--state appropriation for fiscal year 2013 are provided solely for children's evidence based mental health services. Funding is sufficient to continue serving children at the same levels as fiscal year 2009.

(b) \$700,000 of the general fund--private/local appropriation is provided solely for the University of Washington's evidence based practice institute which supports the identification, evaluation, and implementation of evidence-based or promising practices for serving children and youth with mental health disorders. The department shall enter into an interagency agreement with the office of the attorney general for expenditure of \$700,000 of the state's proceeds of the cy pres settlement in State of Washington v. AstraZeneca (Seroquel) for this purpose.

(4) PROGRAM SUPPORT

General Fund--State Appropriation (FY 2012) .....	(\$4,476,000))
.....	\$4,486,000
General Fund--State Appropriation (FY 2013) .....	(\$4,261,000))
.....	\$4,280,000
General Fund--Federal Appropriation .....	(\$7,227,000))
.....	\$7,242,000
General Fund--Private/Local Appropriation.....	\$446,000
TOTAL APPROPRIATION .....	(\$16,410,000))
.....	\$16,454,000

(a) The appropriations in this subsection are subject to the following conditions and limitations: In accordance with RCW 43.20B.110, 43.135.055, and 71.24.035, the department is authorized to increase license and certification fees in fiscal years 2012 and 2013 to support the costs of the regulatory program. The fee schedule increases must be developed so that the maximum amount of additional fees paid by providers statewide in the 2011-2013 fiscal biennium is \$446,000. The department's fee schedule shall have differential rates for providers with proof of accreditation from organizations that the department has determined to have substantially equivalent standards to those of the department, including but not limited to the joint commission on accreditation of health care organizations, the commission on accreditation of rehabilitation facilities, and the council on accreditation. To reflect the reduced costs associated with regulation of accredited programs, the department's fees for organizations with such proof of accreditation must reflect the lower costs of licensing for these programs than for other organizations which are not accredited.

(b) \$19,000 of the general fund--state appropriation for fiscal year 2012, \$17,000 of the general fund--state appropriation for fiscal year 2013, and \$34,000 of the general fund--federal appropriation are provided solely to support a partnership among the department of social and health services, the department of health, and agencies that deliver medical care and behavioral health services in Cowlitz county. The partnership shall identify and recommend strategies for resolving regulatory, licensing, data management, reporting, and funding barriers to more effective integration of primary medical and behavioral health care services in the county.

Sec. 205. 2011 2nd sp.s. c 9 s 205 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--DEVELOPMENTAL DISABILITIES PROGRAM

(1) COMMUNITY SERVICES

General Fund--State Appropriation (FY 2012) .....	(\$418,815,000))
.....	\$405,477,000

General Fund--State Appropriation (FY 2013) .....	(\$422,854,000))
.....	\$421,762,000
General Fund--Federal Appropriation .....	(\$743,532,000))
.....	\$753,200,000
General Fund--Private/Local Appropriation.....	\$184,000
TOTAL APPROPRIATION .....	(\$1,585,385,000))
.....	\$1,580,623,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) Individuals receiving services as supplemental security income (SSI) state supplemental payments shall not become eligible for medical assistance under RCW 74.09.510 due solely to the receipt of SSI state supplemental payments.

(b) Amounts appropriated in this subsection reflect a reduction to funds appropriated for in-home care. The department shall reduce the number of in-home hours authorized. The reduction shall be scaled based on the acuity level of care recipients. The largest hour reductions shall be to lower acuity patients and the smallest hour reductions shall be to higher acuity patients.

(c) Amounts appropriated in this subsection are sufficient to develop and implement the use of a consistent, statewide outcome-based vendor contract for employment and day services by July 1, 2012. The rates paid to vendors under this contract shall also be made consistent. In its description of activities the agency shall include activity listings and dollars appropriated for: Employment services, day services, child development services and county administration of services to the developmentally disabled. The department shall begin reporting to the office of financial management on these activities beginning in fiscal year 2010.

(d) \$944,000 of the general fund--state appropriation for fiscal year 2012, \$944,000 of the general fund--state appropriation for fiscal year 2013, and \$1,888,000 of the general fund--federal appropriation are provided solely for state contributions for individual provider health care benefits. Pursuant to the collective bargaining agreement negotiated with the exclusive bargaining representative of individual providers established under RCW 74.39A.270, the state shall contribute to the multiemployer health benefits trust fund (~~(\$1-96))~~ \$2.21 per paid hour worked by individual providers.

(e) (\$1,871,000 of the general fund--state appropriation for fiscal year 2012, \$1,995,000 of the general fund--state appropriation for fiscal year 2013, and \$3,865,000 of the general fund--federal appropriation are provided solely for home care agencies to purchase health coverage for home care providers. The department shall calculate and distribute payments for health care benefits to home care agencies at \$558 per month for each worker who cares for publicly funded clients at 86 hours or more per month. In order to negotiate the most comprehensive health benefits package for its employees, each agency may determine benefit levels according to the hours an employee works providing state-funded personal care. Health benefits shall be offered to all employees who care for publicly funded clients for 86 hours per month or more. At a minimum, employees who care for publicly funded clients at 140 hours a month or greater must receive a comprehensive medical benefit. Benefits shall not be provided to employees who care for publicly funded clients at 85 hours or less per month or as interim respite workers. The department shall not pay an agency for benefits provided to an employee who otherwise receives health care coverage through other family members, other employment-based coverage, or military or veteran's coverage. The department shall require annually, each home care agency to review each of its employee's available health coverage and to provide a written declaration to the department verifying that health benefits purchased with public funds are solely for employees that do not have other available coverage. Home care agencies may

determine a reasonable employee co-premium not to exceed 20 percent of the total benefit cost.) \$104,669,000 of the general fund--state appropriation for fiscal year 2013 and \$104,669,000 of the general fund--federal appropriation are provided to the department to provide personal care services to waiver and nonwaiver in home clients. Pursuant to Senate Bill No. 6609 (medicaid personal care services program), the department shall provide a personal care services benefit for adult clients under section 1915 (i) of the social security act exclusively utilizing the option that allows for client self-direction of an individualized budget. Clients will be able to spend their budget to secure services from appropriate providers, purchase other support services and therapies, and purchase equipment or make other expenditures as necessary to address the clients' health and safety. The per-client individualized budget shall be established using a methodology that is objective and evidence-based, uses valid, reliable cost data; includes a calculation of the expected cost of each service available under this option; and can be applied consistently to individuals. The department shall operate the program within the amounts specifically provided.

(f) \$1,127,000 of the general fund--state appropriation for fiscal year 2012, \$1,199,000 of the general fund--state appropriation for fiscal year 2013, and \$2,322,000 of the general fund--federal appropriation are provided solely for the state's contribution to the training partnership, as provided in RCW 74.39A.360, for instructional costs associated with the training of individual providers. House Bill No. 1548 and Senate Bill No. 5473 (long-term care worker requirements) make statutory changes to the increased training requirements and therefore the state shall contribute to the partnership \$0.17 per paid hour worked by all home care workers. This amount is pursuant to the collective bargaining agreement negotiated with the exclusive bargaining representative of individual providers established under RCW 74.39A.270. Expenditures for the purposes specified in this subsection shall not exceed the amounts provided in this subsection.

(g)(i) Within the amounts appropriated in this subsection, the department shall revise the current working age adult policy to allow clients to choose between employment and community access activities. Clients age 21 and older who are receiving services through a home- and community-based medicaid waiver shall be offered the choice to transition to a community access program after nine months of enrollment in an employment program, and the option to transition from a community access program to an employment program at any time. The department shall inform clients and their legal representatives of all available options for employment and day services. Information provided to the client and the client's legal representative shall include the types of activities each service option provides, and the amount, scope, and duration of service for which the client would be eligible under each service option. An individual client may be authorized for only one service option, either employment services or community access services. Clients may not participate in more than one of these services at any given time.

(ii) The department shall work with counties and stakeholders to strengthen and expand the existing community access program. The program must emphasize support for the client so they are able to participate in activities that integrate them into their community and support independent living and skills.

(iii) The appropriation in this subsection includes funding to provide employment or community access services to 168 medicaid eligible young adults with developmental disabilities living with their families who need employment opportunities and assistance after high school graduation.

(h) \$75,000 of the general fund--state appropriation for fiscal year 2012 and \$75,000 of the general fund--state appropriation for

fiscal year 2013 are provided solely for the restoration of direct support to local organizations that utilize parent-to-parent networks and communication to promote access and quality of care for individuals with developmental disabilities and their families.

(i) In accordance with Engrossed Substitute House Bill No. 1277 (licensed settings for vulnerable adults), adult family home license fees are increased in fiscal years 2012 and 2013 to support the costs of conducting licensure, inspection, and regulatory programs.

(i) The current annual renewal license fee for adult family homes shall be increased to \$100 per bed beginning in fiscal year 2012 and \$175 per bed beginning in fiscal year 2013. Adult family homes shall receive a corresponding vendor rate increase per medicaid patient day of \$0.22 in fiscal year 2012 and \$0.43 in fiscal year 2013 to cover the cost of the license fee increase for publicly funded beds.

(ii) Beginning in fiscal year 2012, a processing fee of \$2,750 shall be charged to each adult family home when the home is initially licensed. This fee is nonrefundable.

(j) Clients with developmental disabilities have demonstrated a need and a desire for a day services program as verified by over 900 clients currently accessing day programs through a long- term care service model. In addition, every individual, to include those with a developmental disability, should have the opportunity for meaningful employment which allows them to contribute to their communities and to become as self-sufficient as possible. Providing choice empowers recipients of publicly funded services and their families by expanding their degree of control over the services and supports they need.

The department shall work with legislators and stakeholders to develop a new approach to employment and day services. The objective of this plan is to ensure that adults with developmental disabilities have optimum choices, and that employment and day offerings are comprehensive enough to meet the needs of all clients currently served on a home and community based waiver. The proposal shall be submitted to the 2012 legislature for consideration and shall be constructed such that a client ultimately receives employment, community access, or the community day option but not more than one service at a time. The proposal shall include options for program efficiencies within the current employment and day structure and shall provide details on the plan to implement a consistent, statewide outcome-based vendor contract for employment and day services as specified in (c) of this subsection.

(2) INSTITUTIONAL SERVICES

General Fund--State Appropriation (FY 2012) .....	(\$80,815,000))
.....	\$75,503,000
General Fund--State Appropriation (FY 2013) .....	(\$79,939,000))
.....	\$80,271,000
General Fund--Federal Appropriation .....	(\$154,388,000))
.....	\$154,403,000
General Fund--Private/Local Appropriation.....	\$22,043,000
TOTAL APPROPRIATION .....	(\$337,185,000))
.....	\$332,220,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) Individuals receiving services as supplemental security income (SSI) state supplemental payments shall not become eligible for medical assistance under RCW 74.09.510 due solely to the receipt of SSI state supplemental payments.

(b) \$721,000 of the general fund--state appropriation for fiscal year 2012 and \$721,000 of the general fund--state appropriation for fiscal year 2013 are for the department to fulfill its contracts with the school districts under chapter 28A.190 RCW to provide transportation, building space, and other support services as are



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reasonably necessary to support the educational programs of students living in residential habilitation centers.

(c) \$100,000 of the general fund--state appropriation for fiscal year 2013 is provided solely for operations of the Rainier school vision development committee, hereby established to create a long-range vision and development plan for the Rainier school.

(a) The committee shall consist of:

(i) Three members of the legislature representing the thirty-first legislative district;

(ii) Two persons representing the cities of Enumclaw and Buckley;

(iii) Two persons representing the chambers of commerce of the cities of Enumclaw and Buckley;

(iv) Two persons representing the friends of Rainier school organization; and

(v) One person representing the Pierce county developmental disabilities board.

(b) The committee shall create and submit to the legislature a long-range community vision and development plan for the efficient use of the Rainier school facility to best serve the needs of persons with developmental disabilities, including the establishment of a respite care center for families and other caregivers of persons with developmental disabilities.

(3) PROGRAM SUPPORT

General Fund--State Appropriation (FY 2012) .....	(\$1,380,000)
.....	\$1,382,000
General Fund--State Appropriation (FY 2013) .....	(\$1,371,000)
.....	\$1,374,000
General Fund--Federal Appropriation .....	\$1,323,000
TOTAL APPROPRIATION .....	(\$4,074,000)
.....	\$4,079,000

(4) SPECIAL PROJECTS

General Fund--State Appropriation (FY 2012) .....	(\$4,648,000)
.....	\$4,658,000
General Fund--State Appropriation (FY 2013) .....	(\$4,637,000)
.....	\$4,657,000
General Fund--Federal Appropriation .....	(\$9,575,000)
.....	\$9,588,000
General Fund--Private/Local Appropriation.....	\$998,000
TOTAL APPROPRIATION .....	(\$19,858,000)
.....	\$19,901,000

The appropriations in this subsection are subject to the following conditions and limitations:

Amounts appropriated in this subsection are for the purposes of transitioning clients with developmental disabilities into community settings. The department is authorized as needed to use these funds to either pay for clients residing within a residential habilitation center or for placements in the community. Pursuant to Second Substitute Senate Bill No. 5459 (services for people with developmental disabilities), funding in this subsection must be prioritized for the purpose of facilitating the consolidation and closure of Frances Haddon Morgan Center. The department shall use a person-centered approach in developing the discharge plan to assess each resident's needs and identify services the resident requires to successfully transition to the community or another residential habilitation center. The department is authorized to use any savings from this effort for the purpose of developing community resources to address the needs of clients with developmental disabilities who are in crisis or in need of respite. The department shall track the costs and savings of closing Frances Haddon Morgan Center and any investments into community placements and resources. The department shall provide a fiscal progress report to the legislature by December 5, 2011.

Sec. 206. 2011 2nd sp.s. c 9 s 206 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--AGING AND ADULT SERVICES PROGRAM

General Fund--State Appropriation (FY 2012) .....	(\$781,995,000)
.....	\$791,974,000
General Fund--State Appropriation (FY 2013) .....	(\$804,465,000)
.....	\$812,180,000
General Fund--Federal Appropriation .....	(\$1,680,450,000)
.....	\$1,693,938,000
General Fund--Private/Local Appropriation.....	\$27,517,000
Traumatic Brain Injury Account--State Appropriation....	\$3,388,000
Nursing Facility Quality Assurance Account--State	
Appropriation .....	(\$88,071,000)
.....	\$88,000,000
TOTAL APPROPRIATION .....	(\$3,385,886,000)
.....	\$3,416,997,000

The appropriations in this section are subject to the following conditions and limitations:

(1) For purposes of implementing chapter 74.46 RCW, the weighted average nursing facility payment rate shall not exceed \$170.37 for fiscal year 2012 and shall not exceed \$171.43 for fiscal year 2013, including the rate add-ons described in (a) and (b) of this subsection. However, if the waiver requested from the federal centers for medicare and medicaid services in relation to the safety net assessment created by Engrossed Substitute Senate Bill No. 5581 (nursing home payments) is for any reason not approved and implemented, the weighted average nursing facility payment rate shall not exceed \$159.87 for fiscal year 2012 and shall not exceed \$160.93 for fiscal year 2013. There will be no adjustments for economic trends and conditions in fiscal years 2012 and 2013. The economic trends and conditions factor or factors defined in the biennial appropriations act shall not be compounded with the economic trends and conditions factor or factors defined in any other biennial appropriations acts before applying it to the component rate allocations established in accordance with chapter 74.46 RCW. When no economic trends and conditions factor for either fiscal year is defined in a biennial appropriations act, no economic trends and conditions factor or factors defined in any earlier biennial appropriations act shall be applied solely or compounded to the component rate allocations established in accordance with chapter 74.46 RCW.

(a) Within the funds provided, the department shall continue to provide an add-on per medicaid resident day per facility not to exceed \$1.57. The add-on shall be used to increase wages, benefits, and/or staffing levels for certified nurse aides; or to increase wages and/or benefits for dietary aides, housekeepers, laundry aides, or any other category of worker whose statewide average dollars-per-hour wage was less than \$15 in calendar year 2008, according to cost report data. The add-on may also be used to address resulting wage compression for related job classes immediately affected by wage increases to low-wage workers. The department shall continue reporting requirements and a settlement process to ensure that the funds are spent according to this subsection.

(b) The department shall do a comparative analysis of the facility- based payment rates calculated on July 1, ~~((2011))~~ 2012, using the payment methodology defined in ~~((Engrossed Substitute Senate Bill No. 5581 (nursing home payments)))~~ chapter 74.46 RCW and including the add- on in (a) of this subsection, to the facility-based payment rates in effect June 30, 2010. If the facility-based payment rate calculated on July 1, ~~((2011))~~ 2012, is smaller than the facility-based payment rate on June 30, 2010, then the difference shall be provided to the individual nursing facilities as an add-on payment per medicaid resident day.

(c) During the comparative analysis performed in subsection (b) of this section, if it is found that the direct care rate for any facility

calculated using the payment methodology defined in (~~Engrossed Substitute Senate Bill No. 5581 (nursing home payments)~~) chapter 74.46 RCW and including the add-on in (a) of this subsection is greater than the direct care rate in effect on June 30, 2010, then the facility shall receive a ten percent direct care rate add-on to compensate that facility for taking on more acute clients than they have in the past.

(d) The department shall provide a medicaid rate add-on to reimburse the medicaid share of the skilled nursing facility safety net assessment as a medicaid allowable cost. The nursing facility safety net rate add-on may not be included in the calculation of the annual statewide weighted average nursing facility payment rate.

(e) If the waiver requested from the federal centers for medicare and medicaid services in relation to the safety net assessment created by Engrossed Substitute Senate Bill No. 5581 (nursing home payments) is for any reason not approved and implemented, subsections (b), (c), and (d) of this subsection do not apply.

(2) After examining actual nursing facility cost information, the legislature finds that the medicaid nursing facility rates calculated pursuant to (~~Engrossed Substitute Senate Bill No. 5581 (nursing home payments)~~) chapter 74.46 RCW and as funded in this section provide sufficient reimbursement to efficiently and economically operating nursing facilities and bear a reasonable relationship to costs.

(3) In accordance with chapter 74.46 RCW, the department shall issue no additional certificates of capital authorization for fiscal year 2012 and no new certificates of capital authorization for fiscal year 2013 and shall grant no rate add-ons to payment rates for capital improvements not requiring a certificate of need and a certificate of capital authorization for fiscal years 2012 and 2013.

(4) The long-term care program may develop and pay enhanced rates for exceptional care to nursing homes for persons with traumatic brain injuries who are transitioning from hospital care. The cost per patient day for caring for these clients in a nursing home setting may be equal to or less than the cost of caring for these clients in a hospital setting.

(5) Amounts appropriated in this section reflect a reduction to funds appropriated for in-home care. The department shall reduce the number of in-home hours authorized. The reduction shall be scaled based on the acuity level of care recipients. The largest hour reductions shall be to lower acuity patients and the smallest hour reductions shall be to higher acuity patients.

(6) \$1,883,000 of the general fund--state appropriation for fiscal year 2012, \$1,883,000 of the general fund--state appropriation for fiscal year 2013, and \$3,766,000 of the general fund--federal appropriation are provided solely for state contributions for individual provider health care benefits. Pursuant to the collective bargaining agreement negotiated with the exclusive bargaining representative of individual providers established under RCW 74.39A.270, the state shall contribute to the multiemployer health benefits trust fund (~~(\$1.96)~~) \$2.21 per paid hour worked by individual providers.

(7) (~~\$16,835,000~~) of the general fund--state appropriation for fiscal year 2012, \$17,952,000 of the general fund--state appropriation for fiscal year 2013, and \$34,786,000 of the general fund--federal appropriation are provided solely for home care agencies to purchase health coverage for home care providers. The department shall calculate and distribute payments for health care benefits to home care agencies at \$558 per month for each worker who cares for publicly funded clients at 86 hours or more per month. In order to negotiate the most comprehensive health benefits package for its employees, each agency may determine benefit levels according to the hours an employee works providing state-funded personal care. Health benefits shall be offered to all employees who care for publicly funded clients for 86 hours per

month or more. At a minimum, employees who care for publicly funded clients at 140 hours a month or greater must receive a comprehensive medical benefit. Benefits shall not be provided to employees who care for publicly funded clients at 85 hours or less per month or as interim respite workers. The department shall not pay an agency for benefits provided to an employee who otherwise receives health care coverage through other family members, other employment-based coverage, or military or veteran's coverage. The department shall require annually, each home care agency to review each of its employee's available health coverage and to provide a written declaration to the department verifying that health benefits purchased with public funds are solely for employees that do not have other available coverage. Home care agencies may determine a reasonable employee co-premium not to exceed 20 percent of the total benefit cost.) \$338,550,000 of the general fund--state appropriation for fiscal year 2013 and \$338,500,000 of the general fund--federal appropriation are provided to the department to provide personal care services to waiver and nonwaiver in home clients. Pursuant to Senate Bill No. 6609 (medicaid personal care services program), the department shall provide a personal care services benefit for adult clients under section 1915 (i) of the social security act exclusively utilizing the option that allows for client self-direction of an individualized budget. Clients will be able to spend their budget to secure services from appropriate providers, purchase other support services and therapies, and purchase equipment or make other expenditures as necessary to address the clients' health and safety. The per-client individualized budget shall be established using a methodology that is objective and evidence-based, uses valid, reliable cost data; includes a calculation of the expected cost of each service available under this option; and can be applied consistently to individuals. The department shall operate the program within the amounts specifically provided.

(8) \$2,063,000 of the general fund--state appropriation for fiscal year 2012, \$2,195,000 of the general fund--state appropriation for fiscal year 2013, and \$4,260,000 of the general fund--federal appropriation are provided solely for the state's contribution to the training partnership, as provided in RCW 74.39A.360, for instructional costs associated with the training of individual providers. House Bill No. 1548 and Senate Bill No. 5473 (long-term care worker requirements) make statutory changes to the increased training requirements and therefore the state shall contribute to the partnership \$0.17 per paid hour worked by all home care workers. This amount is pursuant to the collective bargaining agreement negotiated with the exclusive bargaining representative of individual providers established under RCW 74.39A.270. Expenditures for the purposes specified in this subsection shall not exceed the amounts provided in this subsection.

(9) Individuals receiving services as supplemental security income (SSI) state supplemental payments shall not become eligible for medical assistance under RCW 74.09.510 due solely to the receipt of SSI state supplemental payments.

(10) The department shall eliminate the adult day health program under the state plan 1915(i) option and shall reestablish it under the long-term care home and community-based waiver.

(11) (~~(\$4,588,000)~~) \$4,713,000 of the general fund--state appropriation for fiscal year 2012, (~~(\$4,559,000)~~) \$6,427,000 of the general fund--state appropriation for fiscal year 2013, and (~~(\$9,237,000)~~) \$11,230,000 of the general fund--federal appropriation are provided solely for the continued operation of community residential and support services for persons who are older adults or who have co-occurring medical and behavioral disorders and who have been discharged or diverted from a state psychiatric hospital. These funds shall be used to serve individuals whose treatment needs constitute substantial barriers to community

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placement, who no longer require active psychiatric treatment at an inpatient hospital level of care, and who no longer meet the criteria for inpatient involuntary commitment. The department shall prioritize services in order to reduce utilization and maintain a reduction of 60 beds at western state hospital that were previously used for long-term placements for clients with dementia, traumatic brain injuries, or other organic brain disorders. The department shall ensure that a sufficient number of individuals have been transitioned and diverted from western state hospital to enable closure of a 30-bed ward by October 1, 2012, and of another 30-bed ward by February 1, 2013. Coordination of these services must be done in partnership between the mental health program and the aging and disability services administration.

(12) \$1,840,000 of the general fund--state appropriation for fiscal year 2012 and \$1,877,000 of the general fund--state appropriation for fiscal year 2013 are provided solely for operation of the volunteer services program. Funding shall be prioritized towards serving populations traditionally served by long-term care services to include senior citizens and persons with disabilities.

(13) In accordance with Engrossed Substitute House Bill No. 1277 (licensed settings for vulnerable adults), nursing facility fees are increased in fiscal year 2012 and adult family home fees are increased in fiscal year 2012 and fiscal year 2013 to support the costs of conducting licensure, inspection, and regulatory programs.

(a) The current annual renewal license fee for nursing facilities shall be increased to \$359 per bed beginning in fiscal year 2012 and assumes \$517,000 of the general fund--private/local appropriation. Nursing facilities shall receive a vendor rate increase of \$0.08 per medicaid patient day to cover the license fee increase for publicly funded beds.

(b) The current annual renewal license fee for adult family homes shall be increased to \$100 per bed beginning in fiscal year 2012 and assumes \$1,449,000 of the general fund--private/local appropriation; and \$175 per bed beginning in fiscal year 2013 and assumes \$2,463,000 of the general fund--private/local appropriation. Adult family homes shall receive a corresponding vendor rate increase per medicaid patient day of \$0.22 in fiscal year 2012 and \$0.43 in fiscal year 2013 to cover the license fee increase for publicly funded beds.

(c) Beginning in fiscal year 2012, a processing fee of \$2,750 shall be charged to each adult family home when the home is initially licensed. This fee is nonrefundable.

(d) \$72,000 of the general fund--state appropriation for fiscal year 2012, \$708,000 of the general fund--private/local appropriation and \$708,000 of the general fund--federal appropriation are provided solely to implement sections 501 through 503 of Engrossed Substitute House Bill No. 1277 (licensed settings for vulnerable adults). The department shall use additional investigative resources to address complaints about provider practices as well as alleged abuse, neglect, abandonment, and exploitation of residents in adult family homes. The department shall develop a statewide internal quality review and accountability program to improve the accountability of staff and the consistent application of investigative activities, and shall convene a quality assurance panel to review problems in the quality of care in adult family homes.

(14) \$3,316,000 of the traumatic brain injury account--state appropriation is provided solely to continue services for persons with traumatic brain injury (TBI) as defined in chapter 143, Laws of 2011 (traumatic brain injury strategic partnership).

(15) The department is authorized to place long-term care clients residing in nursing homes and paid for with state only funds into less restrictive community care settings while continuing to meet the client's care needs.

**Sec. 207.** 2011 2nd sp.s. c 9 s 207 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--ECONOMIC SERVICES PROGRAM

General Fund--State Appropriation (FY 2012) .....	(\$487,305,000)
.....	\$409,071,000
General Fund--State Appropriation (FY 2013) .....	(\$503,362,000)
.....	\$355,949,000
General Fund--Federal Appropriation .....	(\$1,167,467,000)
.....	\$1,167,708,000
General Fund--Private/Local Appropriation.....	\$30,592,000
TOTAL APPROPRIATION .....	(\$2,188,726,000)
.....	\$1,963,320,000

The appropriations in this section are subject to the following conditions and limitations:

(1) (~~(\$258,880,000)~~) \$187,423,000 of the general fund--state appropriation for fiscal year 2012, (~~(\$297,296,000)~~) \$165,563,000 of the general fund--state appropriation for fiscal year 2013, and (~~(\$710,173,000)~~) \$710,843,000 of the general fund--federal appropriation are provided solely for all components of the WorkFirst program. Under section 2 of Engrossed Substitute Senate Bill No. 5921 (social services programs), the amounts in this subsection assume that any participant in the temporary assistance for needy families where their participation is suspended and does not volunteer to participate in WorkFirst services or unsubsidized employment does not receive child care subsidies or WorkFirst subsidies as a condition of the suspension. Within the amounts provided for the WorkFirst program, the department may provide assistance using state-only funds for families eligible for temporary assistance for needy families.

(a) Within the amounts provided for WorkFirst in this subsection, the department shall continue to implement WorkFirst program improvements that are designed to achieve progress against outcome measures specified in RCW 74.08A.410.

(b) The department may establish a career services work transition program.

(c) Within the amounts provided in this subsection, (~~(\$1,414,000)~~) \$50,000 of the general fund--state appropriation for fiscal year 2012 and (~~(\$5,150,000)~~) \$950,000 of the general fund--state appropriation for fiscal year 2013 are provided solely for the implementation and administration of the electronic benefit transfer system under section 12 of Engrossed Substitute Senate Bill No. 5921 (social services programs). The department shall transfer these amounts to the department of early learning for the implementation and administration of the project.

(d) Within amounts appropriated in this section, the legislature expressly mandates that the department exercise its authority, granted in 1997 under RCW 74.08A.290, to contract for work activities services pursuant to that statutory authority and RCW 41.06.142(3).

(e) The department shall create a temporary assistance for needy families budget structure that allows for more transparent tracking of budget units and subunits of expenditures where these units and subunits are mutually exclusive from other department budget units. The budget structure shall include budget units for the following: Grants, child care, WorkFirst activities, and administration of the program.

(2)(a) \$11,825,000 of the general fund--federal appropriation is provided solely for a contingency reserve in the event (~~the temporary assistance for needy families cash benefit is~~) that expenditures in subsection (1) of this section are projected to exceed (~~forecasted amounts by more than one percent~~) the appropriated amounts. The department shall only expend an amount equal to the forecasted over- expenditure. For purposes of this subsection, the

temporary assistance forecast shall be completed every quarter and follow a similar schedule of the caseload forecast council forecasts.

(b) If sufficient savings in subsection (1) of this section are achieved, the department of early learning shall increase the number of child care slots available for the working connections child care program.

(3) (~~(\$23,494,000)~~) \$23,679,000 of the general fund--state appropriation for fiscal year 2012, in addition to supplemental security income recoveries, is provided solely for financial assistance and other services to recipients in the program established in section 4, chapter 8, Laws of 2010 1st sp. sess., until the program terminates on October 31, 2011.

(4)(a) (~~(\$13,086,000)~~) \$12,457,000 of the general fund--state appropriation for fiscal year 2012 and (~~(\$24,788,000)~~) \$21,959,000 of the general fund--state appropriation for fiscal year 2013, in addition to supplemental security income recoveries, are provided solely for the programs created in Engrossed Substitute House Bill No. 2082 (essential needs and assistance program) beginning November 1, 2011.

(b) The department shall review clients receiving services through the aged, blind, or disabled assistance program, to determine whether they would benefit from assistance in becoming naturalized citizens, and thus be eligible to receive federal supplemental security income benefits. Those cases shall be given high priority for naturalization funding through the department.

(c) The department shall continue the interagency agreement with the department of veterans' affairs to establish a process for referral of veterans who may be eligible for veterans' services. This agreement must include out-stationing department of veterans' affairs staff in selected community service office locations in King and Pierce counties to facilitate applications for veterans' services.

(5) \$1,657,000 of the general fund--state appropriation for fiscal year 2012 and \$1,657,000 of the general fund--state appropriation for fiscal year 2013 are provided solely for naturalization services.

(6) \$2,366,000 of the general fund--state appropriation for fiscal year 2012 is provided solely for refugee employment services, of which \$1,774,000 is provided solely for the department to pass through to statewide refugee assistance organizations for limited English proficiency pathway services; and \$2,366,000 of the general fund--state appropriation for fiscal year 2013 is provided solely for refugee employment services, of which \$1,774,000 is provided solely for the department to pass through to statewide refugee assistance organizations for limited English proficiency pathway services.

(7) On December 1, 2011, and annually thereafter, the department must report to the legislature on all sources of funding available for both refugee and immigrant services and naturalization services during the current fiscal year and the amounts expended to date by service type and funding source. The report must also include the number of clients served and outcome data for the clients.

((8) To ensure expenditures remain within available funds appropriated in this section, the legislature establishes the benefit under the state food assistance program, pursuant to RCW 74.08A.120, to be fifty percent of the federal supplemental nutrition assistance program benefit amount.)

**Sec. 208.** 2011 2nd sp.s. c 9 s 208 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--ALCOHOL AND SUBSTANCE ABUSE PROGRAM

General Fund--State Appropriation (FY 2012) .....	(\$74,287,000))
.....	\$71,649,000
General Fund--State Appropriation (FY 2013) .....	(\$74,422,000))
.....	\$66,986,000

General Fund--Federal Appropriation .....	(((\$141,514,000))
.....	\$164,526,000
General Fund--Private/Local Appropriation.....	(((\$2,086,000))
.....	\$13,486,000
Criminal Justice Treatment Account--State	
Appropriation .....	\$20,748,000
Problem Gambling Account--State Appropriation.....	\$1,448,000
TOTAL APPROPRIATION .....	(((\$314,505,000))
.....	\$338,843,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Within the amounts appropriated in this section, the department may contract with the University of Washington and community-based providers for the provision of the parent-child assistance program. For all contractors, indirect charges for administering the program shall not exceed ten percent of the total contract amount.

(2) Within the amounts appropriated in this section, the department shall continue to provide for chemical dependency treatment services for adult medicaid eligible, pregnant and parenting women, disability lifeline, and alcoholism and drug addiction treatment and support act, and medical care services clients.

(3) In accordance with RCW 70.96A.090 and 43.135.055, the department is authorized to increase fees for the review and approval of treatment programs in fiscal years 2012 and 2013 as necessary to support the costs of the regulatory program. The department's fee schedule shall have differential rates for providers with proof of accreditation from organizations that the department has determined to have substantially equivalent standards to those of the department, including but not limited to the joint commission on accreditation of health care organizations, the commission on accreditation of rehabilitation facilities, and the council on accreditation. To reflect the reduced costs associated with regulation of accredited programs, the department's fees for organizations with such proof of accreditation must reflect the lower cost of licensing for these programs than for other organizations which are not accredited.

(4) \$3,500,000 of the general fund--federal appropriation (from the substance abuse prevention and treatment federal block grant) is provided solely for the continued funding of existing county drug and alcohol use prevention programs.

**Sec. 209.** 2011 2nd sp.s. c 9 s 209 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--VOCATIONAL REHABILITATION PROGRAM

General Fund--State Appropriation (FY 2012) .....	(((\$10,874,000))
.....	\$10,854,000
General Fund--State Appropriation (FY 2013) .....	(((\$10,861,000))
.....	\$10,822,000
General Fund--Federal Appropriation .....	(((\$105,091,000))
.....	\$105,095,000
Telecommunications Devices for the Hearing and	
Speech Impaired--State Appropriation .....	\$2,766,000
TOTAL APPROPRIATION .....	(((\$129,592,000))
.....	\$129,537,000

The appropriations in this section are subject to the following conditions and limitations: \$480,000 of the telecommunications devices for the hearing and speech impaired account--state appropriation is provided solely for the office of deaf and hard of hearing to contract for services that provide employment support and help with life activities for deaf-blind individuals in King county.

**Sec. 210.** 2011 2nd sp.s. c 9 s 210 (uncodified) is amended to read as follows:

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FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--SPECIAL COMMITMENT PROGRAM

General Fund--State Appropriation (FY 2012) .....	(\$47,719,000))
.....	\$47,890,000
General Fund--State Appropriation (FY 2013) .....	(\$46,292,000))
.....	\$35,928,000
TOTAL APPROPRIATION .....	(\$94,011,000))
.....	\$83,818,000

Sec. 211. 2011 2nd sp.s. c 9 s 211 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--ADMINISTRATION AND SUPPORTING SERVICES PROGRAM

General Fund--State Appropriation (FY 2012) .....	(\$26,125,000))
.....	\$25,764,000
General Fund--State Appropriation (FY 2013) .....	(\$24,586,000))
.....	\$23,718,000
General Fund--Federal Appropriation .....	(\$39,223,000))
.....	\$38,807,000
General Fund--Private/Local Appropriation.....	\$2,116,000
Performance Audits of State Government--State Appropriation .....	\$4,812,000
TOTAL APPROPRIATION .....	(\$96,862,000))
.....	\$95,217,000

The appropriations in this section are subject to the following conditions and limitations:

(1) (\$300,000 of the general fund--state appropriation for fiscal year 2012 and \$300,000 of the general fund--state appropriation for fiscal year 2013 are provided solely for the Washington state mentors program to continue its public-private partnerships to provide technical assistance and training to mentoring programs that serve at-risk youth.

(2) \$445,000 of the general fund--state appropriation for fiscal year 2012 and \$445,000 of the general fund--state appropriation for fiscal year 2013 are provided solely for funding of the teamchild project.

(3) \$178,000 of the general fund--state appropriation for fiscal year 2012 and \$178,000 of the general fund--state appropriation for fiscal year 2013 are provided solely for the juvenile detention alternatives initiative.

(4)) \$4,812,000 of the performance audits of state government-- state appropriation is provided solely for support and expansion of the division of fraud investigation. The division shall conduct investigatory and enforcement activities for all department programs, including the child support and TANF programs.

((5)) (2) \$1,400,000 of the general fund--state appropriation for fiscal year 2012 is provided solely for the department to distribute as support to community public health and safety networks that have a history of providing training and services related to adverse childhood experiences. Distribution of these funds is contingent upon securing funding from a private entity or entities to provide one dollar in matching funds for each dollar in state funds received by a network so that the funding received by a community public health and safety network will be equal portions of state and private funding.

Sec. 212. 2011 2nd sp.s. c 9 s 212 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--PAYMENTS TO OTHER AGENCIES PROGRAM

General Fund--State Appropriation (FY 2012) .....	\$62,778,000
General Fund--State Appropriation (FY 2013) .....	(\$61,927,000))
.....	\$58,940,000
General Fund--Federal Appropriation .....	\$58,400,000
TOTAL APPROPRIATION .....	(\$183,105,000))
.....	\$180,118,000

The appropriations in this section are subject to the following conditions and limitations: \$469,000 of the general fund--state appropriation for fiscal year 2011 and \$270,000 of the general fund-- state appropriation for fiscal year 2012 are provided solely for implementation of Engrossed Substitute Senate Bill No. 5921 (social services programs). If the bill is not enacted by June 30, 2011, the amounts provided in this subsection shall lapse.

Sec. 213. 2011 2nd sp.s. c 9 s 213 (uncodified) is amended to read as follows:

FOR THE STATE HEALTH CARE AUTHORITY

General Fund--State Appropriation (FY 2012) ...	(\$2,130,229,000))
.....	\$2,022,521,000
General Fund--State Appropriation (FY 2013) ...	(\$2,185,617,000))
.....	\$1,980,272,000
General Fund--Federal Appropriation .....	(\$5,389,627,000))
.....	\$5,227,652,000
General Fund--Private/Local Appropriation.....	(\$45,512,000))
.....	\$51,726,000
Emergency Medical Services and Trauma Care Systems Trust Account--State Appropriation.....	\$15,077,000
Hospital Safety Net Assessment Fund--State Appropriation .....	(\$394,905,000))
.....	\$433,255,000
State Health Care Authority Administration Account-- State Appropriation .....	(\$34,118,000))
.....	\$34,117,000
Basic Health Plan Stabilization Account-- State Appropriation .....	(\$44,000,000))
.....	\$49,000,000
Medical Aid Account--State Appropriation .....	\$529,000
Medicaid Fraud Penalty Account--State Appropriation .....	\$9,200,000
TOTAL APPROPRIATION .....	(\$10,239,614,000))
.....	\$9,823,349,000

The appropriations in this section are subject to the following conditions and limitations:

The appropriations to the authority in this act shall be expended for the purposes and in the amounts specified in this act. To the extent that appropriations in this section are insufficient to fund actual expenditures in excess of caseload forecasts and utilization assumptions, the authority, after May 1, 2012, may transfer general fund--state appropriations for fiscal year 2012 that are provided solely for a specified purpose. The authority shall not transfer funds, and the director of financial management shall not approve the transfer, unless the transfer is consistent with the objective of conserving, to the maximum extent possible, the expenditure of state funds. The director of financial management shall notify the appropriate fiscal committees of the senate and house of representatives in writing seven days prior to approving any allotment modifications or transfers under this subsection. The written notification shall include a narrative explanation and justification of the changes, along with expenditures and allotments by budget unit and appropriation, both before and after any allotment modifications or transfers.

(1) Within amounts appropriated in this section and sections 205 and 206 of this act, the health care authority shall continue to provide an enhanced basic health plan subsidy for foster parents licensed under chapter 74.15 RCW and workers in state-funded home care programs. Under this enhanced subsidy option, foster parents eligible to participate in the basic health plan as subsidized enrollees and home care workers with family incomes below 200 percent of the federal poverty level shall be allowed to enroll in the basic health plan at the minimum premium amount charged to enrollees with incomes below sixty-five percent of the federal poverty level.

(2) The health care authority shall require organizations and individuals that are paid to deliver basic health plan services and that choose to sponsor enrollment in the subsidized basic health plan to pay 133 percent of the premium amount which would otherwise be due from the sponsored enrollees.

(3)(a) \$1,200,000 of the general fund--state appropriation for fiscal year 2012 is provided solely to plan the implementation of a system of consolidated public school employee health benefits purchasing.

It is the intent of the legislature to improve the administration, transparency, and equity in delivering a K-12 employees' health benefits system. In addition, the legislature intends that any cost savings that result from changes to K-12 health benefits be dedicated to public schools.

To further this legislative intent, the state health care authority shall develop a plan to implement a consolidated health benefits' system for K-12 employees for the 2013-14 school year. The health care authority shall deliver a report to the legislature by December 15, 2011, that sets forth the implementation plan to the ways and means committees of the house of representatives and the senate.

(b) The report prepared by the health care authority shall compare and contrast the costs and benefits, both long and short term, of:

- (i) The current K-12 health benefits system;
- (ii) A new K-12 employee benefits pool; and
- (iii) Enrolling K-12 employees into the health benefits pool for state employees.

(c) In addition to the implementation plan, the report shall include the following information:

- (i) The costs and benefits of the current K-12 health benefits system;
- (ii) The costs and benefits of providing a new statewide K-12 employees' health benefits pool to school districts and school employees;
- (iii) The costs and benefits of enrolling K-12 employees into the existing health benefits pool for state employees;
- (iv) Recommendations of ways to limit administrative duplication and costs, improve transparency to employees, the legislature, and the public and assure equity among beneficiaries of publicly provided employee health benefits;
- (v) Recommendations for standardizing benefit packages and purchasing efforts in a manner that seeks to maximize funding and equity for all school employees;
- (vi) Recommendations regarding the use of incentives, including how changes to state health benefit allocations could provide employees with benefits that would encourage participation;
- (vii) Recommendations regarding the implementation of a new K-12 employee benefit plan, with separate options for voluntary participation and mandatory statewide participation;
- (viii) Recommendations regarding methods to reduce inequities between individual and family coverage;
- (ix) Consolidation of the purchasing and budget accountability for school employee benefits to maximize administrative efficiency and leverage existing skills and resources; and
- (x) Other details the health care authority deems necessary, including but not limited to recommendations on the following:

(A) Approaches for implementing the transition to a statewide pool, including administrative and statutory changes necessary to ensure a successful transition, and whether the pool should be separate from, or combined with, the public employees' benefits pool;

(B) The structure of a permanent governing group to provide ongoing oversight to the consolidated pool, in a manner similar to

the public employees benefits board functions for employee health benefits, including statutory duties and authorities of the board; and

(C) Options for including potential changes to: Eligibility standardization, the public employees benefits risk pools, the movement of school employee retirees into the new K-12 pool or pools, and the movement of educational service district employees into the new K-12 pool or pools.

(d) In determining its costs and benefits of a new statewide K-12 employees' health benefits pool for school districts and school employees, the health care authority shall assume the following:

- (i) School district enrollees must constitute an entire bargaining unit, or an entire group of nonrepresented employees;
- (ii) Staffing and administration for benefits purchasing shall be provided by the health care authority; and
- (iii) The new K-12 pool would operate on a schedule that coordinates with the financing and enrollment schedule used for school districts.

(e) The office of the superintendent of public instruction and the office of the insurance commissioner shall provide information and technical assistance to the health care authority as requested by the health care authority. The health care authority shall not implement the new school employee benefits pool until authorized to do so by the legislature.

(4) The administrator shall take at least the following actions to assure that persons participating in the basic health plan are eligible for the level of assistance they receive: (a) Require submission of (i) income tax returns, and recent pay history, from all applicants, or (ii) other verifiable evidence of earned and unearned income from those persons not required to file income tax returns; (b) check employment security payroll records at least once every twelve months on all enrollees; (c) require enrollees whose income as indicated by payroll records exceeds that upon which their subsidy is based to document their current income as a condition of continued eligibility; (d) require enrollees for whom employment security payroll records cannot be obtained to document their current income at least once every six months; (e) not reduce gross family income for self-employed persons by noncash-flow expenses such as, but not limited to, depreciation, amortization, and home office deductions, as defined by the United States internal revenue service; and (f) pursue repayment and civil penalties from persons who have received excessive subsidies, as provided in RCW 70.47.060(9).

(5) Enrollment in the subsidized basic health plan shall be limited to only include persons who qualify as subsidized enrollees as defined in RCW 70.47.020 and who (a) qualify for services under 1115 medicaid demonstration project number 11-W-00254/10; or (b) are foster parents licensed under chapter 74.15 RCW.

(6) \$23,700,000 of the general fund--federal appropriation is provided solely for planning and implementation of a health benefit exchange under the federal patient protection and affordable care act. Within the amounts provided in this subsection, funds used by the authority for information technology projects are conditioned on the authority satisfying the requirements of Engrossed Second Substitute Senate Bill No. 5931 (central service agencies).

(7) Based on quarterly expenditure reports and caseload forecasts, if the health care authority estimates that expenditures for the medical assistance program will exceed the appropriations, the health care authority shall take steps including but not limited to reduction of rates or elimination of optional services to reduce expenditures so that total program costs do not exceed the annual appropriation authority.

(8) In determining financial eligibility for medicaid-funded services, the health care authority is authorized to disregard recoveries by Holocaust survivors of insurance proceeds or other assets, as defined in RCW 48.104.030.

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(9) The legislature affirms that it is in the state's interest for Harborview medical center to remain an economically viable component of the state's health care system.

(10) When a person is ineligible for medicaid solely by reason of residence in an institution for mental diseases, the health care authority shall provide the person with the same benefits as he or she would receive if eligible for medicaid, using state-only funds to the extent necessary.

(11) \$4,261,000 of the general fund--state appropriation for fiscal year 2012, \$4,261,000 of the general fund--state appropriation for fiscal year 2013, and \$8,522,000 of the general fund--federal appropriation are provided solely for low-income disproportionate share hospital payments under RCW 74.09.730(1)(a).

(12) ((\$5,905,000 of the general fund--state appropriation for fiscal year 2012, \$5,905,000 of the general fund--state appropriation for fiscal year 2013, and \$11,810,000 of the general fund--federal appropriation are provided solely for nonrural indigent assistance disproportionate share hospital payments in accordance with RCW 74.09.730(1).

(13) \$665,000 of the general fund--state appropriation for fiscal year 2012, \$665,000 of the general fund--state appropriation for fiscal year 2013, and \$1,330,000 of the general fund--federal appropriation are provided solely for small rural indigent assistance disproportionate share hospital payments in accordance with RCW 74.09.730(1).

(14)) \$6,000,000 of the general fund--federal appropriation is provided solely for supplemental payments to nursing homes operated by public hospital districts. The public hospital district shall be responsible for providing the required nonfederal match for the supplemental payment, and the payments shall not exceed the maximum allowable under federal rules. It is the legislature's intent that the payments shall be supplemental to and shall not in any way offset or reduce the payments calculated and provided in accordance with part E of chapter 74.46 RCW. It is the legislature's further intent that costs otherwise allowable for rate-setting and settlement against payments under chapter 74.46 RCW shall not be disallowed solely because such costs have been paid by revenues retained by the nursing home from these supplemental payments. The supplemental payments are subject to retrospective interim and final cost settlements based on the nursing homes' as-filed and final medicare cost reports. The timing of the interim and final cost settlements shall be at the health care authority's discretion. During either the interim cost settlement or the final cost settlement, the health care authority shall recoup from the public hospital districts the supplemental payments that exceed the medicaid cost limit and/or the medicare upper payment limit. The health care authority shall apply federal rules for identifying the eligible incurred medicaid costs and the medicare upper payment limit.

((45)) (13) The health care authority shall continue the inpatient hospital certified public expenditures program for the 2011- 2013 fiscal biennium. The program shall apply to all public hospitals, including those owned or operated by the state, except those classified as critical access hospitals or state psychiatric institutions. The health care authority shall submit reports to the governor and legislature by November 1, 2011, and by November 1, 2012, that evaluate whether savings continue to exceed costs for this program. If the certified public expenditures (CPE) program in its current form is no longer cost-effective to maintain, the health care authority shall submit a report to the governor and legislature detailing cost-effective alternative uses of local, state, and federal resources as a replacement for this program. During fiscal year 2012 and fiscal year 2013, hospitals in the program shall be paid and shall retain one hundred percent of the federal portion of the allowable hospital cost for each medicaid inpatient fee-for-service claim payable by medical assistance and one hundred percent of the

federal portion of the maximum disproportionate share hospital payment allowable under federal regulations. Inpatient medicaid payments shall be established using an allowable methodology that approximates the cost of claims submitted by the hospitals. Payments made to each hospital in the program in each fiscal year of the biennium shall be compared to a baseline amount. The baseline amount will be determined by the total of (a) the inpatient claim payment amounts that would have been paid during the fiscal year had the hospital not been in the CPE program based on the reimbursement rates developed, implemented, and consistent with policies approved in the 2011-13 biennial operating appropriations act and in effect on July 1, 2011, (b) ~~((one half of the indigent assistance))~~ eighty percent of the low-income disproportionate share hospital payment amounts paid to and retained by each hospital during fiscal year 2005, and (c) all of the other disproportionate share hospital payment amounts paid to and retained by each hospital during fiscal year 2005 to the extent the same disproportionate share hospital programs exist in the 2011-13 biennium. If payments during the fiscal year exceed the hospital's baseline amount, no additional payments will be made to the hospital except the federal portion of allowable disproportionate share hospital payments for which the hospital can certify allowable match. If payments during the fiscal year are less than the baseline amount, the hospital will be paid a state grant equal to the difference between payments during the fiscal year and the applicable baseline amount. Payment of the state grant shall be made in the applicable fiscal year and distributed in monthly payments. The grants will be recalculated and redistributed as the baseline is updated during the fiscal year. The grant payments are subject to an interim settlement within eleven months after the end of the fiscal year. A final settlement shall be performed. To the extent that either settlement determines that a hospital has received funds in excess of what it would have received as described in this subsection, the hospital must repay the excess amounts to the state when requested. ~~(((\$24,677,000))~~ \$4,168,000 of the general fund--state appropriation for fiscal year 2012 ~~((, of which \$6,570,000 is appropriated))~~ in section 204(1) of this act, and ~~(((\$21,531,000))~~ \$2,251,000 of the general fund--state appropriation for fiscal year 2013 ~~((, of which \$6,570,000 is appropriated))~~ in section 204(1) of this act, are provided solely for state grants for the participating hospitals. CPE hospitals will receive the inpatient and outpatient reimbursement rate restorations in RCW 74.60.080 and rate increases in RCW 74.60.090 funded through the hospital safety net assessment fund rather than through the baseline mechanism specified in this subsection.

~~((16))~~ (14) The health care authority shall seek public-private partnerships and federal funds that are or may become available to provide on-going support for outreach and education efforts under the federal children's health insurance program reauthorization act of 2009.

~~((17))~~ (15) The health care authority shall target funding for maternity support services towards pregnant women with factors that lead to higher rates of poor birth outcomes, including hypertension, a preterm or low birth weight birth in the most recent previous birth, a cognitive deficit or developmental disability, substance abuse, severe mental illness, unhealthy weight or failure to gain weight, tobacco use, or African American or Native American race. The health care authority shall prioritize evidence-based practices for delivery of maternity support services. To the extent practicable, the health care authority shall develop a mechanism to increase federal funding for maternity support services by leveraging local public funding for those services.

~~((18))~~ (16) For children with family incomes above 200 percent of the federal poverty level in the state-funded children's health program for children who are not eligible for coverage under

the federally funded children's health insurance program, premiums shall be set every two years in an amount equal to the average state-only share of the per capita cost of coverage in the state-funded children's health program for children in families with incomes at or less than two hundred percent of the federal poverty level.

((19) \$704,000 of the general fund--state appropriation for fiscal year 2012, \$726,000 of the general fund--state appropriation for fiscal year 2013, and \$1,431,000 of the general fund--federal appropriation are provided solely for) (17) Within the amounts appropriated in this section, the health care authority shall provide disproportionate share hospital payments to hospitals that provide services to children in the children's health program who are not eligible for services under Title XIX or XXI of the federal social security act due to their citizenship status.

((~~20~~) ~~\$998,000~~) (18) \$859,000 of the general fund--state appropriation for fiscal year 2012, \$979,000 of the general fund--state appropriation for fiscal year 2013, and (~~(\$1,980,000)~~) \$1,841,000 of the general fund--federal appropriation are provided solely to increase prior authorization activities for advanced imaging procedures.

((~~21~~) ~~\$249,000~~) (19) \$196,000 of the general fund--state appropriation for fiscal year 2012, \$246,000 of the general fund--state appropriation for fiscal year 2013, and (~~(\$495,000)~~) \$442,000 of the general fund--federal appropriation are provided solely to increase prior authorization activities for surgical procedures, which may include orthopedic procedures, spinal procedures and interventions, and nerve procedures.

((~~22~~)) (20) \$300,000 of the general fund--private/local appropriation and \$300,000 of the general fund--federal appropriation are provided solely for a prescriptive practices improvement collaborative focusing upon atypical antipsychotics and other medications commonly used in the treatment of severe and persistent mental illnesses among adults. The project shall promote collaboration among community mental health centers, other major prescribers of atypical antipsychotic medications to adults enrolled in state medical assistance programs, and psychiatrists, pharmacists, and other specialists at the University of Washington department of psychiatry and/or other research universities. The collaboration shall include patient-specific prescriber consultations by psychiatrists and pharmacists specializing in treatment of severe and persistent mental illnesses among adults; production of profiles to assist prescribers and clinics in tracking their prescriptive practices and their patients' medication use and adherence relative to evidence-based practices guidelines, other prescribers, and patients at other clinics; and in-service seminars at which participants can share and increase their knowledge of evidence-based and other effective prescriptive practices. The health care authority shall enter into an interagency agreement with the office of the attorney general for expenditure of \$300,000 of the state's proceeds of the *cy pres* settlement in *State of Washington v. AstraZeneca (Seroquel)* for this purpose.

((~~23~~)) (21) \$570,000 of the general fund--private/local appropriation is provided solely for continued operation of the partnership access line for child mental health consultations. The health care authority shall enter into an interagency agreement with the office of the attorney general for expenditure of \$570,000 of the state's proceeds of the *cy pres* settlement in *State of Washington v. AstraZeneca (Seroquel)* for this purpose.

((~~24~~)) (22) \$80,000 of the general fund--state appropriation for fiscal year 2012, \$80,000 of the general fund--state appropriation for fiscal year 2013, and \$160,000 of the general fund--federal appropriation are provided solely to fund the Tacoma-Pierce county health department for access and outreach activities to reduce infant mortality.

((~~25~~)) (23) \$75,000 of the general fund--state appropriation for fiscal year 2012, \$75,000 of the general fund--state appropriation for fiscal year 2013, and \$150,000 of the general fund--federal appropriation are provided solely to assist with development and implementation of evidence-based strategies regarding the appropriate, safe, and effective role of C-section surgeries and early induced labor in births and neonatal care. The strategies shall be identified and implemented in consultation with clinical research specialists, physicians, hospitals, advanced registered nurse practitioners, and organizations concerned with maternal and child health.

((26) \$2,400,000 of the general fund--state appropriation for fiscal year 2012, \$2,435,000 of the general fund--state appropriation for fiscal year 2013, \$7,253,000 of the general fund--private/local appropriation, and \$12,455,000 of the general fund--federal appropriation are provided solely for continued provision of) (24) Within the amounts appropriated in this section, the health care authority shall continue to provide school-based medical services by means of an intergovernmental transfer arrangement. (Under the arrangement,) Until April 1, 2012, the state shall provide forty percent and school districts sixty percent of the nonfederal matching funds required for receipt of federal medicaid funding for the service. After that date, participating school districts shall provide all of the required nonfederal matching funds.

((~~27~~)) (25) \$263,000 of the general fund--state appropriation for fiscal year 2012, \$88,000 of the general fund--state appropriation for fiscal year 2013, and \$351,000 of the general fund--federal appropriation are provided solely for development and submission to the federal government by October 1, 2011, of a demonstration project proposal as provided in Substitute Senate Bill No. 5596 (medicaid demonstration waiver).

((28) \$5,600,000 of the general fund--state appropriation for fiscal year 2012, \$4,094,000 of the general fund--state appropriation for fiscal year 2013, and \$11,332,000 of the general fund--federal appropriation are provided solely for) (26) Within the amounts appropriated in this section, the health care authority shall provide spoken-language interpreter services. The authority shall develop and implement a new model for delivery of such services no later than January 1, 2012. The model shall include:

(a) Development by the authority in consultation with subject-area experts of guidelines to assist medical practitioners identify the circumstances under which it is appropriate to use telephonic or video- remote interpreting;

(b) The requirement that the state contract with delivery organizations, including foreign language agencies, who employ or subcontract only with language access providers or interpreters working in the state who are certified or authorized by the state. When a state-certified or state-authorized in-state language access provider or interpreter is not available, the delivery organization, including foreign language agencies, may use a provider with other certifications or qualifications deemed to meet state standards, including interpreters in other states; and

(c) Provision of a secure, web-based tool that medical practitioners will use to schedule appointments for interpreter services and to identify the most appropriate, cost-effective method of service delivery in accordance with the state guidelines.

Nothing in this subsection affects the ability of health care providers to provide interpretive services through employed staff or through telephone and video remote technologies when not reimbursed directly by the department. The amounts in this subsection do not include federal administrative funds provided to match nonstate expenditures by local health jurisdictions and governmental hospitals.

((~~29~~)) (27) In its procurement of contractors for delivery of medical managed care services for nondisabled, nonelderly persons,



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the medical assistance program shall (a) place substantial emphasis upon price competition in the selection of successful bidders; and (b) not require delivery of any services that would increase the actuarial cost of service beyond the levels included in current healthy options contracts.

~~((30))~~ (28) \$1,430,000 of the general fund--state appropriation for fiscal year 2012, \$1,430,000 of the general fund--state appropriation for fiscal year 2013, and \$2,860,000 of the general fund--federal appropriation are provided solely to pay federally-designated rural health clinics their standard encounter rate for prenatal and well-child visits, whether delivered under a managed care contract or fee-for-service. In reconciling managed care enhancement payments for calendar years 2009 and 2010, the department shall treat well-child and prenatal care visits as encounters subject to the clinic's encounter rate.

~~((31))~~ (29) \$280,000 of the general fund--state appropriation for fiscal year 2012 and \$282,000 of the general fund--federal appropriation are provided solely to increase utilization management of drugs and drug classes for which there is evidence of over-utilization, off-label use, excessive dosing, duplicative therapy, or opportunities to shift utilization to less expensive, equally effective formulations.

~~((32))~~ (30) \$70,000 of the general fund--state appropriation for fiscal year 2012, \$70,000 of the general fund--state appropriation for fiscal year 2013, and \$140,000 of the general fund--federal appropriation are provided solely to continue operation by a nonprofit organization of a toll-free hotline that assists families to learn about and enroll in the apple health for kids program.

~~((33))~~ (31) \$400,000 of the general fund--state appropriation for fiscal year 2012 and \$400,000 of the general fund--state appropriation for fiscal year 2013 is provided solely for the local outreach, case management, and coordination with dental providers needed to execute the access to baby and child dentistry program, which provides dental care to Medicaid eligible children up to age six.

((34) \$1,868,000 of the general fund--state appropriation for fiscal year 2012, \$1,873,000 of the general fund--state appropriation for fiscal year 2013, and \$3,154,000 of the general fund--federal appropriation are provided solely to continue to) (32) Within the amounts appropriated in this section, the health care authority shall provide dental services to pregnant women. Services shall include preventive, routine, and emergent dental care.

~~((35))~~ (33) \$395,000 of the general fund--state appropriation for fiscal year 2012, \$395,000 of the general fund--state appropriation for fiscal year 2013, and \$790,000 of the general fund--federal appropriation are provided solely for continued operation of the dental education in care of persons with disabilities (DECOD) program at the University of Washington.

~~((36) \$112,000)~~ (34) \$159,000 of the general fund--state appropriation for fiscal year 2012, (((\$112,000 of the general fund--state appropriation for fiscal year 2013)) \$302,000 of the general fund--private/local appropriation, and \$1,928,000 of the general fund-- federal appropriation are provided solely for the provider incentive program and other initiatives related to the health information technology Medicaid plan. The general fund--private/local appropriation in this subsection shall be funded with proceeds from settlements in the case of State of Washington vs. GlaxoSmithKline. The authority and the office of the attorney general shall enter an interagency agreement regarding use of these funds.

~~((37))~~ (35) \$2,926,000 of the general fund--local appropriation and \$2,928,000 of the general fund--federal appropriation are provided solely to support medical airlift services.

~~((38))~~ (36) The authority shall collect data on enrollment and utilization to study whether the expansion of family planning

coverage under Substitute Senate Bill No. 5912 is reducing state medical expenditures by reducing unwanted pregnancies. The authority shall report its findings to the legislature by December 1, 2012.

~~((39))~~ (37) \$480,000 of the general fund--state appropriation for fiscal year 2012, \$480,000 of the general fund--state appropriation for fiscal year 2013, and \$824,000 of the general fund--federal appropriation are provided solely for customer services staff. The authority will attempt to improve the phone answer rate to 40 percent and reduce the response times to written questions to ten days for clients and 25 days for providers. The authority will report to the legislature on its progress toward achieving these goals by January 1, 2012. If the authority has not achieved these goals by July 1, 2012, then the authority shall reduce expenditures on management staff in order to increase expenditures on customer service staff until the goals are achieved.

~~((40))~~ (38) The department shall purchase a brand name drug when it determines that the cost of the brand name drug after rebates is less than the cost of generic alternatives and that purchase of the brand rather than generic version can save at least \$250,000. The department may purchase generic alternatives when changes in market prices make the price of the brand name drug after rebates more expensive than the generic alternatives.

~~((41))~~ (39) The department shall collaborate closely with the Washington state hospital and medical associations in identification of the diagnostic codes and retroactive review procedures that will be used to determine whether an emergency room visit is a nonemergency condition to assure that conditions that require emergency treatment continue to be covered.

(40) If Substitute Senate Bill No. 6442 is enacted, the health care authority shall provide a loan in the amount of \$12,393,000 from the public employees' and retirees insurance account to the school employees' insurance administrative account in order to fund startup costs during the 2011-2013 fiscal biennium for the school employees' benefits board, with the following terms:

(a) Repayment of the loan shall not commence earlier than January 1, 2014;

(b) Repayment of the loan shall not be completed later than June 30, 2017; and

(c) Interest shall be charged on the amount lent at a rate equal to that which the balance would have been expected to earn in the event that the loan were not made, plus five-tenths of a percent per annum. The state treasurer shall maintain a record of the loan and must calculate repayment obligations for the school employees' insurance administrative account.

(41) For periods subsequent to May 31, 2012, no funds are appropriated in this act for medical care services for persons eligible for such services under RCW 74.09.035(1)(a) or 74.09.035(c). The administrator shall therefore immediately commence such actions as may be necessary to disenroll such persons effective June 1, 2012, including but not limited to terminating the state's demonstration waiver agreement with the federal department of health and human services.

(42) Prior to entering into a contract for medicaid managed care services for the period commencing July 1, 2012, the director of the health care authority shall certify to the governor and to the health care committees of the legislature that the contractor has established a network of acute, primary, and specialty care providers that is sufficient to meet the needs of the contractor's anticipated enrollee population. If no plan is able to certify an adequate provider network in a county, the health care authority shall request re-bids from all plans which originally submitted bids for the county during the regular procurement process until award is successful. No county, that is currently served by Medicaid managed care services shall revert to fee-for-service as a result of the procurement process.

(43) The authority shall apply the dispense-as-written prior authorization provisions of RCW 69.41.190(1)(a) to any drug formulary limitations adopted to operate within the appropriations provided in this section.

Sec. 214. 2011 1st sp.s. c 50 s 214 (uncodified) is amended to read as follows:

FOR THE HUMAN RIGHTS COMMISSION

General Fund--State Appropriation (FY 2012) .....	(\$2,240,000)
.....	\$2,015,000
General Fund--State Appropriation (FY 2013) .....	(\$2,242,000)
.....	\$2,017,000
General Fund--Federal Appropriation .....	\$1,903,000
TOTAL APPROPRIATION .....	(\$6,385,000)
.....	\$5,935,000

Sec. 215. 2011 2nd sp.s. c 9 s 214 (uncodified) is amended to read as follows:

FOR THE BOARD OF INDUSTRIAL INSURANCE APPEALS

Worker and Community Right-to-Know Account--State	
Appropriation .....	\$10,000
Accident Account--State Appropriation .....	(\$19,690,000)
.....	\$19,689,000
Medical Aid Account--State Appropriation .....	\$19,689,000
TOTAL APPROPRIATION .....	(\$39,389,000)
.....	\$39,388,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$36,000 of the accident account--state appropriation and \$36,000 of the medical aid account--state appropriation are solely provided for Engrossed Substitute Senate Bill No. 5068 (industrial safety and health act). If the bill is not enacted by June 30, 2011, the amounts provided in this subsection shall lapse.

(2) \$16,000 of the accident account--state appropriation and \$16,000 of the medical aid account--state appropriation are solely provided for Substitute Senate Bill No. 5801 (industrial insurance system). If the bill is not enacted by June 30, 2011, the amounts provided in this subsection shall lapse.

(3) \$1,893,000 of the accident account--state appropriation and \$1,893,000 of the medical aid account--state appropriation are provided solely for implementation of House Bill No. 2123 (workers' compensation). If the bill is not enacted by June 30, 2011, the amounts provided in this subsection shall lapse.

Sec. 216. 2011 2nd sp.s. c 9 s 215 (uncodified) is amended to read as follows:

FOR THE CRIMINAL JUSTICE TRAINING COMMISSION

General Fund--State Appropriation (FY 2012) .....	\$14,850,000
General Fund--State Appropriation (FY 2013) .....	\$14,711,000
General Fund--Federal Appropriation .....	\$456,000
General Fund--Private/Local Appropriation.....	\$4,048,000
Death Investigations Account--State Appropriation.....	\$148,000
Municipal Criminal Justice Assistance Account--	
State Appropriation .....	\$460,000
Washington Auto Theft Prevention Authority Account--	
State Appropriation .....	\$8,597,000
TOTAL APPROPRIATION .....	\$43,270,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$5,000,000 of the general fund--state appropriation for fiscal year 2012 and \$5,000,000 of the general fund--state appropriation for fiscal year 2013, are provided to the Washington association of sheriffs and police chiefs solely to verify the address and residency of registered sex offenders and kidnapping offenders under RCW 9A.44.130.

(2) \$321,000 of the general fund--local appropriation is provided solely to purchase ammunition for the basic law enforcement academy. Jurisdictions shall reimburse to the criminal

justice training commission the costs of ammunition, based on the average cost of ammunition per cadet, for cadets that they enroll in the basic law enforcement academy.

(3) The criminal justice training commission may not run a basic law enforcement academy class of fewer than 30 students.

(4) \$100,000 of the general fund--state appropriation for fiscal year 2012 and \$100,000 of the general fund--state appropriation for fiscal year 2013 are provided solely for a school safety program. The commission, in collaboration with the school safety center advisory committee, shall provide the school safety training for all school administrators and school safety personnel hired after the effective date of this section.

(5) \$96,000 of the general fund--state appropriation for fiscal year 2012 and \$90,000 of the general fund--state appropriation for fiscal year 2013 are provided solely for the school safety center within the commission. The safety center shall act as an information dissemination and resource center when an incident occurs in a school district in Washington or in another state, coordinate activities relating to school safety, and review and approve manuals and curricula used for school safety models and training. Through an interagency agreement, the commission shall provide funding for the office of the superintendent of public instruction to continue to develop and maintain a school safety information web site. The school safety center advisory committee shall develop and revise the training program, using the best practices in school safety, for all school safety personnel. The commission shall provide research-related programs in school safety and security issues beneficial to both law enforcement and schools.

(6) \$1,000,000 of the general fund--state appropriation for fiscal year 2012 and \$1,000,000 of the general fund--state appropriation for fiscal year 2013 are provided solely for grants to counties enforcing illegal drug laws and which have been underserved by federally funded state narcotics task forces. The Washington association of sheriffs and police chiefs, the Washington association of prosecuting attorneys, and the Washington association of county officials shall jointly develop funding allocations for the offices of the county sheriff, county prosecutor, and county clerk in qualifying counties. The commission shall not impose an administrative cost on this program.

Sec. 217. 2011 2nd sp.s. c 9 s 216 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF LABOR AND INDUSTRIES

General Fund--State Appropriation (FY 2012) .....	\$17,433,000
General Fund--State Appropriation (FY 2013) .....	(\$18,374,000)
.....	\$18,272,000
General Fund--Federal Appropriation .....	\$11,636,000
Asbestos Account--State Appropriation .....	(\$395,000)
.....	\$379,000
Electrical License Account--State Appropriation.....	(\$37,019,000)
.....	\$36,520,000
Farm Labor Revolving Account--Private/Local Appropriation .....	
.....	\$28,000
Worker and Community Right-to-Know Account--	
State Appropriation .....	(\$949,000)
.....	\$922,000
Public Works Administration Account--State	
Appropriation .....	(\$6,814,000)
.....	\$7,007,000
Manufactured Home Installation Training Account--	
State Appropriation .....	\$334,000
Accident Account--State Appropriation .....	(\$252,809,000)
.....	\$253,453,000
Accident Account--Federal Appropriation .....	\$13,622,000
Medical Aid Account--State Appropriation .....	(\$264,202,000)

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.....	\$265,298,000
Medical Aid Account--Federal Appropriation .....	\$3,186,000
Plumbing Certificate Account--State Appropriation .....	..((\$1,688,000))
.....	\$1,684,000
Pressure Systems Safety Account--State	
Appropriation .....	..((\$4,068,000))
.....	\$4,070,000
TOTAL APPROPRIATION .....	..((\$632,557,000))
.....	\$633,844,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Pursuant to RCW 43.135.055, the department is authorized to increase fees related to factory assembled structures, contractor registration, electricians, plumbers, asbestos removal, boilers, elevators, and manufactured home installers. These increases are necessary to support expenditures authorized in this section, consistent with chapters 43.22, 18.27, 19.28, and 18.106 RCW, RCW 49.26.130, and chapters 70.79, 70.87, and 43.22A RCW.

(2) \$50,000 of the general fund--state appropriation for fiscal year 2012 and \$50,000 of the general fund--state appropriation for fiscal year 2013 are provided solely for the crime victims compensation program to pay claims for mental health services for crime victim compensation program clients who have an established relationship with a mental health provider and subsequently obtain coverage under the medicaid program or the medical care services program under chapter 74.09 RCW. Prior to making such payment, the program must have determined that payment for the specific treatment or provider is not available under the medicaid or medical care services program. In addition, the program shall make efforts to contact any healthy options or medical care services health plan in which the client may be enrolled to help the client obtain authorization to pay the claim on an out-of-network basis.

(3) \$1,281,000 of the accident account--state appropriation and \$1,281,000 of the medical aid account--state appropriation are provided solely for implementation of Engrossed Substitute House Bill No. 1725 (workers' compensation). If the bill is not enacted by June 30, 2011, the amounts provided in this subsection shall lapse.

(4) \$51,000 of the accident account--state appropriation and \$51,000 of the medical aid account--state appropriation are provided solely for implementation of Engrossed Substitute House Bill No. 1367 (for hire vehicles, operators). If the bill is not enacted by June 30, 2011, the amounts provided in this subsection shall lapse.

(5) \$8,727,000 of the medical aid account--state appropriation is provided solely for implementation of Substitute Senate Bill No. 5801 (industrial insurance system). If the bill is not enacted by June 30, 2011, the amount provided in this subsection shall lapse.

(6) \$625,000 of the general fund--state appropriation for fiscal year 2012, \$625,000 of the general fund--state appropriation for fiscal year 2013, \$1,250,000 of the public works administration account--state appropriation, \$708,000 of the accident account--state appropriation, and \$708,000 of the medical aid account--state appropriation are provided solely for the purposes of expanding the detecting unregistered employers targeting system and to support field staff in investigation and enforcement. Within the funds appropriated in this subsection, the department shall aggressively combat the underground economy in construction. Of the amounts provided in this subsection, \$800,000 shall be used for investigation and enforcement.

(7) \$8,583,000 of the accident account--state appropriation and \$18,278,000 of the medical aid account--state appropriation are provided solely for implementation of House Bill No. 2123 (workers' compensation). If the bill is not enacted by June 30, 2011, the amounts provided in this subsection shall lapse.

Sec. 218. 2011 2nd sp.s. c 9 s 217 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF VETERANS AFFAIRS

(1) HEADQUARTERS

General Fund--State Appropriation (FY 2012) .....	\$1,832,000
General Fund--State Appropriation (FY 2013) .....	\$1,826,000
Charitable, Educational, Penal, and Reformatory	
Institutions Account--State Appropriation .....	\$10,000
TOTAL APPROPRIATION .....	\$3,668,000

(2) FIELD SERVICES

General Fund--State Appropriation (FY 2012) .....	\$5,006,000
General Fund--State Appropriation (FY 2013) .....	\$5,001,000
General Fund--Federal Appropriation .....	\$3,356,000
General Fund--Private/Local Appropriation.....	\$4,737,000
Veterans Innovations Program Account--State	
Appropriation .....	\$812,000
Veteran Estate Management Account--Private/Local	
Appropriation .....	\$1,083,000
TOTAL APPROPRIATION .....	\$19,995,000

The appropriations in this subsection are subject to the following conditions and limitations: \$821,000 of the veterans innovations program account--state appropriation is provided solely for the department to continue support for returning combat veterans through the veterans innovation program, including emergency financial assistance through the defenders' fund and long-term financial assistance through the competitive grant program.

(3) INSTITUTIONAL SERVICES

General Fund--State Appropriation (FY 2012) .....	..((\$899,000))
.....	\$1,755,000
((General Fund--State Appropriation (FY 2013).....	\$71,000))
General Fund--Federal Appropriation .....	..((\$59,177,000))
.....	\$61,734,000
General Fund--Private/Local Appropriation.....	..((\$32,094,000))
.....	\$29,724,000
TOTAL APPROPRIATION .....	..((\$92,241,000))
.....	\$93,213,000

Sec. 219. 2011 2nd sp.s. c 9 s 218 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF HEALTH

General Fund--State Appropriation (FY 2012) .....	..((\$79,888,000))
.....	\$78,999,000
General Fund--State Appropriation (FY 2013) .....	..((\$79,718,000))
.....	\$51,357,000
General Fund--Federal Appropriation .....	..((\$555,563,000))
.....	\$552,931,000
General Fund--Private/Local Appropriation.....	..((\$148,362,000))
.....	\$148,361,000
Hospital Data Collection Account--State Appropriation....	\$214,000
Health Professions Account--State Appropriation .....	..((\$94,469,000))
.....	\$99,514,000
Aquatic Lands Enhancement Account--State Appropriation .....	
.....	\$604,000
Emergency Medical Services and Trauma Care Systems	
Trust Account--State Appropriation.....	\$12,302,000
Safe Drinking Water Account--State Appropriation .....	\$4,480,000
Drinking Water Assistance Account--Federal	
Appropriation .....	\$22,875,000
Waterworks Operator Certification--State	
Appropriation .....	\$1,532,000
Drinking Water Assistance Administrative Account--	
State Appropriation .....	\$326,000
Site Closure Account--State Appropriation.....	\$79,000
Biotxin Account--State Appropriation.....	\$1,167,000
State Toxics Control Account--State Appropriation.....	..((\$3,649,000))
.....	\$20,352,000
Medical Test Site Licensure Account--State	
Appropriation .....	\$2,321,000

Youth Tobacco Prevention Account--State Appropriation .....	\$1,512,000
Community and Economic Development Fee Account--State Appropriation .....	(\$596,000)
Public Health Supplemental Account--Private/Local Appropriation .....	\$298,000
Accident Account--State Appropriation .....	\$3,598,000
Medical Aid Account--State Appropriation .....	\$297,000
Tobacco Prevention and Control Account--State Appropriation .....	\$50,000
.....	(\$37,000)
.....	\$1,737,000
TOTAL APPROPRIATION .....	(\$1,013,560,000)
.....	\$1,004,906,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The department of health shall not initiate any services that will require expenditure of state general fund moneys unless expressly authorized in this act or other law. The department of health and the state board of health shall not implement any new or amended rules pertaining to primary and secondary school facilities until the rules and a final cost estimate have been presented to the legislature, and the legislature has formally funded implementation of the rules through the omnibus appropriations act or by statute. The department may seek, receive, and spend, under RCW 43.79.260 through 43.79.282, federal moneys not anticipated in this act as long as the federal funding does not require expenditure of state moneys for the program in excess of amounts anticipated in this act. If the department receives unanticipated unrestricted federal moneys, those moneys shall be spent for services authorized in this act or in any other legislation that provides appropriation authority, and an equal amount of appropriated state moneys shall lapse. Upon the lapsing of any moneys under this subsection, the office of financial management shall notify the legislative fiscal committees. As used in this subsection, "unrestricted federal moneys" includes block grants and other funds that federal law does not require to be spent on specifically defined projects or matched on a formula basis by state funds.

(2) In accordance with RCW 43.70.250 and 43.135.055, the department is authorized to establish and raise fees in fiscal year 2012 as necessary to meet the actual costs of conducting business and the appropriation levels in this section. This authorization applies to fees required for: The review of health care facility construction; review of health facility requests for certificate of need; the regulation and inspection of farm worker housing, hospital licensing, in-home health service agencies, and producers of radioactive waste; the regulation and inspection of shellfish sanitary control, surgical facility licensing, and; fees associated with the following professions: Dieticians and nutritionists, occupational therapists, pharmacy, veterinarian, orthotics and prosthetics, surgical technicians, nursing home administrators, health care assistants, hearing and speech, psychology, hypnotherapy, chiropractic, social workers, physicians, and physician assistants.

(3) In accordance with RCW 43.135.055, the department is authorized to adopt fees set forth in and previously authorized in chapter 92, Laws of 2010.

(4) \$1,969,000 of the health professions account--state appropriation is provided solely to implement online licensing for health care providers. The department must submit a detailed investment plan for this project to the office of financial management. The office of financial management must review and approve this plan before funding may be expended. The department of health must successfully implement online application and renewal for at least one profession as a pilot project

before pursuing additional professions. The department must report to the office of financial management on the outcome of the pilot project.

~~((4))~~ (5) \$16,000 of the health professions account--state appropriation is provided solely for the implementation of House Bill No. 1181 (board of naturopathy). If the bill is not enacted by June 30, 2011, the amount provided in this subsection shall lapse.

~~((5))~~ (6) \$21,000 of the health professions account--state appropriation is provided solely for the implementation of Substitute House Bill No. 1304 (health care assistants). If the bill is not enacted by June 30, 2011, the amount provided in this subsection shall lapse.

~~((6))~~ (7) \$54,000 of the health professions account--state appropriation is provided solely for the implementation of House Bill No. 1353 (pharmacy technicians). If the bill is not enacted by June 30, 2011, the amount provided in this subsection shall lapse.

~~((7))~~ (8) \$142,000 of the health professions account--state appropriation is provided solely for the implementation of Engrossed Substitute Senate Bill No. 5020 (social workers). If the bill is not enacted by June 30, 2011, the amount provided in this subsection shall lapse.

~~((8))~~ (9) \$336,000 of the health professions account--state appropriation is provided solely for the implementation of Senate Bill No. 5480 (physicians and physician assistants). If the bill is not enacted by June 30, 2011, the amount provided in this subsection shall lapse.

~~((9))~~ (10) \$46,000 of the health professions account--state appropriation is provided solely for the implementation of Substitute Senate Bill No. 5071 (online access for midwives and marriage and family therapists). If the bill is not enacted by June 30, 2011, the amount provided in this subsection shall lapse.

~~((10))~~ (11) \$137,000 of the health professions account--state appropriation is provided solely for implementation of Substitute House Bill No. 1133 (massage practitioner license). If the bill is not enacted by June 30, 2011, the amount provided in this subsection shall lapse.

~~((11))~~ (12) \$85,000 of the general fund--state appropriation for fiscal year 2012 ~~((and \$85,000 of the general fund state appropriation for fiscal year 2013 are))~~ is provided solely for the developmental disabilities council to contract for a family-to-family mentor program to provide information and support to families and guardians of persons who are transitioning out of residential habilitation centers. To the maximum extent allowable under federal law, these funds shall be matched under medicaid through the department of social and health services and federal funds shall be transferred to the department for the purposes stated in this subsection. If Second Substitute Senate Bill No. 5459 (people with developmental disabilities) is not enacted by June 30, 2011, the amounts provided in this subsection shall lapse.

~~((12))~~ (13) \$57,000 of the general fund--state appropriation for fiscal year 2012 and \$58,000 of the general fund--state appropriation for fiscal year 2013 are provided solely for the midwifery licensure and regulatory program to offset a reduction in revenue from fees. There shall be no change to the current annual fees for new or renewed licenses for the midwifery program, except from online access to HEAL- WA. The department shall convene the midwifery advisory committee on a quarterly basis to address issues related to licensed midwifery.

~~((13))~~ (14) \$118,000 of the general fund--state appropriation for fiscal year 2012 and \$118,000 of the general fund--state appropriation for fiscal year 2013 are provided solely for prevention of youth suicides.

~~((14))~~ (15) \$87,000 of the general fund--state appropriation for fiscal year 2012 and \$87,000 of the general fund--state

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appropriation for fiscal year 2013 are provided solely for the senior falls prevention program.

(16) \$19,000 of the health professions account--state appropriation is provided solely for implementation of Senate Bill No. 6290 (military spouses and partners). If the bill is not enacted by June 30, 2012, the amount provided in this subsection shall lapse.

(17) \$50,000 of the health professions account--state appropriation is provided solely for implementation of Engrossed Substitute Senate Bill No. 6237 (career pathway/medical assistants). If the bill is not enacted by June 30, 2012, the amount provided in this subsection shall lapse.

(18) \$21,000 of the health professions account--state appropriation is provided solely for implementation of Substitute Senate Bill No. 6328 (mental health professionals). If the bill is not enacted by June 30, 2012, the amount provided in this subsection shall lapse.

(19) \$148,000 of the health professions account--state appropriation is provided solely for implementation of Engrossed Substitute Senate Bill No. 6103 (reflexologists). If the bill is not enacted by June 30, 2012, the amount provided in this subsection shall lapse.

(20) \$28,000 of the health professions account--state appropriation is provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5620 (dental anesthesia assistants). If the bill is not enacted by June 30, 2012, the amount provided in this subsection shall lapse.

(21) Appropriations for fiscal year 2013 include funding for consolidation of the department of ecology's low-level radioactive waste site use permit program in the department of health.

**Sec. 220.** 2011 2nd sp.s. c 9 s 219 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF CORRECTIONS

(1) ADMINISTRATION AND SUPPORT SERVICES

General Fund--State Appropriation (FY 2012) .....	(\$54,529,000))
.....	\$52,529,000
General Fund--State Appropriation (FY 2013) .....	(\$53,210,000))
.....	\$53,419,000
TOTAL APPROPRIATION.....	(\$107,739,000))
.....	\$105,948,000

The appropriations in this subsection are subject to the following conditions and limitations: \$35,000 of the general fund--state appropriation for fiscal year 2012 and \$35,000 of the general fund-- state appropriation for fiscal year 2013 are provided solely for the support of a statewide council on mentally ill offenders that includes as its members representatives of community-based mental health treatment programs, current or former judicial officers, and directors and commanders of city and county jails and state prison facilities. The council will investigate and promote cost-effective approaches to meeting the long-term needs of adults and juveniles with mental disorders who have a history of offending or who are at-risk of offending, including their mental health, physiological, housing, employment, and job training needs.

(2) CORRECTIONAL OPERATIONS

General Fund--State Appropriation (FY 2012) .....	(\$609,105,000))
.....	\$599,191,000
General Fund--State Appropriation (FY 2013) .....	(\$602,804,000))
.....	\$582,174,000
General Fund--Federal Appropriation .....	\$3,324,000
Washington Auto Theft Prevention Authority Account--	
State Appropriation .....	\$14,079,000
TOTAL APPROPRIATION .....	(\$1,229,312,000))
.....	\$1,198,768,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) During the 2011-13 biennium, when contracts are established or renewed for offender pay phone and other telephone services provided to inmates, the department shall select the contractor or contractors primarily based on the following factors: (i) The lowest rate charged to both the inmate and the person paying for the telephone call; and (ii) the lowest commission rates paid to the department, while providing reasonable compensation to cover the costs of the department to provide the telephone services to inmates and provide sufficient revenues for the activities funded from the institutional welfare betterment account.

(b) The Harborview medical center and the University of Washington medical center shall provide inpatient and outpatient hospital services to offenders confined in department of corrections facilities at a rate no greater than the average rate that the department has negotiated with other community hospitals in Washington state.

(c) \$102,000 of the general fund--state appropriation for fiscal year 2012 and \$102,000 of the general fund--state appropriation for fiscal year 2013 are provided solely to implement House Bill No. 1290 (health care employee overtime). If the bill is not enacted by June 30, 2011, the amounts provided in this subsection shall lapse.

(d) \$32,000 of the general fund--state appropriation for fiscal year 2012 and \$33,000 of the general fund--state appropriation for fiscal year 2013 are provided solely to implement Substitute House Bill No. 1718 (offenders with developmental disabilities). If the bill is not enacted by June 30, 2011, the amounts provided in this subsection shall lapse.

(e) The department of corrections shall contract with local and tribal governments for the provision of jail capacity to house offenders. A contract shall not have a cost of incarceration in excess of \$85 per day per offender. A contract shall not have a year-to-year increase in excess of three percent per year. The contracts may include rates for the medical care of offenders which exceed the daily cost of incarceration and the limitation on year-to-year increase, provided that medical payments conform to the department's offender health plan, pharmacy formulary, and all off-site medical expenses are preapproved by department utilization management staff.

(f) \$41,000 of the general fund--state appropriation for fiscal year 2012 and \$165,000 of the general fund--state appropriation for fiscal year 2013 are provided solely for the department to maintain the facility, property and assets at the institution formerly known as the Maple Lane school in Rochester. The department may not house incarcerated offenders at the Maple Lane site until specifically directed by the legislature.

(3) COMMUNITY SUPERVISION

General Fund--State Appropriation (FY 2012) .....	(\$129,635,000))
.....	\$127,625,000
General Fund--State Appropriation (FY 2013) .....	(\$128,049,000))
.....	\$130,441,000
Federal Narcotics Forfeiture Account--Federal	
Appropriation .....	\$372,000
Controlled Substances Account--State	
Appropriation .....	\$32,000
TOTAL APPROPRIATION .....	(\$258,088,000))
.....	\$258,470,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) \$875,000 of the general fund--state appropriation for fiscal year 2012 is provided solely to implement Engrossed Substitute House Bill No. 5891 (criminal justice cost savings). If the bill is not enacted by June 30, 2011, the amount provided in this subsection shall lapse.

(b) Within the funds provided in this section, the department of corrections must establish a transitional reentry housing pilot program by contracting with housing providers to continuously

make available no fewer than fifty beds in transitional reentry housing to meet the needs of offenders transitioning to the community on earned early release and who are in need of housing pursuant to RCW 9.94A.729(5)(d). The department must give preference to housing providers that provide a small, family-oriented living environment with between three and ten beds and provide transition support that enables an offender to participate in programming or services. The department shall track the housing and recidivism status of offenders who participate in transitional reentry housing and report to the governor and appropriate committees of the legislature by December 1, 2013.

(4) CORRECTIONAL INDUSTRIES

General Fund--State Appropriation (FY 2012) .....	(\$3,535,000))
.....	\$2,513,000
General Fund--State Appropriation (FY 2013) .....	(\$3,458,000))
.....	\$2,435,000
TOTAL APPROPRIATION .....	(\$6,993,000))
.....	\$4,948,000

The appropriations in this subsection are subject to the following conditions and limitations: \$66,000 of the general fund--state appropriation for fiscal year 2012 is provided solely for transfer to the jail industries board. The board shall use the amounts provided only for administrative expenses, equipment purchases, and technical assistance associated with advising cities and counties in developing, promoting, and implementing consistent, safe, and efficient offender work programs.

(5) INTERAGENCY PAYMENTS

General Fund--State Appropriation (FY 2012) .....	\$37,053,000
General Fund--State Appropriation (FY 2013) .....	(\$35,549,000))
.....	\$35,550,000
TOTAL APPROPRIATION .....	(\$72,602,000))
.....	\$72,603,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) The state prison institutions may use funds appropriated in this subsection to rent uniforms from correctional industries in accordance with existing legislative mandates.

(b) The state prison medical facilities may use funds appropriated in this subsection to purchase goods and supplies through hospital or other group purchasing organizations when it is cost effective to do so.

(c) The department shall reduce payments to the department of information services or its successor by \$213,000 in fiscal year 2012 and by \$1,150,000 in fiscal year 2013. The reduction in payment shall be related to the elimination of the offender base tracking system, including moving remaining portions of the offender base tracking system into the offender management network information system.

**Sec. 221.** 2011 2nd sp.s. c 9 s 220 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SERVICES FOR THE BLIND

General Fund--State Appropriation (FY 2012) .....	\$2,278,000
General Fund--State Appropriation (FY 2013) .....	\$2,264,000
General Fund--Federal Appropriation .....	\$19,082,000
General Fund--Private/Local Appropriation.....	\$30,000
TOTAL APPROPRIATION .....	\$23,654,000

**Sec. 222.** 2011 2nd sp.s. c 9 s 221 (uncodified) is amended to read as follows:

FOR THE EMPLOYMENT SECURITY DEPARTMENT

General Fund--Federal Appropriation .....	(\$267,301,000))
.....	\$267,298,000
General Fund--Private/Local Appropriation.....	\$33,931,000
Unemployment Compensation Administration Account--	
Federal Appropriation .....	(\$350,622,000))

.....	\$350,598,000
Administrative Contingency Account--State	
Appropriation .....	\$20,948,000
Employment Service Administrative Account--State	
Appropriation .....	(\$33,721,000))
.....	\$33,720,000
TOTAL APPROPRIATION .....	(\$706,523,000))
.....	\$706,495,000

The appropriations in this subsection are subject to the following conditions and limitations:

(1) \$39,666,000 of the unemployment compensation administration account--federal appropriation is from amounts made available to the state by section 903 (d), (f), and (g) of the social security act (Reed act). This amount is provided solely for continuing current unemployment insurance functions and department services to employers and job seekers.

(2) \$35,584,000 of the unemployment compensation administration account--federal appropriation is from amounts made available to the state by section 903 (d), (f), and (g) of the social security act (Reed act). This amount is provided solely for the replacement of the unemployment insurance tax information system for the employment security department. The employment security department shall support the department of revenue and department of labor and industries to develop a common vision to ensure technological compatibility between the three agencies to facilitate a coordinated business tax system for the future that improves services to business customers. The amounts provided in this subsection are conditioned on the department satisfying the requirements of the project management oversight standards and policies established by the office of the chief information officer created in Engrossed Substitute Senate Bill No. 5931 (information technology management).

(3) \$25,000 of the unemployment compensation administration account--federal appropriation is from amounts made available to the state by section 903 (d), (f), and (g) of the social security act (Reed act). This amount is provided solely for implementation of system changes to the unemployment insurance tax information system required under chapter 4, Laws of 2011 (unemployment insurance program).

(4) \$1,459,000 of the unemployment compensation administration account--federal appropriation is from amounts available to the state by section 903 (d), (f), and (g) of the social security act (Reed act). This amount is provided solely for implementation of chapter 4, Laws of 2011 (unemployment insurance program).

(5) \$60,000 of the unemployment compensation administration account--federal appropriation is provided solely for costs associated with the initial review and evaluation of the training benefits program as directed in section 15(2), chapter 4, Laws of 2011 (unemployment insurance program). The initial review shall be developed by the joint legislative audit and review committee. This appropriation is provided from funds made available to the state by section 903 (d), (f), and (g) of the social security act (Reed act).

(End of part)

**PART III  
NATURAL RESOURCES**

**Sec. 301.** 2011 2nd sp.s. c 9 s 302 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF ECOLOGY

General Fund--State Appropriation (FY 2012) .....	(\$47,630,000))
.....	\$28,948,000

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General Fund--State Appropriation (FY 2013) .....	(\$46,226,000)
.....	\$24,642,000
General Fund--Federal Appropriation .....	(\$77,452,000)
.....	\$100,154,000
General Fund--Private/Local Appropriation.....	(\$16,691,000)
.....	\$16,730,000
Special Grass Seed Burning Research Account--State	
Appropriation .....	\$3,000
Reclamation Revolving Account--State Appropriation.....	
.....	(\$3,642,000)
.....	\$4,643,000
Flood Control Assistance Account--State	
Appropriation .....	(\$1,940,000)
.....	\$1,933,000
State Emergency Water Projects Revolving Account--State	
Appropriation .....	\$270,000
Waste Reduction/Recycling/Litter Control--State	
Appropriation .....	(\$11,478,000)
.....	\$9,762,000
State Drought Preparedness Account--State	
Appropriation .....	(\$118,000)
.....	\$204,000
State and Local Improvements Revolving Account	
(Water Supply Facilities)--State Appropriation .....	(\$423,000)
.....	\$422,000
Freshwater Aquatic Algae Control Account--State	
Appropriation .....	\$509,000
Water Rights Tracking System Account--State Appropriation	
.....	\$46,000
Site Closure Account--State Appropriation .....	(\$703,000)
.....	\$622,000
Wood Stove Education and Enforcement Account--State	
Appropriation .....	(\$612,000)
.....	\$723,000
Worker and Community Right-to-Know Account--State	
Appropriation .....	(\$1,668,000)
.....	\$1,661,000
Water Rights Processing Account--State Appropriation	
.....	(\$136,000)
.....	\$135,000
State Toxics Control Account--State Appropriation.....	
.....	(\$112,575,000)
.....	\$148,563,000
State Toxics Control Account--Private/Local	
Appropriation .....	(\$968,000)
.....	\$966,000
Local Toxics Control Account--State Appropriation .....	
.....	(\$27,390,000)
.....	\$26,207,000
Water Quality Permit Account--State Appropriation .....	
.....	(\$37,748,000)
.....	\$39,066,000
Underground Storage Tank Account--State	
Appropriation .....	(\$3,254,000)
.....	\$3,239,000
Biosolids Permit Account--State Appropriation.....	(\$1,805,000)
.....	\$1,797,000
Hazardous Waste Assistance Account--State	
Appropriation .....	(\$5,857,000)
.....	\$5,835,000
Air Pollution Control Account--State Appropriation	
.....	(\$2,468,000)
.....	\$2,545,000
Oil Spill Prevention Account--State Appropriation.....	(\$5,566,000)
.....	\$5,542,000

Air Operating Permit Account--State Appropriation.....	
.....	(\$2,746,000)
.....	\$3,285,000
Freshwater Aquatic Weeds Account--State	
Appropriation .....	(\$1,700,000)
.....	\$1,698,000
Oil Spill Response Account--State Appropriation.....	\$7,076,000
Metals Mining Account--State Appropriation.....	\$14,000
Water Pollution Control Revolving Account--State	
Appropriation .....	(\$611,000)
.....	\$610,000
Water Pollution Control Revolving Account--Federal	
Appropriation .....	(\$2,517,000)
.....	\$2,509,000
TOTAL APPROPRIATION .....	(\$421,842,000)
.....	\$440,359,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$170,000 of the oil spill prevention account--state appropriation is provided solely for a contract with the University of Washington's sea grant program to continue an educational program targeted to small spills from commercial fishing vessels, ferries, cruise ships, ports, and marinas.

(2) Pursuant to RCW 43.135.055, the department is authorized to increase the following fees as necessary to meet the actual costs of conducting business and the appropriation levels in this section: Wastewater discharge permit, not more than 4.34 percent in fiscal year 2012 and 4.62 percent in fiscal year 2013; biosolids permit fee, not more than 10 percent during the biennium; and air contaminate source registration fee, not more than 36 percent during the biennium; agricultural burning acreage and pile burning fees, not more than 25 percent and 100 percent respectively, in fiscal year 2013; and dam safety and inspection fees, not more than 35 percent in fiscal year 2012 and 4.62 percent in fiscal year 2013. Any fee increase implemented to offset general fund--state reductions in the 2011-2013 fiscal biennium may be made effective on or before July 1, 2012.

(3) If Substitute House Bill No. 1294 (Puget Sound corps) is not enacted by June 30, 2011, \$322,000 of the general fund--state appropriation for fiscal year 2012 and \$322,000 of the general fund-- state appropriation for fiscal year 2013 shall be transferred to the department of natural resources.

(4) \$463,000 of the state toxics control account--state appropriation is provided solely for implementation of Engrossed Second Substitute House Bill No. 1186 (state's oil spill program). If the bill is not enacted by June 30, 2011, the amount provided in this subsection shall lapse.

(5) Pursuant to RCW 70.93.180(5), the appropriations in this section from the waste reduction, recycling, and litter control account shall only be expended on activities listed under RCW 70.93.180(1) (a) and (b), and the department shall not expend appropriations on RCW 70.93.180(1)(c). The department may not spend waste reduction, recycling, and litter control account funds to support the following activities: The beyond waste plan, work on national solid waste recycling issues, work on construction and demolition recycling and green building alternatives, education programs including the green schools initiative, and management of the 1-800-recycle hotline and database on school awards. Waste reduction, recycling, and litter account control funds must be prioritized to support litter pickup using correctional crews, regulatory programs, and technical assistance to local governments.

(6) The department shall make every possible effort through its existing statutory authorities to obtain federal funding for public participation grants regarding the Hanford nuclear reservation and associated properties and facilities. Such federal funding shall not

limit the total state funding authorized under this section for public participation grants made pursuant to RCW 70.105D.070(5), but the amount of any individual grant from such federal funding shall be offset against any grant award amount to an individual grantee from state funds under RCW 70.105D.070(5).

(7) The department shall review its water rights application review procedures to simplify the procedures, eliminate unnecessary steps, and decrease the time required to issue decisions. The department shall implement changes to improve water rights processing for which it has current administrative authority. The department shall report on reforms implemented and efficiencies achieved as demonstrated through enhanced permit processing to the appropriate committees of the legislature on December 1, 2011, and October 1, 2012.

(a) The department shall consult with key stakeholders on statutory barriers to efficient water rights processing and effective water management, including identification of obsolete, confusing, or conflicting statutory provisions. The department shall report stakeholder recommendations to appropriate committees of the legislature by December 1, 2011, and October 1, 2012.

(b) \$500,000 of the general fund--state appropriation for fiscal year 2013 is provided solely for processing water right permit applications only if the department of ecology issues at least five hundred water right decisions in fiscal year 2012, and if the department of ecology does not issue at least five hundred water right decisions in fiscal year 2012 the amount provided in this subsection shall lapse and remain unexpended. The department of ecology shall submit a report to the office of financial management and the state treasurer by June 30, 2012, that documents whether five hundred water right decisions were issued in fiscal year 2012. For the purposes of this subsection, applications that are voluntarily withdrawn by an applicant do not count towards the five hundred water right decision requirement. For the purposes of water budget-neutral requests under chapter 173-539A WAC, multiple domestic connections authorized within a single water budget-neutral decision are considered one decision for the purposes of this subsection.

(c) The department shall maintain an ongoing accounting of water right applications received and acted on and shall post that information to the department's internet site.

(8) \$1,075,000 of the general fund--state appropriation for fiscal year 2012 and \$1,075,000 of the general fund--state appropriation for fiscal year 2013 are provided solely for processing the backlog of pending water rights permit applications in the water resources program.

(9) As soon as possible after filing CR-102 proposed draft rule language that establishes standards or criteria for human health based on fish consumption rates under chapter 173-204 WAC, and prior to expending any funds to implement such rules, the department shall present to the appropriate environment and fiscal committees of the legislature technical support document No. 11-09-050. The department must include proposed revised standards or criteria together with the statements, determination and documentation set forth in RCW 34.05.328 including without limitation a cost-benefit analysis, a least burdensome alternative analysis, an implementation plan and substantial evidence that any difference between the proposed criteria and the national toxics rule is necessary to achieve the general and specific objectives of chapter 90.48 RCW.

(10) To increase the focus on processing of water right applications by reducing certain current workload, the department shall provide the option for a ministerial development schedule extension for any water right permit, previously approved permit extension, or water right change or transfer authorization with a development schedule deadline prior to June 30, 2013. The

extensions require payment of the fee under RCW 90.03.470 and will be for one year.

(11) Pursuant to House Bill No. 2304 (low-level waste), the appropriations in this section for the low-level radioactive waste site use permit program are for fiscal year 2012. Appropriations for fiscal year 2013 are contained in section 219 of this act.

(12) \$128,000 of the wood stove education and enforcement account-- state appropriation is provided solely for the implementation of Senate Bill No. 6077 (solid fuel burning devices). If the bill is not enacted by June 30, 2012, the amount provided in this subsection shall lapse.

(13) Pursuant to RCW 90.16.090(2), the appropriations in this section from the reclamation account--state appropriation shall be expended for the activities listed in RCW 90.16.090(1), and the expenditures need not be proportional to fee revenue sources.

(14) \$2,000,000 of the state toxics control account--state appropriation is provided solely for the replacement of uncertified solid fuel burning devices and solid fuel burning devices manufactured prior to 1995 for low and middle-income families in air quality nonattainment areas under the federal clean air act (42 U.S.C. Sec. 7401 et seq.). The replacement heating device may include certified solid fuel burning devices, pellet stoves, or a cleaner natural gas or electric home heating device.

(15) \$188,000 of the general fund--state appropriation for fiscal year 2013 is provided solely for the implementation of Second Substitute Senate Bill No. 6406 (state natural resources). If the bill is not enacted by June 30, 2012, the amount provided in this subsection shall lapse.

**Sec. 302.** 2011 2nd sp.s. c 9 s 303 (uncodified) is amended to read as follows:

FOR THE STATE PARKS AND RECREATION COMMISSION

General Fund--State Appropriation (FY 2012) .....	\$8,955,000
General Fund--State Appropriation (FY 2013) .....	\$8,379,000
General Fund--Federal Appropriation.....	\$5,905,000
Winter Recreation Program Account--State Appropriation .....	
.....	\$1,761,000
ORV and Nonhighway Vehicle Account--State Appropriation .....	
.....	\$224,000
Snowmobile Account--State Appropriation .....	\$4,848,000
Aquatic Lands Enhancement Account--State	
Appropriation .....	(\$363,000))
.....	\$4,363,000
Parks Renewal and Stewardship Account--State	
Appropriation .....	(\$116,087,000))
.....	\$116,649,000
Parks Renewal and Stewardship Account--Private/Local	
Appropriation .....	\$300,000
TOTAL APPROPRIATION .....	(\$146,822,000))
.....	\$151,384,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$8,876,000 of the general fund--state appropriation for fiscal year 2012 (~~and~~), \$8,300,000 of the general fund--state appropriation for fiscal year 2013, and \$4,000,000 of the aquatic lands enhancement account--state appropriation are provided solely to operate and maintain state parks as the commission implements a new fee structure. The goal of this structure is to make the parks system self-supporting. By August 1, 2012, state parks must submit a report to the office of financial management detailing its progress toward this goal and outlining any additional statutory changes needed for successful implementation.

(2) \$79,000 of the general fund--state appropriation for fiscal year 2012 and \$79,000 of the general fund--state appropriation for fiscal year 2013 are provided solely for a grant for the operation of the Northwest avalanche center.



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(3) \$53,928,000 of the parks renewal and stewardship account--state appropriation is provided solely for implementation of Second Substitute Senate Bill No. 5622 (state land recreation access). If the bill is not enacted by June 30, 2011, the amount provided in this subsection shall lapse.

(4) Prior to closing any state park, the commission must notify all affected local governments and relevant nonprofit organizations of the intended closure and provide an opportunity for the notified local governments and nonprofit organizations to elect to acquire, or enter into, a maintenance and operating contract with the commission that would allow the park to remain open.

(5) \$592,000 of the parks renewal and stewardship account--state appropriation is provided solely for the implementation of Substitute Senate Bill No. 6387 (parks fiscal matters). If the bill is not enacted by June 30, 2012, the amount provided in this subsection shall lapse.

(6) Within the appropriations contained in this section, the commission shall remove trees from Brooks memorial state park that have been killed or damaged by fire in order to ensure the recovery of value from the sale of any timber that is surplus to the needs of the park. The commission shall remove such trees by September 30, 2012, and in a manner consistent with RCW 79A.05.035.

Sec. 303. 2011 2nd sp.s. c 9 s 304 (uncodified) is amended to read as follows:

FOR THE RECREATION AND CONSERVATION FUNDING BOARD

Table with 2 columns: Description and Amount. Includes rows for General Fund--State Appropriation (FY 2012), General Fund--State Appropriation (FY 2013), General Fund--Federal Appropriation, General Fund--Private/Local Appropriation, Aquatic Lands Enhancement Account--State Appropriation, Vessel Response Account--State Appropriation, Firearms Range Account--State Appropriation, Recreation Resources Account--State Appropriation, NOVA Program Account--State Appropriation, and TOTAL APPROPRIATION.

The appropriations in this section are subject to the following conditions and limitations: \$40,000 of the general fund--federal appropriation, \$24,000 of the general fund--private/local appropriation, \$100,000 of the vessel response account--state appropriation, and \$12,000 of the recreation resources account--state appropriation are provided solely for House Bill No. 1413 (invasive species council). If the bill is not enacted by June 30, 2011, the amounts provided in this subsection shall lapse.

Sec. 304. 2011 2nd sp.s. c 9 s 305 (uncodified) is amended to read as follows:

FOR THE ENVIRONMENTAL AND LAND USE HEARINGS OFFICE

Table with 2 columns: Description and Amount. Includes rows for General Fund--State Appropriation (FY 2012), General Fund--State Appropriation (FY 2013), and TOTAL APPROPRIATION.

Sec. 305. 2011 2nd sp.s. c 9 s 306 (uncodified) is amended to read as follows:

FOR THE CONSERVATION COMMISSION

Table with 2 columns: Description and Amount. Includes rows for General Fund--State Appropriation (FY 2012), General Fund--State Appropriation (FY 2013), General Fund--Federal Appropriation, and TOTAL APPROPRIATION.

The appropriations in this section are subject to the following conditions and limitations:

(1) The conservation commission, in cooperation with all conservation districts, will seek to minimize conservation district overhead costs. These efforts may include consolidating conservation districts.

(2) \$122,000 of the general fund--federal appropriation is provided solely for Engrossed Substitute House Bill No. 1886 (Ruckelshaus center process). If the bill is not enacted by June 30, 2011, the amount provided in this subsection shall lapse.

Sec. 306. 2011 2nd sp.s. c 9 s 307 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF FISH AND WILDLIFE

Table with 2 columns: Description and Amount. Includes rows for General Fund--State Appropriation (FY 2012), General Fund--State Appropriation (FY 2013), General Fund--Federal Appropriation, General Fund--Private/Local Appropriation, ORV and Nonhighway Vehicle Account--State Appropriation, Aquatic Lands Enhancement Account--State Appropriation, Recreational Fisheries Enhancement--State Appropriation, Warm Water Game Fish Account--State Appropriation, Eastern Washington Pheasant Enhancement Account--State Appropriation, Aquatic Invasive Species Enforcement Account--State Appropriation, Aquatic Invasive Species Prevention Account--State Appropriation, State Wildlife Account--State Appropriation, Special Wildlife Account--State Appropriation, Special Wildlife Account--Federal Appropriation, Special Wildlife Account--Private/Local Appropriation, Wildlife Rehabilitation Account--State Appropriation, Regional Fisheries Enhancement Salmonid Recovery Account--Federal Appropriation, Oil Spill Prevention Account--State Appropriation, Oyster Reserve Land Account--State Appropriation, Hydraulic Project Approval Account--State Appropriation, Recreation Resources Account--State Appropriation, and TOTAL APPROPRIATION.

The appropriations in this section are subject to the following conditions and limitations:

(1) \$294,000 of the aquatic lands enhancement account--state appropriation is provided solely for the implementation of hatchery reform recommendations defined by the hatchery scientific review group.

(2) \$355,000 of the general fund--state appropriation for fiscal year 2012 and \$355,000 of the general fund--state appropriation for fiscal year 2013 are provided solely for the department to continue a pilot project with the Confederated Tribes of the Colville Reservation to develop expanded recreational fishing opportunities on Lake Rufus Woods and its northern shoreline and to conduct joint enforcement of lake fisheries on Lake Rufus Woods and adjoining waters, pursuant to state and tribal intergovernmental agreements developed under the Columbia River water supply program. For the purposes of the pilot project:

(a) A fishing permit issued to a nontribal member by the Colville Tribes shall satisfy the license requirement of RCW 77.32.010 on the waters of Lake Rufus Woods and on the north shore of Lake Rufus Woods;

(b) The Colville Tribes have agreed to provide to holders of its nontribal member fishing permits a means to demonstrate that fish in their possession were lawfully taken in Lake Rufus Woods;

(c) A Colville tribal member identification card shall satisfy the license requirement of RCW 77.32.010 on all waters of Lake Rufus Woods;

(d) The department and the Colville Tribes shall jointly designate fishing areas on the north shore of Lake Rufus Woods for the purposes of enhancing access to the recreational fisheries on the lake; and

(e) The Colville Tribes have agreed to recognize a fishing license issued under RCW 77.32.470 or RCW 77.32.490 as satisfying the nontribal member fishing permit requirements of Colville tribal law on the reservation portion of the waters of Lake Rufus Woods and at designated fishing areas on the north shore of Lake Rufus Woods;

(3) Prior to submitting its 2013-2015 biennial operating and capital budget request related to state fish hatcheries to the office of financial management, the department shall contract with the hatchery scientific review group (HSRG) to review this request. This review shall: (a) Determine if the proposed requests are consistent with HSRG recommendations; (b) prioritize the components of the requests based on their contributions to protecting wild salmonid stocks and meeting the recommendations of the HSRG; and (c) evaluate whether the proposed requests are being made in the most cost effective manner. The department shall provide a copy of the HSRG review to the office of financial management with their agency budget proposal.

(4) \$400,000 of the general fund--state appropriation for fiscal year 2012 and \$400,000 of the general fund--state appropriation for fiscal year 2013 are provided solely for a state match to support the Puget Sound nearshore partnership between the department and the U.S. army corps of engineers.

(5) \$50,000 of the general fund--state appropriation for fiscal year 2012 and \$50,000 of the general fund--state appropriation for fiscal year 2013 are provided solely for removal of derelict gear in Washington waters.

(6) \$100,000 of the eastern Washington pheasant enhancement account--state appropriation is provided solely for the department to support efforts to enhance permanent and temporary pheasant habitat on public and private lands in Grant, Franklin, and Adams counties. The department may support efforts by entities including conservation districts, nonprofit organizations, and landowners, and must require such entities to provide significant nonstate matching resources, which may be in the form of funds, material, or labor.

(7) Within the amounts appropriated in this section, the department shall identify additional opportunities for partnerships in

order to keep fish hatcheries operational. Such partnerships shall aim to maintain fish production and salmon recovery with less reliance on state operating funds.

(8) By September 1, 2011, the department shall update its interagency agreement dated September 30, 2010, with the department of natural resources concerning land management services on the department of fish and wildlife's wildlife conservation and recreation lands. The update shall include rates and terms for services.

(9) Prior to opening game management unit 490 to public hunting, the department shall complete an environmental impact statement that includes an assessment of how public hunting activities will impact the ongoing protection of the public water supply.

(10) \$18,514,000 of the state wildlife account--state appropriation is provided solely for the implementation of Second Substitute Senate Bill No. 5385 (state wildlife account). If the bill is not enacted by June 30, 2011, the amount provided in this subsection shall lapse.

(11) \$9,418,000 of the state wildlife account--state appropriation is provided solely for the implementation of Second Substitute Senate Bill No. 5622 (state land recreation access). If the bill is not enacted by June 30, 2011, the amount provided in this subsection shall lapse.

(12) \$50,000 of the state wildlife account--state appropriation is provided solely for mitigation, claims, and assessment costs for injury or loss of livestock caused by wolves, black bears, and cougars.

(13) \$552,000 of the aquatic lands enhancement account--state appropriation is provided solely for increased law enforcement capacity to reduce the occurrence of geoduck poaching and illegal harvest activities. The department shall fill current vacant law enforcement positions prior to filling the new positions created under this subsection.

(14) \$56,000 of the state wildlife account--state appropriation is provided solely for the implementation of Substitute Senate Bill No. 6387 (natural resource fiscal matters). If the bill is not enacted by June 30, 2012, the amount provided in this subsection shall lapse.

(15) \$415,000 of the hydraulic project approval--state appropriation is provided solely for the implementation of Second Substitute Senate Bill No. 6406 (state natural resources). If the bill is not enacted by June 30, 2012, the amount provided in this subsection shall lapse.

**Sec. 307.** 2011 2nd sp.s. c 9 s 308 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF NATURAL RESOURCES

General Fund--State Appropriation (FY 2012) .....	(\$31,324,000))
.....	\$30,956,000
General Fund--State Appropriation (FY 2013) .....	(\$35,791,000))
.....	\$32,594,000
General Fund--Federal Appropriation .....	\$27,919,000
General Fund--Private/Local Appropriation.....	\$2,374,000
Forest Development Account--State Appropriation	
.....	(\$41,717,000))
.....	\$45,115,000
ORV and Nonhighway Vehicle Account--State Appropriation .....	
.....	\$4,387,000
Surveys and Maps Account--State Appropriation .....	(\$2,346,000))
.....	\$2,124,000
Aquatic Lands Enhancement Account--State	
Appropriation .....	(\$7,224,000))
.....	\$1,224,000
Resources Management Cost Account--State	
Appropriation .....	(\$82,097,000))
.....	\$89,699,000

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Surface Mining Reclamation Account--State

Appropriation .....	(\$3,484,000)
.....	\$3,486,000

Disaster Response Account--State Appropriation .....

.....	\$5,000,000
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Forest and Fish Support Account--State Appropriation .....

.....	(\$7,933,000)
.....	\$10,484,000

Aquatic Land Dredged Material Disposal Site

Account--State Appropriation.....	\$838,000
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Natural Resources Conservation Areas Stewardship

Account--State Appropriation.....	\$34,000
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Marine Resources Stewardship Account--State

Appropriation .....	\$2,400,000
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State Toxics Control Account--State Appropriation.....

.....	\$80,000
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Air Pollution Control Account--State Appropriation ....(

.....	(\$669,000)
.....	\$540,000

NOVA Program Account--State Appropriation .....

.....	\$639,000
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Derelict Vessel Removal Account--State Appropriation.....

.....	\$1,761,000
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Agricultural College Trust Management Account--State

Appropriation .....	\$1,854,000
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Forest Practices Application Account--State

Appropriation .....	\$780,000
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TOTAL APPROPRIATION .....

.....	(\$257,471,000)
.....	\$264,288,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$710,000 of the general fund--state appropriation for fiscal year 2012 and \$915,000 of the general fund--state appropriation for fiscal year 2013 are provided solely for deposit into the agricultural college trust management account and are provided solely to manage approximately 70,700 acres of Washington State University's agricultural college trust lands.

(2) \$8,030,000 of the general fund--state appropriation for fiscal year 2012, ~~(\$10,037,000)~~ \$8,819,000 of the general fund--state appropriation for fiscal year 2013, \$595,000 of the forest development account--state appropriation, and \$5,000,000 of the disaster response account--state appropriation are provided solely for emergency fire suppression. None of the general fund and disaster response account amounts provided in this subsection may be used to fund agency indirect and administrative expenses. Agency indirect and administrative costs shall be allocated among the agency's remaining accounts and appropriations. The department of natural resources shall submit a quarterly report to the office of financial management and the legislative fiscal committees detailing information on current and planned expenditures from the disaster response account. This work shall be done in coordination with the military department.

(3) ~~(\$4,000,000)~~ of the forest and fish support account--state appropriation is provided solely for adaptive management, monitoring, and participation grants to tribes. If federal funding for this purpose is reinstated, the amount provided in this subsection shall lapse.

(4) \$333,000 of the forest and fish support account--state appropriation is provided solely for adaptive management, monitoring, and participation grants to nongovernmental organizations.) \$4,250,000 of the forest and fish support account--state appropriation is provided solely for outcome-based, performance contracts with tribes to participate in the implementation of the forest practices program. Contracts awarded in fiscal year 2013 may only contain indirect cost set at or below the rate in the contracting tribe's indirect cost agreement with the federal government. If federal funding for this purpose is reinstated, the amount provided in this subsection shall lapse.

(4) \$468,000 of the forest and fish support account--state

appropriation is provided solely for outcome-based performance contracts with nongovernmental organizations to participate in the implementation of the forest practices program. Contracts awarded in fiscal year 2013 may only contain indirect cost set at or below a rate of eighteen percent.

(5) ~~(\$487,000)~~ \$717,000 of the ~~(general fund)~~ forest and fish support account--state appropriation is provided solely to fund interagency agreements with the department of ecology and the department of fish and wildlife as part of the adaptive management process.

(6) \$1,000,000 of the general fund--federal appropriation and \$1,000,000 of the forest and fish support account--state appropriation are provided solely for continuing scientific studies already underway as part of the adaptive management process. Funds may not be used to initiate new studies unless the department secures new federal funding for the adaptive management process.

(7) The department is authorized to increase the silviculture burning permit fee in the 2011-2013 biennium by up to eighty dollars plus fifty cents per ton for each ton of material burned in excess of one hundred tons.

(8) \$440,000 of the state general fund--state appropriation for fiscal year 2012 and \$440,000 of the state general fund--state appropriation for fiscal year 2013 are provided solely for forest work crews that support correctional camps and are contingent upon continuing operations of Naselle youth camp.

(9) By September 1, 2011, the department shall update its interagency agreement dated September 30, 2010, with the department of fish and wildlife concerning land management services on the department of fish and wildlife's wildlife conservation and recreation lands. The update shall include rates and terms for services.

(10) In partnership with the department of ecology, the departments shall deliver a report to the governor, the appropriate committees of the legislature, and the forest practices board by September 1, 2012, documenting forest practices adaptive management program reforms implemented, or recommended, that streamline existing processes to increase program efficiencies and effectiveness. The departments shall collaborate with interested adaptive management program participants in the development of the report.

(11) \$780,000 of the forest practices application account--state appropriation, \$18,000 of the forest development account--state appropriation, \$22,000 of the resources management cost account--state appropriation, and \$2,000 of the surface mining reclamation account-- state appropriation are provided solely for the implementation of Second Substitute Senate Bill No. 6406 (state natural resources). If the bill is not enacted by June 30, 2012, the amounts provided in this subsection shall lapse.

(12) \$2,400,000 of the marine resources stewardship account--state appropriation is provided solely for the implementation of Second Substitute Senate Bill No. 6263 (marine management planning). If the bill is not enacted by June 30, 2012, the amount provided in this subsection shall lapse.

**Sec. 308.** 2011 2nd sp.s. c 9 s 309 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF AGRICULTURE

General Fund--State Appropriation (FY 2012) .....	(\$15,484,000)
.....	\$12,942,000
General Fund--State Appropriation (FY 2013) .....	(\$14,875,000)
.....	\$12,181,000
General Fund--Federal Appropriation .....	(\$22,940,000)
.....	\$22,897,000
General Fund--Private/Local Appropriation.....	\$190,000
Aquatic Lands Enhancement Account--State	
Appropriation.....	(\$2,553,000)

.....	\$2,548,000
State Toxics Control Account--State Appropriation	
.....	.....(((\$5,118,000))
.....	\$10,132,000
Water Quality Permit Account--State Appropriation	\$60,000
Freshwater Aquatic Weeds Account--State Appropriation	
.....	\$280,000
TOTAL APPROPRIATION	.....(((\$61,500,000))
.....	\$61,230,000

(1) The appropriations in this section are subject to the following conditions and limitations: \$5,308,445 of the general fund--state appropriation for fiscal year 2012 and \$5,302,905 of the general fund-- state appropriation for fiscal year 2013 are provided solely for implementing the food assistance program as defined in RCW 43.23.290.

(2) Pursuant to RCW 43.135.055, the department is authorized to increase the following fees in the 2011-2013 fiscal biennium as necessary to meet the actual costs of conducting business: Fruit and vegetable platform inspections; grain program services; warehouse audits; requested inspections; seed inspections, testing, sampling and certifications; phytosanitary certifications for seed; commission merchants; and sod quality seed tags and tagging. In addition, pursuant to RCW 43.135.055, 17.21.134, and 15.58.240, the department is authorized to establish pesticide license examination fees.

Sec. 309. 2011 2nd sp.s. c 9 s 311 (uncodified) is amended to read as follows:

**FOR THE PUGET SOUND PARTNERSHIP**

General Fund--State Appropriation (FY 2012)	.....(((\$2,399,000))
.....	\$2,278,000
General Fund--State Appropriation (FY 2013)	.....(((\$2,424,000))
.....	\$2,280,000
General Fund--Federal Appropriation	.....(((\$9,581,000))
.....	\$12,449,000
General Fund--Private/Local Appropriation	.....\$25,000
Aquatic Lands Enhancement Account--State Appropriation	.....
.....	\$493,000
State Toxics Control Account--State Appropriation	.....\$665,000
TOTAL APPROPRIATION	.....(((\$15,587,000))
.....	\$18,190,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$665,000 of the state toxics control account-- state appropriation is provided solely for activities that contribute to Puget Sound protection and recovery, including provision of independent advice and assessment of the state's oil spill prevention, preparedness, and response programs, including review of existing activities and recommendations for any necessary improvements. The partnership may carry out this function through an existing committee, such as the ecosystem coordination board or the leadership council, or may appoint a special advisory council. Because this is a unique statewide program, the partnership may invite participation from outside the Puget Sound region.

(2) Within the amounts appropriated in this section, the Puget Sound partnership shall facilitate an ongoing monitoring consortium to integrate monitoring efforts for storm water, water quality, watershed health, and other indicators to enhance monitoring efforts in Puget Sound.

(End of part)

**PART IV  
TRANSPORTATION**

**Sec. 401.** 2011 2nd sp.s. c 9 s 401 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF LICENSING**

General Fund--State Appropriation (FY 2012)	.....\$1,167,000
General Fund--State Appropriation (FY 2013)	.....\$1,307,000
Architects' License Account--State Appropriation	.....\$1,084,000
Professional Engineers' Account--State	
Appropriation	.....\$3,518,000
Real Estate Commission Account--State Appropriation	.....
.....	\$9,833,000
Uniform Commercial Code Account--State	
Appropriation	.....\$3,120,000
Real Estate Education Account--State Appropriation	.....\$276,000
Real Estate Appraiser Commission Account--State	
Appropriation	.....\$1,687,000
Business and Professions Account--State	
Appropriation	.....\$15,592,000
Real Estate Research Account--State Appropriation	.....\$622,000
Geologists' Account--State Appropriation	.....\$51,000
Derelict Vessel Removal Account--State Appropriation	.....\$31,000
TOTAL APPROPRIATION	.....\$38,288,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Pursuant to RCW 43.135.055, the department is authorized to increase fees for collection agencies and the camping resorts program. This increase is necessary to support the expenditures authorized in this section, consistent with RCW 43.24.086.

(2) \$8,000 of the business and professions account--state appropriation is provided solely to implement Substitute Senate Bill No. 5574 (collection agencies).

Sec. 402. 2011 2nd sp.s. c 9 s 402 (uncodified) is amended to read as follows:

**FOR THE STATE PATROL**

General Fund--State Appropriation (FY 2012)	.....(((\$37,352,000))
.....	\$37,332,000
General Fund--State Appropriation (FY 2013)	.....(((\$35,108,000))
.....	\$34,082,000
General Fund--Federal Appropriation	.....\$16,081,000
General Fund--Private/Local Appropriation	.....\$3,021,000
Death Investigations Account--State Appropriation	.....\$5,551,000
County Criminal Justice Assistance Account--State	
Appropriation	.....\$3,215,000
Municipal Criminal Justice Assistance Account--State	
Appropriation	.....\$1,290,000
Fire Service Trust Account--State Appropriation	.....\$131,000
Disaster Response Account--State Appropriation	.....\$8,002,000
Fire Service Training Account--State Appropriation	.....\$9,394,000
Aquatic Invasive Species Enforcement Account--State	
Appropriation	.....\$54,000
State Toxics Control Account--State Appropriation	.....\$505,000
Fingerprint Identification Account--State	
Appropriation	.....(((\$10,090,000))
.....	\$10,091,000
Vehicle License Fraud Account--State Appropriation	.....(((\$339,000))
.....	\$439,000
TOTAL APPROPRIATION	.....(((\$130,133,000))
.....	\$130,188,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$200,000 of the fire service training account--state appropriation is provided solely for two FTEs in the office of the state director of fire protection to exclusively review K-12 construction documents for fire and life safety in accordance with the state building code. It is the intent of this appropriation to

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provide these services only to those districts that are located in counties without qualified review capabilities.

(2) \$8,000,000 of the disaster response account--state appropriation is provided solely for Washington state fire service resource mobilization costs incurred in response to an emergency or disaster authorized under RCW 43.43.960 and 43.43.964. \$500,000 of this appropriation is available for mobilization to all risk disasters, other than fires, in accordance with these statutes. The state patrol shall submit a report quarterly to the office of financial management and the legislative fiscal committees detailing information on current and planned expenditures from this account. This work shall be done in coordination with the military department.

(3) \$400,000 of the fire service training account--state appropriation is provided solely for the firefighter apprenticeship training program.

(4) In accordance with RCW 43.43.742 the state patrol is authorized to increase the following fees in fiscal year 2012 as necessary to meet the actual costs of conducting business and the appropriation levels in this section: Notary service fee.

(5) \$59,000 of the fingerprint identification account--state appropriation is provided solely for implementation of Engrossed Second Substitute House Bill No. 1776 (child care center licensing). If the bill is not enacted by June 30, 2011, the amount provided in this subsection shall lapse.

(6) \$6,000 of the fingerprint identification account--state appropriation is provided solely for implementation of Engrossed Substitute House Bill No. 1494 (vulnerable adult referrals). If the bill is not enacted by June 30, 2011, the amount provided in this subsection shall lapse.

(End of part)

**PART V  
EDUCATION**

**Sec. 501.** 2011 2nd sp.s. c 9 s 501 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION

General Fund--State Appropriation (FY 2012) .....	(\$25,406,000)
.....	\$25,137,000
General Fund--State Appropriation (FY 2013) .....	(\$22,502,000)
.....	\$15,739,000
General Fund--Federal Appropriation .....	\$77,065,000
General Fund--Private/Local Appropriation.....	\$4,000,000
TOTAL APPROPRIATION .....	(\$128,973,000)
.....	\$121,941,000

The appropriations in this section are subject to the following conditions and limitations:

(1) A maximum of ~~(\$16,139,000)~~ \$15,878,000 of the general fund--state appropriation for fiscal year 2012 and ~~(\$13,335,000)~~ \$12,681,000 of the general fund--state appropriation for fiscal year 2013 is for state agency operations.

(a) \$9,775,000 of the general fund--state appropriation for fiscal year 2012 and \$8,532,000 of the general fund--state appropriation for fiscal year 2013 are provided solely for the operation and expenses of the office of the superintendent of public instruction.

(i) Within the amounts provided in this subsection (1)(a), the superintendent shall recognize the extraordinary accomplishments of four students who have demonstrated a strong understanding of the civics essential learning requirements to receive the Daniel J. Evans civic education award.

(ii) By January 1, 2012, the office of the superintendent of public instruction shall issue a report to the legislature with a timeline and an estimate of costs for implementation of the common

core standards. The report must incorporate feedback from an open public forum for recommendations to enhance the standards, particularly in math.

(iii) Within the amounts provided, and in consultation with the public school employees of Washington and the Washington school counselors' association, the office of the superintendent of public instruction shall develop a model policy that further defines the recommended roles and responsibilities of graduation coaches and identifies best practices for how graduation coaches work in coordination with school counselors and in the context of a comprehensive school guidance and counseling program.

(iv) The office of the superintendent of public instruction shall, no later than August 1, 2011, establish a standard statewide definition of unexcused absence. The definition shall be reported to the ways and means committees of the senate and house of representatives for legislative review in the 2012 legislative session. Beginning no later than January 1, 2012, districts shall report to the office of the superintendent of public instruction, daily student unexcused absence data by school.

(b) \$1,964,000 of the general fund--state appropriation for fiscal year 2012 and \$1,017,000 of the general fund--state appropriation for fiscal year 2013 are provided solely for activities associated with the implementation of new school finance systems required by chapter 236, Laws of 2010 (K-12 education funding) and chapter 548, Laws of 2009 (state's education system), including technical staff, systems reprogramming, and workgroup deliberations, including the quality education council and the data governance working group.

(c) ~~(\$851,000)~~ \$808,000 of the general fund--state appropriation for fiscal year 2012 and ~~(\$851,000)~~ \$766,000 of the general fund--state appropriation for fiscal year 2013 are provided solely for the operation and expenses of the state board of education, including basic education assistance activities.

(d) ~~(\$1,744,000)~~ \$1,526,000 of the general fund--state appropriation for fiscal year 2012 and ~~(\$1,362,000)~~ \$913,000 of the general fund--state appropriation for fiscal year 2013 are provided solely to the professional educator standards board for the following:

(i) ~~(\$1,050,000)~~ \$832,000 in fiscal year 2012 and ~~(\$1,050,000)~~ \$913,000 in fiscal year 2013 are for the operation and expenses of the Washington professional educator standards board; and

(ii) \$694,000 of the general fund--state appropriation for fiscal year 2012 ~~(and \$312,000 of the general fund--state appropriation for fiscal year 2013 are)~~ is for conditional scholarship loans and mentor stipends provided through the alternative routes to certification program administered by the professional educator standards board, including the pipeline for paraeducators program and the retooling to teach conditional loan programs. Funding within this subsection (1)(d)(ii) is also provided for the recruiting Washington teachers program. Funding reductions in this subsection (1)(d)(ii) in the 2011- 2013 fiscal biennium are intended to be one-time.

(e) \$133,000 of the general fund--state appropriation for fiscal year 2012 and \$133,000 of the general fund--state appropriation for fiscal year 2013 are provided solely for the implementation of chapter 240, Laws of 2010, including staffing the office of equity and civil rights.

(f) \$50,000 of the general fund--state appropriation for fiscal year 2012 ~~(and \$50,000 of the general fund--state appropriation for fiscal year 2013 are)~~ is provided solely for the ongoing work of the education opportunity gap oversight and accountability committee.

(g) \$45,000 of the general fund--state appropriation for fiscal year 2012 ~~(and \$45,000 of the general fund--state appropriation for fiscal year 2013 are)~~ is provided solely for the implementation of

chapter 380, Laws of 2009 (enacting the interstate compact on educational opportunity for military children).

(h) \$159,000 of the general fund--state appropriation for fiscal year 2012 and \$93,000 of the general fund--state appropriation for fiscal year 2013 are provided solely for the implementation of chapter 185, Laws of 2011 (bullying prevention), which requires the office of the superintendent of public instruction to convene an ongoing workgroup on school bullying and harassment prevention. Within the amounts provided, \$140,000 is for youth suicide prevention activities.

(i) \$1,227,000 of the general fund--state appropriation for fiscal year 2012 and \$1,227,000 of the general fund--state appropriation for fiscal year 2013 are provided solely for implementing a comprehensive data system to include financial, student, and educator data, including development and maintenance of the comprehensive education data and research system (CEDARS).

(j) \$25,000 of the general fund--state appropriation for fiscal year 2012 (~~and \$25,000 of the general fund--state appropriation for fiscal year 2013 are~~) is provided solely for project citizen, a program sponsored by the national conference of state legislatures and the center for civic education to promote participation in government by middle school students.

(k) \$166,000 of the general fund--state appropriation for fiscal year 2012 is provided solely for the implementation of chapter 192, Laws of 2011 (school district insolvency). Funding is provided to develop a clear legal framework and process for dissolution of a school district.

(l) \$128,000 of the general fund--state appropriation for fiscal year 2013 is provided solely pursuant to Substitute House Bill No. 2254 (foster care outcomes). The office of the superintendent of public instruction shall report on the implementation of the state's plan of cross-system collaboration to promote educational stability and improve education outcomes of foster youth. The first report is due December 1, 2012, and annually thereafter through 2015. If the bill is not enacted by June 30, 2012, the amount provided in this subsection shall lapse.

(2) \$9,267,000 of the general fund--state appropriation for fiscal year 2012 and ~~(\$9,167,000)~~ \$2,941,000 of the general fund--state appropriation for fiscal year 2013 are for statewide programs.

(a) HEALTH AND SAFETY

(i) \$2,541,000 of the general fund--state appropriation for fiscal year 2012 and \$2,541,000 of the general fund--state appropriation for fiscal year 2013 are provided solely for a corps of nurses located at educational service districts, as determined by the superintendent of public instruction, to be dispatched to the most needy schools to provide direct care to students, health education, and training for school staff.

(ii) \$50,000 of the general fund--state appropriation for fiscal year 2012 (~~and \$50,000 of the general fund--state appropriation for fiscal year 2013 are~~) is provided solely for a nonviolence and leadership training program provided by the institute for community leadership.

(b) TECHNOLOGY

\$1,221,000 of the general fund--state appropriation for fiscal year 2012 (~~and \$1,221,000 of the general fund--state appropriation for fiscal year 2013 are~~) is provided solely for K-20 telecommunications network technical support in the K-12 sector to prevent system failures and avoid interruptions in school utilization of the data processing and video-conferencing capabilities of the network. These funds may be used to purchase engineering and advanced technical support for the network.

(c) GRANTS AND ALLOCATIONS

(i) \$675,000 of the general fund--state appropriation for fiscal year 2012 (~~and \$675,000 of the general fund--state appropriation for fiscal year 2013 are~~) is provided solely for the Washington state

achievers scholarship program. The funds shall be used to support community involvement officers that recruit, train, and match community volunteer mentors with students selected as achievers scholars.

(ii) \$1,000,000 of the general fund--state appropriation for fiscal year 2012 (~~and \$1,000,000 of the general fund--state appropriation for fiscal year 2013 are~~) is provided solely for contracting with a college scholarship organization with expertise in conducting outreach to students concerning eligibility for the Washington college bound scholarship consistent with chapter 405, Laws of 2007.

(iii) \$2,808,000 of the general fund--state appropriation for fiscal year 2012 (~~and \$2,808,000 of the general fund--state appropriation for fiscal year 2013 are~~) is provided solely for the dissemination of the navigation 101 curriculum to all districts. The funding shall support electronic student planning tools and software for analyzing the impact of navigation 101 on student performance, as well as grants to a maximum of one hundred school districts each year, based on progress and need for the implementation of the navigation 101 program. The implementation grants shall be awarded to a cross-section of school districts reflecting a balance of geographic and demographic characteristics. Within the amounts provided, the office of the superintendent of public instruction will create a navigation 101 accountability model to analyze the impact of the program.

(iv) \$337,000 of the general fund--state appropriation for fiscal year 2012 (~~and \$337,000 of the general fund--state appropriation for fiscal year 2013 are~~) is provided solely for implementation of the building bridges statewide program for comprehensive dropout prevention, intervention, and reengagement strategies.

(v) \$135,000 of the general fund--state appropriation for fiscal year 2012 (~~and \$135,000 of the general fund--state appropriation for fiscal year 2013 are~~) is provided solely for dropout prevention programs at the office of the superintendent of public instruction, including the jobs for America's graduates (JAG) program.

(vi) \$500,000 of the general fund--state appropriation for fiscal year 2012 and \$400,000 of the general fund--state appropriation for fiscal year 2013 are provided solely for the implementation of chapter 340, Laws of 2011 (assessment of students in state-funded full-day kindergarten classrooms), including the development and implementation of the Washington kindergarten inventory of developing skills (WaKIDS).

**Sec. 502.** 2011 2nd sp.s. c 9 s 502 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR GENERAL APPORTIONMENT

General Fund--State Appropriation (FY 2012) ...	(\$5,253,769,000)
.....	\$5,241,233,000
General Fund--State Appropriation (FY 2013) ...	(\$5,205,868,000)
.....	\$5,162,497,000
General Fund--Federal Appropriation .....	\$22,078,000
TOTAL APPROPRIATION .....	(\$10,481,715,000)
.....	\$10,425,808,000

The appropriations in this section are subject to the following conditions and limitations:

(1)(a) Each general fund fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(b) For the 2011-12 and 2012-13 school years, the superintendent shall allocate general apportionment funding to school districts as provided in the funding formulas and salary schedules in sections 502 and 503 of this act, excluding (c) of this subsection.

(c) From July 1, 2011 to August 31, 2011, the superintendent shall allocate general apportionment funding to school districts

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programs as provided in sections 502 and 504, chapter 564, Laws of 2009, as amended through sections 1402 and 1403 of this act.

(d) The appropriations in this section include federal funds provided through section 101 of P.L. No. 111-226 (education jobs fund), which shall be used to support general apportionment program funding. In distributing general apportionment allocations under this section for the 2011-12 school year, the superintendent shall include the additional amount of \$3,078,000 allocated by the United States department of education on September 16, 2011, provided through 101 of P.L. No. 111-226 (education jobs fund) as part of each district's general apportionment allocation.

(e) The enrollment of any district shall be the annual average number of full-time equivalent students and part-time students as provided in RCW 28A.150.350, enrolled on the fourth day of school in September and on the first school day of each month October through June, including students who are in attendance pursuant to RCW 28A.335.160 and 28A.225.250 who do not reside within the servicing school district. Any school district concluding its basic education program in May must report the enrollment of the last school day held in May in lieu of a June enrollment.

(2) CERTIFICATED INSTRUCTIONAL STAFF ALLOCATIONS

Allocations for certificated instructional staff salaries for the 2011-12 and 2012-13 school years are determined using formula-generated staff units calculated pursuant to this subsection.

(a) Certificated instructional staff units, as defined in RCW 28A.150.410, shall be allocated to reflect the minimum class size allocations, requirements, and school prototypes assumptions as provided in RCW 28A.150.260. The superintendent shall make allocations to school districts based on the district's annual average full-time equivalent student enrollment in each grade.

(b) Additional certificated instructional staff units provided in this subsection (2) that exceed the minimum requirements in RCW 28A.150.260 are enhancements outside the program of basic education, except as otherwise provided in this section.

(c)(i) The superintendent shall base allocations for each level of prototypical school on the following regular education average class size of full-time equivalent students per teacher, except as provided in (c)(ii) of this subsection:

General education class size:	
Grade	RCW
	28A.150.260
Grades K-3	25.23
Grade 4	27.00
Grades 5-6	27.00
Grades 7-8	28.53
Grades 9-12	28.74

The superintendent shall base allocations for career and technical education (CTE) and skill center programs average class size as provided in RCW 28A.150.260.

(ii) For each level of prototypical school at which more than fifty percent of the students were eligible for free and reduced-price meals in the prior school year, the superintendent shall allocate funding based on the following average class size of full-time equivalent students per teacher:

General education class size in high poverty

school:

Grades K-3	24.10
Grade 4	27.00
Grades 5-6	27.00
Grades 7-8	28.53
Grades 9-12	28.74

(iii) Pursuant to RCW 28A.150.260(4)(a), the assumed teacher planning period, expressed as a percentage of a teacher work day, is 13.42 percent in grades K-6, and 16.67 percent in grades 7-12; and

(iv) Laboratory science, advanced placement, and international baccalaureate courses are funded at the same class size assumptions as general education schools in the same grade; and

(d)(i) Funding for teacher librarians, school nurses, social workers, school psychologists, and guidance counselors is allocated based on the school prototypes as provided in RCW 28A.150.260 and is considered certificated instructional staff, except as provided in (d)(ii) of this subsection.

(ii) Students in approved career and technical education and skill center programs generate certificated instructional staff units to provide for the services of teacher librarians, school nurses, social workers, school psychologists, and guidance counselors at the following combined rate per 1000 students:

Career and Technical Education students	2.02 per 1000 student FTE's
Skill Center students	2.36 per 1000 student FTE's

(3) ADMINISTRATIVE STAFF ALLOCATIONS

(a) Allocations for school building-level certificated administrative staff salaries for the 2011-12 and 2012-13 school years for general education students are determined using the formula-generated staff units provided in RCW 28A.150.260, and adjusted based on a district's annual average full-time equivalent student enrollment in each grade.

(b) Students in approved career and technical education and skill center programs generate certificated school building-level administrator staff units at per student rates that exceed the general education rate in (a) of this subsection by the following percentages: Career and Technical Education students 2.5 percent Skill Center students 19.75 percent

(4) CLASSIFIED STAFF ALLOCATIONS

Allocations for classified staff units providing school building-level and district-wide support services for the 2011-12 and 2012-13 school years are determined using the formula-generated staff units provided in RCW 28A.150.260, and adjusted based on each district's annual average full-time equivalent student enrollment in each grade.

(5) CENTRAL OFFICE ALLOCATIONS

In addition to classified and administrative staff units allocated in subsections (3) and (4) of this section, classified and administrative staff units are provided for the 2011-12 and 2012-13 school year for the central office administrative costs of operating a school district, at the following rates:

(a) The total central office staff units provided in this subsection (5) are calculated by first multiplying the total number of eligible certificated instructional, certificated administrative, and classified staff units providing school-based or district-wide support services, as identified in RCW 28A.150.260(6)(b), by 5.3 percent.

(b) Of the central office staff units calculated in (a) of this subsection, 74.53 percent are allocated as classified staff units, as generated in subsection (4) of this section, and 25.47 percent shall be

allocated as administrative staff units, as generated in subsection (3) of this section.

(c) Staff units generated as enhancements outside the program of basic education to the minimum requirements of RCW 28A.150.260, and staff units generated by skill center and career-technical students, are excluded from the total central office staff units calculation in (a) of this subsection.

(d) For students in approved career-technical and skill center programs, central office classified units are allocated at the same staff unit per student rate as those generated for general education students of the same grade in this subsection (5), and central office administrative staff units are allocated at staff unit per student rates that exceed the general education rate established for students in the same grade in this subsection (5) by 3.69 percent for career and technical education students, and 21.92 percent for skill center students.

(6) FRINGE BENEFIT ALLOCATIONS

Fringe benefit allocations shall be calculated at a rate of 16.33 percent in the 2011-12 school year and ~~((16.33))~~ 16.34 percent in the 2012-13 school year for certificated salary allocations provided under subsections (2), (3), and (5) of this section, and a rate of 18.73 percent in the 2011-12 school year and 18.73 percent in the 2012-13 school year for classified salary allocations provided under subsections (4) and (5) of this section.

(7) INSURANCE BENEFIT ALLOCATIONS

Insurance benefit allocations shall be calculated at the maintenance rate specified in section 504 of this act, based on the number of benefit units determined as follows:

(a) The number of certificated staff units determined in subsections (2), (3), and (5) of this section; and

(b) The number of classified staff units determined in subsections (4) and (5) of this section multiplied by 1.152. This factor is intended to adjust allocations so that, for the purposes of distributing insurance benefits, full-time equivalent classified employees may be calculated on the basis of 1440 hours of work per year, with no individual employee counted as more than one full-time equivalent.

(8) MATERIALS, SUPPLIES, AND OPERATING COSTS (MSOC) ALLOCATIONS

Funding is allocated per annual average full-time equivalent student for the materials, supplies, and operating costs (MSOC) incurred by school districts, consistent with the requirements of RCW 28A.150.260.

(a) MSOC funding for general education students are allocated at the following per student rates:

MSOC RATES/STUDENT FTE

MSOC Component	2011-12 SCHOOL YEAR	2012-13 SCHOOL YEAR
Technology	\$57.42	<del>((58.17))</del> <u>\$58.29</u>
Utilities and Insurance	\$156.03	<del>((158.05))</del> <u>\$158.36</u>
Curriculum and Textbooks	\$61.65	<del>((62.45))</del> <u>\$62.58</u>
Other Supplies and Library Materials	\$130.89	<del>((132.59))</del> <u>\$132.85</u>
Instructional Professional Development for Certificated and Classified Staff	\$9.53	<del>((9.66))</del> <u>\$9.68</u>

Facilities Maintenance	\$77.30	<del>((78.30))</del> <u>\$78.46</u>
Security and Central Office	\$53.55	<del>((54.25))</del> <u>\$54.35</u>
TOTAL BASIC EDUCATION	\$546.37	<del>((553.47))</del> <u>\$554.57</u>
MSOC/STUDENT FTE		

(b) Students in approved skill center programs generate per student FTE MSOC allocations which equal the rate for general education students calculated in (a) of this subsection, multiplied by a factor of 2.171.

(c) Students in approved exploratory and preparatory career and technical education programs generate a per student MSOC allocation that is equal to the rate for general education students calculated in (a) of this subsection, multiplied by a factor of 2.442.

(d) Students in laboratory science courses generate per student FTE MSOC allocations which equal the per student FTE rate for general education students established in (a) of this subsection.

(9) SUBSTITUTE TEACHER ALLOCATIONS

For the 2011-12 and 2012-13 school years, funding for substitute costs for classroom teachers is based on four (4) funded substitute days per classroom teacher unit generated under subsection (2) of this section, at a daily substitute rate of \$151.86.

(10) ALTERNATIVE LEARNING EXPERIENCE PROGRAM FUNDING

(a) Amounts provided in this section are adjusted to reflect provisions of House Bill No. 2065 (allocation of funding for funding for students enrolled in alternative learning experiences).

(b) The superintendent of public instruction shall require all districts receiving general apportionment funding for alternative learning experience (ALE) programs as defined in WAC 392-121-182 to provide separate financial accounting of expenditures for the ALE programs offered in district or with a provider, including but not limited to private companies and multidistrict cooperatives, as well as accurate, monthly headcount and FTE enrollment claimed for basic education, including separate counts of resident and nonresident students.

(11) VOLUNTARY FULL DAY KINDERGARTEN PROGRAMS

Funding in this section is sufficient to fund voluntary full day kindergarten programs in qualifying high poverty schools, pursuant to RCW 28A.150.220 and 28A.150.315. Each kindergarten student who enrolls for the voluntary full-day program in a qualifying school shall count as one-half of one full-time equivalent student for purpose of making allocations under this section. Funding in this section provides full-day kindergarten programs for 21 percent of kindergarten enrollment in the 2011-12 school year, and 22 percent in the 2012-13 school year. Funding priority shall be given to schools with the highest poverty levels, as measured by prior year free and reduced price lunch eligibility rates in each school. Funding in this section is sufficient to fund voluntary full day kindergarten programs for July and August of the 2010-11 school year.

(12) ADDITIONAL FUNDING FOR SMALL SCHOOL DISTRICTS AND REMOTE AND NECESSARY PLANTS

For small school districts and remote and necessary school plants within any district which have been judged to be remote and necessary by the superintendent of public instruction, additional staff units are provided to ensure a minimum level of staffing support. Additional administrative and certificated instructional staff units provided to districts in this subsection shall be reduced by the general education staff units, excluding career and technical education and skills center enhancement units, otherwise provided in subsections (2) through (5) of this section on a per district basis.

(a) For districts enrolling not more than twenty-five average annual full-time equivalent students in grades K-8, and for small



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school plants within any school district which have been judged to be remote and necessary by the superintendent of public instruction and enroll not more than twenty-five average annual full-time equivalent students in grades K-8:

(i) For those enrolling no students in grades 7 and 8, 1.76 certificated instructional staff units and 0.24 certificated administrative staff units for enrollment of not more than five students, plus one-twentieth of a certificated instructional staff unit for each additional student enrolled; and

(ii) For those enrolling students in grades 7 or 8, 1.68 certificated instructional staff units and 0.32 certificated administrative staff units for enrollment of not more than five students, plus one-tenth of a certificated instructional staff unit for each additional student enrolled;

(b) For specified enrollments in districts enrolling more than twenty-five but not more than one hundred average annual full-time equivalent students in grades K-8, and for small school plants within any school district which enroll more than twenty-five average annual full-time equivalent students in grades K-8 and have been judged to be remote and necessary by the superintendent of public instruction:

(i) For enrollment of up to sixty annual average full-time equivalent students in grades K-6, 2.76 certificated instructional staff units and 0.24 certificated administrative staff units; and

(ii) For enrollment of up to twenty annual average full-time equivalent students in grades 7 and 8, 0.92 certificated instructional staff units and 0.08 certificated administrative staff units;

(c) For districts operating no more than two high schools with enrollments of less than three hundred average annual full-time equivalent students, for enrollment in grades 9-12 in each such school, other than alternative schools, except as noted in this subsection:

(i) For remote and necessary schools enrolling students in any grades 9-12 but no more than twenty-five average annual full-time equivalent students in grades K-12, four and one-half certificated instructional staff units and one-quarter of a certificated administrative staff unit;

(ii) For all other small high schools under this subsection, nine certificated instructional staff units and one-half of a certificated administrative staff unit for the first sixty average annual full-time equivalent students, and additional staff units based on a ratio of 0.8732 certificated instructional staff units and 0.1268 certificated administrative staff units per each additional forty-three and one-half average annual full-time equivalent students;

(iii) Districts receiving staff units under this subsection shall add students enrolled in a district alternative high school and any grades nine through twelve alternative learning experience programs with the small high school enrollment for calculations under this subsection;

(d) For each nonhigh school district having an enrollment of more than seventy annual average full-time equivalent students and less than one hundred eighty students, operating a grades K-8 program or a grades 1-8 program, an additional one-half of a certificated instructional staff unit;

(e) For each nonhigh school district having an enrollment of more than fifty annual average full-time equivalent students and less than one hundred eighty students, operating a grades K-6 program or a grades 1-6 program, an additional one-half of a certificated instructional staff unit;

(f)(i) For enrollments generating certificated staff unit allocations under (a) through (e) of this subsection, one classified staff unit for each 2.94 certificated staff units allocated under such subsections;

(ii) For each nonhigh school district with an enrollment of more than fifty annual average full-time equivalent students and less than

one hundred eighty students, an additional one-half of a classified staff unit; and

(g) School districts receiving additional staff units to support small student enrollments and remote and necessary plants under subsection (12) of this section shall generate additional MSOC allocations consistent with the nonemployee related costs (NERC) allocation formula in place for the 2010-11 school year as provided section 502, chapter 37, Laws of 2010 1st sp. sess. (2010 supplemental budget), adjusted annually for inflation.

(13) Any school district board of directors may petition the superintendent of public instruction by submission of a resolution adopted in a public meeting to reduce or delay any portion of its basic education allocation for any school year. The superintendent of public instruction shall approve such reduction or delay if it does not impair the district's financial condition. Any delay shall not be for more than two school years. Any reduction or delay shall have no impact on levy authority pursuant to RCW 84.52.0531 and local effort assistance pursuant to chapter 28A.500 RCW.

(14) The superintendent may distribute funding for the following programs outside the basic education formula during fiscal years 2012 and 2013 as follows:

(a) \$589,000 of the general fund--state appropriation for fiscal year 2012 and ~~(\$597,000)~~ \$598,000 of the general fund--state appropriation for fiscal year 2013 are provided solely for fire protection for school districts located in a fire protection district as now or hereafter established pursuant to chapter 52.04 RCW.

(b) \$436,000 of the general fund--state appropriation for fiscal year 2012 and \$436,000 of the general fund--state appropriation for fiscal year 2013 are provided solely for programs providing skills training for secondary students who are enrolled in extended day school-to-work programs, as approved by the superintendent of public instruction. The funds shall be allocated at a rate not to exceed \$500 per full-time equivalent student enrolled in those programs.

(c) Funding in this section is sufficient to fund adjustments to school districts' allocations resulting from the implementation of the prototypical school funding formula, pursuant to chapter 236, Laws of 2010 (K-12 education funding). The funding in this section is intended to hold school districts harmless in total for funding changes resulting from conversion to the prototypical school formula in the general apportionment program, the learning assistance program, the transitional bilingual program, and the highly capable program, after adjustment for changes in enrollment and other caseload adjustments.

(15) \$208,000 of the general fund--state appropriation for fiscal year 2012 and \$211,000 of the general fund--state appropriation for fiscal year 2013 are provided solely for school district emergencies as certified by the superintendent of public instruction. At the close of the fiscal year the superintendent of public instruction shall report to the office of financial management and the appropriate fiscal committees of the legislature on the allocations provided to districts and the nature of the emergency.

(16) Funding in this section is sufficient to fund a maximum of 1.6 FTE enrollment for skills center students pursuant to chapter 463, Laws of 2007.

(17) ~~((Beginning in the 2011-12 school year,))~~ Students participating in running start programs may be funded up to a combined maximum enrollment of 1.2 FTE for the 2011-12 school year and 1.0 FTE for the 2012-13 school year including school district and institution of higher education enrollment. In calculating the combined 1.2 or 1.0 FTE, the office of the superintendent of public instruction may ((average the participating student's September through June enrollment to account for differences in the start and end dates for courses provided by the high school and higher education institution)) utilize the average of

the student's running start FTE enrollment on nine count dates from the institution of higher education and the average of the student's high school FTE enrollment from September through June, adjusting for any differences in start and end dates provided by the institution of higher education and the high school, provided the final per-student FTE does not exceed the 1.2 maximum specified in this section. Additionally, the office of the superintendent of public instruction, in consultation with the state board for community and technical colleges, the higher education coordinating board, and the education data center, shall annually track and report to the fiscal committees of the legislature on the combined FTE experience of students participating in the running start program, including course load analyses at both the high school and community and technical college system.

(18) If two or more school districts consolidate and each district was receiving additional basic education formula staff units pursuant to subsection (12) of this section, the following apply:

(a) For three school years following consolidation, the number of basic education formula staff units shall not be less than the number of basic education formula staff units received by the districts in the school year prior to the consolidation; and

(b) For the fourth through eighth school years following consolidation, the difference between the basic education formula staff units received by the districts for the school year prior to consolidation and the basic education formula staff units after consolidation pursuant to subsection (12) of this section shall be reduced in increments of twenty percent per year.

(19)(a) Indirect cost charges by a school district to approved career and technical education middle and secondary programs shall not exceed 15 percent of the combined basic education and career and technical education program enhancement allocations of state funds. Middle and secondary career and technical education programs are considered separate programs for funding and financial reporting purposes under this section.

(b) Career and technical education program full-time equivalent enrollment shall be reported on the same monthly basis as the enrollment for students eligible for basic support, and payments shall be adjusted for reported career and technical education program enrollments on the same monthly basis as those adjustments for enrollment for students eligible for basic support.

**Sec. 503.** 2011 2nd sp.s. c 9 s 503 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--BASIC EDUCATION EMPLOYEE COMPENSATION

(1) The following calculations determine the salaries used in the state allocations for certificated instructional, certificated administrative, and classified staff units as provided in RCW 28A.150.280 and under section 503 of this act:

(a) Salary allocations for certificated instructional staff units are determined for each district by multiplying the district's certificated instructional total base salary shown on LEAP Document 2 by the district's average staff mix factor for certificated instructional staff in that school year, computed using LEAP document 1; and

(b) Salary allocations for certificated administrative staff units and classified staff units for each district are determined based on the district's certificated administrative and classified salary allocation amounts shown on LEAP Document 2.

(2) For the purposes of this section:

(a) "LEAP Document 1" means the staff mix factors for certificated instructional staff according to education and years of experience, as developed by the legislative evaluation and accountability program committee on May 23, 2011, at 16:10 hours; and

(b) "LEAP Document 2" means the school year salary allocations for certificated administrative staff and classified staff and derived and total base salaries for certificated instructional staff as developed by the legislative evaluation and accountability program committee on May 23, 2011, at 16:10 hours.

(3) Incremental fringe benefit factors are applied to salary adjustments at a rate of 15.69 percent for school year 2011-12 and ~~((15.69))~~ 15.70 percent for school year 2012-13 for certificated instructional and certificated administrative staff and 15.23 percent for school year 2011-12 and 15.23 percent for the 2012-13 school year for classified staff.

(4)(a) Pursuant to RCW 28A.150.410, the following state-wide salary allocation schedules for certificated instructional staff are established for basic education salary allocations:

Table Of Total Base Salaries For Certificated Instructional Staff For School Year 2011-12  
 \*\*\*Education Experience\*\*\*

Years of Service	BA	BA+15	BA+30	BA+45	BA+90	BA+135	MA	MA+45	MA+90
0	33,401	34,303	35,238	36,175	39,180	41,116	40,045	43,051	44,989
1	33,851	34,765	35,712	36,690	39,727	41,652	40,490	43,527	45,452
2	34,279	35,202	36,159	37,212	40,241	42,186	40,938	43,966	45,912
3	34,720	35,653	36,620	37,706	40,729	42,722	41,363	44,384	46,377
4	35,153	36,127	37,099	38,224	41,264	43,271	41,808	44,849	46,857
5	35,600	36,578	37,561	38,748	41,777	43,824	42,261	45,291	47,339
6	36,060	37,017	38,032	39,279	42,293	44,352	42,725	45,740	47,797

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7	36,868	37,839	38,868	40,182	43,241	45,356	43,594	46,652	48,768
8	38,050	39,074	40,127	41,550	44,651	46,844	44,961	48,063	50,254
9		40,353	41,459	42,933	46,106	48,373	46,343	49,518	51,785
10			42,806	44,387	47,602	49,945	47,798	51,014	53,356
11				45,883	49,169	51,558	49,295	52,581	54,969
12				47,332	50,777	53,238	50,850	54,188	56,650
13					52,425	54,959	52,460	55,836	58,370
14					54,081	56,745	54,117	57,600	60,157
15					55,488	58,221	55,523	59,098	61,721
16 or more					56,597	59,385	56,634	60,279	62,955

Table Of Total Base Salaries For Certificated Instructional Staff For School Year 2012-13  
 \*\*\*Education Experience\*\*\*

Years of Service	BA	BA+15	BA+30	BA+45	BA+90	BA+135	MA	MA+45	MA+90 OR Ph.D.
0	33,401	34,303	35,238	36,175	39,180	41,116	40,045	43,051	44,989
1	33,851	34,765	35,712	36,690	39,727	41,652	40,490	43,527	45,452
2	34,279	35,202	36,159	37,212	40,241	42,186	40,938	43,966	45,912
3	34,720	35,653	36,620	37,706	40,729	42,722	41,363	44,384	46,377
4	35,153	36,127	37,099	38,224	41,264	43,271	41,808	44,849	46,857
5	35,600	36,578	37,561	38,748	41,777	43,824	42,261	45,291	47,339
6	36,060	37,017	38,032	39,279	42,293	44,352	42,725	45,740	47,797
7	36,868	37,839	38,868	40,182	43,241	45,356	43,594	46,652	48,768
8	38,050	39,074	40,127	41,550	44,651	46,844	44,961	48,063	50,254
9		40,353	41,459	42,933	46,106	48,373	46,343	49,518	51,785
10			42,806	44,387	47,602	49,945	47,798	51,014	53,356
11				45,883	49,169	51,558	49,295	52,581	54,969
12				47,332	50,777	53,238	50,850	54,188	56,650
13					52,425	54,959	52,460	55,836	58,370
14					54,081	56,745	54,117	57,600	60,157
15					55,488	58,221	55,523	59,098	61,721
16 or more					56,597	59,385	56,634	60,279	62,955

(b) As used in this subsection, the column headings "BA+(N)" refer to the number of credits earned since receiving the baccalaureate degree.

(c) For credits earned after the baccalaureate degree but before the masters degree, any credits in excess of forty-five credits may be counted after the masters degree. Thus, as used in this subsection, the column headings "MA+(N)" refer to the total of:

- (i) Credits earned since receiving the masters degree; and
  - (ii) Any credits in excess of forty-five credits that were earned after the baccalaureate degree but before the masters degree.
- (5) For the purposes of this section:
- (a) "BA" means a baccalaureate degree.
  - (b) "MA" means a masters degree.
  - (c) "PHD" means a doctorate degree.
  - (d) "Years of service" shall be calculated under the same rules adopted by the superintendent of public instruction.

(e) "Credits" means college quarter hour credits and equivalent in-service credits computed in accordance with RCW 28A.415.020 and 28A.415.023.

(6) No more than ninety college quarter-hour credits received by any employee after the baccalaureate degree may be used to determine compensation allocations under the state salary allocation schedule and LEAP documents referenced in this part V, or any replacement schedules and documents, unless:

- (a) The employee has a masters degree; or
- (b) The credits were used in generating state salary allocations before January 1, 1992.

(7) The salary allocation schedules established in this section are for allocation purposes only except as provided in RCW 28A.400.200(2).

**Sec. 504.** 2011 2nd sp.s. c 9 s 504 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR SCHOOL EMPLOYEE COMPENSATION ADJUSTMENTS  
 General Fund--Federal Appropriation .....\$2,000

The appropriation in this section is subject to the following conditions and limitations:

(1)(a) Additional salary adjustments as necessary to fund the base salaries for certificated instructional staff as listed for each district in LEAP Document 2, defined in section 504(2)(b) of this act. Allocations for these salary adjustments shall be provided to all districts that are not grandfathered to receive salary allocations above the statewide salary allocation schedule, and to certain grandfathered districts to the extent necessary to ensure that salary allocations for districts that are currently grandfathered do not fall below the statewide salary allocation schedule.

(b) Additional salary adjustments to certain districts as necessary to fund the per full-time-equivalent salary allocations for certificated administrative staff as listed for each district in LEAP Document 2, defined in section 504(2)(b) of this act.

(c) Additional salary adjustments to certain districts as necessary to fund the per full-time-equivalent salary allocations for classified staff as listed for each district in LEAP Document 2, defined in section 504(2)(b) of this act.

(d) The appropriations in this subsection (1) include associated incremental fringe benefit allocations at 15.69 percent for the 2011-12 school year and ((15.69)) 15.70 percent for the 2012-13 school year for certificated instructional and certificated administrative staff and 15.23 percent for the 2011-12 school year and 15.23 percent for the 2012-13 school year for classified staff.

(e) The appropriations in this section include the increased or decreased portion of salaries and incremental fringe benefits for all relevant state-funded school programs in part V of this act. Changes for general apportionment (basic education) are based on

the salary allocation schedules and methodology in sections 503 and 504 of this act. Changes for special education result from changes in each district's basic education allocation per student. Changes for educational service districts and institutional education programs are determined by the superintendent of public instruction using the methodology for general apportionment salaries and benefits in sections 503 and 504 of this act.

(f) The appropriations in this section include no salary adjustments for substitute teachers.

(2) The maintenance rate for insurance benefit allocations is \$768.00 per month for the 2011-12 and 2012-13 school years. The appropriations in this section reflect the incremental change in cost of allocating rates of \$768.00 per month for the 2011-12 school year and \$768.00 per month for the 2012-13 school year.

(3) The rates specified in this section are subject to revision each year by the legislature.

**Sec. 505.** 2011 2nd sp.s. c 9 s 505 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR PUPIL TRANSPORTATION General Fund--State Appropriation (FY 2012) .....	(((\$322,033,000))
.....	\$322,243,000
General Fund--State Appropriation (FY 2013) .....	(((\$273,380,000))
.....	\$273,642,000
TOTAL APPROPRIATION .....	(((\$595,413,000))
.....	\$595,885,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Each general fund fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(2)(a) For the 2011-12 and 2012-13 school years, the superintendent shall allocate funding to school district programs for the transportation of students as provided in RCW 28A.160.192.

(b) From July 1, 2011 to August 31, 2011, the superintendent shall allocate funding to school districts programs for the transportation of students as provided in section 505, chapter 564, Laws of 2009, as amended through section 1404 of this act.

(3) Any amounts appropriated for maintenance level funding for pupil transportation that exceed actual maintenance level expenditures as calculated under the funding formula that takes effect September 1, 2011, shall be distributed to districts according to RCW 28A.160.192(2)(b).

(4) A maximum of \$892,000 of this fiscal year 2012 appropriation and a maximum of \$892,000 of the fiscal year 2013 appropriation may be expended for regional transportation coordinators and related activities. The transportation coordinators shall ensure that data submitted by school districts for state transportation funding shall, to the greatest extent practical, reflect the actual transportation activity of each district.

(5) The office of the superintendent of public instruction shall provide reimbursement funding to a school district for school bus purchases only after the superintendent of public instruction determines that the school bus was purchased from the list established pursuant to RCW 28A.160.195(2) or a comparable competitive bid process based on the lowest price quote based on similar bus categories to those used to establish the list pursuant to RCW 28A.160.195.

(6) The superintendent of public instruction shall base depreciation payments for school district buses on the pre-sales tax five-year average of lowest bids in the appropriate category of bus. In the final year on the depreciation schedule, the depreciation payment shall be based on the lowest bid in the appropriate bus category for that school year.

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(7) Funding levels in this section reflect waivers granted by the state board of education for four-day school weeks as allowed under RCW 28A.305.141.

(8) Starting with the 2012-13 school year, the office of the superintendent of public instruction shall disburse payments for bus depreciation in August.

(9) The office of the superintendent of public instruction shall develop, in consultation with the Washington association of school business officials and Washington association for pupil transportation, a unit-cost transportation formula or hybrid formula for legislative consideration and potential adoption. The transportation-allocation formula shall take into account statistically significant cost drivers, recognize fixed costs, and simplify the current regression-analysis transportation-allocation method. The formula or hybrid formula developed should be based on currently-collected data identified under RCW 28A.160.192(1)(a). These data are to include basic and special student loads, school district land area, average distance to school, roadway miles, and number of locations served. The office of the superintendent of public instruction shall report to the legislative fiscal committees, the education committees of the senate and the house of representatives, and to the office of financial management, by September 30, 2012, for legislative consideration and possible amendment or adoption of the unit-cost or hybrid formula for the 2013- 14 school year.

Sec. 506. 2011 2nd sp.s. c 9 s 507 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR SPECIAL EDUCATION PROGRAMS	
General Fund--State Appropriation (FY 2012) .....	(\$653,904,000))
.....	\$648,369,000
General Fund--State Appropriation (FY 2013) .....	(\$694,237,000))
.....	\$680,439,000
General Fund--Federal Appropriation .....	\$486,936,000
Education Legacy Trust Account--State Appropriation .....	\$756,000
TOTAL APPROPRIATION .....	(\$1,835,833,000))
.....	\$1,816,500,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Funding for special education programs is provided on an excess cost basis, pursuant to RCW 28A.150.390. School districts shall ensure that special education students as a class receive their full share of the general apportionment allocation accruing through sections 502 and 504 of this act. To the extent a school district cannot provide an appropriate education for special education students under chapter 28A.155 RCW through the general apportionment allocation, it shall provide services through the special education excess cost allocation funded in this section.

(2)(a) The superintendent of public instruction shall ensure that:

- (i) Special education students are basic education students first;
- (ii) As a class, special education students are entitled to the full basic education allocation; and
- (iii) Special education students are basic education students for the entire school day.

(b) The superintendent of public instruction shall continue to implement the full cost method of excess cost accounting, as designed by the committee and recommended by the superintendent, pursuant to section 501(1)(k), chapter 372, Laws of 2006.

(c) Beginning with the 2010-11 school year award cycle, the office of the superintendent of public instruction shall make award determinations for state safety net funding in August of each school year. Determinations on school district eligibility for state safety net awards shall be based on analysis of actual expenditure data from the current school year.

(3) Each fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(4)(a) For the 2011-12 and 2012-13 school years, the superintendent shall allocate funding to school district programs for special education students as provided in RCW 28A.150.390.

(b) From July 1, 2011 to August 31, 2011, the superintendent shall allocate funding to school district programs for special education students as provided in section 507, chapter 564, Laws of 2009, as amended through section 1406 of this act.

(5) The following applies throughout this section: The definitions for enrollment and enrollment percent are as specified in RCW 28A.150.390(3). Each district's general fund--state funded special education enrollment shall be the lesser of the district's actual enrollment percent or 12.7 percent.

(6) At the request of any interdistrict cooperative of at least 15 districts in which all excess cost services for special education students of the districts are provided by the cooperative, the maximum enrollment percent shall be calculated in accordance with RCW 28A.150.390(3) (c) and (d), and shall be calculated in the aggregate rather than individual district units. For purposes of this subsection, the average basic education allocation per full-time equivalent student shall be calculated in the aggregate rather than individual district units.

(7) \$8,914,000 of the general fund--state appropriation for fiscal year 2012, (~~(\$34,200,000))~~ \$34,805,000 of the general fund--state appropriation for fiscal year 2013, and \$29,574,000 of the general fund--federal appropriation are provided solely for safety net awards for districts with demonstrated needs for special education funding beyond the amounts provided in subsection (4) of this section. If the federal safety net awards based on the federal eligibility threshold exceed the federal appropriation in this subsection (7) in any fiscal year, the superintendent shall expend all available federal discretionary funds necessary to meet this need. At the conclusion of each school year, the superintendent shall recover safety net funds that were distributed prospectively but for which districts were not subsequently eligible.

(a) For the 2011-12 and 2012-13 school years, safety net funds shall be awarded by the state safety net oversight committee as provided in section 109(1) chapter 548, Laws of 2009 (ESHB 2261).

(b) From July 1, 2011 to August 31, 2011, the superintendent shall operate the safety net oversight committee and shall award safety net funds as provided in section 507, chapter 564, Laws of 2009, as amended through section 1406 of this act.

(8) A maximum of \$678,000 may be expended from the general fund-- state appropriations to fund 5.43 full-time equivalent teachers and 2.1 full-time equivalent aides at children's orthopedic hospital and medical center. This amount is in lieu of money provided through the home and hospital allocation and the special education program.

(9) The superintendent shall maintain the percentage of federal flow-through to school districts at 85 percent. In addition to other purposes, school districts may use increased federal funds for high-cost students, for purchasing regional special education services from educational service districts, and for staff development activities particularly relating to inclusion issues.

(10) A school district may carry over from one year to the next year up to 10 percent of the general fund--state funds allocated under this program; however, carryover funds shall be expended in the special education program.

(11) \$251,000 of the general fund--state appropriation for fiscal year 2012 and \$251,000 of the general fund--state appropriation for fiscal year 2013 are provided solely for two additional full-time equivalent staff to support the work of the safety net committee and

to provide training and support to districts applying for safety net awards.

(12) \$50,000 of the general fund--state appropriation for fiscal year 2012, \$50,000 of the general fund--state appropriation for fiscal year 2013, and \$100,000 of the general fund--federal appropriation shall be expended to support a special education ombudsman program within the office of superintendent of public instruction.

Sec. 507. 2011 2nd sp.s. c 9 s 508 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR EDUCATIONAL SERVICE DISTRICTS	
General Fund--State Appropriation (FY 2012) .....	(\$7,889,000))
.....	\$7,894,000
General Fund--State Appropriation (FY 2013) .....	(((\$7,904,000))
.....	\$7,388,000
TOTAL APPROPRIATION .....	(((\$15,793,000))
.....	\$15,282,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The educational service districts shall continue to furnish financial services required by the superintendent of public instruction and RCW 28A.310.190 (3) and (4).

(2) Funding within this section is provided for regional professional development related to mathematics and science curriculum and instructional strategies. Funding shall be distributed among the educational service districts in the same proportion as distributions in the 2007-2009 biennium. Each educational service district shall use this funding solely for salary and benefits for a certificated instructional staff with expertise in the appropriate subject matter and in professional development delivery, and for travel, materials, and other expenditures related to providing regional professional development support.

(3) The educational service districts, at the request of the state board of education pursuant to RCW 28A.310.010 and 28A.310.340, may receive and screen applications for school accreditation, conduct school accreditation site visits pursuant to state board of education rules, and submit to the state board of education post-site visit recommendations for school accreditation. The educational service districts may assess a cooperative service fee to recover actual plus reasonable indirect costs for the purposes of this subsection.

Sec. 508. 2011 2nd sp.s. c 9 s 509 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR LOCAL EFFORT ASSISTANCE	
General Fund--State Appropriation (FY 2012) .....	(((\$300,761,000))
.....	\$300,768,000
General Fund--State Appropriation (FY 2013) .....	(((\$299,276,000))
.....	\$298,166,000
General Fund--Federal Appropriation .....	\$4,400,000
TOTAL APPROPRIATION .....	(((\$600,037,000))
.....	\$603,334,000

The appropriations in this section are subject to the following conditions and limitations: For purposes of RCW 84.52.0531, the increase per full-time equivalent student is 3 percent from the 2010-11 school year to the 2011-12 school year and 5 percent from the 2011-12 school year to the 2012-13 school year.

Sec. 509. 2011 2nd sp.s. c 9 s 510 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR INSTITUTIONAL EDUCATION PROGRAMS	
General Fund--State Appropriation (FY 2012) .....	(((\$17,507,000))
.....	\$16,694,000
General Fund--State Appropriation (FY 2013) .....	(((\$16,969,000))

.....	\$15,867,000
TOTAL APPROPRIATION .....	(((\$34,476,000))
.....	\$32,561,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Each general fund--state fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(2) State funding provided under this section is based on salaries and other expenditures for a 220-day school year. The superintendent of public instruction shall monitor school district expenditure plans for institutional education programs to ensure that districts plan for a full-time summer program.

(3) State funding for each institutional education program shall be based on the institution's annual average full-time equivalent student enrollment. Staffing ratios for each category of institution shall remain the same as those funded in the 1995-97 biennium.

(4) The funded staffing ratios for education programs for juveniles age 18 or less in department of corrections facilities shall be the same as those provided in the 1997-99 biennium.

(5) (((\$669,000)) \$585,000 of the general fund--state appropriation for fiscal year 2012 and (((\$669,000)) \$549,000 of the general fund-- state appropriation for fiscal year 2013 are provided solely to maintain at least one certificated instructional staff and related support services at an institution whenever the K-12 enrollment is not sufficient to support one full-time equivalent certificated instructional staff to furnish the educational program. The following types of institutions are included: Residential programs under the department of social and health services for developmentally disabled juveniles, programs for juveniles under the department of corrections, programs for juveniles under the juvenile rehabilitation administration, and programs for juveniles operated by city and county jails.

(6) Ten percent of the funds allocated for each institution may be carried over from one year to the next.

Sec. 510. 2011 2nd sp.s. c 9 s 511 (uncodified) is amended to read as follows:

FOR PROGRAMS FOR HIGHLY CAPABLE STUDENTS	
General Fund--State Appropriation (FY 2012) .....	(((\$8,759,000))
.....	\$8,745,000
General Fund--State Appropriation (FY 2013) .....	(((\$8,842,000))
.....	\$8,773,000
TOTAL APPROPRIATION .....	(((\$17,601,000))
.....	\$17,518,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Each general fund fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(2)(a) For the 2011-12 and 2012-13 school years, the superintendent shall allocate funding to school district programs for highly capable students as provided in RCW 28A.150.260(10)(c). In calculating the allocations, the superintendent shall assume the following: (i) Additional instruction of 2.1590 hours per week per funded highly capable program student; (ii) fifteen highly capable program students per teacher; (iii) 36 instructional weeks per year; (iv) 900 instructional hours per teacher; and (v) the district's average staff mix and compensation rates as provided in sections 503 and 504 of this act.

(b) From July 1, 2011, to August 31, 2011, the superintendent shall allocate funding to school districts programs for highly capable students as provided in section 511, chapter 564, Laws of 2009, as amended through section 1409 of this act.

(3) \$85,000 of the general fund--state appropriation for fiscal year 2012 and \$85,000 of the general fund--state appropriation for

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fiscal year 2013 are provided solely for the centrum program at Fort Worden state park.

Sec. 511. 2011 2nd sp.s. c 9 s 513 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--EDUCATION REFORM PROGRAMS

General Fund--State Appropriation (FY 2012) .....	\$58,078,000
General Fund--State Appropriation (FY 2013) .....	(\$98,309,000)
.....	\$72,279,000
General Fund--Federal Appropriation .....	\$219,161,000
General Fund--Private/Local Appropriation.....	\$4,000,000
Education Legacy Trust Account--State Appropriation ..	\$1,598,000
TOTAL APPROPRIATION .....	(\$381,146,000)
.....	\$355,116,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$40,822,000 of the general fund--state appropriation for fiscal year 2012, \$41,613,000 of the general fund--state appropriation for fiscal year 2013, \$1,350,000 of the education legacy trust account--state appropriation, and \$15,868,000 of the general fund-- federal appropriation are provided solely for development and implementation of the Washington state assessment system, including: (a) Development and implementation of retake assessments for high school students who are not successful in one or more content areas and (b) development and implementation of alternative assessments or appeals procedures to implement the certificate of academic achievement. The superintendent of public instruction shall report quarterly on the progress on development and implementation of alternative assessments or appeals procedures. Within these amounts, the superintendent of public instruction shall contract for the early return of 10th grade student assessment results, on or around June 10th of each year. State funding shall be limited to one collection of evidence payment per student, per content-area assessment.

(2) \$356,000 of the general fund--state appropriation for fiscal year 2012 (~~and \$356,000 of the general fund--state appropriation for fiscal year 2013 are~~) is provided solely for the Washington state leadership and assistance for science education reform (LASER) regional partnership activities coordinated at the Pacific science center, including instructional material purchases, teacher and principal professional development, and school and community engagement events.

(3) \$980,000 of the general fund--state appropriation for fiscal year 2012 (~~and \$980,000 of the general fund--state appropriation for fiscal year 2013 are~~) is provided solely for improving technology infrastructure, monitoring and reporting on school district technology development, promoting standards for school district technology, promoting statewide coordination and planning for technology development, and providing regional educational technology support centers, including state support activities, under chapter 28A.650 RCW.

(4) \$3,852,000 of the general fund--state appropriation for fiscal year 2012 and \$2,624,000 of the general fund--state appropriation for fiscal year 2013 are provided solely for continued implementation of chapter 235, Laws of 2010 (education reform) including development of new performance-based evaluation systems for certificated educators.

(5)(a) (~~(\$40,681,000)~~) \$21,555,000 of the general fund--state appropriation for fiscal year 2013 is provided solely for the following bonuses for teachers who hold valid, unexpired certification from the national board for professional teaching standards and who are teaching in a Washington public school, subject to the following conditions and limitations:

(i) For national board certified teachers, a bonus of (~~(\$5,000)~~) \$2,500 per teacher in the 2011-12 and 2012-13 school years,

adjusted for inflation in each school year in which Initiative 732 cost of living adjustments are provided;

(ii) An additional \$5,000 annual bonus shall be paid to national board certified teachers who teach in either: (A) High schools where at least 50 percent of student headcount enrollment is eligible for federal free or reduced price lunch, (B) middle schools where at least 60 percent of student headcount enrollment is eligible for federal free or reduced price lunch, or (C) elementary schools where at least 70 percent of student headcount enrollment is eligible for federal free or reduced price lunch;

(iii) The superintendent of public instruction shall adopt rules to ensure that national board certified teachers meet the qualifications for bonuses under (a)(ii) of this subsection for less than one full school year receive bonuses in a pro-rated manner. Beginning in the 2011-12 school year, all bonuses in (a)(i) and (ii) of this subsection will be paid in July of each school year. Bonuses in (a)(~~(i) and~~) (ii) of this subsection shall be reduced by a factor of 40 percent for first year NBPTS certified teachers, to reflect the portion of the instructional school year they are certified; and

(iv) During the 2011-12 and 2012-13 school years, and within available funds, certificated instructional staff who have met the eligibility requirements and have applied for certification from the national board for professional teaching standards may receive a conditional loan of two thousand dollars or the amount set by the office of the superintendent of public instruction to contribute toward the current assessment fee, not including the initial up-front candidacy payment. The fee shall be an advance on the first annual bonus under RCW 28A.405.415. The conditional loan is provided in addition to compensation received under a district's salary schedule and shall not be included in calculations of a district's average salary and associated salary limitation under RCW 28A.400.200. Recipients who fail to receive certification after three years are required to repay the conditional loan. The office of the superintendent of public instruction shall adopt rules to define the terms for initial grant of the assessment fee and repayment, including applicable fees. To the extent necessary, the superintendent may use revenues from the repayment of conditional loan scholarships to ensure payment of all national board bonus payments required by this section in each school year.

(6) \$477,000 of the general fund--state appropriation for fiscal year 2012 (~~and \$477,000 of the general fund--state appropriation for fiscal year 2013 are~~) is provided solely for the leadership internship program for superintendents, principals, and program administrators.

(7) \$950,000 of the general fund--state appropriation for fiscal year 2012 (~~and \$950,000 of the general fund--state appropriation for fiscal year 2013 are~~) is provided solely for the Washington reading corps. The superintendent shall allocate reading corps members to low- performing schools and school districts that are implementing comprehensive, proven, research-based reading programs. Two or more schools may combine their Washington reading corps programs.

(8) \$810,000 of the general fund--state appropriation for fiscal year 2012 (~~and \$810,000 of the general fund--state appropriation for fiscal year 2013 are~~) is provided solely for the development of a leadership academy for school principals and administrators. The superintendent of public instruction shall contract with an independent organization to design, field test, and implement a state-of-the-art education leadership academy that will be accessible throughout the state. Initial development of the content of the academy activities shall be supported by private funds. Semiannually the independent organization shall report on amounts committed by foundations and others to support the development and implementation of this program. Leadership academy partners shall include the state level organizations for

school administrators and principals, the superintendent of public instruction, the professional educator standards board, and others as the independent organization shall identify.

(9) ~~\$3,234,000 of the general fund--state appropriation for fiscal year 2012 ((and \$3,234,000 of the general fund--state appropriation for fiscal year 2013 are))~~ is provided solely for grants to school districts to provide a continuum of care for children and families to help children become ready to learn. Grant proposals from school districts shall contain local plans designed collaboratively with community service providers. If a continuum of care program exists in the area in which the school district is located, the local plan shall provide for coordination with existing programs to the greatest extent possible.

(10) ~~\$1,500,000 of the general fund--state appropriation for fiscal year 2012 ((and \$1,500,000 of the general fund--state appropriation for fiscal year 2013 are))~~ is provided solely for the implementation of chapter 288, Laws of 2011 (actual student success program), including allocations to the opportunity internship program, the jobs for America's graduates program, the building bridges program, services provided by a college scholarship organization. Funding shall not be used in the 2011-2013 fiscal biennium to provide awards for schools and school districts.

(11) ~~\$859,000 of the general fund--state appropriation for fiscal year 2012, ((and \$846,000))~~ ~~\$720,000~~ of the general fund--state appropriation for fiscal year 2013, and \$248,000 of the education legacy trust account--state appropriation are for administrative support of education reform programs.

(12) ~~\$2,000,000 of the general fund--state appropriation for fiscal year 2012 ((and \$2,000,000 of the general fund--state appropriation for fiscal year 2013 are))~~ is provided solely for a statewide information technology (IT) academy program. This public-private partnership will provide educational software, as well as IT certification and software training opportunities for students and staff in public schools.

(13) ~~\$977,000 of the general fund--state appropriation for fiscal year 2012 ((and \$977,000 of the general fund--state appropriation for fiscal year 2013 are))~~ is provided solely for secondary career and technical education grants pursuant to chapter 170, Laws of 2008. If equally matched by private donations, \$300,000 of the 2012 appropriation and \$300,000 of the 2013 appropriation shall be used to support FIRST robotics programs.

(14) ~~\$125,000 of the general fund--state appropriation for fiscal year 2012 ((and \$125,000 of the general fund--state appropriation for fiscal year 2013 are))~~ is provided solely for (a) staff at the office of the superintendent of public instruction to coordinate and promote efforts to develop integrated math, science, technology, and engineering programs in schools and districts across the state; and (b) grants of \$2,500 to provide twenty middle and high school teachers each year with professional development training for implementing integrated math, science, technology, and engineering programs in their schools.

(15) ~~\$135,000 of the general fund--state appropriation for fiscal year 2012 ((and \$135,000 of the general fund--state appropriation for fiscal year 2013 are))~~ is provided solely for science, technology, engineering and mathematics lighthouse projects(~~consistent with chapter 238, Laws of 2010~~).

(16) ~~\$1,000,000 of the general fund--state appropriation for fiscal year 2012 ((and \$1,000,000 of the general fund--state appropriation for fiscal year 2013 are))~~ is provided solely for a beginning educator support program. School districts and/or regional consortia may apply for grant funding. The superintendent shall implement this program in 5 to 15 school districts and/or regional consortia. The program provided by a district and/or regional consortia shall include: A paid orientation;

assignment of a qualified mentor; development of a professional growth plan for each beginning teacher aligned with professional certification; release time for mentors and new teachers to work together; and teacher observation time with accomplished peers. \$250,000 may be used to provide statewide professional development opportunities for mentors and beginning educators.

(17) \$5,767,000 of the general fund--state appropriation for fiscal year 2013 is provided solely pursuant to Engrossed Substitute Senate Bill No. 5895 (certificated employee evaluations). If the bill is not enacted by June 30, 2012, the amount provided in this subsection shall lapse.

**Sec. 512.** 2011 2nd sp.s. c 9 s 514 (uncodified) is amended to read as follows:

**FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR TRANSITIONAL BILINGUAL PROGRAMS**

General Fund--State Appropriation (FY 2012) .....	(\$79,496,000))
.....	\$79,575,000
General Fund--State Appropriation (FY 2013) .....	(\$82,856,000))
.....	\$80,666,000
General Fund--Federal Appropriation .....	\$71,001,000
TOTAL APPROPRIATION .....	(\$233,353,000))
.....	\$231,242,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Each general fund fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(2)(a) For the 2011-12 and 2012-13 school years, the superintendent shall allocate funding to school districts for transitional bilingual programs as provided in RCW 28A.150.260(10)(b). In calculating the allocations, the superintendent shall assume the following averages: (i) Additional instruction of 4.7780 hours per week per transitional bilingual program student; (ii) fifteen transitional bilingual program students per teacher; (iii) 36 instructional weeks per year; (iv) 900 instructional hours per teacher; and (v) the district's average staff mix and compensation rates as provided in sections 503 and 504 of this act.

(b) From July 1, 2011, to August 31, 2011, the superintendent shall allocate funding to school districts for transitional bilingual instruction programs as provided in section 514, chapter 564, Laws of 2009, as amended through section 1411 of this act.

(c) The allocations in this section reflect the implementation of a new funding formula for the transitional bilingual instructional program, effective September 1, 2011, as specified in RCW 28A.150.260(10)(b).

(3) The superintendent may withhold allocations to school districts in subsection (2) of this section solely for the central provision of assessments as provided in RCW 28A.180.090 (1) and (2) up to the following amounts: 2.79 percent for school year 2011-12 and ~~((2.09))~~ 2.11 percent for school year 2012-13.

(4) The general fund--federal appropriation in this section is for migrant education under Title I Part C and English language acquisition, and language enhancement grants under Title III of the elementary and secondary education act.

(5)(a) The office of the superintendent of public instruction shall implement a funding model for the transitional bilingual program, beginning in school year 2012-13, that is scaled to provide more support to students requiring most intensive intervention, (students with beginning levels of English language proficiency) and less support to students requiring less intervention. The funding model shall also provide up to two years of ~~((bonus))~~ additional funding upon successful exit from the bilingual program to facilitate successful transition to a standard program of education, except for



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students that successfully exit the bilingual program prior to grade two. This additional funding shall begin in school year 2013-14 with students achieving proficiency in school year 2012-13 and transitioning to a standard program of education for school year 2013-14. The amount of the additional funding shall be established in the biennial omnibus budget.

(b) It is expected that per-pupil funding for all students served in kindergarten and grade one will be the same as would have been necessary to maintain the statewide average prior to establishing differential per-pupil amounts. For all other students served in the program, it is expected that level 2 proficiency will be set at ~~((the same))~~ a level ~~((as would have been provided))~~ that represents the median funding level necessary to maintain the statewide average prior to establishing differential per-pupil amounts; ~~((level 1 will be 125 percent of level 2; level 3 through the level prior to exit will be 75 percent of level 2; and two bonus years upon successful demonstration of proficiency will be 100 percent of level 2))~~ levels 1 and 3 shall be set such that level 1 is substantially greater than level 2, and level 3 is substantially less; each of the two years of additional per-pupil funding is expected to be equivalent to level 2. Total funding in aggregate for all levels for the 2012-13 school year is equivalent to what total funding in aggregate would have been prior to the application of differential per-pupil amounts. For school year 2012-13 when funds are not yet distributed for proficient students exiting the program, auxiliary funds shall be provided in a similarly differential distribution, such that total program allocations are not less than what total program allocations would have been prior to establishing differential per-pupil amounts. Prior to implementing in school year 2012-13, the office of the superintendent of public instruction shall provide to the senate and house of representatives ways and means committees recommended rates based on the results of proficiency test procurement, expressed as both per-pupil rates and hours of instruction as provided in RCW 28A.150.260(10)(b).

(c) Each bilingual student shall be tested for proficiency level and, therefore, eligibility for the transitional bilingual program each year. ~~The ((bonus)) additional payments for up to two school years following successful exit from the transitional bilingual program, for students in grades two through twelve, shall be allocated to the ((existing)) school district in which the student is enrolled. If the student graduates or ((transfers to another district prior to the district receiving both years' bonuses)) or otherwise leaves the system, the district shall receive the ((bonus)) additional payments for only the length of time the student remains enrolled in the ((existing)) district.~~

(d) ~~((The quality education council shall examine the revised funding model developed under this subsection and provide a report to the education and fiscal committees of the legislature by December 1, 2011, that includes recommendations for:~~

(i) Changing the prototypical school funding formula for the transitional bilingual program to align with the revised model in an accurate and transparent manner;

(ii) Reconciling the revised model with statutory requirements for categorical funding of the transitional bilingual instructional program that is restricted to students eligible for and enrolled in that program;

(iii) Clarifying the elements of the transitional bilingual instructional program that fall under the definition of basic education and the impact of the revised model on them; and

(iv) The extent that the disparate financial impact of the revised model on different school districts should be addressed and options for addressing it.

(e)) The office of the superintendent of public instruction shall report to the senate and house of representatives ways and means committees and education committees annually by December 31st

of each year, through 2018, regarding any measurable changes in proficiency, time-in-program, and transition experience.

(6) \$35,000 of the general fund--state appropriation for fiscal year 2012 and \$35,000 of the general fund--state appropriation for fiscal year 2013 are provided solely to track current and former transitional bilingual program students.

**Sec. 513.** 2011 2nd sp.s. c 9 s 515 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR THE LEARNING ASSISTANCE PROGRAM

General Fund--State Appropriation (FY 2012) .....	(\$102,470,000))
.....	\$102,619,000
General Fund--State Appropriation (FY 2013) .....	(\$103,666,000))
.....	\$104,789,000
General Fund--Federal Appropriation.....	\$492,207,000
Education Legacy Trust Account--State Appropriation .....	
.....	\$47,980,000
TOTAL APPROPRIATION .....	(\$746,323,000))
.....	\$747,595,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The general fund--state appropriations in this section are subject to the following conditions and limitations:

(a) The appropriations include such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(b)(i) For the 2011-12 and 2012-13 school years, the superintendent shall allocate funding to school districts for learning assistance programs as provided in RCW 28A.150.260(10)(a). In calculating the allocations, the superintendent shall assume the following averages: (A) Additional instruction of 1.51560 hours per week per funded learning assistance program student; (B) fifteen learning assistance program students per teacher; (C) 36 instructional weeks per year; (D) 900 instructional hours per teacher; and (E) the district's average staff mix and compensation rates as provided in sections 503 and 504 of this act.

(ii) From July 1, 2011, to August 31, 2011, the superintendent shall allocate funding to school districts for learning assistance programs as provided in section 515, chapter 564, Laws of 2009, as amended through section 1412 of this act.

(c) A school district's funded students for the learning assistance program shall be the sum of the district's full-time equivalent enrollment in grades K-12 for the prior school year multiplied by the district's percentage of October headcount enrollment in grades K-12 eligible for free or reduced price lunch in the prior school year.

(2) Allocations made pursuant to subsection (1) of this section shall be adjusted to reflect ineligible applications identified through the annual income verification process required by the national school lunch program, as recommended in the report of the state auditor on the learning assistance program dated February, 2010.

(3) The general fund--federal appropriation in this section is provided for Title I Part A allocations of the no child left behind act of 2001.

(4) A school district may carry over from one year to the next up to 10 percent of the general fund-state or education legacy trust funds allocated under this program; however, carryover funds shall be expended for the learning assistance program.

(5) The office of the superintendent of public instruction shall research and recommend options for an adjustment factor for middle school and high school free and reduced price lunch eligibility reporting rates pursuant to RCW 28A.150.260(12)(a), and submit a report to the fiscal committees of the legislature by June 1, 2012. For the 2011-12 and 2012-13 school years, the adjustment factor is 1.0.

**Sec. 514.** 2011 1st sp.s. c 50 s 516 (uncodified) is amended to read as follows:

**FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION**

(1) Amounts distributed to districts by the superintendent through part V of this act are for allocations purposes only and do not entitle a particular district, district employee, or student to a specific service, beyond what has been expressly provided in statute. Part V of this act restates the requirements of various sections of Title 28A RCW. If any conflict exists, the provisions of Title 28A RCW control unless this act explicitly states that it is providing an enhancement. Any amounts provided in part V of this act in excess of the amounts required by Title 28A RCW provided in statute, are not within the program of basic education.

(2) To the maximum extent practicable, when adopting new or revised rules or policies relating to the administration of allocations in part V of this act that result in fiscal impact, the office of the superintendent of public instruction shall attempt to seek legislative approval through the budget request process.

(3) Appropriations made in this act to the office of the superintendent of public instruction shall initially be allotted as required by this act. Subsequent allotment modifications shall not include transfers of moneys between sections of this act except as expressly provided in subsection (4) of this section.

(4) The appropriations to the office of the superintendent of public instruction in this act shall be expended for the programs and amounts specified in this act. However, after May 1, 2012, unless specifically prohibited by this act and after approval by the director of financial management, the superintendent of public instruction may transfer state general fund appropriations for fiscal year 2012 among the following programs to meet the apportionment schedule for a specified formula in another of these programs: General apportionment; employee compensation adjustments; pupil transportation; special education programs; institutional education programs; transitional bilingual programs; and learning assistance programs.

(5) The director of financial management shall notify the appropriate legislative fiscal committees in writing prior to approving any allotment modifications or transfers under this section.

(End of part)

**PART VI  
HIGHER EDUCATION**

**Sec. 601.** 2011 2nd sp.s. c 9 s 601 (uncodified) is amended to read as follows:

**FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES**

General Fund--State Appropriation (FY 2012) .....	(\$533,009,000)
.....	\$532,975,000
General Fund--State Appropriation (FY 2013) .....	(\$525,644,000)
.....	\$512,491,000
Community/Technical College Capital Projects	
Account--State Appropriation.....	\$8,037,000
Education Legacy Trust Account--State Appropriation.....	
.....	\$95,370,000
<b>TOTAL APPROPRIATION .....</b>	<b>(\$1,162,060,000)</b>
.....	\$1,148,873,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$28,761,000 of the general fund--state appropriation for fiscal year 2012 and \$28,761,000 of the general fund--state appropriation for fiscal year 2013 are provided solely as special funds for training and related support services, including financial aid, as specified in RCW 28C.04.390. Funding is provided to

support at least 6,200 full-time equivalent students in fiscal year 2012 and at least 6,200 full-time equivalent students in fiscal year 2013.

(2) \$2,725,000 of the general fund--state appropriation for fiscal year 2012 and \$2,725,000 of the general fund--state appropriation for fiscal year 2013 are provided solely for administration and customized training contracts through the job skills program. The state board shall make an annual report by January 1st of each year to the governor and to the appropriate policy and fiscal committees of the legislature regarding implementation of this section, listing the scope of grant awards, the distribution of funds by educational sector and region of the state, and the results of the partnerships supported by these funds.

(3) \$4,500,000 of the general fund--state appropriation for fiscal year 2012 and \$4,500,000 of the general fund--state appropriation for fiscal year 2013 is provided solely for worker retraining.

(4) Of the amounts appropriated in this section, \$5,000,000 is provided solely for the student achievement initiative.

(5) When implementing the appropriations in this section, the state board and the trustees of the individual community and technical colleges shall minimize impact on academic programs, maximize reductions in administration, and shall at least maintain, and endeavor to increase, enrollment opportunities and degree and certificate production in high employer-demand fields of study at their academic year 2008-09 levels.

(6) Community and technical colleges are not required to send mass mailings of course catalogs to residents of their districts. Community and technical colleges shall consider lower cost alternatives, such as mailing postcards or brochures that direct individuals to online information and other ways of acquiring print catalogs.

(7) Bellevue college is authorized to offer applied baccalaureate degrees in information technology, health care services and management, biotechnology, and preprofessional preparation for medical fields. These degrees shall be directed at high school graduates and transfer- oriented degree and professional and technical degree holders. In fiscal year 2012, Bellevue college will develop a two-year plan for offering these new degrees. The plan will assume funding for these new degrees shall come through redistribution of its current per full-time enrollment funding. The plan shall be delivered to the legislature by June 30, 2012.

(8) The Seattle community college district is authorized to offer applied baccalaureate degree programs in business/international business and technology management, interactive and artistic digital media, sustainability, building science technology, and allied and global health. These degrees shall be directed at high school graduates and professional and technical degree holders. In fiscal year 2012, Seattle community colleges shall develop a two-year plan for offering these new degrees. The plan will assume that funding for these new degrees comes through redistribution of its current per full- time enrollment funding. The plan shall be delivered to the legislature by June 30, 2012.

**Sec. 602.** 2011 2nd sp.s. c 9 s 602 (uncodified) is amended to read as follows:

**FOR THE UNIVERSITY OF WASHINGTON**

General Fund--State Appropriation (FY 2012) .....	(\$201,388,000)
.....	\$200,943,000
General Fund--State Appropriation (FY 2013) .....	(\$206,358,000)
.....	\$193,444,000
Education Legacy Trust Account--State Appropriation .....	
.....	\$18,579,000
Economic Development Strategic Reserve Account--	
State Appropriation .....	\$1,500,000
State Toxics Control Account--State Appropriation.....	\$5,000,000
Biotoxin Account--State Appropriation.....	\$450,000

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Accident Account--State Appropriation .....	\$6,699,000
Medical Aid Account--State Appropriation .....	\$6,502,000
TOTAL APPROPRIATION .....	(\$439,976,000))
.....	\$433,117,000

The appropriations in this section are subject to the following conditions and limitations:

(1) In implementing the appropriations in this section, the president and regents shall seek to minimize impacts on student services and instructional programs by maximizing reductions in administration and other noninstructional activities.

(2) \$150,000 of the general fund--state appropriation for fiscal year 2012 and \$150,000 of the general fund--state appropriation for fiscal year 2013 are provided solely for the development of integrated medical curriculum for the Washington/Wyoming/Alaska/Montana/Idaho (WWAMI) medical education program in Spokane and eastern Washington. Funding is contingent on appropriations being provided to Washington State University for WWAMI program expansion in Spokane and eastern Washington.

(3) \$52,000 of the general fund--state appropriation for fiscal year 2012 and \$52,000 of the general fund--state appropriation for fiscal year 2013 are provided solely for the center for international trade in forest products in the college of forest resources.

(4) \$88,000 of the general fund--state appropriation for fiscal year 2012 is provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5485 (state's natural resources). If the bill is not enacted by June 30, 2011, the amount provided in this subsection shall lapse.

(5) \$143,000 of the general fund--state appropriation for fiscal year 2012 and \$144,000 of the general fund--state appropriation for fiscal year 2013 are provided solely for the ongoing management of the Washington park arboretum.

(6) \$3,800,000 of the general fund--state appropriation for fiscal year 2013 is provided solely for an expansion in engineering enrollments.

(7) \$1,500,000 of the economic development strategic reserve account--state appropriation is provided solely to implement Substitute Senate Bill No. 5982 (aerospace technology center). If the bill is not enacted by June 30, 2012, the amount provided in this subsection shall lapse.

(8) \$242,000 of the general fund--state appropriation for fiscal year 2013 is provided solely to implement Second Substitute Senate Bill No. 6406 (state's natural resources). If the bill is not enacted by June 30, 2012, the amount provided in this subsection shall lapse.

Sec. 603. 2011 2nd sp.s. c 9 s 603 (uncodified) is amended to read as follows:

FOR WASHINGTON STATE UNIVERSITY

General Fund--State Appropriation (FY 2012) .....	(\$134,512,000))
.....	\$133,994,000
General Fund--State Appropriation (FY 2013) .....	(\$136,087,000))
.....	\$126,313,000
Education Legacy Trust Account--State Appropriation .....	
.....	\$33,065,000
State Toxics Control Account--State Appropriation.....	\$5,000,000
TOTAL APPROPRIATION .....	(\$303,664,000))
.....	\$298,372,000

The appropriations in this section are subject to the following conditions and limitations:

(1) In implementing the appropriations in this section, the president and regents shall seek to minimize impacts on student services and instructional programs by maximizing reductions in administration and other noninstructional activities.

(2) Within available funds, Washington State University shall serve an additional cohort of fifteen full-time equivalent students in the mechanical engineering program located at Olympic College.

(3) \$300,000 of the general fund--state appropriation for fiscal year 2012 and \$300,000 of the general fund--state appropriation for fiscal year 2013 are provided solely for the expansion of health sciences capacity through the Washington/Wyoming/Alaska/Montana/Idaho (WWAMI) medical education program in Spokane and eastern Washington. Funding is contingent on appropriations being provided to the University of Washington for integrated medical curriculum development for WWAMI.

(4) \$3,800,000 of the general fund--state appropriation for fiscal year 2013 is provided solely for an expansion in engineering enrollments.

(5) \$25,000 of the general fund--state appropriation for fiscal year 2012 and \$50,000 of the general fund--state appropriation for fiscal year 2013 are provided solely for the Washington State University extension energy program to conduct a study of densified biomass as a renewable fuel used for heating homes, businesses, and other facilities. A report of the findings shall be submitted to the governor and the appropriate committees of the legislature by December 1, 2012.

Sec. 604. 2011 2nd sp.s. c 9 s 604 (uncodified) is amended to read as follows:

FOR EASTERN WASHINGTON UNIVERSITY

General Fund--State Appropriation (FY 2012) .....	(\$26,257,000))
.....	\$26,255,000
General Fund--State Appropriation (FY 2013) .....	(\$26,541,000))
.....	\$25,774,000
Education Legacy Trust Account--State Appropriation .....	
.....	\$16,087,000
TOTAL APPROPRIATION .....	(\$68,885,000))
.....	\$68,116,000

The appropriations in this section are subject to the following conditions and limitations:

(1) In implementing the appropriations in this section, the president and governing board shall seek to minimize impacts on student services and instructional programs by maximizing reductions in administration and other noninstructional activities.

(2) At least \$200,000 of the general fund--state appropriation for fiscal year 2012 and at least \$200,000 of the general fund--state appropriation for fiscal year 2013 shall be expended on the Northwest autism center.

Sec. 605. 2011 2nd sp.s. c 9 s 605 (uncodified) is amended to read as follows:

FOR CENTRAL WASHINGTON UNIVERSITY

General Fund--State Appropriation (FY 2012) .....	(\$22,468,000))
.....	\$23,277,000
General Fund--State Appropriation (FY 2013) .....	(\$22,525,000))
.....	\$22,611,000
Education Legacy Trust Account--State Appropriation .....	
.....	\$19,076,000
TOTAL APPROPRIATION .....	(\$64,069,000))
.....	\$64,964,000

The appropriations in this section are subject to the following conditions and limitations: In implementing the appropriations in this section, the president and governing board shall seek to minimize impacts on student services and instructional programs by maximizing reductions in administration and other noninstructional activities.

Sec. 606. 2011 2nd sp.s. c 9 s 606 (uncodified) is amended to read as follows:

FOR THE EVERGREEN STATE COLLEGE

General Fund--State Appropriation (FY 2012) .....	(\$15,595,000))
.....	\$15,594,000
General Fund--State Appropriation (FY 2013) .....	(\$15,339,000))
.....	\$15,022,000

Education Legacy Trust Account--State Appropriation ..\$5,450,000  
 TOTAL APPROPRIATION .....((\$36,384,000))  
 .....\$36,066,000

The appropriations in this section are subject to the following conditions and limitations:

(1) In implementing the appropriations in this section, the president and governing board shall seek to minimize impacts on student services and instructional programs by maximizing reductions in administration and other noninstructional activities.

(2) \$50,000 of the general fund--state appropriation for fiscal year 2012 and \$25,000 of the general fund--state appropriation for fiscal year 2013 are provided solely for the Washington state institute for public policy to conduct a detailed study of the commitment of sexually violent predators to the special commitment center pursuant to chapter 71.09 RCW and the subsequent release of those persons to less-restrictive alternatives.

(a) Specifically, the institute's study shall examine:

(i) The projected future demand for the special commitment center, including profiles and characteristics of persons referred and committed to the special commitment center since its inception, whether the profiles of those persons have changed over time, and, given current trends, the likelihood of the continuing rate of referral;

(ii) Residents' participation in treatment over time and the impact of treatment on eventual release to a less-restrictive alternative;

(iii) The annual review process and the process for a committed person to petition for conditional or unconditional release, specifically:

(A) The time frames for conducting mandatory reviews;

(B) The role of the special commitment center clinical team;

(C) Options and standards utilized by other jurisdictions or similar processes to conduct periodic reviews, including specialized courts, parole boards, independent review boards, and other commitment proceedings;

(iv) The capacity and future demand for appropriate less restrictive alternatives for moving residents out of the special commitment center, including:

(A) The capacity and demand for secure community transition facilities;

(B) Options for specialized populations such as the elderly or those with developmental disabilities and whether more cost-efficient options might be used to house those populations while keeping the public safe;

(C) Prospects for moving residents to noninstitutionalized settings beyond a secure community transition facility.

(b) The department of social and health services shall cooperate with the institute in conducting its examination and must provide the institute with requested data and records in a timely manner.

(c) The institute shall provide a status report to the governor and the legislature no later than November 1, 2011, with a final report due no later than November 1, 2012.

(3) \$50,000 of the general fund--state appropriation for fiscal year 2012 and \$50,000 of the general fund--state appropriation for fiscal year 2013 are provided solely for the institute for public policy to provide research support to the council on quality education.

(4) To the extent federal or private funding is available for this purpose, the Washington state institute for public policy and the center for reinventing public education at the University of Washington shall examine the relationship between participation in pension systems and teacher quality and mobility patterns in the state. The department of retirement systems shall facilitate researchers' access to necessary individual-level data necessary to effectively conduct the study. The researchers shall ensure that no individually identifiable information will be disclosed at any time. An interim report on project findings shall be completed by

November 15, 2010, and a final report shall be submitted to the governor and to the relevant committees of the legislature by October 15, 2011.

(5) Funding provided in this section is sufficient for The Evergreen State College to continue operations of the Longhouse Center and the Northwest Indian applied research institute.

(6) If, and to the extent that private funding is available for this purpose, the Washington state institute for public policy shall study and report on the child welfare and educational characteristics and outcomes for foster youth who are served by educational advocates. The department of social and health services and the office of the superintendent of public instruction shall facilitate researchers' access to data necessary to effectively complete the study. The institute shall submit an interim report with baseline characteristics of youth served by educational advocates by December 2011 and a final report by October 31, 2012, to the governor and to the appropriate committees of the legislature.

(7) \$75,000 of the general fund--state appropriation for fiscal year 2012 is provided to the Washington state institute for public policy (WSIPP) to conduct a review of state investments in the family caregiver and support program. Funding for this program is provided by assumed savings from diverting seniors from entering into long-term care medicaid placements by supporting informal caregivers. WSIPP shall work with the department of social and health services to establish and review outcome data for this investment. A preliminary report on the outcomes of the investment into this program is due to the appropriate legislative committees by December 15, 2011, and a final report is due to the appropriate legislative committees by August 30, 2012.

(8) \$17,000 of the general fund--state appropriation for fiscal year 2013 are provided solely to implement Substitute Senate Bill No. 6492 (competency to stand trial). If the bill is not enacted by June 30, 2012, the amount provided in this subsection shall lapse.

**Sec. 607.** 2011 2nd sp.s. c 9 s 607 (uncodified) is amended to read as follows:

**FOR WESTERN WASHINGTON UNIVERSITY**  
 General Fund--State Appropriation (FY 2012) .....((\$33,754,000))  
 .....\$33,664,000  
 General Fund--State Appropriation (FY 2013) .....((\$33,743,000))  
 .....\$32,104,000  
 Education Legacy Trust Account--State Appropriation .....  
 .....\$13,266,000  
 TOTAL APPROPRIATION .....((\$80,763,000))  
 .....\$79,034,000

The appropriations in this section are subject to the following conditions and limitations: In implementing the appropriations in this section, the president and governing board shall seek to minimize impacts on student services and instructional programs by maximizing reductions in administration and other noninstructional activities.

**NEW SECTION. Sec. 608. COUNCIL FOR HIGHER EDUCATION**

2011 2nd sp.s. c 9 s 610 (uncodified) and 2011 1st sp.s. c 50 s 614 (uncodified) are repealed.

**NEW SECTION. Sec. 609. OFFICE OF STUDENT FINANCIAL ASSISTANCE**

2011 2nd sp.s. c 9 s 611 (uncodified) and 2011 1st sp.s. c 50 s 615 (uncodified) are repealed.

**NEW SECTION. Sec. 610.** A new section is added to 2011 1st sp.s. c 50 (uncodified) to read as follows:

**FOR THE OFFICE OF THE STUDENT ACHIEVEMENT COUNCIL--POLICY COORDINATION AND ADMINISTRATION**  
 General Fund--State Appropriation (FY 2013) .....\$4,973,000  
 General Fund--Federal Appropriation .....\$2,377,000

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TOTAL APPROPRIATION .....\$7,350,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The office of the student achievement council is authorized to increase or establish fees for initial degree authorization, degree authorization renewal, degree authorization reapplication, new program applications, and new site applications pursuant to RCW 28B.85.060.

(2) \$1,043,000 of the general fund--state appropriation for fiscal year 2013 is provided solely for the implementation of Engrossed Second Substitute Senate Bill No. 6232 (higher education coordination). If the bill is not enacted by June 30, 2012, the amount provided in this subsection shall lapse.

NEW SECTION. **Sec. 611.** A new section is added to 2011 1st sp.s. c 50 (uncodified) to read as follows:

FOR THE OFFICE OF THE STUDENT ACHIEVEMENT COUNCIL--OFFICE OF STUDENT FINANCIAL ASSISTANCE  
General Fund--State Appropriation (FY 2013) .....\$245,489,000  
General Fund--Federal Appropriation .....\$5,816,000  
Washington Opportunity Pathways Account--State

Appropriation .....\$73,500,000  
TOTAL APPROPRIATION .....\$324,805,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$237,018,000 of the general fund--state appropriation for fiscal year 2013, and \$73,500,000 of the opportunity pathways account-- state appropriation are provided solely for student financial aid payments under the state need grant and the state work study programs including up to a four percent administrative allowance for the state work study program.

(2) Within the funds appropriated in this section, eligibility for the state need grant shall include students with family incomes at or below 70 percent of the state median family income (MFI), adjusted for family size, and shall include students enrolled in three to five credit-bearing quarter credits, or the equivalent semester credits. The office of student financial assistance shall report to the legislature by December 1, 2013, regarding the number of students enrolled in three to five credit-bearing quarter credits, or the equivalent semester credits, and their academic progress including degree completion. Awards for all students shall be adjusted by the estimated amount by which Pell grant increases exceed projected increases in the noninstructional costs of attendance. Awards for students with incomes between 51 and 70 percent of the state median shall be prorated at the following percentages of the award amount granted to those with incomes below 51 percent of the MFI: 70 percent for students with family incomes between 51 and 55 percent MFI; 65 percent for students with family incomes between 56 and 60 percent MFI; 60 percent for students with family incomes between 61 and 65 percent MFI; and 50 percent for students with family incomes between 66 and 70 percent MFI. For the 2012-13 academic year, awards for eligible students attending for-profit institutions of higher education shall not be subject to a fifty percent reduction.

(3) \$1,250,000 of the general fund--state appropriation for fiscal year 2013 is provided solely for implementation of the aerospace training scholarship and student loan program as specified in Engrossed Substitute House Bill No. 1846 (aerospace student loans). If the bill is not enacted by June 30, 2012, the amount provided in this subsection shall lapse.

(4) For fiscal year 2013, the board shall defer loan or conditional scholarship repayments to the future teachers conditional scholarship and loan repayment program for up to one year for each participant if the participant has shown evidence of efforts to find a teaching job but has been unable to secure a teaching job per the requirements of the program.

(5) \$1,000,000 of the education legacy trust account--state appropriation is provided solely for the gaining early awareness and readiness for undergraduate programs project.

(6) \$500,000 of the general fund--state appropriation for fiscal year 2013 is provided solely for the leadership 1000 program.

(7) \$2,436,000 of the general fund--state appropriation for fiscal year 2013 is provided solely for the passport to college program. The maximum scholarship award shall be \$5,000. The board shall contract with a nonprofit organization to provide support services to increase student completion in their postsecondary program and shall, under this contract, provide a minimum of \$500,000 in fiscal year 2013 for this purpose.

**Sec. 612.** 2011 1st sp.s. c 50 s 616 (uncodified) is amended to read as follows:

FOR THE WORK FORCE TRAINING AND EDUCATION COORDINATING BOARD

General Fund--State Appropriation (FY 2012) .....(((\$1,382,000))  
.....\$1,274,000  
General Fund--State Appropriation (FY 2013) .....(((\$1,388,000))  
.....\$1,280,000  
General Fund--Federal Appropriation .....\$62,758,000  
TOTAL APPROPRIATION .....(((\$65,528,000))  
.....\$65,312,000

The appropriations in this section are subject to the following conditions and limitations: For the 2011-2013 fiscal biennium the board shall not designate recipients of the Washington award for vocational excellence or recognize them at award ceremonies as provided in RCW 28C.04.535.

Sec. 613. 2011 2nd sp.s. c 9 s 612 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF EARLY LEARNING

General Fund--State Appropriation (FY 2012) .....(((\$27,571,000))  
.....\$25,244,000  
General Fund--State Appropriation (FY 2013) .....(((\$27,558,000))  
.....\$25,265,000  
General Fund--Federal Appropriation .....(((\$261,753,000))  
.....\$279,884,000  
Home Visiting Services Account--Federal..... Appropriation  
.....\$200,000  
Opportunity Pathways Account--State Appropriation  
.....\$80,000,000  
TOTAL APPROPRIATION.....(((\$396,882,000))  
.....\$410,593,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$16,028,000 of the general fund--state appropriation for fiscal year 2012, \$16,028,000 of the general fund--state appropriation of fiscal year 2013, \$80,000,000 of the opportunity pathways account appropriation, and \$2,256,000 of the general fund--federal appropriation are provided solely for the early childhood education assistance program services. Of these amounts, \$10,284,000 is a portion of the biennial amount of state maintenance of effort dollars required to receive federal child care and development fund grant dollars.

(2) In accordance to RCW 43.215.255(2) and 43.135.055, the department is authorized to increase child care center and child care family home licensure fees in fiscal years 2012 and 2013 for costs to the department for the licensure activity, including costs of necessary inspection. These increases are necessary to support expenditures authorized in this section.

(3) ~~(\$638,000)~~ \$64,000 of the general fund--state appropriation for fiscal year 2012 ~~(and)~~, \$638,000 of the general fund--state appropriation for fiscal year 2013, and \$574,000 of the general fund-- federal appropriation are provided solely for child care resource and referral network services.

(4) ((\$200,000 of the general fund--state appropriation for fiscal year 2012 and \$200,000 of the general fund--state appropriation for fiscal year 2013 are provided solely to develop and provide culturally relevant supports for parents, family, and other caregivers.

(5)) The department is the lead agency for and recipient of the federal child care and development fund grant. Amounts within this grant shall be used to fund child care licensing, quality initiatives, agency administration, and other costs associated with child care subsidies. The department shall transfer a portion of this grant to the department of social and health services to fund the child care subsidies paid by the department of social and health services on behalf of the department of early learning.

((6)) (5) The appropriations in this section reflect reductions in the appropriations for the department's administrative expenses. It is the intent of the legislature that these reductions shall be achieved, to the greatest extent possible, by reducing those administrative costs that do not affect direct client services or direct service delivery or program.

((7)) (6) \$934,000 of the general fund--state appropriation for fiscal year 2012, \$934,000 of the general fund--state appropriation for fiscal year 2013, and \$2,400,000 of the general fund--federal appropriation are provided solely for expenditure into the home visiting services account. This funding is intended to meet federal maintenance of effort requirements and to secure private matching funds.

(a) All federal funds received by the department for home visiting activities must be deposited into the home visiting services account.

(b) The department must consult with stakeholders during the development of the Washington home visiting plan and any future proposals for federal funding.

(c) \$200,000 of the home visiting services account--federal appropriation is provided solely for program administration pursuant to RCW 43.215.130. No other funds may be expended for that purpose.

((8)) (7) In addition to groups that were given prioritized access to the working connections child care program effective March 1, 2011, the department shall also give prioritized access into the program to families in which a parent of a child in care is a minor who is not living with a parent or guardian and who is a full-time student in a high school that has a school-sponsored on-site child care center.

((9)) (8) Within available amounts, the department in consultation with the office of financial management and the department of social and health services shall report quarterly enrollments and active caseload for the working connections child care program to the legislative fiscal committees. The report shall also identify the number of cases participating in both temporary assistance for needy families and working connections child care.

((10)) (9) \$2,522,000 of the general fund--state appropriation for fiscal year 2012, \$2,522,000 of the general fund--state appropriation for fiscal year 2013, and \$4,304,000 of the general fund--federal appropriation are provided solely for the medicaid treatment child care (MTCC) program. The department shall contract for MTCC services to provide therapeutic child care and other specialized treatment services to abused, neglected, at-risk, and/or drug-affected children. Priority for services shall be given to children referred from the department of social and health services children's administration. In addition to referrals made by children's administration, the department shall authorize services for children referred to the MTCC program, as long as the children meet the eligibility requirements as outlined in the Washington state plan for the MTCC program. Of the amounts appropriated in this subsection, \$60,000 per fiscal year may be used by the department for administering the MTCC program, if needed.

**Sec. 614.** 2011 2nd sp.s. c 9 s 613 (uncodified) is amended to read as follows:

FOR THE STATE SCHOOL FOR THE BLIND

General Fund--State Appropriation (FY 2012) .....	\$5,782,000
General Fund--State Appropriation (FY 2013) .....	(\$5,749,000)
.....	\$5,461,000
((General Fund--Private/Local Appropriation .....	\$1,961,000))
TOTAL APPROPRIATION .....	(\$13,492,000)
.....	\$11,243,000

((The appropriations in this section are subject to the following conditions and limitations: \$271,000 of the general fund--private/local appropriation is provided solely for the school for the blind to offer short course programs, allowing students the opportunity to leave their home schools for short periods and receive intensive training. The school for the blind shall provide this service to the extent that it is funded by contracts with school districts and educational services districts.))

Sec. 615. 2011 2nd sp.s. c 9 s 614 (uncodified) is amended to read as follows:

FOR THE WASHINGTON STATE CENTER FOR CHILDHOOD DEAFNESS AND HEARING LOSS

General Fund--State Appropriation (FY 2012) .....	\$8,449,000
General Fund--State Appropriation (FY 2013) .....	(\$8,446,000)
.....	\$8,041,000
((General Fund--Private/Local Appropriation .....	\$526,000))
TOTAL APPROPRIATION .....	(\$17,421,000)
.....	\$16,490,000

(End of part)

**PART VII  
SPECIAL APPROPRIATIONS**

**Sec. 701.** 2011 2nd sp.s. c 9 s 701 (uncodified) is amended to read as follows:

FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR DEBT SUBJECT TO THE DEBT LIMIT

General Fund--State Appropriation (FY 2012) .....	(\$919,198,000)
.....	\$911,643,000
General Fund--State Appropriation (FY 2013) .....	(\$967,749,000)
.....	\$950,740,000
State Building Construction Account--State Appropriation .....	\$3,866,000
Columbia River Basin Water Supply Development Account--State Appropriation .....	\$121,000
Hood Canal Aquatic Rehabilitation Bond Account--State Appropriation .....	\$4,000
State Taxable Building Construction Account--State Appropriation .....	\$90,000
Gardner-Evans Higher Education Construction Account--State Appropriation .....	\$13,000
Debt-Limit Reimbursable Bond Retire Account--State Appropriation .....	\$2,300,000
TOTAL APPROPRIATION .....	(\$1,893,341,000)
.....	\$1,868,777,000

The appropriations in this section are subject to the following conditions and limitations: The general fund appropriations are for expenditure into the debt-limit general fund bond retirement account. The entire general fund--state appropriation for fiscal year 2012 shall be expended into the debt-limit general fund bond retirement account by June 30, 2012.

**Sec. 702.** 2011 2nd sp.s. c 9 s 702 (uncodified) is amended to read as follows:

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FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR GENERAL OBLIGATION DEBT TO BE REIMBURSED AS PRESCRIBED BY STATUTE  
General Fund--State Appropriation (FY 2012) .....(((\$27,516,000))

.....\$27,400,000  
General Fund--State Appropriation (FY 2013) .....(((\$30,758,000))  
.....\$30,572,000

Nondebt-Limit Reimbursable Bond Retirement  
Account--State Appropriation.....\$140,128,000  
TOTAL APPROPRIATION .....(((\$198,402,000))  
.....\$198,100,000

The appropriations in this section are subject to the following conditions and limitations: The general fund appropriation is for expenditure into the nondebt-limit general fund bond retirement account. The entire general fund--state appropriation for fiscal year 2012 shall be expended into the nondebt-limit general fund bond retirement account by June 30, 2012.

NEW SECTION. Sec. 703. A new section is added to 2011 1st sp.s. c 50 (uncodified) to read as follows:

FOR THE OFFICE OF FINANCIAL MANAGEMENT--REVISED EMPLOYER HEALTH BENEFIT RATES

General Fund--State Appropriation (FY 2013) ..... (\$32,946,000)  
General Fund--Federal Appropriation ..... (\$4,720,000)  
General Fund--Local Appropriation ..... (\$518,000)  
Education Legacy Trust Account--State Appropriation.. (\$178,000)  
Dedicated Funds and Accounts Appropriation..... (\$7,684,000)  
TOTAL APPROPRIATION ..... (\$46,046,000)

The appropriations in this section are subject to the following conditions and limitations: Appropriations are adjusted to reflect changes to appropriations to reflect the change in the employer funding rate providing employee health and insurance coverage for fiscal year 2013 from \$850 to \$800 per estimated eligible employee per month. The office of financial management shall update agency appropriations schedules to reflect the changes in funding levels in this section as identified by agency and fund in LEAP document H-HB1 dated February 17, 2012. From the applicable accounts, the office of financial management shall adjust allotments to the respective agencies by an amount that conforms with funding adjustments enacted in the 2012 supplemental omnibus operating appropriations act. Any allotment reductions under this section must be placed in reserve status and remain unexpended.

Sec. 704. 2011 2nd sp.s. c 9 s 704 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF RETIREMENT SYSTEMS--CONTRIBUTIONS TO RETIREMENT SYSTEMS

(1) The appropriations in this section are subject to the following conditions and limitations: The appropriations for the law enforcement officers' and firefighters' retirement system shall be made on a monthly basis beginning July 1, 2011, consistent with chapter 41.45 RCW, and the appropriations for the judges and judicial retirement systems shall be made on a quarterly basis consistent with chapters 2.10 and 2.12 RCW.

((+)) (2) The contribution rates adopted under RCW 41.45.0604 and 41.26.720 for the law enforcement officers' and firefighters' retirement system plan 2 are hereby modified. The following contribution rates will be in effect for the law enforcement officers' and firefighters' retirement system plan 2:

- (a) Beginning March 1, 2012, a member contribution rate of 6.53 percent will be charged;
- (b) Beginning March 1, 2012, an employer contribution rate of 3.92 percent will be charged; and
- (c) Beginning March 1, 2012, a state contribution rate of 2.61 percent will be charged.

These contribution rates will be in effect through June 30, 2013.  
(3) There is appropriated for state contributions to the law enforcement officers' and firefighters' retirement system:

General Fund--State Appropriation (FY 2012) .....(((\$54,547,000))  
.....\$50,405,000  
General Fund--State Appropriation (FY 2013) .....(((\$56,729,000))  
.....\$43,809,000

TOTAL APPROPRIATION .....(((\$111,276,000))  
.....\$94,214,000

((2)) (4) There is appropriated for contributions to the judicial retirement system:

General Fund--State Appropriation (FY 2012) ..... \$8,100,000  
General Fund--State Appropriation (FY 2013).....\$10,100,000  
TOTAL APPROPRIATION .....\$18,200,000

NEW SECTION. Sec. 705. A new section is added to 2011 1st sp.s. c 50 (uncodified) to read as follows:

FOR THE OFFICE OF FINANCIAL MANAGEMENT--DISASTER RESPONSE ACCOUNT

General Fund--State Appropriation (FY 2013) .....\$1,150,000

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for expenditure into the disaster response account.

Sec. 706. 2011 1st sp.s. c 50 s 715 (uncodified) is amended to read as follows:

FOR THE OFFICE OF FINANCIAL MANAGEMENT--EXTRAORDINARY CRIMINAL JUSTICE COSTS

General Fund--State Appropriation (FY 2012) .....(((\$591,000))  
.....\$1,102,000

The appropriation in this section is subject to the following conditions and limitations: The director of financial management shall distribute (((\$338,000)) \$501,000 to Franklin county, \$128,000 to Jefferson county, ((and)) \$125,000 to Okanogan county, \$161,000 to Yakima county, and \$187,000 to King county for extraordinary criminal justice costs.

NEW SECTION. Sec. 707. A new section is added to 2011 1st sp.s. c 50 (uncodified) to read as follows:

FOR THE OFFICE OF FINANCIAL MANAGEMENT--EDUCATION LEGACY TRUST ACCOUNT

General Fund--State Appropriation (FY 2013) .....\$25,000,000

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for expenditure into the education legacy trust account.

NEW SECTION. Sec. 708. A new section is added to 2011 1st sp.s. c 50 (uncodified) to read as follows:

FOR THE OFFICE OF FINANCIAL MANAGEMENT--ARROW COMMISSION

General Fund--State Appropriation (FY 2013) .....\$200,000

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for the implementation of Engrossed Substitute Senate Bill No. 6345 (agency reallocation and realignment of Washington commission). If the bill is not enacted by June 30, 2012, the appropriation in this section shall lapse.

NEW SECTION. Sec. 709. CENTRAL SERVICE EFFICIENCIES

2011 2nd sp.s. c 9 s 705 (uncodified) is repealed.

Sec. 710. 2011 2nd sp.s. c 9 s 707 (uncodified) is amended to read as follows:

FOR THE OFFICE OF FINANCIAL MANAGEMENT--PERSONNEL SERVICES

((From appropriations to state agencies for the 2011-2013 fiscal biennium, the office of financial management shall reduce general fund--state allotments by \$9,537,000 for fiscal year 2013 to reflect reduced billings and related charges to client agencies for central

personnel services, pursuant to allotment schedules prepared by the office of financial management. The allotment reductions under this section shall be placed in unallotted status and remain unexpended.) General Fund--State Appropriation

(FY 2012) .....	(\$745,000)
General Fund--State Appropriation (FY 2013) .....	(\$763,000)
Other Appropriated Funds .....	(\$1,176,000)
<b>TOTAL APPROPRIATION .....</b>	<b>(\$2,684,000)</b>

The appropriations in this section are solely for the purposes designated in this section and are subject to the following conditions and limitations:

(1) Appropriations are adjusted to reflect adjustments in funding for charges associated with a personnel services rate reduction.

(2) The office of financial management shall update agency appropriation schedules to reflect the changes to funding levels in this section as identified by agency and in the amounts specified in LEAP Document GLP-2012 dated February 18, 2012.

**NEW SECTION. Sec. 711.** A new section is added to 2011 1st sp.s. c 50 (uncodified) to read as follows:

**FOR THE DEPARTMENT OF NATURAL RESOURCES--DISTRIBUTION OF EXCESS FUNDS FROM THE FOREST DEVELOPMENT ACCOUNT**

Forest Development Account--State Appropriation \$10,000,000

The appropriation in this section is provided solely for distribution of state forest land revenues to taxing authorities that received such revenue from fiscal year 2002 through fiscal year 2011 and is subject to the following conditions and limitations:

(1) Within fifteen days of the effective date of this section, the department shall transmit funds in the amounts specified in subsection (3) of this section to the county treasurers of the counties receiving the funds.

(2) The county treasurers of the counties listed in this section shall distribute funds received from this appropriation to taxing authorities in proportion to the state forest transfer land funds distributed to the taxing authorities based on information available for the fiscal years 2002 through 2011. Funds to be credited to the state of Washington and funds credited to school district general levies shall be remitted to the state of Washington within thirty days after the effective date of this section for deposit into the state general fund.

(3) Funds shall be distributed in the following amounts:

Clallam	\$848,854
Clark	\$630,368
Cowlitz	\$418,159
Grays Harbor	\$266,365
Jefferson	\$239,722
King	\$328,725
Kitsap	\$73,839
Klickitat	\$197,968
Lewis	\$887,679
Mason	\$425,935
Okanogan	\$4

Pacific	\$352,540
Pierce	\$334,179
Skagit	\$1,534,497
Skamania	\$66,648
Snohomish	\$1,565,549
Stevens	\$6,709
Thurston	\$783,735
Wahkiakum	\$285,339
Whatcom	\$753,186
<b>Total</b>	<b>\$10,000,000</b>

**NEW SECTION. Sec. 712.** A new section is added to 2011 1st sp.s. c 50 (uncodified) to read as follows:

**FOR THE OFFICE OF FINANCIAL MANAGEMENT--CENTRAL SERVICE CHARGES ADJUSTMENTS**

General Fund--State Appropriation (FY 2012) .....	(\$702,000)
General Fund--State Appropriation (FY 2013) .....	(\$1,410,000)
Other Appropriated Funds .....	(\$3,222,000)
<b>TOTAL APPROPRIATION .....</b>	<b>(\$5,334,000)</b>

The appropriations in this section are solely for the purposes designated in this section and are subject to the following conditions and limitations:

(1) Appropriations are adjusted to reflect adjustments in funding for charges associated with central services.

(2) The office of financial management shall update agency appropriation schedules to reflect the changes to funding levels in this section.

**NEW SECTION. Sec. 713.** A new section is added to 2011 1st sp.s. c 50 (uncodified) to read as follows:

**FOR THE OFFICE OF FINANCIAL MANAGEMENT--AUDIT SERVICES ADJUSTMENTS**

General Fund--State Appropriation (FY 2012) .....	(\$169,000)
General Fund--State Appropriation (FY 2013) .....	(\$341,000)
Other Appropriated Funds .....	\$208,000
<b>TOTAL APPROPRIATION .....</b>	<b>(\$302,000)</b>

The appropriations in this section are solely for the purposes designated in this section and are subject to the following conditions and limitations:

(1) Appropriations are adjusted to reflect adjustments in funding for charges associated with audit services.

(2) The office of financial management shall update agency appropriation schedules to reflect the changes to funding levels in this section.

**NEW SECTION. Sec. 714.** A new section is added to 2011 1st sp.s. c 50 (uncodified) to read as follows:

**FOR THE OFFICE OF FINANCIAL MANAGEMENT--LEGAL SERVICES REDUCTION**

General Fund--State Appropriation (FY 2012) .....	(\$896,000)
General Fund--State Appropriation (FY 2013) .....	(\$1,805,000)
Other Appropriated Funds .....	(\$4,918,000)
<b>TOTAL APPROPRIATION .....</b>	<b>(\$7,619,000)</b>

The appropriations in this section are solely for the purposes designated in this section and are subject to the following conditions and limitations:



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(1) Appropriations are adjusted to reflect savings associated with a reduction in expenditures related to legal services.

(2) The office of financial management shall update agency appropriation schedules to reflect the changes to funding levels in this section.

**NEW SECTION. Sec. 715.** A new section is added to 2011 1st sp.s. c 50 (uncodified) to read as follows:

FOR THE OFFICE OF FINANCIAL MANAGEMENT--ARCHIVE SERVICES REDUCTION	
General Fund--State Appropriation (FY 2012) .....	(\$110,000)
General Fund--State Appropriation (FY 2013) .....	(\$229,000)
Other Appropriated Funds .....	(\$244,000)
<b>TOTAL APPROPRIATION .....</b>	<b>(\$583,000)</b>

The appropriations in this section are solely for the purposes designated in this section and are subject to the following conditions and limitations:

(1) Appropriations are adjusted to reflect savings associated with a reduction in expenditures related to archive services.

(2) The office of financial management shall update agency appropriation schedules to reflect the changes to funding levels in this section.

**NEW SECTION. Sec. 716.** A new section is added to 2011 1st sp.s. c 50 (uncodified) to read as follows:

FOR THE OFFICE OF FINANCIAL MANAGEMENT--CENTRAL SERVICE SAVINGS	
General Fund--State Appropriation (FY 2012) .....	(\$62,000)
General Fund--State Appropriation (FY 2013) .....	(\$127,000)
Other Appropriated Funds .....	(\$207,000)
<b>TOTAL APPROPRIATION .....</b>	<b>(\$396,000)</b>

The appropriations in this section are solely for the purposes designated in this section and are subject to the following conditions and limitations:

(1) Appropriations are adjusted to reflect savings associated with a reduction in billing to various state agencies for central services.

(2) The office of financial management shall update agency appropriation schedules to reflect the changes to funding levels in this section.

**NEW SECTION. Sec. 717.** A new section is added to 2011 1st sp.s. c 50 (uncodified) to read as follows:

FOR THE OFFICE OF FINANCIAL MANAGEMENT--CENTRAL SERVICE REDUCTIONS	
General Fund--State Appropriation (FY 2012) .....	(\$894,000)
General Fund--State Appropriation (FY 2013) .....	(\$3,586,000)
Other Appropriated Funds .....	(\$3,295,000)
<b>TOTAL APPROPRIATION .....</b>	<b>(\$7,775,000)</b>

The appropriations in this section are solely for the purposes designated in this section and are subject to the following conditions and limitations:

(1) Appropriations are adjusted to reflect savings associated with a reduction to various state agencies for central services pursuant to Substitute Senate Bill No. 6607.

(2) The office of financial management shall update agency appropriation schedules to reflect the changes to funding levels in this section.

**NEW SECTION. Sec. 718.** A new section is added to 2011 1st sp.s. c 50 (uncodified) to read as follows:

**FOR SUNDRY CLAIMS**

The following sums, or so much thereof as may be necessary, are appropriated from the general fund, unless otherwise indicated, for relief of various individuals, firms, and corporations for sundry claims. These appropriations are to be disbursed on vouchers approved by the director of financial management, except as otherwise provided, for reimbursement of criminal defendants

acquitted on the basis of self-defense, pursuant to RCW 9A.16.110, as follows:

- (1) Clint L. Powell, Jr., claim number 99970048.....\$58,155.10
- (2) Chance L. Hawkins, claim number 99970049 ....\$28,838.95
- (3) Edgar L. Hawkins, claim number 99970050.....\$25,507.00
- (4) James Abbott, claim number 99970051 .....
- (5) Richard Frisk, claim number 99970052 .....
- (6) Brian Barnd-Spjut, claim number 99970053.....\$122,821.79

**NEW SECTION. Sec. 719.** A new section is added to 2011 1st sp.s. c 50 (uncodified) to read as follows:

FOR THE OFFICE OF FINANCIAL MANAGEMENT--STATE AGENCY RETIREMENT SYSTEM CONTRIBUTIONS	
General Fund--State Appropriation (FY 2013) .....	(\$44,301,000)
General Fund--Federal Appropriation .....	(\$10,049,000)
General Fund--Private/Local Appropriation.....	(\$1,038,000)
Dedicated Funds and Accounts Appropriation.....	(\$49,989,000)
<b>TOTAL APPROPRIATION .....</b>	<b>(\$105,377,000)</b>

The appropriations in this section are subject to the following conditions and limitations:

(1) The appropriations in this section are provided solely to reduce agency and institution appropriations to reflect reduced pension contributions. The office of financial management shall allocate the moneys appropriated in this section in the amounts specified and adjust appropriation schedules accordingly. The office of financial management shall make any further allotment adjustments necessary to reflect agency mergers or consolidations assumed in this act. The allotment reductions under this section shall be placed in unallotted status and remain unexpended.

(2) The appropriations in this section reflect reduced retirement system contributions resulting from the provisions of Senate Bill No. 6378 (reforming the state retirement plans). If the bill is not enacted by June 30, 2012, the amounts provided in this section shall lapse.

**NEW SECTION. Sec. 720.** A new section is added to 2011 1st sp.s. c 50 (uncodified) to read as follows:

FOR THE OFFICE OF FINANCIAL MANAGEMENT--SCHOOL DISTRICT RETIREMENT SYSTEM CONTRIBUTIONS	
General Fund--State Appropriation (FY 2013) .....	(\$88,699,000)

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation in this section is provided solely for adjustments to allocations to school districts to reflect reduced retirement system contributions resulting from the provisions of Senate Bill No. 6378 (reforming the state retirement plans). The office of financial management shall reduce allotments for the office of the superintendent of public instruction by these amounts. The allotment reductions under this section shall be placed in unallotted status and remain unexpended.

(2) The appropriation in this section reflects reduced retirement system contributions resulting from the provisions of Senate Bill No. 6378 (reforming the state retirement plans). If the bill is not enacted by June 30, 2012, the amount provided in this section shall lapse.

(End of part)

**PART VIII  
OTHER TRANSFERS AND APPROPRIATIONS**

**Sec. 801.** 2011 1st sp.s. c 50 s 801 (uncodified) is amended to read as follows:

FOR THE STATE TREASURER--STATE REVENUES FOR DISTRIBUTION	
General Fund Appropriation for fire insurance	

premium distributions .....	(\$8,368,000)
.....	\$8,289,000
General Fund Appropriation for public utility district excise tax distributions .....	(\$49,418,000)
.....	\$44,078,000
General Fund Appropriation for prosecuting attorney distributions.....	\$6,281,000
General Fund Appropriation for boating safety and education distributions.....	\$4,000,000
General Fund Appropriation for other tax distributions .....	\$58,000
General Fund Appropriation for habitat conservation program distributions .....	\$3,000,000
Death Investigations Account Appropriation for distribution to counties for publicly funded autopsies .....	\$2,960,000
Aquatic Lands Enhancement Account Appropriation for harbor improvement revenue distribution .....	\$160,000
Timber Tax Distribution Account Appropriation for distribution to "timber" counties .....	(\$40,421,000)
.....	\$58,229,000
County Criminal Justice Assistance Appropriation.....	(\$69,801,000)
.....	\$69,566,000
Municipal Criminal Justice Assistance Appropriation .....	(\$26,950,000)
.....	\$26,843,000
City-County Assistance Account Appropriation for local government financial assistance distribution .....	(\$16,589,000)
.....	\$12,159,000
Liquor Excise Tax Account Appropriation for liquor excise tax distribution.....	(\$52,152,000)
.....	\$25,617,000
Streamlined Sales and Use Tax Mitigation Account Appropriation for distribution to local taxing jurisdictions to mitigate the unintended revenue redistribution effect of the sourcing law changes.....	(\$49,635,000)
.....	\$49,309,000
Columbia River Water Delivery Account Appropriation for the Confederated Tribes of the Colville Reservation.....	(\$7,441,000)
.....	\$7,478,000
Columbia River Water Delivery Account Appropriation for the Spokane Tribe of Indians .....	(\$4,748,000)
.....	\$4,794,000
Liquor Revolving Account Appropriation for liquor profits distribution .....	(\$69,318,000)
.....	\$86,878,000
TOTAL APPROPRIATION .....	(\$411,301,000)
.....	\$409,699,000

The total expenditures from the state treasury under the appropriations in this section shall not exceed the funds available under statutory distributions for the stated purposes.

Sec. 802. 2011 1st sp.s. c 50 s 802 (uncodified) is amended to read as follows:

**FOR THE STATE TREASURER--FOR THE COUNTY CRIMINAL JUSTICE ASSISTANCE ACCOUNT**

Impaired Driver Safety Account Appropriation .....	(\$2,501,000)
.....	\$2,439,000

The appropriation in this section is subject to the following conditions and limitations: The amount appropriated in this section shall be distributed quarterly during the 2011-2013 fiscal biennium in accordance with RCW 82.14.310. This funding is provided to counties for the costs of implementing criminal justice legislation including, but not limited to: Chapter 206, Laws of 1998 (drunk driving penalties); chapter 207, Laws of 1998 (DUI penalties);

chapter 208, Laws of 1998 (deferred prosecution); chapter 209, Laws of 1998 (DUI/license suspension); chapter 210, Laws of 1998 (ignition interlock violations); chapter 211, Laws of 1998 (DUI penalties); chapter 212, Laws of 1998 (DUI penalties); chapter 213, Laws of 1998 (intoxication levels lowered); chapter 214, Laws of 1998 (DUI penalties); and chapter 215, Laws of 1998 (DUI provisions).

**Sec. 803.** 2011 1st sp.s. c 50 s 803 (uncodified) is amended to read as follows:

**FOR THE STATE TREASURER--MUNICIPAL CRIMINAL JUSTICE ASSISTANCE ACCOUNT**

Impaired Driver Safety Account Appropriation .....	(\$1,666,000)
.....	\$1,626,000

The appropriation in this section is subject to the following conditions and limitations: The amount appropriated in this section shall be distributed quarterly during the 2011-2013 biennium to all cities ratably based on population as last determined by the office of financial management. The distributions to any city that substantially decriminalizes or repeals its criminal code after July 1, 1990, and that does not reimburse the county for costs associated with criminal cases under RCW 3.50.800 or 3.50.805(2), shall be made to the county in which the city is located. This funding is provided to cities for the costs of implementing criminal justice legislation including, but not limited to: Chapter 206, Laws of 1998 (drunk driving penalties); chapter 207, Laws of 1998 (DUI penalties); chapter 208, Laws of 1998 (deferred prosecution); chapter 209, Laws of 1998 (DUI/license suspension); chapter 210, Laws of 1998 (ignition interlock violations); chapter 211, Laws of 1998 (DUI penalties); chapter 212, Laws of 1998 (DUI penalties); chapter 213, Laws of 1998 (intoxication levels lowered); chapter 214, Laws of 1998 (DUI penalties); and chapter 215, Laws of 1998 (DUI provisions).

**Sec. 804.** 2011 2nd sp.s. c 9 s 801 (uncodified) is amended to read as follows:

**FOR THE STATE TREASURER--TRANSFERS**

State Treasurer's Service Account: For transfer to the state general fund, \$16,300,000 for fiscal year 2012 and (\$21,300,000) for fiscal year 2013 .....	(\$37,600,000)
.....	\$41,100,000
Waste Reduction, Recycling, and Litter Control Account: For transfer to the state general fund, ((\$3,500,000)) \$4,847,000 for fiscal year 2012 and ((\$3,500,000)) \$4,847,000 for fiscal year 2013 .....	(\$7,000,000)
.....	\$9,694,000
Aquatics Lands Enhancement Account: For transfer to the state general fund, \$3,500,000 for fiscal year 2012 and \$3,500,000 for fiscal year 2013 .....	\$7,000,000
Savings Incentive Account: For transfer to the state general fund, \$44,618,000 for fiscal year 2012.....	\$44,618,000
Distinguished Professorship Trust Fund: For transfer to the state general fund for fiscal year 2012, an amount not to exceed the actual cash balance of the fund .....	\$3,024,000
Washington Graduate Fellowship Trust Fund: For transfer to the state general fund for fiscal year 2012, an amount not to exceed the actual cash balance of the fund.....	\$1,028,000
College Faculty Awards Trust Fund: For transfer to the state general fund for fiscal year 2012, an amount not to exceed the actual cash balance of the fund .....	\$1,996,000
Data Processing Revolving Account: For transfer to the state general fund, \$5,960,000 for fiscal year 2012.....	\$5,960,000
Drinking Water Assistance Account: For transfer to	

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the drinking water assistance repayment account ...\$38,000,000

Economic Development Strategic Reserve Account: For transfer to the state general fund, \$2,100,000 for fiscal year 2012 and \$2,100,000 for fiscal year 2013.....\$4,200,000

General Fund: For transfer to the streamlined sales and use tax account, ((\$24,846,000)) \$24,520,000 for fiscal year 2012 and \$24,789,000 for fiscal year 2013.....((\$49,635,000)) .....\$49,309,000

Public Works Assistance Account: For transfer to the water pollution control revolving account,.....\$7,750,000 for fiscal year 2012 and \$7,750,000 for fiscal year 2013 .....\$15,500,000

The Charitable, Educational, Penal, and Reformatory Institutions Account: For transfer to the state general fund, \$4,500,000 for fiscal year 2012 and \$4,500,000 for fiscal year 2013.....\$9,000,000

Thurston County Capital Facilities Account: For transfer to the state general fund, \$4,000,000 for fiscal year 2012 and \$4,000,000 for fiscal year 2013 .....\$8,000,000

Public Works Assistance Account: For transfer to the drinking water assistance account, \$10,000,000 for fiscal year 2012 and \$5,000,000 for fiscal year 2013.....\$15,000,000

Liquor Control Board Construction and Maintenance Account: For transfer to the state general fund, \$500,000 for fiscal year 2012 ((and \$500,000 for fiscal year 2013)).....((\$1,000,000)) .....\$500,000

Education Savings Account: For transfer to the state general fund, \$54,431,000 for fiscal year 2012 and ((\$22,500,000)) \$92,411,000 for fiscal year 2013.....((\$76,931,000)) .....\$146,842,000

Department of Retirement Systems Expense Account: For transfer to the state general fund, ((\$250,000)) \$2,330,000 for fiscal year 2012 and ((\$250,000)) \$2,330,000 for fiscal year 2013 .....((\$500,000)) .....\$4,660,000

Education Construction Account: For transfer to the state general fund, \$102,000,000 for fiscal year 2012 and \$102,000,000 for fiscal year 2013.....\$204,000,000

Public Works Assistance Account: For transfer to the state general fund, \$25,000,000 for fiscal year 2012 and \$25,000,000 for fiscal year 2013.....\$50,000,000

Foster Care Endowed Scholarship Trust Fund: For transfer to the state general fund, \$200,000 for fiscal year 2012 and \$200,000 for fiscal year 2013.....\$400,000

Affordable Housing For All Account: For transfer to the home security fund, \$1,000,000 for fiscal year 2012 and \$1,000,000 for fiscal year 2013.....\$2,000,000

Tobacco Settlement Account: For transfer to the state general fund, in an amount not to exceed the actual amount of the annual base payment to the tobacco settlement account.....\$158,205,000

Tobacco Settlement Account: For transfer to the basic health plan stabilization account from the amounts deposited in the account that are attributable to the annual strategic contribution payment received in fiscal year 2012 .....\$22,000,000

Tobacco Settlement Account: For transfer to the basic health plan stabilization account from the amounts deposited in the account that are attributable to the

annual strategic contribution payment received in fiscal year 2013 .....((\$22,000,000)) .....\$27,000,000

Tobacco Settlement Account: For transfer to the life sciences discovery fund, in an amount not to exceed the actual remaining amount of the annual strategic contribution payment to the tobacco settlement account for fiscal year 2012.....\$6,000,000

Tobacco Settlement Account: For transfer to the life sciences discovery fund, in an amount not to exceed the actual remaining amount of the annual strategic contribution payment to the tobacco settlement account for fiscal year 2013.....((\$6,000,000)) .....\$1,000,000

The transfer to the life sciences discovery fund is subject to the following conditions: All new grants awarded during the 2011-2013 fiscal biennium shall support and accelerate the commercialization of an identifiable product.

Coastal Protection Account: For transfer to the state general fund, \$500,000 for fiscal year 2012 and \$500,000 for fiscal year 2013.....\$1,000,000

Water Quality Capital Account: For transfer to the state general fund, \$157,000 for fiscal year 2013 .....\$157,000

Oyster Reserve Land Account: For transfer to the state general fund, \$58,000 for fiscal year 2012 and \$58,000 for fiscal year 2013.....\$116,000

State Nursery Revolving Account: For transfer to the state general fund, \$250,000 for fiscal year 2012 and \$250,000 for fiscal year 2013.....\$500,000

Aquatic Lands Enhancement Account: For transfer to the marine resources stewardship trust account, \$2,400,000 for fiscal year 2013. However, if Second Substitute Senate Bill No. 6263 (marine planning) is not enacted by June 30, 2012, then the transfer shall not occur .....\$2,400,000

Financial Services Regulation Fund: For transfer to the state general fund, \$4,000,000 for fiscal year 2012.....\$4,000,000

Local Toxics Control Account: For transfer to the state toxics control account, \$23,300,000 for fiscal year 2012 and \$23,300,000 for fiscal year 2013 .....\$46,600,000

(End of part)

**PART IX MISCELLANEOUS**

**Sec. 901.** 2011 1st sp.s. c 50 s 910 (uncodified) is amended to read as follows:  
**COLLECTIVE BARGAINING AGREEMENT FOR FISCAL YEAR 2012--TERMS AND CONDITIONS**  
 For fiscal year 2012, no agreements have been reached between the governor and the following unions: Washington public employees association, Washington public employees association higher education community college coalition, Washington federation of state employees higher education community college coalition, Washington federation of state employees Central Washington University, Washington federation of state employees Western Washington University, Washington federation of state employees The Evergreen State College, and public school employees Western Washington University, under the provisions of chapter 41.80 RCW ((for the 2011-2013 biennium)) for fiscal year 2012. Appropriations in this act provide funding to continue the terms and conditions of the 2009-2011 general government and higher education agreements negotiated by the office of financial

management's labor relations office under the provisions of chapter 41.80 RCW for fiscal year 2012. For fiscal year 2012, appropriations have been reduced in an amount equal to a 3 percent salary reduction for all represented employees whose monthly full-time equivalent salary is \$2,500 or more per month. This reduction will be implemented according to the terms and conditions of the 2009-2011 agreements. ~~((For fiscal year 2013, funding is reduced to reflect a 3.0 percent temporary salary reduction for all employees whose monthly full-time equivalent salary is \$2,500 or more per month through June 29, 2013. Effective June 30, 2013, the salary schedules effective July 1, 2009, through June 30, 2011, will be reinstated. For employees entitled to leave, temporary salary reduction leave is granted for fiscal year 2013. These changes will be implemented according to law.))~~

**NEW SECTION. Sec. 902.** A new section is added to 2011 1st sp.s. c 50 (uncodified) to read as follows:  
COLLECTIVE BARGAINING AGREEMENT--FISCAL YEAR 2013--WPEA, WPEA CC COALITION, WFSE CC COALITION, WFSE CWU, WFSE TESC

Agreements have been reached between the governor and the following unions: Washington public employees association, Washington public employees association higher education community college coalition, Washington federation of state employees higher education community college coalition, Washington federation of state employees Central Washington University, and Washington federation of state employees The Evergreen State College, under the provisions of chapter 41.80 RCW for fiscal year 2013. Except as provided in subsection (2) of this section, funding is reduced to reflect a 3.0 percent temporary salary reduction for all employees whose monthly full-time equivalent salary is \$2,500 or more per month through June 29, 2013. Effective June 30, 2013, the salary schedules effective July 1, 2009, through June 30, 2011, will be reinstated. For employees entitled to leave, temporary salary reduction leave is granted for fiscal year 2013.

**NEW SECTION. Sec. 903.** A new section is added to 2011 1st sp.s. c 50 (uncodified) to read as follows:  
COLLECTIVE BARGAINING AGREEMENT--FISCAL YEAR 2013--YAKIMA VALLEY COMMUNITY COLLEGE--WASHINGTON PUBLIC EMPLOYEES ASSOCIATION

An agreement has been reached between Yakima Valley Community College and Washington public employees association under the provisions of chapter 41.80 RCW for fiscal year 2013. The agreement is consistent with the funding reduction provided in the 2011-2013 omnibus appropriations act, which reflected a 3.0 percent temporary salary reduction to all employees whose monthly full-time equivalent salary is \$2,500 or more per month through June 29, 2013.

**NEW SECTION. Sec. 904.** A new section is added to 2011 1st sp.s. c 50 (uncodified) to read as follows:  
COLLECTIVE BARGAINING AGREEMENT--FISCAL YEAR 2013--WESTERN WASHINGTON UNIVERSITY--PUBLIC SCHOOL EMPLOYEES OF WASHINGTON

An agreement has been reached between Western Washington University and the Washington public school employees of Washington bargaining units D and PTE under the provisions of chapter 41.80 RCW for fiscal year 2013. The agreement is consistent with the funding reduction provided in the 2011-2013 omnibus appropriations act, which reflected a 3.0 percent temporary salary reduction to all employees whose monthly full-time equivalent salary is \$2,500 or more per month through June 29, 2013. The reduction will be implemented according to the terms and conditions of this agreement.

**NEW SECTION. Sec. 905.** A new section is added to 2011 1st sp.s. c 50 (uncodified) to read as follows:

COLLECTIVE BARGAINING AGREEMENT--FISCAL YEAR 2013--WESTERN WASHINGTON UNIVERSITY--WFSE

An agreement has been reached between Western Washington University and the Washington federation of state employees bargaining units A, B, and E under the provisions of chapter 41.80 RCW for fiscal year 2013. The agreement is consistent with the funding reduction provided in the 2011-2013 omnibus appropriations act, which reflected a 3.0 percent temporary salary reduction to all employees whose monthly full-time equivalent salary is \$2,500 or more per month through June 29, 2013. The reduction will be implemented according to the terms and conditions of this agreement.

**NEW SECTION. Sec. 906.** A new section is added to 2011 1st sp.s. c 50 (uncodified) to read as follows:

COLLECTIVE BARGAINING AGREEMENT--FISCAL YEAR 2013--EASTERN WASHINGTON UNIVERSITY--WFSE

An agreement has been reached between Eastern Washington University and the Washington federation of state employees under the provisions of chapter 41.80 RCW for fiscal year 2013. The agreement is consistent with the funding reduction provided in the 2011-2013 omnibus appropriations act, which reflected a 3.0 percent temporary salary reduction to all employees whose monthly full-time equivalent salary is \$2,500 or more per month through June 29, 2013. The reduction will be implemented according to the terms and conditions of this agreement.

**Sec. 907.** 2011 1st sp.s. c 50 s 920 (uncodified) is amended to read as follows:

COMPENSATION--NONREPRESENTED  
EMPLOYEES--INSURANCE BENEFITS

Appropriations for state agencies in this act are sufficient for nonrepresented state employee health benefits for state agencies, including institutions of higher education, and are subject to the following conditions and limitations:

(1)(a) The monthly employer funding rate for insurance benefit premiums, public employees' benefits board administration, and the uniform medical plan, shall not exceed \$850 per eligible employee for fiscal year 2012. For fiscal year 2013 the monthly employer funding rate shall not exceed ~~((850))~~ \$800 per eligible employee.

(b) In order to achieve the level of funding provided for health benefits, the public employees' benefits board shall require any or all of the following: Employee premium copayments, increases in point-of-service cost sharing, the implementation of managed competition, or make other changes to benefits consistent with RCW 41.05.065.

(c) The health care authority shall deposit any moneys received on behalf of the uniform medical plan as a result of rebates on prescription drugs, audits of hospitals, subrogation payments, or any other moneys recovered as a result of prior uniform medical plan claims payments, into the public employees' and retirees' insurance account to be used for insurance benefits. Such receipts shall not be used for administrative expenditures.

(2) The health care authority, subject to the approval of the public employees' benefits board, shall provide subsidies for health benefit premiums to eligible retired or disabled public employees and school district employees who are eligible for medicare, pursuant to RCW 41.05.085. For calendar years 2012 and 2013, the subsidy shall be \$150.00 per month.

(3) Technical colleges, school districts, and educational service districts shall remit to the health care authority for deposit into the public employees' and retirees' insurance account established in RCW 41.05.120 the following amounts:

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(a) For each full-time employee, \$66.01 per month beginning September 1, 2011, and (~~(\$67.91)~~) \$65.17 beginning September 1, 2012;

(b) For each part-time employee, who at the time of the remittance is employed in an eligible position as defined in RCW 41.32.010 or 41.40.010 and is eligible for employer fringe benefit contributions for basic benefits, \$66.01 each month beginning September 1, 2011, and (~~(\$67.91)~~) \$65.17 beginning September 1, 2012, prorated by the proportion of employer fringe benefit contributions for a full-time employee that the part-time employee receives. The remittance requirements specified in this subsection shall not apply to employees of a technical college, school district, or educational service district who purchase insurance benefits through contracts with the health care authority.

**Sec. 908.** 2011 1st sp.s. c 50 s 921 (uncodified) is amended to read as follows:

**COMPENSATION--REPRESENTED EMPLOYEES OUTSIDE SUPER COALITION--INSURANCE BENEFITS**

Appropriations for state agencies in this act are sufficient for represented employees outside the super coalition for health benefits, and are subject to the following conditions and limitations:

(1)(a) The monthly employer funding rate for insurance benefit premiums, public employees' benefits board administration, and the uniform medical plan, shall not exceed \$850 per eligible employee for fiscal year 2012. For fiscal year 2013 the monthly employer funding rate shall not exceed (~~(\$850)~~) \$800 per eligible employee.

(b) In order to achieve the level of funding provided for health benefits, the public employees' benefits board shall require any or all of the following: Employee premium copayments, increases in point-of- service cost sharing, the implementation of managed competition, or make other changes to benefits consistent with RCW 41.05.065.

(c) The health care authority shall deposit any moneys received on behalf of the uniform medical plan as a result of rebates on prescription drugs, audits of hospitals, subrogation payments, or any other moneys recovered as a result of prior uniform medical plan claims payments, into the public employees' and retirees' insurance account to be used for insurance benefits. Such receipts shall not be used for administrative expenditures.

(2) The health care authority, subject to the approval of the public employees' benefits board, shall provide subsidies for health benefit premiums to eligible retired or disabled public employees and school district employees who are eligible for medicare, pursuant to RCW 41.05.085. For calendar years 2012 and 2013, the subsidy shall be \$150.00 per month.

(3) Technical colleges, school districts, and educational service districts shall remit to the health care authority for deposit into the public employees' and retirees' insurance account established in RCW 41.05.120 the following amounts:

(a) For each full-time employee, \$66.01 per month beginning September 1, 2011, and (~~(\$67.91)~~) \$65.17 beginning September 1, 2012;

(b) For each part-time employee, who at the time of the remittance is employed in an eligible position as defined in RCW 41.32.010 or 41.40.010 and is eligible for employer fringe benefit contributions for basic benefits, \$66.01 each month beginning September 1, 2011, and (~~(\$67.91)~~) \$65.17 beginning September 1, 2012, prorated by the proportion of employer fringe benefit contributions for a full-time employee that the part-time employee receives. The remittance requirements specified in this subsection shall not apply to employees of a technical college, school district, or educational service district who purchase insurance benefits through contracts with the health care authority.

**Sec. 909.** 2011 1st sp.s. c 50 s 922 (uncodified) is amended to read as follows:

**COMPENSATION--REPRESENTED EMPLOYEES--SUPER COALITION--INSURANCE BENEFITS**

The collective bargaining agreement negotiated with the super coalition under chapter 41.80 RCW includes employer premiums at 85 percent of the total weighted average of the projected health care premiums across all plans and tiers. Appropriations in this act for state agencies, including institutions of higher education are sufficient to fund state employees health benefits for employees represented by the super coalition on health benefits, and are subject to the following conditions and limitations:

(1)(a) The monthly employer funding rate for insurance benefit premiums, public employees' benefits board administration, and the uniform medical plan, shall not exceed \$850 per eligible employee for fiscal year 2012. For fiscal year 2013 the monthly employer funding rate shall not exceed (~~(\$850)~~) \$800 per eligible employee.

(b) In order to achieve the level of funding provided for health benefits, the public employees' benefits board shall require any or all of the following: Employee premium copayments, increases in point-of- service cost sharing, the implementation of managed competition, or make other changes to benefits consistent with RCW 41.05.065.

(c) The health care authority shall deposit any moneys received on behalf of the uniform medical plan as a result of rebates on prescription drugs, audits of hospitals, subrogation payments, or any other moneys recovered as a result of prior uniform medical plan claims payments, into the public employees' and retirees' insurance account to be used for insurance benefits. Such receipts shall not be used for administrative expenditures.

(2) The health care authority, subject to the approval of the public employees' benefits board, shall provide subsidies for health benefit premiums to eligible retired or disabled public employees and school district employees who are eligible for medicare, pursuant to RCW 41.05.085. For calendar years 2012 and 2013, the subsidy shall be \$150.00 per month.

**Sec. 910.** RCW 28B.15.067 and 2011 1st sp.s. c 10 s 3 are each amended to read as follows:

(1) Tuition fees shall be established under the provisions of this chapter.

(2) Beginning in the 2011-12 academic year, reductions or increases in full-time tuition fees shall be as provided in the omnibus appropriations act for resident undergraduate students at community and technical colleges. The governing boards of the state universities, regional universities, and The Evergreen State College; and the state board for community and technical colleges may reduce or increase full- time tuition fees for all students other than resident undergraduates, including nonresident students, summer school students, and students in other self-supporting degree programs. Percentage increases in full- time tuition may exceed the fiscal growth factor. Except during the 2011-2013 fiscal biennium, the state board for community and technical colleges may pilot or institute differential tuition models. The board may define scale, scope, and rationale for the models.

(3)(a) Beginning with the 2011-12 academic year and through the end of the 2014-15 academic year, the governing boards of the state universities, the regional universities, and The Evergreen State College may reduce or increase full-time tuition fees for all students, including summer school students and students in other self-supporting degree programs. Percentage increases in full-time tuition fees may exceed the fiscal growth factor. Except for resident undergraduate students during the 2011-2013 fiscal biennium, reductions or increases may be made for all or portions of an institution's programs, campuses, courses, or students.

(b) Prior to reducing or increasing tuition for each academic year, the governing boards of the state universities, the regional universities, and The Evergreen State College shall consult with

existing student associations or organizations with student undergraduate and graduate representatives regarding the impacts of potential tuition increases. Governing boards shall be required to provide data regarding the percentage of students receiving financial aid, the sources of aid, and the percentage of total costs of attendance paid for by aid.

(c) Prior to reducing or increasing tuition for each academic year, the state board for community and technical college system shall consult with existing student associations or organizations with undergraduate student representation regarding the impacts of potential tuition increases. The state board for community and technical colleges shall provide data regarding the percentage of students receiving financial aid, the sources of aid, and the percentage of total costs of attendance paid for by aid.

(4) Beginning with the 2015-16 academic year through the 2018-19 academic year, the governing boards of the state universities, regional universities, and The Evergreen State College may set tuition for resident undergraduates as follows:

(a) If state funding for a college or university falls below the state funding provided in the operating budget for fiscal year 2011, the governing board may increase tuition up to the limits set in (d) of this subsection, reduce enrollments, or both;

(b) If state funding for a college or university is at least at the level of state funding provided in the operating budget for fiscal year 2011, the governing board may increase tuition up to the limits set in (d) of this subsection and shall continue to at least maintain the actual enrollment levels for fiscal year 2011 or increase enrollments as required in the omnibus appropriations act; ~~(and)~~

(c) If state funding is increased so that combined with resident undergraduate tuition the sixtieth percentile of the total per-student funding at similar public institutions of higher education in the global challenge states under RCW 28B.15.068 is exceeded, the governing board shall decrease tuition by the amount needed for the total per-student funding to be at the sixtieth percentile under RCW 28B.15.068; and

(d) The amount of tuition set by the governing board for an institution under this subsection (4) may not exceed the sixtieth percentile of the resident undergraduate tuition of similar public institutions of higher education in the global challenge states.

(5) The tuition fees established under this chapter shall not apply to high school students enrolling in participating institutions of higher education under RCW 28A.600.300 through 28A.600.400.

(6) The tuition fees established under this chapter shall not apply to eligible students enrolling in a dropout reengagement program through an interlocal agreement between a school district and a community or technical college under RCW 28A.175.100 through 28A.175.110.

(7) The tuition fees established under this chapter shall not apply to eligible students enrolling in a community or technical college participating in the pilot program under RCW 28B.50.534 for the purpose of obtaining a high school diploma.

(8) Beginning in the 2019-20 academic year, reductions or increases in full-time tuition fees for resident undergraduates at four-year institutions of higher education shall be as provided in the omnibus appropriations act.

(9) The legislative advisory committee to the committee on advanced tuition payment established in RCW 28B.95.170 shall:

(a) Review the impact of differential tuition rates on the funded status and future unit price of the Washington advanced college tuition payment program; and

(b) No later than January 14, 2013, make a recommendation to the appropriate policy and fiscal committees of the legislature regarding how differential tuition should be addressed in order to

maintain the ongoing solvency of the Washington advanced college tuition payment program.

**Sec. 911.** RCW 2.68.020 and 2009 c 564 s 1802 and 2009 c 564 s 918 are each reenacted and amended to read as follows:

There is created an account in the custody of the state treasurer to be known as the judicial information system account. The administrative office of the courts shall maintain and administer the account, in which shall be deposited all moneys received from in-state noncourt users and any out-of-state users of the judicial information system and moneys as specified in RCW 2.68.040 for the purposes of providing judicial information system access to noncourt users and providing an adequate level of automated services to the judiciary. The legislature shall appropriate the funds in the account for the purposes of the judicial information system. The account shall be used for the acquisition of equipment, software, supplies, services, and other costs incidental to the acquisition, development, operation, and administration of information services, telecommunications, systems, software, supplies, and equipment, including the payment of principal and interest on items paid in installments. ~~((During the 2007-2009 fiscal biennium, the legislature may transfer from the judicial information system account to the state general fund such amounts as reflect the excess fund balance of the account.))~~ During the ~~((2009-2011))~~ 2011-2013 fiscal biennium, the legislature may ~~((transfer))~~ appropriate from the judicial information system account to the state ~~((general fund such amounts as reflect the excess fund balance of the account))~~ law library.

**Sec. 912.** RCW 41.05.120 and 2005 c 518 s 921 and 2005 c 143 s 3 are each reenacted and amended to read as follows:

(1) The public employees' and retirees' insurance account is hereby established in the custody of the state treasurer, to be used by the administrator for the deposit of contributions, the remittance paid by school districts and educational service districts under RCW 28A.400.410, reserves, dividends, and refunds, for payment of premiums for employee and retiree insurance benefit contracts and subsidy amounts provided under RCW 41.05.085, and transfers from the ~~((medical))~~ flexible spending administrative account as authorized in RCW 41.05.123. Moneys from the account shall be disbursed by the state treasurer by warrants on vouchers duly authorized by the administrator. Moneys from the account may be transferred to the medical flexible spending account to provide reserves and start-up costs for the operation of the medical flexible spending account program.

(2) The state treasurer and the state investment board may invest moneys in the public employees' and retirees' insurance account. All such investments shall be in accordance with RCW 43.84.080 or 43.84.150, whichever is applicable. The administrator shall determine whether the state treasurer or the state investment board or both shall invest moneys in the public employees' insurance account.

(3) During the 2005-07 fiscal biennium, the legislature may transfer from the public employees' and retirees' insurance account such amounts as reflect the excess fund balance of the fund.

(4) During the 2011-2013 fiscal biennium, moneys in the public employees' and retirees' insurance account may be lent to the school employees' insurance administrative account as directed by the legislature.

**Sec. 913.** RCW 43.30.720 and 2003 1st sp.s. c 25 s 938 are each amended to read as follows:

All receipts from the sale of stock or seed shall be deposited in a state forest nursery revolving fund to be maintained by the department, which is hereby authorized to use all money in said fund for the maintenance of the state tree nursery or the planting of denuded state owned lands.

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During the ((2003-2005)) 2011-2013 fiscal biennium, the legislature may transfer from the state forest nursery revolving fund to the state general fund such amounts as reflect the excess fund balance of the fund.

**Sec. 914.** RCW 43.320.110 and 2010 1st sp.s. c 37 s 934 are each amended to read as follows:

There is created a local fund known as the "financial services regulation fund" which shall consist of all moneys received by the divisions of the department of financial institutions, except for the division of securities which shall deposit thirteen percent of all moneys received, except as provided in RCW 43.320.115, and which shall be used for the purchase of supplies and necessary equipment; the payment of salaries, wages, and utilities; the establishment of reserves; and other incidental costs required for the proper regulation of individuals and entities subject to regulation by the department. The state treasurer shall be the custodian of the fund. Disbursements from the fund shall be on authorization of the director of financial institutions or the director's designee. In order to maintain an effective expenditure and revenue control, the fund shall be subject in all respects to chapter 43.88 RCW, but no appropriation is required to permit expenditures and payment of obligations from the fund.

During the ((2009-2011)) 2011-2013 fiscal biennium, the legislature may transfer from the financial services regulation fund to the state general fund such amounts as reflect the excess fund balance of the fund.

**Sec. 915.** RCW 70.105D.070 and 2011 1st sp.s. c 50 s 964 are each reenacted and amended to read as follows:

(1) The state toxics control account and the local toxics control account are hereby created in the state treasury.

(2) The following moneys shall be deposited into the state toxics control account: (a) Those revenues which are raised by the tax imposed under RCW 82.21.030 and which are attributable to that portion of the rate equal to thirty-three one-hundredths of one percent; (b) the costs of remedial actions recovered under this chapter or chapter 70.105A RCW; (c) penalties collected or recovered under this chapter; and (d) any other money appropriated or transferred to the account by the legislature. Moneys in the account may be used only to carry out the purposes of this chapter, including but not limited to the following activities:

(i) The state's responsibility for hazardous waste planning, management, regulation, enforcement, technical assistance, and public education required under chapter 70.105 RCW;

(ii) The state's responsibility for solid waste planning, management, regulation, enforcement, technical assistance, and public education required under chapter 70.95 RCW;

(iii) The hazardous waste cleanup program required under this chapter;

(iv) State matching funds required under the federal cleanup law;

(v) Financial assistance for local programs in accordance with chapters 70.95, 70.95C, 70.95I, and 70.105 RCW;

(vi) State government programs for the safe reduction, recycling, or disposal of hazardous wastes from households, small businesses, and agriculture;

(vii) Hazardous materials emergency response training;

(viii) Water and environmental health protection and monitoring programs;

(ix) Programs authorized under chapter 70.146 RCW;

(x) A public participation program, including regional citizen advisory committees;

(xi) Public funding to assist potentially liable persons to pay for the costs of remedial action in compliance with cleanup standards under RCW 70.105D.030(2)(e) but only when the amount and terms of such funding are established under a settlement agreement

under RCW 70.105D.040(4) and when the director has found that the funding will achieve both (A) a substantially more expeditious or enhanced cleanup than would otherwise occur, and (B) the prevention or mitigation of unfair economic hardship;

(xii) Development and demonstration of alternative management technologies designed to carry out the hazardous waste management priorities of RCW 70.105.150;

(xiii) During the 2009-2011 and 2011-2013 fiscal biennia, shoreline update technical assistance;

(xiv) During the 2009-2011 fiscal biennium, multijurisdictional permitting teams; ((and))

(xv) During the 2011-2013 fiscal biennium, actions for reducing public exposure to toxic air pollution; and

(xvi) During the 2011-2013 fiscal biennium, the University of Washington college of environment and Washington State University college of agriculture, human, and natural resources.

(3) The following moneys shall be deposited into the local toxics control account: Those revenues which are raised by the tax imposed under RCW 82.21.030 and which are attributable to that portion of the rate equal to thirty-seven one-hundredths of one percent.

(a) Moneys deposited in the local toxics control account shall be used by the department for grants or loans to local governments for the following purposes in descending order of priority:

(i) Remedial actions;

(ii) Hazardous waste plans and programs under chapter 70.105 RCW;

(iii) Solid waste plans and programs under chapters 70.95, 70.95C, 70.95I, and 70.105 RCW;

(iv) Funds for a program to assist in the assessment and cleanup of sites of methamphetamine production, but not to be used for the initial containment of such sites, consistent with the responsibilities and intent of RCW 69.50.511; and

(v) Cleanup and disposal of hazardous substances from abandoned or derelict vessels, defined for the purposes of this section as vessels that have little or no value and either have no identified owner or have an identified owner lacking financial resources to clean up and dispose of the vessel, that pose a threat to human health or the environment.

(b) Funds for plans and programs shall be allocated consistent with the priorities and matching requirements established in chapters 70.105, 70.95C, 70.95I, and 70.95 RCW, except that any applicant that is a Puget Sound partner, as defined in RCW 90.71.010, along with any project that is referenced in the action agenda developed by the Puget Sound partnership under RCW 90.71.310, shall, except as conditioned by RCW 70.105D.120, receive priority for any available funding for any grant or funding programs or sources that use a competitive bidding process. During the 2007-2009 fiscal biennium, moneys in the account may also be used for grants to local governments to retrofit public sector diesel equipment and for storm water planning and implementation activities.

(c) To expedite cleanups throughout the state, the department shall partner with local communities and liable parties for cleanups. The department is authorized to use the following additional strategies in order to ensure a healthful environment for future generations:

(i) The director may alter grant-matching requirements to create incentives for local governments to expedite cleanups when one of the following conditions exists:

(A) Funding would prevent or mitigate unfair economic hardship imposed by the clean-up liability;

(B) Funding would create new substantial economic development, public recreational, or habitat restoration opportunities that would not otherwise occur; or

(C) Funding would create an opportunity for acquisition and redevelopment of vacant, orphaned, or abandoned property under RCW 70.105D.040(5) that would not otherwise occur;

(ii) The use of outside contracts to conduct necessary studies;

(iii) The purchase of remedial action cost-cap insurance, when necessary to expedite multiparty clean-up efforts.

(d) To facilitate and expedite cleanups using funds from the local toxics control account, during the 2009-2011 fiscal biennium the director may establish grant-funded accounts to hold and disperse local toxics control account funds and funds from local governments to be used for remedial actions.

(4) Except for unanticipated receipts under RCW 43.79.260 through 43.79.282, moneys in the state and local toxics control accounts may be spent only after appropriation by statute.

(5) Except during the ~~((2009-2011))~~ 2011-2013 fiscal biennium, one percent of the moneys deposited into the state and local toxics control accounts shall be allocated only for public participation grants to persons who may be adversely affected by a release or threatened release of a hazardous substance and to not-for-profit public interest organizations. The primary purpose of these grants is to facilitate the participation by persons and organizations in the investigation and remedying of releases or threatened releases of hazardous substances and to implement the state's solid and hazardous waste management priorities. No grant may exceed sixty thousand dollars. Grants may be renewed annually. Moneys appropriated for public participation from either account which are not expended at the close of any biennium shall revert to the state toxics control account.

(6) No moneys deposited into either the state or local toxics control account may be used for solid waste incinerator feasibility studies, construction, maintenance, or operation, or, after January 1, 2010, for projects designed to address the restoration of Puget Sound, funded in a competitive grant process, that are in conflict with the action agenda developed by the Puget Sound partnership under RCW 90.71.310.

(7) The department shall adopt rules for grant or loan issuance and performance.

(8) During the 2007-2009 and 2009-2011 fiscal biennia, the legislature may transfer from the local toxics control account to either the state general fund or the oil spill prevention account, or both such amounts as reflect excess fund balance in the account.

(9) During the 2009-2011 fiscal biennium, the local toxics control account may also be used for a standby rescue tug at Neah Bay, local government shoreline update grants, private and public sector diesel equipment retrofit, and oil spill prevention, preparedness, and response activities.

(10) During the 2009-2011 fiscal biennium, the legislature may transfer from the state toxics control account to the state general fund such amounts as reflect the excess fund balance in the account.

(11) During the 2011-2013 fiscal biennium, the local toxics control account may also be used for local government shoreline update grants and actions for reducing public exposure to toxic air pollution.

**Sec. 916.** RCW 70.146.100 and 2010 1st sp.s. c 37 s 948 are each amended to read as follows:

(1) The water quality capital account is created in the state treasury. Moneys in the water quality capital account may be spent only after appropriation.

(2) Expenditures from the water quality capital account may only be used: (a) To make grants or loans to public bodies, including grants to public bodies as cost-sharing moneys in any case where federal, local, or other moneys are made available on a cost-sharing basis, for the capital component of water pollution control facilities and activities; (b) for purposes of assisting a public body to obtain an ownership interest in water pollution control

facilities; or (c) to defray any part of the capital component of the payments made by a public body to a service provider under a service agreement entered into under RCW 70.150.060. During the 2009-2011 fiscal biennium, the legislature may transfer from the water quality capital account to the state general fund such amounts as reflect the excess fund balance of the account. During the 2011-2013 fiscal biennium, the legislature may transfer from the water quality capital account to the state general fund such amounts as reflect the excess fund balance of the account.

**Sec. 917.** RCW 76.04.610 and 2007 c 110 s 1 are each amended to read as follows:

(1)(a) If any owner of forest land within a forest protection zone neglects or fails to provide adequate fire protection as required by RCW 76.04.600, the department shall provide such protection and shall annually impose the following assessments on each parcel of such land: (i) A flat fee assessment of seventeen dollars and fifty cents; and (ii) twenty-seven cents on each acre exceeding fifty acres.

(b) Assessors may, at their option, collect the assessment on tax exempt lands. If the assessor elects not to collect the assessment, the department may bill the landowner directly.

(2) An owner who has paid assessments on two or more parcels, each containing fewer than fifty acres and each within the same county, may obtain the following refund:

(a) If all the parcels together contain less than fifty acres, then the refund is equal to the flat fee assessments paid, reduced by the total of (i) seventeen dollars and (ii) the total of the amounts retained by the county from such assessments under subsection (5) of this section.

(b) If all the parcels together contain fifty or more acres, then the refund is equal to the flat fee assessments paid, reduced by the total of (i) seventeen dollars, (ii) twenty-seven cents for each acre exceeding fifty acres, and (iii) the total of the amounts retained by the county from such assessments under subsection (5) of this section.

Applications for refunds shall be submitted to the department on a form prescribed by the department and in the same year in which the assessments were paid. The department may not provide refunds to applicants who do not provide verification that all assessments and property taxes on the property have been paid. Applications may be made by mail.

In addition to the procedures under this subsection, property owners with multiple parcels in a single county who qualify for a refund under this section may apply to the department on an application listing all the parcels owned in order to have the assessment computed on all parcels but billed to a single parcel. Property owners with the following number of parcels may apply to the department in the year indicated:

Year	Number of Parcels
2002	10 or more parcels
2003	8 or more parcels
2004 and thereafter	6 or more parcels

The department must compute the correct assessment and allocate one parcel in the county to use to collect the assessment. The county must then bill the forest fire protection assessment on that one allocated identified parcel. The landowner is responsible for notifying the department of any changes in parcel ownership.

(3) Beginning January 1, 1991, under the administration and at the discretion of the department up to two hundred thousand dollars per year of this assessment shall be used in support of those rural fire



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districts assisting the department in fire protection services on forest lands.

(4) For the purpose of this chapter, the department may divide the forest lands of the state, or any part thereof, into districts, for fire protection and assessment purposes, may classify lands according to the character of timber prevailing, and the fire hazard existing, and place unprotected lands under the administration of the proper district. Amounts paid or contracted to be paid by the department for protection of forest lands from funds at its disposal shall be a lien upon the property protected, unless reimbursed by the owner within ten days after October 1st of the year in which they were incurred. The department shall be prepared to make statement thereof, upon request, to a forest owner whose own protection has not been previously approved as to its adequacy, the department shall report the same to the assessor of the county in which the property is situated. The assessor shall extend the amounts upon the tax rolls covering the property, and upon authorization from the department shall levy the forest protection assessment against the amounts of unimproved land as shown in each ownership on the county assessor's records. The assessor may then segregate on the records to provide that the improved land and improvements thereon carry the millage levy designed to support the rural fire protection districts as provided for in RCW 52.16.170.

(5) The amounts assessed shall be collected at the time, in the same manner, by the same procedure, and with the same penalties attached that general state and county taxes on the same property are collected, except that errors in assessments may be corrected at any time by the department certifying them to the treasurer of the county in which the land involved is situated. Assessments shall be known and designated as assessments of the year in which the amounts became reimbursable. Upon the collection of assessments the county treasurer shall place fifty cents of the total assessments paid on a parcel for fire protection into the county current expense fund to defray the costs of listing, billing, and collecting these assessments. The treasurer shall then transmit the balance to the department. Collections shall be applied against expenses incurred in carrying out the provisions of this section, including necessary and reasonable administrative costs incurred by the department in the enforcement of these provisions. The department may also expend sums collected from owners of forest lands or received from any other source for necessary administrative costs in connection with the enforcement of RCW 76.04.660.

(6) When land against which forest protection assessments are outstanding is acquired for delinquent taxes and sold at public auction, the state shall have a prior lien on the proceeds of sale over and above the amount necessary to satisfy the county's delinquent tax judgment. The county treasurer, in case the proceeds of sale exceed the amount of the delinquent tax judgment, shall immediately remit to the department the amount of the outstanding forest protection assessments.

(7) All nonfederal public bodies owning or administering forest land included in a forest protection zone shall pay the forest protection assessments provided in this section and the special forest fire suppression account assessments under RCW 76.04.630. The forest protection assessments and special forest fire suppression account assessments shall be payable by nonfederal public bodies from available funds within thirty days following receipt of the written notice from the department which is given after October 1st of the year in which the protection was provided. Unpaid assessments are not a lien against the nonfederal publicly owned land but shall constitute a debt by the nonfederal public body to the department and are subject to interest charges at the legal rate. During the 2011-2013 fiscal biennium, the forest fire protection assessment account may be used by the office of financial management to contract for analysis and recommendations to

improve the efficiency and effectiveness of the state's mechanisms for funding fire prevention and suppression activities.

(8) A public body, having failed to previously pay the forest protection assessments required of it by this section, which fails to suppress a fire on or originating from forest lands owned or administered by it, is liable for the costs of suppression incurred by the department or its agent and is not entitled to reimbursement of costs incurred by the public body in the suppression activities.

(9) The department may adopt rules to implement this section, including, but not limited to, rules on levying and collecting forest protection assessments.

**Sec. 918.** RCW 77.12.201 and 2009 c 479 s 63 are each amended to read as follows:

The legislative authority of a county may elect, by giving written notice to the director and the treasurer prior to January 1st of any year, to obtain for the following year an amount in lieu of real property taxes on game lands as provided in RCW 77.12.203. Upon the election, the county shall keep a record of all fines, forfeitures, reimbursements, and costs assessed and collected, in whole or in part, under this title for violations of law or rules adopted pursuant to this title, with the exception of the 2011-2013 fiscal biennium, and shall monthly remit an amount equal to the amount collected to the state treasurer for deposit in the state general fund. The election shall continue until the department is notified differently prior to January 1st of any year.

**Sec. 919.** RCW 77.12.203 and 2005 c 303 s 14 are each amended to read as follows:

(1) Except as provided in subsection (5) of this section and notwithstanding RCW 84.36.010 or other statutes to the contrary, the director shall pay by April 30th of each year on game lands in each county, if requested by an election under RCW 77.12.201, an amount in lieu of real property taxes equal to that amount paid on similar parcels of open space land taxable under chapter 84.34 RCW or the greater of seventy cents per acre per year or the amount paid in 1984 plus an additional amount for control of noxious weeds equal to that which would be paid if such lands were privately owned. This amount shall not be assessed or paid on department buildings, structures, facilities, game farms, fish hatcheries, tidelands, or public fishing areas of less than one hundred acres.

(2) "Game lands," as used in this section and RCW 77.12.201, means those tracts one hundred acres or larger owned in fee by the department and used for wildlife habitat and public recreational purposes. All lands purchased for wildlife habitat, public access or recreation purposes with federal funds in the Snake River drainage basin shall be considered game lands regardless of acreage.

(3) This section shall not apply to lands transferred after April 23, 1990, to the department from other state agencies.

(4) The county shall distribute the amount received under this section in lieu of real property taxes to all property taxing districts except the state in appropriate tax code areas the same way it would distribute local property taxes from private property. The county shall distribute the amount received under this section for weed control to the appropriate weed district.

(5) For the 2011-2013 fiscal biennium, the director shall pay by April 30th of each year on game lands in each county, if requested by an election under RCW 77.12.201, an amount in lieu of real property taxes and shall be distributed as follows:

**County**

Adams ..... 1.909

Asotin ..... 36,123  
Chelan ..... 24,757  
Columbia ..... 7,795  
Ferry ..... 6,781  
Garfield ..... 4,840  
Grant ..... 37,443  
Grays Harbor ..... 7,264  
Kittitas ..... 143,974  
Klickitat ..... 21,906  
Lincoln ..... 13,535  
Okanogan ..... 151,402  
Pend Oreille ..... 3,309  
Yakima ..... 126,225

These amounts shall not be assessed or paid on department buildings, structures, facilities, game farms, fish hatcheries, tidelands, or public fishing areas of less than one hundred acres.

**Sec. 920.** RCW 77.95.090 and 2009 c 340 s 4 are each amended to read as follows:

The dedicated regional fisheries enhancement group account is created in the custody of the state treasurer. Only the commission or the commission's designee may authorize expenditures from the account. The account is subject to allotment procedures under chapter 43.88 RCW, but no appropriation is required for expenditures.

A portion of each recreational fishing license fee shall be used as provided in RCW 77.32.440. A surcharge of one hundred dollars shall be collected on each commercial salmon fishery license, each salmon delivery license, and each salmon charter license sold in the state. All receipts shall be placed in the regional fisheries enhancement group account and shall be used exclusively for regional fisheries enhancement group projects for the purposes of RCW 77.95.110. For the 2011-2013 fiscal biennium, the regional fisheries enhancement group account may be used for the purposes of RCW 77.95.070 and hatcheries. Except as provided in RCW 77.95.320, funds from the regional fisheries enhancement group account shall not serve as replacement funding for department operated salmon projects that exist on January 1, 1991.

All revenue from the department's sale of salmon carcasses and eggs that return to group facilities shall be deposited in the regional fisheries enhancement group account for use by the regional fisheries enhancement group that produced the surplus. The commission shall adopt rules to implement this section pursuant to chapter 34.05 RCW.

**Sec. 921.** RCW 79.22.010 and 2003 c 334 s 205 are each amended to read as follows:

(1) The department has the power to accept gifts and bequests of money or other property, made in its own name, or made in the name of the state, to promote generally the interests of reforestation or for a specific named purpose in connection with reforestation, and to acquire in the name of the state, by purchase or gift, any lands which by reason of their location, topography, or geological

formation, are chiefly valuable for purpose of developing and growing timber, and to designate such lands and any lands of the same character belonging to the state as state forest lands; and may acquire by gift or purchase any lands of the same character.

(2) The department has the power to seed, plant, and develop forests on any lands, purchased, acquired, or designated by it as state forest lands, and shall furnish such care and fire protection for such lands as it shall deem advisable.

(3) Upon approval of the board of county commissioners of the county in which the land is located such gift or donation of land may be accepted subject to delinquent general taxes thereon, and upon such acceptance of such gift or donation subject to such taxes, the department shall record the deed of conveyance thereof and file with the assessor and treasurer of the county wherein such land is situated, written notice of acquisition of such land, and that all delinquent general taxes thereon, except state taxes, shall be canceled, and the county treasurer shall thereupon proceed to make such cancellation in the records of the county treasurer. ~~((Thereafter, such lands))~~

(4)(a) Lands acquired under this section shall be held in trust, protected, managed, and administered upon, and the proceeds therefrom disposed of, under RCW 79.22.040.

(b) During the 2011-2013 fiscal biennium, the legislature may appropriate moneys derived subject to this section from the forest development account consistent with RCW 79.64.100(4).

**Sec. 922.** RCW 79.22.040 and 2003 c 334 s 206 are each amended to read as follows:

(1) If any land acquired by a county through foreclosure of tax liens, or otherwise, comes within the classification of land described in RCW 79.22.010 and can be used as state forest land and if the department deems such land necessary for the purposes of this chapter, the county shall, upon demand by the department, deed such land to the department and the land shall become a part of the state forest lands.

(2) Such land shall be held in trust and administered and protected by the department in the same manner as other state forest lands.

(3)(a) In the event that the department sells logs using the contract harvesting process described in RCW 79.15.500 through 79.15.530, the moneys derived subject to this section are the net proceeds from the contract harvesting sale.

(b) During the 2011-2013 fiscal biennium, the legislature may appropriate moneys derived subject to this section from the forest development account consistent with RCW 79.64.100(4).

**Sec. 923.** RCW 79.64.040 and 2011 1st sp.s. c 50 s 966 and 2011 c 216 s 16 are each reenacted and amended to read as follows:

(1) The board shall determine the amount deemed necessary in order to achieve the purposes of this chapter and shall provide by rule for the deduction of this amount from the moneys received from all leases, sales, contracts, licenses, permits, easements, and rights-of-way issued by the department and affecting state lands, community forest trust lands, and aquatic lands, provided that no deduction shall be made from the proceeds from agricultural college lands.

(2) Moneys received as deposits from successful bidders, advance payments, and security under RCW 79.15.100, 79.15.080, and 79.11.150 prior to December 1, 1981, which have not been subjected to deduction under this section are not subject to deduction under this section.

(3) Except as otherwise provided in subsections (4) and (6) of this section, the deductions authorized under this section shall not exceed twenty-five percent of the moneys received by the department in connection with any one transaction pertaining to state lands and aquatic lands other than second-class tide and shore lands and the beds of navigable waters, and fifty percent of the

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moneys received by the department pertaining to second-class tide and shore lands and the beds of navigable waters.

(4) Deductions authorized under this section for transactions pertaining to community forest trust lands must be established at a level sufficient to defray over time the management costs for activities prescribed in a parcel's management plan adopted pursuant to RCW 79.155.080, and, if deemed appropriate by the board consistent with RCW 79.155.090, to reimburse the state and any local entities' eligible financial contributions for acquisition of the parcel.

(5) In the event that the department sells logs using the contract harvesting process described in RCW 79.15.500 through 79.15.530, the moneys received subject to this section are the net proceeds from the contract harvesting sale.

(6) During the ~~((2009-2011))~~ 2011-2013 fiscal biennium ~~((and fiscal year 2012))~~, the twenty-five percent limitation on deductions set in subsection (3) of this section may be increased up to thirty percent by the board.

**Sec. 924.** RCW 79.64.100 and 2003 c 334 s 219 are each amended to read as follows:

(1) There is created a forest development account in the state treasury. The state treasurer shall keep an account of all sums deposited therein and expended or withdrawn therefrom.

(2) Any sums placed in the forest development account shall be pledged for the purpose of paying interest and principal on the bonds issued by the department under RCW 79.22.080 and 79.22.090 and the provisions of this chapter, and for the purchase of land for growing timber. Any bonds issued shall constitute a first and prior claim and lien against the account for the payment of principal and interest. No sums for the above purposes shall be withdrawn or paid out of the account except upon approval of the department.

(3) Appropriations may be made by the legislature from the forest development account to the department for the purpose of carrying on the activities of the department on state forest lands, lands managed on a sustained yield basis as provided for in RCW 79.10.320, and for reimbursement of expenditures that have been made or may be made from the resource management cost account in the management of state forest lands.

(4) For the 2011-2013 fiscal biennium, moneys from the forest development account shall be distributed as directed in section 714 of this act to the beneficiaries of the revenues derived from state forest lands. During the 2011-2013 fiscal biennium, appropriations may be made by the legislature from the forest development account to the department for the purpose of emergency fire suppression.

**Sec. 925.** RCW 79.105.150 and 2011 2nd sp.s. c 9 s 911 are each amended to read as follows:

(1) After deduction for management costs as provided in RCW 79.64.040 and payments to towns under RCW 79.115.150(2), all moneys received by the state from the sale or lease of state-owned aquatic lands and from the sale of valuable material from state-owned aquatic lands shall be deposited in the aquatic lands enhancement account which is hereby created in the state treasury. After appropriation, these funds shall be used solely for aquatic lands enhancement projects; for the purchase, improvement, or protection of aquatic lands for public purposes; for providing and improving access to the lands; and for volunteer cooperative fish and game projects. During the 2009-2011 and 2011-2013 fiscal biennia, the aquatic lands enhancement account may also be used for scientific research as part of the adaptive management process and for developing a planning report for McNeil Island. During the 2009-2011 and 2011-2013 fiscal biennia, the legislature may transfer from the aquatic lands enhancement account to the state general fund such amounts as reflect excess fund balance of the account. During the 2011-2013 fiscal biennium, the aquatic lands enhancement account may be used to support the shellfish program,

state parks, hatcheries, the ballast water program, and the Puget Sound toxic sampling program at the department of fish and wildlife, and the knotweed program at the department of agriculture. During the 2011- 2013 fiscal biennium, the legislature may transfer from the aquatic lands enhancement account to the marine resources stewardship trust account funds for the purposes of RCW 43.372.070.

(2) In providing grants for aquatic lands enhancement projects, the recreation and conservation funding board shall:

(a) Require grant recipients to incorporate the environmental benefits of the project into their grant applications;

(b) Utilize the statement of environmental benefits, consideration, except as provided in RCW 79.105.610, of whether the applicant is a Puget Sound partner, as defined in RCW 90.71.010, whether a project is referenced in the action agenda developed by the Puget Sound partnership under RCW 90.71.310, and except as otherwise provided in RCW 79.105.630, and effective one calendar year following the development and statewide availability of model evergreen community management plans and ordinances under RCW 35.105.050, whether the applicant is an entity that has been recognized, and what gradation of recognition was received, in the evergreen community recognition program created in RCW 35.105.030 in its prioritization and selection process; and

(c) Develop appropriate outcome-focused performance measures to be used both for management and performance assessment of the grants.

(3) To the extent possible, the department should coordinate its performance measure system with other natural resource-related agencies as defined in RCW 43.41.270.

(4) The department shall consult with affected interest groups in implementing this section.

(5) After January 1, 2010, any project designed to address the restoration of Puget Sound may be funded under this chapter only if the project is not in conflict with the action agenda developed by the Puget Sound partnership under RCW 90.71.310.

**Sec. 926.** RCW 79A.25.200 and 2007 c 241 s 53 are each amended to read as follows:

The recreation resource account is created in the state treasury. Moneys in this account are subject to legislative appropriation. The board shall administer the account in accordance with this chapter and chapter 79A.35 RCW and shall hold it separate and apart from all other money, funds, and accounts of the board. Moneys received from the marine fuel tax refund account under RCW 79A.25.070 shall be deposited into the account. Grants, gifts, or other financial assistance, proceeds received from public bodies as administrative cost contributions, and moneys made available to the state of Washington by the federal government for outdoor recreation may be deposited into the account. During the 2011-2013 fiscal biennia, the recreation resource account may be used by the department of fish and wildlife for the purposes of activities related to aquatic and marine enforcement.

**Sec. 927.** RCW 86.26.007 and 2011 1st sp.s. c 50 s 976 are each amended to read as follows:

The flood control assistance account is hereby established in the state treasury. At the beginning of the 2005-2007 fiscal biennium, the state treasurer shall transfer three million dollars from the general fund to the flood control assistance account. Each biennium thereafter the state treasurer shall transfer four million dollars from the general fund to the flood control assistance account, except that during the ~~((2009-2011-and))~~ 2011-2013 fiscal ~~((biennia))~~ biennium, the state treasurer shall transfer ~~((two))~~ one million dollars from the general fund to the flood control assistance account. Moneys in the flood control assistance account may be

spent only after appropriation for purposes specified under this chapter.

Sec. 928. RCW 90.48.390 and 2008 c 329 s 925 are each amended to read as follows:

The coastal protection fund is established to be used by the department as a revolving fund for carrying out the purposes of restoration of natural resources under this chapter and chapter 90.56 RCW. To this fund there shall be credited penalties, fees, damages, charges received pursuant to the provisions of this chapter and chapter 90.56 RCW, compensation for damages received under this chapter and chapter 90.56 RCW, and an amount equivalent to one cent per gallon from each marine use refund claim under RCW 82.36.330.

Moneys in the fund not needed currently to meet the obligations of the department in the exercise of its powers, duties, and functions under RCW 90.48.142, 90.48.366, 90.48.367, and 90.48.368 shall be deposited with the state treasurer to the credit of the fund. During the 2007-2009 fiscal biennium, the coastal protection fund may also be used for a standby rescue tug at Neah Bay. During the 2011-2013 fiscal biennium, the legislature may transfer from the coastal protection fund to the state general fund such amounts as reflect excess fund balance derived from penalties, forfeits, and seizures.

NEW SECTION. Sec. 929. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 930. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately.

(End of bill)"

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Senators Holmquist Newbry, Kastama, Zarelli and Sheldon spoke in favor of adoption of the striking amendment.

Senators Hargrove, Kilmer, Brown, Murray, Ranker, Kohl-Welles, Nelson, Eide and Keiser spoke against adoption of the striking amendment.

MOTION

Senator Brown moved that the following amendment by Senators Murray, Harper and Regala to the striking amendment be adopted.

On page 18, line 1, strike "\$35,648,000" and insert "\$45,568,000"

On page 18, line 3, strike "\$36,826,000" and insert "\$69,471,000"

On page 18, beginning on line 34, strike "~~(\$17,498,000)~~" and insert "\$17,498,000"

On page 19, line 6, strike "\$488,774,000" and insert "\$452,209,000"

On page 21, line 23, strike "\$4,291,000" and insert "\$14,212,000"

On page 21, line 24, strike "~~(and \$39,527,000)~~, \$6,882,000" and insert "and \$39,527,000"

On Page 21, line 25, after "2013" strike everything through "appropriation" on line 26

On page 21, beginning on line 37, strike everything through line 15 on page 22 and insert the following:

"(a) Of the amounts provided in this subsection, \$4,000,000 is provided solely for essential needs to clients who meet the eligibility established in Engrossed Substitute House Bill No. 2082. Counties and community-based organizations shall distribute basic essential products in a manner that prevents abuse. To the greatest extent possible, the counties or community-based organizations shall leverage local or private funds, and volunteer support to acquire and distribute the basic essential products.

(b) Of the amounts provided in this subsection, \$30,000,000 is provided solely for housing support services to individuals who are homeless and eligible for services under this program pursuant to Engrossed Substitute House Bill No. 2082.

(c) Of the amounts provided in this subsection, \$30,000,000 is provided solely as a contingency fund to provide housing support services for individuals who may become homeless and are otherwise eligible for this program pursuant to Engrossed Substitute House Bill No. 2082."

Senators Brown and Hargrove spoke in favor of adoption of the amendment to the striking amendment.

Senator Schoesler spoke against adoption of the amendment to the striking amendment.

Senator Eide demanded a roll call.

The President declared that one-sixth of the members supported the demand and the demand was sustained.

Senator Murray spoke in favor of adoption of the amendment to the striking amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senators Murray, Harper and

Regala on page 18, line 1 to the striking amendment to Senate Bill No. 5967.

#### ROLL CALL

The Secretary called the roll on the adoption of the amendment by Senators Harper, Murray and Regala to the striking amendment and the amendment was not adopted by the following vote: Yeas, 24; Nays, 25; Absent, 0; Excused, 0.

Voting yea: Senators Brown, Chase, Conway, Eide, Fraser, Frockt, Hargrove, Harper, Hatfield, Haugen, Hobbs, Keiser, Kilmer, Kline, Kohl-Welles, McAuliffe, Murray, Nelson, Prentice, Pridemore, Ranker, Regala, Rolfes and Shin

Voting nay: Senators Baumgartner, Becker, Benton, Carrell, Delvin, Ericksen, Fain, Hewitt, Hill, Holmquist Newbry, Honeyford, Kastama, King, Litzow, Morton, Padden, Parlette, Pflug, Roach, Schoesler, Sheldon, Stevens, Swecker, Tom and Zarelli

#### MOTION

Senator Ranker moved that the following amendment by Senators Ranker and Harper to the striking amendment be adopted:

On page 18, line 1 strike "\$35,648,000" and insert "\$36,125,000"

On page 18, line 3, strike "\$36,826,000" and insert "\$37,355,000"

On page 19, line 6, strike "\$488,774,000" and insert "\$489,780,000"

Senators Ranker and Chase spoke in favor of adoption of the amendment to the striking amendment.

Senators Schoesler and Carrell spoke against adoption of the amendment to the striking amendment.

Senator Ranker demanded a roll call.

The President declared that one-sixth of the members supported the demand and the demand was not sustained.

The President declared the question before the Senate to be the adoption of the amendment by Senators Ranker and Harper on page 18, line 1 to the striking amendment to Senate Bill No. 5967.

The motion by Senator Ranker failed and the amendment to the striking amendment was not adopted by voice vote.

#### MOTION

Senator Ranker moved that the following amendment by Senators Ranker, Harper and Fraser to the striking amendment be adopted:

On page 18, line 1 strike "\$35,648,000" and insert "\$35,795,000"

On page 18, line 3, strike "\$36,826,000" and insert "\$37,216,000"

On page 19, line 6, strike "\$488,774,000" and insert "\$489,311,000"

#### WITHDRAWAL OF AMENDMENT

On motion of Senator Ranker, the amendment by Senators Ranker, Harper and Fraser on page 18, line 1 to the striking amendment to Senate Bill No. 5967 was withdrawn.

#### MOTION

Senator Murray moved that the following amendment by Senator Murray to the striking amendment be adopted:

On page 18, line 1 strike "\$35,648,000" and insert "\$35,731,000"

On page 18, line 3, strike "\$36,826,000" and insert "\$37,024,000"

On page 19, line 6, strike "\$488,774,000" and insert "\$489,055,000"

On page 19, line 36, strike "\$(~~498,000~~) \$115,000" and insert "\$198,000"

On page 19, line 37, after "2012" strike everything through "is" on page 20, line 1 and insert "and \$198,000 of the general fund--state appropriation for fiscal year 2013 are"

Senator Murray spoke in favor of adoption of the amendment to the striking amendment.

Senator Ericksen spoke against adoption of the amendment to the striking amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Murray on page 18, line 1 to the striking amendment to Senate Bill No. 5967.

The motion by Senator Murray failed and the amendment to the striking amendment was not adopted by voice vote.

#### MOTION

Senator Kilmer moved that the following amendment by Senator Kilmer and others to the striking amendment be adopted.

On page 18, line 3, strike "\$36,826,000" and insert "\$37,355,000"

On page 19, line 6, strike "\$488,774,000" and insert "\$488,890,000"

Senators Kilmer, Chase and Shin spoke in favor of adoption of the amendment to the striking amendment.

Senators Ericksen and Benton spoke against adoption of the amendment to the striking amendment.

Senator Eide demanded a roll call.

The President declared that one-sixth of the members supported the demand and the demand was sustained.

The President declared the question before the Senate to be the adoption of the amendment by Senator Kilmer and others on page 18, line 3 to the striking amendment to Senate Bill No. 5967.

#### ROLL CALL

The Secretary called the roll on the adoption of the amendment by Senator Kilmer and others to the striking amendment and the amendment was not adopted by the following vote: Yeas, 24; Nays, 25; Absent, 0; Excused, 0.

Voting yea: Senators Brown, Chase, Conway, Eide, Fraser, Frockt, Hargrove, Harper, Hatfield, Haugen, Hobbs, Keiser, Kilmer, Kline, Kohl-Welles, McAuliffe, Murray, Nelson, Prentice, Pridemore, Ranker, Regala, Rolfes and Shin

Voting nay: Senators Baumgartner, Becker, Benton, Carrell, Delvin, Ericksen, Fain, Hewitt, Hill, Holmquist Newbry, Honeyford, Kastama, King, Litzow, Morton, Padden, Parlette, Pflug, Roach, Schoesler, Sheldon, Stevens, Swecker, Tom and Zarelli

#### MOTION

Senator Ranker moved that the following amendment by Senator Ranker and others to the striking amendment be adopted:

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On page 18, line 5, strike "\$338,284,000" and insert "\$341,633,000"

On page 19, line 6, strike "\$488,774,000" and insert "\$492,122,000"

WITHDRAWAL OF AMENDMENT

On motion of Senator Ranker, the amendment by Senator Ranker and others on page 18, line 5 to the striking amendment to Senate Bill No. 5967 was withdrawn.

MOTION

Senator Regala moved that the following amendment by Senators Regala and Brown to the striking amendment be adopted.

On page 66, line 6, increase the General Fund--State appropriation fiscal year 2012 by \$17,950,000 and adjust the total appropriation accordingly.

On page 66, line 8, increase the General Fund--State appropriation fiscal year 2013 by \$127,925,000 and adjust the total appropriation accordingly.

On page 66, after line 15, strike all material down through page 67, including line 30 and insert:

" (1) (~~(\$258,880,000)~~) \$140,000,000 of the general fund--state appropriation for fiscal year 2012, (~~(\$297,296,000)~~) \$140,000,000 of the general fund--state appropriation for fiscal year 2013, and (~~(\$710,173,000)~~) \$288,741,000 of the general fund--federal appropriation are provided solely for (~~all components of the WorkFirst program~~) assistance to clients including grants, diversion cash assistance under RCW 74.08A.210, and tribal assistance under RCW 74.08A.040. Under section 2 of Engrossed Substitute Senate Bill No. 5921 (social services programs), the amounts in this subsection assume that any participant in the temporary assistance for needy families where their participation is suspended and does not volunteer to participate in WorkFirst services or unsubsidized employment does not receive child care subsidies or WorkFirst subsidies as a condition of the suspension. Within the amounts provided (~~for the WorkFirst program~~) in this subsection, the department may provide assistance using state-only funds for families eligible for temporary assistance for needy families.

(2)(a) \$15,000,000 of the general fund--state appropriation for fiscal year 2012, \$15,000,000 of the general fund--state appropriation for fiscal year 2013, and \$111,386,000 of the general fund--federal appropriation are provided solely for WorkFirst job search, education and training activities, and barrier removal services. Funding appropriated in this subsection (2)(a) must be allocated using a formula that accounts for client caseload and client outcomes, including outcome and accountability measures adopted by the legislative-executive WorkFirst oversight task force under RCW 74.08A.260 and outcomes under RCW 74.08A.410. Funding must be allocated using this formula beginning July 1, 2012. The department shall present this formula, including outcome data, to the legislative-executive WorkFirst oversight task force by July 1, 2012.

~~((a))~~ (b) Within the amounts provided for WorkFirst in this subsection, the department shall continue to implement WorkFirst program improvements that are designed to achieve progress against outcome measures specified in RCW 74.08A.410.

~~((b))~~ (c) The department may establish a career services work transition program.

~~((c) Within the amounts provided in this subsection, \$1,414,000 of the general fund--state appropriation for fiscal year 2012 and \$5,150,000 of the general fund--state appropriation for fiscal year 2013 are provided solely for the implementation and administration of the electronic benefit transfer system under section 12 of Engrossed Substitute Senate Bill No. 5921 (social services programs). The department shall transfer these amounts to the department of early learning for the implementation and administration of the project.)~~

(d) Within amounts appropriated in this subsection, the legislature expressly mandates that the department exercise its authority, granted in 1997 under RCW 74.08A.290, to contract for work activities services pursuant to that statutory authority and RCW 41.06.142(3).

(3) \$44,729,000 of the general fund--state appropriation for fiscal year 2012, \$48,967,000 of the general fund--state appropriation for fiscal year 2013, and \$246,921,000 of the general fund--federal appropriation are provided solely for the working connections child care program under RCW 43.215.135.

~~((e))~~ (4) The department shall create a temporary assistance for needy families budget structure that allows for more transparent tracking of budget units and subunits of expenditures where these units and subunits are mutually exclusive from other department budget units. The budget structure shall include budget units for the following: Grants, child care, WorkFirst activities, and administration of the program. The department shall make quarterly expenditure reports to the legislative-executive WorkFirst oversight task force and legislative fiscal committees.

~~((2)(a) \$11,825,000)~~ (5) \$26,825,000 of the general fund--federal appropriation is provided solely for a contingency reserve in the event ~~((the temporary assistance for needy families cash benefits))~~ that expenditures under subsections (1) and (3) of this section are projected to exceed ((forecasted amounts by more than one percent)) the appropriated amounts. The department shall only expend an amount equal to the forecasted over-expenditure. For purposes of this subsection, the temporary assistance forecast shall be completed every quarter and follow a similar schedule of the caseload forecast council forecasts. The department shall report to the legislative-executive WorkFirst oversight task force and legislative fiscal committees the need to access the contingency reserve.

~~((b) If sufficient savings in subsection (1) of this section are achieved, the department of early learning shall increase the number of child care slots available for the working connections child care program.)~~ (6) The amounts in subsections (1) through (5) of this section shall be expended for the programs and in the amounts specified. However, the department may transfer funding between subsections (1) and (3) of this section, but only if the funding is available to transfer solely due to utilization or caseload changes. Amounts in subsection (2) of this section may be transferred to subsections (1) or (3) of this section. The approval of the director of financial management is required prior to any transfer under this subsection. The department shall provide notification prior to any transfer to the appropriate legislative committees and the legislative-executive WorkFirst oversight task force."

On page 179, line 24, increase the General Fund--State appropriation fiscal year 2012 by \$50,000 and adjust the total appropriation accordingly.

On page 179, line 26, increase the General Fund--State appropriation fiscal year 2013 by \$2,075,000 and adjust the total appropriation accordingly.

On page 181, line 16, after "(7)", insert the following:

"(a) \$153,558,000 of the general fund--federal appropriation is provided solely for the working connections child care program under RCW 43.215.135.

(b)"

On page 181, after line 21, insert the following:

"(c) The department is directed to examine, and revise if necessary, the good cause exemptions to the child support requirements for the working connections child care program, in cooperation with the department of social and health services and the office of financial management, to determine if additional exemptions may be necessary to prevent potential clients from being unable to access the program.

(8)(a) \$50,000 of the general fund--state appropriation for fiscal year 2012 and \$1,050,000 of the general fund--state appropriation for fiscal year 2013 are provided solely for implementation and administration of an electronic benefit transfer system. The system shall include electronic time keeping, integrated with an eligibility information technology system, and an electronic payment system. The department shall coordinate implementation of this system with the department of social and health services.

(b) \$100,000 of the general fund--state appropriation in this subsection is provided solely for the department to contract for an independent consultant to evaluate and recommend the optimum system for the eligibility determination process. The evaluation must include an analysis of lean management processes that, if adopted, could improve the cost effectiveness and delivery of eligibility determination. The department shall coordinate with the department of social and health services for this evaluation. The department must report to the office of financial management and the appropriate fiscal and policy committees of the legislature by December 1, 2012."

On page 181, line 26, after "fiscal committees", insert "and the legislative-executive WorkFirst oversight task force"

On page 182, after line 6, insert the following:

"(13) \$1,025,000 of the general fund--state appropriation for fiscal year 2013 and \$6,712,000 of the general fund--federal appropriation are provided solely for the seasonal child care program."

Re-number sections accordingly.

Senators Regala, Brown, Murray and Kilmer spoke in favor of adoption of the amendment to the striking amendment.

Senator Zarelli spoke against adoption of the amendment to the striking amendment.

Senator Hewitt spoke on adoption of the amendment.

Senator Eide demanded a roll call.

The President declared that one-sixth of the members supported the demand and the demand was sustained.

The President declared the question before the Senate to be the adoption of the amendment by Senators Regala and Brown on page 66, line 6 to the striking amendment to Senate Bill No. 5967.

#### ROLL CALL

The Secretary called the roll on the adoption of the amendment by Senators Regala and Brown to the striking amendment and the amendment was not adopted by the following vote: Yeas, 24; Nays, 25; Absent, 0; Excused, 0.

Voting yea: Senators Brown, Chase, Conway, Eide, Fraser, Frockt, Hargrove, Harper, Hatfield, Haugen, Hobbs, Keiser, Kilmer, Kline, Kohl-Welles, McAuliffe, Murray, Nelson, Prentice, Pridemore, Ranker, Regala, Rolfes and Shin

Voting nay: Senators Baumgartner, Becker, Benton, Carrell, Delvin, Ericksen, Fain, Hewitt, Hill, Holmquist Newbry, Honeyford, Kastama, King, Litzow, Morton, Padden, Parlette, Pflug, Roach, Schoesler, Sheldon, Stevens, Swecker, Tom and Zarelli

#### MOTION

Senator Murray moved that the following amendment by Senator Murray and others to the striking amendment be adopted.

On page 66, line 8, increase the General Fund--State Appropriation for fiscal year 2013 by \$13,884,000

On page 69, starting on line 14 strike all material down through and including line 18, and insert the following:

"(8) To ensure expenditures remain within available funds appropriated in this section, the legislature establishes the benefit under the state food assistance program, pursuant to RCW 74.08A.120, to be fifty percent of the federal supplemental nutrition assistance program benefit amount."

Senator Murray spoke in favor of adoption of the amendment to the striking amendment.

Senator Ericksen spoke against adoption of the amendment to the striking amendment.

Senator Eide demanded a roll call.

The President declared that one-sixth of the members supported the demand and the demand was sustained.

The President declared the question before the Senate to be the adoption of the amendment by Senator Murray and others on page 66, line 8 to the striking amendment to Senate Bill No. 5967.

#### ROLL CALL

The Secretary called the roll on the adoption of the amendment by Senator Murray and others to the striking amendment and the amendment was not adopted by the following vote: Yeas, 24; Nays, 25; Absent, 0; Excused, 0.

Voting yea: Senators Brown, Chase, Conway, Eide, Fraser, Frockt, Hargrove, Harper, Hatfield, Haugen, Hobbs, Keiser, Kilmer, Kline, Kohl-Welles, McAuliffe, Murray, Nelson, Prentice, Pridemore, Ranker, Regala, Rolfes and Shin

Voting nay: Senators Baumgartner, Becker, Benton, Carrell, Delvin, Ericksen, Fain, Hewitt, Hill, Holmquist Newbry, Honeyford, Kastama, King, Litzow, Morton, Padden, Parlette, Pflug, Roach, Schoesler, Sheldon, Stevens, Swecker, Tom and Zarelli

#### MOTION

Senator Hargrove moved that the following amendment by Senator Hargrove to the striking amendment be adopted:

On page 69, line 8, strike "\$71,649,000" and insert "\$72,924,000".

On page 69, line 10, strike "\$66,986,000" and insert "\$70,812,000".

On page 69, line 12, strike "\$164,526,000" and insert "\$179,264,000".

On page 69, line 19, strike "\$338,843,000" and insert "\$358,682,000".

Senator Hargrove spoke in favor of adoption of the amendment to the striking amendment.



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Senator Zarelli spoke against adoption of the amendment to the striking amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Hargrove on page 69, line 8 to the striking amendment to Senate Bill No. 5967.

The motion by Senator Hargrove failed and the amendment to the striking amendment was not adopted by voice vote.

#### MOTION

Senator Keiser moved that the following amendment by Senator McAuliffe to the striking amendment be adopted.

On page 73, line 3, increase the general fund-state appropriation for fiscal year 2012 by \$684,000 and adjust the totals accordingly.

On page 73, line 5, increase the general fund-state appropriations for fiscal year 2013 by \$2,691,000 and adjust the totals accordingly.

On page 73, line 9, reduce the general fund-private/local appropriation by \$3,375,000 and adjust the totals accordingly.

On page 83, beginning on line 11, strike everything after "arrangement." down through and including "2012." on line 12 and insert "Under the arrangement."

On page 150, line 10, strike "\$680,439,000", and insert "\$679,834,000".

Adjust the total appropriation accordingly.

On page 151, line 30, after "year 2012, ", strike "~~(\$34,200,000)~~ \$34,805,000", and insert "\$34,200,000".

Senators Keiser, McAuliffe, Brown and Murray spoke in favor of adoption of the amendment to the striking amendment.

Senators Schoesler and Zarelli spoke against adoption of the amendment to the striking amendment.

Senator Eide demanded a roll call.

The President declared that one-sixth of the members supported the demand and the demand was sustained.

The President declared the question before the Senate to be the adoption of the amendment by Senator McAuliffe on page 73, line 3 to the striking amendment to Senate Bill No. 5967.

#### ROLL CALL

The Secretary called the roll on the adoption of the amendment by Senator McAuliffe to the striking amendment and the amendment was not adopted by the following vote: Yeas, 24; Nays, 25; Absent, 0; Excused, 0.

Voting yea: Senators Brown, Chase, Conway, Eide, Fraser, Frockt, Hargrove, Harper, Hatfield, Haugen, Hobbs, Keiser, Kilmer, Kline, Kohl-Welles, McAuliffe, Murray, Nelson, Prentice, Pridemore, Ranker, Regala, Rolfes and Shin

Voting nay: Senators Baumgartner, Becker, Benton, Carrell, Delvin, Ericksen, Fain, Hewitt, Hill, Holmquist Newbry, Honeyford, Kastama, King, Litzow, Morton, Padden, Parlette, Pflug, Roach, Schoesler, Sheldon, Stevens, Swecker, Tom and Zarelli

#### MOTION

Senator Hargrove moved that the following amendment by Senator Hargrove to the striking amendment be adopted.

On page 73, line 3, increase the general fund-state appropriation for fiscal year 2012 by \$2,872,000 and adjust the totals accordingly.

On page 73, line 5, increase the general fund-state appropriation for fiscal year 2013 by \$38,085,000 and adjust the totals accordingly.

On page 73, line 7, increase the general fund-federal appropriation by \$44,121,000 and adjust the totals accordingly.

On page 87, line 13, after "(41)", strike everything down through and including "services." on line 20 and insert the following: "Within the funds appropriated in this section, the health care authority shall continue to provide medical care services for persons enrolled in the disability lifeline and the alcohol and drug abuse treatment services act programs."

Senators Hargrove and Harper spoke in favor of adoption of the amendment to the striking amendment.

Senator Zarelli spoke against adoption of the amendment to the striking amendment.

Senator Eide demanded a roll call.

The President declared that one-sixth of the members supported the demand and the demand was sustained.

The President declared the question before the Senate to be the adoption of the amendment by Senator Hargrove on page 73, line 3 to the striking amendment to Senate Bill No. 5967.

#### ROLL CALL

The Secretary called the roll on the adoption of the amendment by Senator Hargrove to the striking amendment and the amendment was not adopted by the following vote: Yeas, 24; Nays, 25; Absent, 0; Excused, 0.

Voting yea: Senators Brown, Chase, Conway, Eide, Fraser, Frockt, Hargrove, Harper, Hatfield, Haugen, Hobbs, Keiser, Kilmer, Kline, Kohl-Welles, McAuliffe, Murray, Nelson, Prentice, Pridemore, Ranker, Regala, Rolfes and Shin

Voting nay: Senators Baumgartner, Becker, Benton, Carrell, Delvin, Ericksen, Fain, Hewitt, Hill, Holmquist Newbry, Honeyford, Kastama, King, Litzow, Morton, Padden, Parlette, Pflug, Roach, Schoesler, Sheldon, Stevens, Swecker, Tom and Zarelli

#### MOTION

Senator Keiser moved that the following amendment by Senators Keiser and Murray to the striking amendment be adopted:

On page 73, line 3, increase the general fund-state appropriation for fiscal year 2012 by \$3,934,000 and adjust the totals accordingly.

On page 73, line 5, increase the general fund-state appropriation for fiscal year 2013 by \$911,000 and adjust the totals accordingly.

On page 79, beginning on line 30, strike everything after "(b)" down through and including "low-income" on line 31 and insert "one half of the indigent assistance".

On page 80, line 14, strike "\$4,168,000" and insert "\$8,102,000".

On page 80, line 15, after "2012", strike everything through "~~appropriated~~)" and insert ", of which \$6,570,000 is appropriated".

On page 80, line 16, strike "\$2,251,000" and insert "\$3,162,000".

Senators Keiser and Kline spoke in favor of adoption of the amendment to the striking amendment.

Senator Schoesler spoke against adoption of the amendment to the striking amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Keiser and Murray on page 73, line 3 to the striking amendment to Senate Bill No. 5967.

The motion by Senator Keiser failed and the amendment to the striking amendment was not adopted by voice vote.

#### MOTION

Senator Brown moved that the following amendment by Senator Brown and others to the striking amendment be adopted.

On page 94, beginning on line 4, increase the General Fund--State Appropriation in fiscal year 2013 by \$6,000,000. Adjust the total appropriation accordingly.

Renumber the remaining sections consecutively and correct any internal references accordingly.

Senator Brown spoke in favor of adoption of the amendment to the striking amendment.

Senator Parlette spoke against adoption of the amendment to the striking amendment.

Senator Eide demanded a roll call.

The President declared that one-sixth of the members supported the demand and the demand was sustained.

The President declared the question before the Senate to be the adoption of the amendment by Senator Brown and others on page 94, line 4 to the striking amendment to Senate Bill No. 5967.

#### ROLL CALL

The Secretary called the roll on the adoption of the amendment by Senator Brown and others to the striking amendment and the amendment was not adopted by the following vote: Yeas, 23; Nays, 26; Absent, 0; Excused, 0.

Voting yea: Senators Brown, Chase, Conway, Eide, Fraser, Frockt, Harper, Hatfield, Haugen, Hobbs, Keiser, Kilmer, Kline, Kohl-Welles, McAuliffe, Murray, Nelson, Prentice, Pridemore, Ranker, Regala, Rolfes and Shin

Voting nay: Senators Baumgartner, Becker, Benton, Carrell, Delvin, Ericksen, Fain, Hargrove, Hewitt, Hill, Holmquist Newbry, Honeyford, Kastama, King, Litzow, Morton, Padden, Parlette, Pflug, Roach, Schoesler, Sheldon, Stevens, Swecker, Tom and Zarelli

#### MOTION

Senator Keiser moved that the following amendment by Senators Keiser and Prentice to the striking amendment be adopted:

On page 94, beginning on line 4, increase the General Fund--State Appropriation in fiscal year 2013 by \$5,000,000. Adjust the total appropriation accordingly.

Senators Keiser, Murray, McAuliffe and Haugen spoke in favor of adoption of the amendment to the striking amendment.

Senator Pflug spoke against adoption of the amendment to the striking amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senators Keiser and Prentice on page 94, line 4 to the striking amendment to Senate Bill No. 5967.

The motion by Senator Keiser failed and the amendment to the striking amendment was not adopted by voice vote.

#### MOTION

Senator Ranker moved that the following amendment by Senator Ranker and others to the striking amendment be adopted.

On page 94, line 5, increase the General Fund State appropriation for fiscal year 2013 by \$16,703,000

On page 94, line 26, decrease the State Toxics Control Account--State Appropriation by \$16,703,000

On page 105, line 7, increase the General Fund State appropriation for fiscal year 2012 by \$18,049,000

On page 105, line 9, increase the General Fund State appropriation for fiscal year 2013 by \$18,049,000

On page 106, line 11, decrease the State Toxics Control Account appropriation by \$36,098,000

On page 121, line 15, increase the General Fund State appropriation for fiscal year 2012 by \$2,511,000

On page 121, line 17, increase the General Fund State appropriation for fiscal year 2013 by \$2,511,000

On page 121, line 25, decrease the State Toxics Control account appropriation by \$5,022,000

On page 170, line 7, increase the General Fund State appropriation for fiscal year 2013 by \$5,000,000

On page 170, delete line 11

On page 171, line 25, increase the General Fund State appropriation for fiscal year 2013 by \$5,000,000

On page 171, delete line 27

Adjust all total appropriations accordingly

Senators Ranker, Fraser and Kilmer spoke in favor of adoption of the amendment to the striking amendment.

Senator Schoesler spoke against adoption of the amendment to the striking amendment.

Senator Eide demanded a roll call.

The President declared that one-sixth of the members supported the demand and the demand was sustained.

The President declared the question before the Senate to be the adoption of the amendment by Senator Ranker and others on page 94, line 5 to the striking amendment to Senate Bill No. 5967.

#### ROLL CALL

The Secretary called the roll on the adoption of the amendment by Senator Ranker and the amendment to the striking amendment was not adopted by the following vote: Yeas, 24; Nays, 25; Absent, 0; Excused, 0.

Voting yea: Senators Brown, Chase, Conway, Eide, Fraser, Frockt, Hargrove, Harper, Hatfield, Haugen, Hobbs, Keiser, Kilmer, Kline, Kohl-Welles, McAuliffe, Murray, Nelson, Prentice, Pridemore, Ranker, Regala, Rolfes and Shin

Voting nay: Senators Baumgartner, Becker, Benton, Carrell, Delvin, Ericksen, Fain, Hewitt, Hill, Holmquist Newbry, Honeyford, Kastama, King, Litzow, Morton, Padden, Parlette, Pflug, Roach, Schoesler, Sheldon, Stevens, Swecker, Tom and Zarelli

#### MOTION

Senator Nelson moved that the following amendment by Senator Nelson to the striking amendment be adopted:

On page 105, line 7, strike "\$28,948,000" and insert "\$47,627,000"

On page 105, line 9, strike "\$24,642,000" and insert "\$46,221,000"

On page 105, line 11, strike "\$100,154,000" and insert "\$100,342,000"

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On page 105, line 13, strike "\$16,730,000" and insert "\$16,731,000"

On page 105, line 17, strike "\$4,643,000" and insert "\$3,642,000"

On page 105, line 20, strike "\$1,933,000" and insert "\$1,940,000"

On page 105, line 25, strike "\$9,742,000" and insert "\$11,478,000"

On page 105, line 31, strike "\$422,000" and insert "\$423,000"

On page 106, line 1, strike "\$622,000" and insert "\$624,000"

On page 106, line 4, strike "\$723,000" and insert "\$740,000"

On page 106, line 7, strike "\$1,661,000" and insert "\$1,668,000"

On page 106, line 9, strike "\$135,000" and insert "\$136,000"

On page 106, line 11, strike "\$148,563,000" and insert "\$114,897,000"

On page 106, line 14, strike "\$966,000" and insert "\$968,000"

On page 106, line 16, strike "\$26,207,000" and insert "\$27,389,000"

On page 106, line 18, strike "\$39,066,000" and insert "\$38,345,000"

On page 106, line 21, strike "\$3,239,000" and insert "\$3,254,000"

On page 106, line 23, strike "\$1,797,000" and insert "\$1,805,000"

On page 106, line 26, strike "\$5,835,000" and insert "5,857,000"

On page 106, line 28, strike "\$2,545,000" and insert "\$2,630,000"

On page 106, line 30, strike "\$5,542,000" and insert "\$5,566,000"

On page 106, line 32, strike "\$3,285,000" and insert "\$2,744,000"

On page 106, line 35, strike "\$1,698,000" and insert "\$1,700,000"

On page 107, line 2, strike "\$610,000" and insert "\$611,000"

On page 107, line 4, strike "\$2,509,000" and insert "\$2,517,000"

On page 107, line 7, strike "\$440,359,000" and insert "\$447,977,000"

On page 197, line 3, strike "~~(\$3,500,000)~~ \$4,847,000" and insert "\$3,500,000"

On page 197, line 4, strike "~~(\$3,500,000)~~ \$4,847,000" and insert "\$3,500,000"

Change total accordingly

On page 199, beginning on line 33, strike all material down through and including "\$116,000" on line 2 of page 200

On page 199, delete lines 15 through 17

#### WITHDRAWAL OF AMENDMENT

On motion of Senator Nelson, the amendment by Senator Nelson on page 105, line 7 to the striking amendment to Senate Bill No. 5967 was withdrawn.

#### MOTION

Senator Nelson moved that the following amendment by Senator Nelson to the striking amendment be adopted:

On page 110, after line 32, insert the following:

"(16) In accordance with RCW 43.135.055, the department is authorized to adopt fees set forth in and previously authorized by the following statutes:

(a) RCW 70.275.120, mercury light generation fee; and

(b) RCW 70.94.151, gasoline vapor registration fee and greenhouse gas emission reporting fee."

#### WITHDRAWAL OF AMENDMENT

On motion of Senator Nelson, the amendment by Senator Nelson on page 110, line 32 to the striking amendment to Senate Bill No. 5967 was withdrawn.

#### MOTION

Senator McAuliffe moved that the following amendment by Senators McAuliffe and others to the striking amendment be adopted:

On page 127, line 9, increase General Fund--State Appropriation for Fiscal Year 2013 by \$2,808,000 and adjust total appropriation accordingly.

On page 131, beginning on line 18, strike "~~(and \$2,808,000 of the general fund--state appropriation for fiscal year 2013 are)~~ is", and insert "and \$2,808,000 of the general fund--state appropriation for fiscal year 2013 are".

Senators McAuliffe and Murray spoke in favor of adoption of the amendment to the striking amendment.

Senator Litzow spoke against adoption of the amendment to the striking amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senators McAuliffe and others on page 127, line 9 to the striking amendment to Senate Bill No. 5967.

The motion by Senator McAuliffe failed and the amendment to the striking amendment was not adopted by voice vote.

#### MOTION

Senator Eide moved that the following amendment by Senator Brown to the striking amendment be adopted:

On page 127, line 9, increase general fund--state appropriation for fiscal year 2013 by \$1,000,000 and adjust total appropriations accordingly.

On page 131, line 12, strike "~~(and \$1,000,000 of the general fund--state appropriation for fiscal year 2013 are)~~ is", and insert "and \$1,000,000 of the general fund--state appropriation for fiscal year 2013 are".

#### WITHDRAWAL OF AMENDMENT

On motion of Senator Eide, the amendment by Senator Brown on page 127, line 9 to the striking amendment to Senate Bill No. 5967 was withdrawn.

#### MOTION

On motion of Senator Schoesler, Rule 15 was suspended for the remainder of the day for the purpose of allowing continued floor action.

**EDITOR'S NOTE:** Senate Rule 15 establishes the floor schedule and calls for a lunch and dinner break of 90 minutes each per day during regular daily sessions.

#### MOTION

Senator Rolfes moved that the following amendment by Senator Rolfes to the striking amendment be adopted.

On page 132, line 16, strike "\$5,162,497,000", and insert "\$5,170,853,000".

Adjust total appropriations accordingly.

On page 142, line 12, after "(17) ", strike "~~((Beginning in the 2011-12 school year,))~~ S", and insert "Beginning in the 2011-12 school year, s".

On page 142, line 14, after "1.2 FTE ", strike "for the 2011-12 school year and 1.0 FTE for the 2012-13 school year ".

On page 142, line 16, after "combined 1.2 ", strike "or 1.0".

Senators Rolfes and Frockt spoke in favor of adoption of the amendment to the striking amendment.

Senator Hill spoke against adoption of the amendment to the striking amendment.

Senator Eide demanded a roll call.

The President declared that one-sixth of the members supported the demand and the demand was sustained.

The President declared the question before the Senate to be the adoption of the amendment by Senator Rolfes on page 132, line 16 to the striking amendment to Senate Bill No. 5967.

#### ROLL CALL

The Secretary called the roll on the adoption of the amendment by Senator Rolfes and the amendment to the striking amendment was not adopted by the following vote: Yeas, 24; Nays, 25; Absent, 0; Excused, 0.

Voting yea: Senators Brown, Chase, Conway, Eide, Fraser, Frockt, Hargrove, Harper, Hatfield, Haugen, Hobbs, Keiser, Kilmer, Kline, Kohl-Welles, McAuliffe, Murray, Nelson, Prentice, Pridemore, Ranker, Regala, Rolfes and Shin

Voting nay: Senators Baumgartner, Becker, Benton, Carrell, Delvin, Ericksen, Fain, Hewitt, Hill, Holmquist Newbry, Honeyford, Kastama, King, Litzow, Morton, Padden, Parlette, Pflug, Roach, Schoesler, Sheldon, Stevens, Swecker, Tom and Zarelli

#### MOTION

Senator Nelson moved that the following amendment by Senator Nelson and others to the striking amendment be adopted:

On page 156, line 20, increase General Fund--State appropriation for Fiscal Year 2013 by \$950,000 and adjust total appropriations accordingly.

On page 159, beginning on line 6, strike "~~((and \$950,000 of the general fund--state appropriation for fiscal year 2013 are))~~ is", and insert "and \$950,000 of the general fund--state appropriation for fiscal year 2013 are".

Senators Nelson, McAuliffe, Murray and Rolfes spoke in favor of adoption of the amendment to the striking amendment.

Senators Litzow and Schoesler spoke against adoption of the amendment to the striking amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Nelson and others on page 156, line 20 to the striking amendment to Senate Bill No. 5967.

The motion by Senator Nelson failed and the amendment to the striking amendment was not adopted by voice vote.

#### MOTION

Senator Frockt moved that the following amendment by Senators Frockt, Harper, McAuliffe and Rolfes to the striking amendment be adopted.

On page 156, line 20, strike "\$72,279,000", and insert "\$73,279,000".

Adjust total appropriation accordingly.

On page 161, line 4, after "year 2012 ", strike "~~((and \$1,000,000 of the general fund--state appropriation for fiscal year 2013 are))~~ is", and insert "and \$1,000,000 of the general fund--state appropriation for fiscal year 2013 are".

Senators Frockt and Brown spoke in favor of adoption of the amendment to the striking amendment.

Senator Ericksen spoke against adoption of the amendment to the striking amendment.

Senator Eide demanded a roll call.

The President declared that one-sixth of the members supported the demand and the demand was sustained.

The President declared the question before the Senate to be the adoption of the amendment by Senators Frockt, Harper, McAuliffe and Rolfes on page 156, line 20 to the striking amendment to Senate Bill No. 5967.

#### ROLL CALL

The Secretary called the roll on the adoption of the amendment by Senators Frockt, Harper, McAuliffe and Rolfes and the amendment to the striking amendment was not adopted by the following vote: Yeas, 24; Nays, 25; Absent, 0; Excused, 0.

Voting yea: Senators Brown, Chase, Conway, Eide, Fraser, Frockt, Hargrove, Harper, Hatfield, Haugen, Hobbs, Keiser, Kilmer, Kline, Kohl-Welles, McAuliffe, Murray, Nelson, Prentice, Pridemore, Ranker, Regala, Rolfes and Shin

Voting nay: Senators Baumgartner, Becker, Benton, Carrell, Delvin, Ericksen, Fain, Hewitt, Hill, Holmquist Newbry, Honeyford, Kastama, King, Litzow, Morton, Padden, Parlette, Pflug, Roach, Schoesler, Sheldon, Stevens, Swecker, Tom and Zarelli

#### MOTION

Senator Murray moved that the following amendment by Senators Harper, McAuliffe and Rolfes to the striking amendment be adopted.

On page 156, line 20, strike "\$72,279,000", and insert "\$75,513,000".

Adjust total appropriation accordingly.

On page 159, line 28, after "year 2012 ", strike "~~((and \$3,234,000 of the general fund--state appropriation for fiscal year 2013 are))~~ is", and insert "and \$3,234,000 of the general fund--state appropriation for fiscal year 2013 are".

Senators Murray and McAuliffe spoke in favor of adoption of the amendment to the striking amendment.

Senators Schoesler and Carrell spoke against adoption of the amendment to the striking amendment.

Senator Eide demanded a roll call.

The President declared that one-sixth of the members supported the demand and the demand was sustained.

The President declared the question before the Senate to be the adoption of the amendment by Senators Harper, McAuliffe and Rolfes on page 156, line 20 to the striking amendment to Senate Bill No. 5967.

## ROLL CALL

The Secretary called the roll on the adoption of the amendment by Senators Harper, McAuliffe and Rolfes and the amendment to the striking amendment was not adopted by the following vote: Yeas, 24; Nays, 25; Absent, 0; Excused, 0.

Voting yea: Senators Brown, Chase, Conway, Eide, Fraser, Frockt, Hargrove, Harper, Hatfield, Haugen, Hobbs, Keiser, Kilmer, Kline, Kohl-Welles, McAuliffe, Murray, Nelson, Prentice, Pridemore, Ranker, Regala, Rolfes and Shin

Voting nay: Senators Baumgartner, Becker, Benton, Carrell, Delvin, Ericksen, Fain, Hewitt, Hill, Holmquist Newbry, Honeyford, Kastama, King, Litzow, Morton, Padden, Parlette, Pflug, Roach, Schoesler, Sheldon, Stevens, Swecker, Tom and Zarelli

## MOTION

Senator Hargrove moved that the following amendment by Senator Hargrove and others to the striking amendment be adopted.

On page 156, line 20, strike "\$72,279,000" and insert "\$90,017,000".

Adjust total appropriation accordingly.

On page 157, line 28, after "~~(((\$40,681,000))~~ ", strike "\$21,555,000" and insert "\$39,293,000".

On page 157, line 34, after "a bonus of ", strike "~~(((\$5,090))~~ \$2,500", and insert "\$5,090".

On page 158, line 14, after "Bonuses in (a)", strike "~~((+and))~~", and insert "(i) and".

Senators Hargrove, Conway, Frockt, Murray, Brown and Kilmer spoke in favor of adoption of the amendment to the striking amendment.

Senator Zarelli spoke against adoption of the amendment to the striking amendment.

Senator Brown demanded a roll call.

The President declared that one-sixth of the members supported the demand and the demand was sustained.

## POINT OF ORDER

Senator Benton: "Mr. President, I believe the member from the twenty-sixth is stepping very close in impugning the motives of the maker of the bill."

## REPLY BY THE PRESIDENT

President Owen: "The President knows that it is getting late and the people are getting a little stressed so please be careful of your comments in the future. Senator Kohl-Welles."

Senators Kohl-Welles and Rolfes spoke in favor of adoption of the amendment to the striking amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Hargrove and others on page 156, line 20 to the striking amendment to Senate Bill No. 5967.

## ROLL CALL

The Secretary called the roll on the adoption of the amendment by Senator Hargrove and others and the amendment to the striking amendment was not adopted by the following vote: Yeas, 24; Nays, 25; Absent, 0; Excused, 0.

Voting yea: Senators Brown, Chase, Conway, Eide, Fraser, Frockt, Hargrove, Harper, Hatfield, Haugen, Hobbs, Keiser, Kilmer, Kline, Kohl-Welles, McAuliffe, Murray, Nelson, Prentice, Pridemore, Ranker, Regala, Rolfes and Shin

Voting nay: Senators Baumgartner, Becker, Benton, Carrell, Delvin, Ericksen, Fain, Hewitt, Hill, Holmquist Newbry, Honeyford, Kastama, King, Litzow, Morton, Padden, Parlette, Pflug, Roach, Schoesler, Sheldon, Stevens, Swecker, Tom and Zarelli

## MOTION

Senator Nelson moved that the following amendment by Senator Nelson to the striking amendment be adopted.

On page 156, line 20, strike "\$72,279,000", and insert "\$75,513,000".

Adjust total appropriation accordingly.

On page 159, line 28, after "year 2012 ", strike "~~((and \$3,234,000 of the general fund state appropriation for fiscal year 2013 are))~~ is", and insert "and \$3,234,000 of the general fund-state appropriation for fiscal year 2013 are".

On page 210, after line 20, insert the following"

**Sec. 912.** RCW 15.76.115 and 2011 1st sp.s. c 50 s 926 are each amended to read as follows:

The fair fund is created in the custody of the state treasury. All moneys received by the department of agriculture for the purposes of this fund and from RCW 67.16.105(7) shall be deposited into the fund. At the beginning of fiscal year 2002 and each fiscal year thereafter, with the exception of fiscal year 2013, the state treasurer shall transfer into the fair fund from the general fund the sum of two million dollars (~~((except for fiscal year 2011 the state treasurer shall transfer into the fair fund from the general fund the sum of one million one hundred three thousand dollars, and except during fiscal year 2012 and fiscal year 2013 the state treasurer shall transfer into the fair fund from the general fund the sum of one million seven hundred fifty thousand dollars each fiscal year.))~~)—Expenditures from the fund may be used only for assisting fairs in the manner provided in this chapter. Only the director of agriculture or the director's designee may authorize expenditures from the fund. The fund is subject to allotment procedures under chapter 43.88 RCW, but no appropriation is required for expenditures. During fiscal year 2012, the legislature may transfer from the fair account to the general fund for the purposes of the readiness to learn program, such amounts as reflect the excess fund balance in the account.

Senators Nelson and Kilmer spoke in favor of adoption of the amendment to the striking amendment.

Senator Schoesler spoke against adoption of the amendment to the striking amendment.

Senator Eide demanded a roll call.

The President declared that one-sixth of the members supported the demand and the demand was sustained.

## POINT OF ORDER

Senator Padden: "Mr. President, again I would remind the gentleman from the twenty-sixth district about Rule 7.1,

indecorous conduct. I would ask the President to take note of that and admonish the speaker. This is the second time.”

#### REPLY BY THE PRESIDENT

President Owen: “The President would remind all members that you’re to make your comments relative to the issue and not to the members or the actions of the members but to the issues in itself of the merits or demerits of those issues so please try to remember that even though it’s a very emotional evening.”

Senators Harper, Brown, Haugen and Chase spoke in favor of adoption of the amendment to the striking amendment.

Senators Honeyford and Erickson spoke against adoption of the amendment to the striking amendment.

#### POINT OF ORDER

Senator Schoesler: “I can’t understand how family planning has anything to do with transferring fair money to readiness to learn. Can the kind lady speak to the subject at hand?”

#### REPLY BY THE PRESIDENT

President Owen: “Senator Chase, it is true that your debate must be relative to the issue at hand.”

Senator Swecker spoke against adoption of the amendment to the striking amendment.

Senator McAuliffe spoke in favor of adoption of the amendment to the striking amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Nelson on page 156, line 20 to the striking amendment to Senate Bill No. 5967.

#### ROLL CALL

The Secretary called the roll on the adoption of the amendment by Senator Nelson and the amendment to the striking amendment was not adopted by the following vote: Yeas, 23; Nays, 26; Absent, 0; Excused, 0.

Voting yea: Senators Brown, Chase, Conway, Eide, Fraser, Frockt, Hargrove, Harper, Haugen, Hobbs, Keiser, Kilmer, Kline, Kohl-Welles, McAuliffe, Murray, Nelson, Prentice, Pridemore, Ranker, Regala, Rolfes and Shin

Voting nay: Senators Baumgartner, Becker, Benton, Carrell, Delvin, Ericksen, Fain, Hatfield, Hewitt, Hill, Holmquist Newbry, Honeyford, Kastama, King, Litzow, Morton, Padden, Parlette, Pflug, Roach, Schoesler, Sheldon, Stevens, Swecker, Tom and Zarelli

#### MOTION

Senator Kilmer moved that the following amendment by Senators Kilmer and Harper to the striking amendment be adopted.

On page 168, line 9, increase the appropriation by \$13,101,000 and adjust the total accordingly.

On page 170, line 7, increase the appropriation by \$9,956,000 and adjust the total accordingly.

On page 171, line 25, increase the appropriation by \$4,235,000 adjust the total accordingly.

On page 172, line 28, increase the appropriation by \$762,000 and adjust the total accordingly.

On page 173, line 11, increase the appropriation by \$705,000 and adjust the total accordingly.

On page 173, line 26, increase the appropriation by \$332,000 and adjust the total accordingly.

On page 176, line 18, increase the appropriation by \$821,000 and adjust the total accordingly.

Senators Kilmer, Brown, Conway, Frockt and Kohl-Welles spoke in favor of adoption of the amendment to the striking amendment.

Senator Hill spoke against adoption of the amendment to the striking amendment.

Senator Eide demanded a roll call.

The President declared that one-sixth of the members supported the demand and the demand was sustained.

The President declared the question before the Senate to be the adoption of the amendment by Senators Kilmer and Harper on page 168, line 9 to the striking amendment to Senate Bill No. 5967.

#### ROLL CALL

The Secretary called the roll on the adoption of the amendment by Senators Kilmer and Harper and the amendment to the striking amendment was not adopted by the following vote: Yeas, 24; Nays, 25; Absent, 0; Excused, 0.

Voting yea: Senators Brown, Chase, Conway, Eide, Fraser, Frockt, Hargrove, Harper, Hatfield, Haugen, Hobbs, Keiser, Kilmer, Kline, Kohl-Welles, McAuliffe, Murray, Nelson, Prentice, Pridemore, Ranker, Regala, Rolfes and Shin

Voting nay: Senators Baumgartner, Becker, Benton, Carrell, Delvin, Ericksen, Fain, Hewitt, Hill, Holmquist Newbry, Honeyford, Kastama, King, Litzow, Morton, Padden, Parlette, Pflug, Roach, Schoesler, Sheldon, Stevens, Swecker, Tom and Zarelli

#### MOTION

On motion of Senator Eide and without objections, the amendments on page 170, line 5 by Senator Frockt; on page 173, line 24 by Senators Keiser and Frockt; on page 182, line 11 by Senator Pridemore; on page 182, line 11 by Senators Frockt, Chase and Harper; on page 182, line 29 by Senator Pridemore; on page 186, line 29 by Senators Frockt, Chase, Fraser and Eide’ on page 192, after line 9 by Senator Conway were withdrawn.

#### MOTION

Senator Frockt moved that the following amendment by Senator Frockt to the striking amendment be adopted:

On page 177, line 21, increase the appropriation by \$500,000. Adjust the total accordingly.

Senators Frockt, Shin, Hill and Murray spoke in favor of adoption of the amendment to the striking amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Frockt on page 177, line 21 to the striking amendment to Senate Bill No. 5967.

The motion by Senator Frockt carried and the amendment to the striking amendment was adopted by voice vote.

#### MOTION

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Senator Conway moved that the following amendment by Senator Conway and others to the striking amendment be adopted.

On page 185, after line 3, strike everything through line 2 on page 186.

Renumber the remaining sections consecutively and correct any internal references accordingly.

Senator Conway spoke in favor of adoption of the amendment to the striking amendment.

Senator Schoesler spoke against adoption of the amendment to the striking amendment.

Senator Eide demanded a roll call.

The President declared that one-sixth of the members supported the demand and the demand was sustained.

The President declared the question before the Senate to be the adoption of the amendment by Senator Conway and others on page 185, after line 3 to the striking amendment to Senate Bill No. 5967.

#### ROLL CALL

The Secretary called the roll on the adoption of the amendment by Senator Conway and the amendment to the striking amendment was not adopted by the following vote: Yeas, 24; Nays, 25; Absent, 0; Excused, 0.

Voting yea: Senators Brown, Chase, Conway, Eide, Fraser, Frockt, Hargrove, Harper, Hatfield, Haugen, Hobbs, Keiser, Kilmer, Kline, Kohl-Welles, McAuliffe, Murray, Nelson, Prentice, Pridemore, Ranker, Regala, Rolfes and Shin

Voting nay: Senators Baumgartner, Becker, Benton, Carrell, Delvin, Ericksen, Fain, Hewitt, Hill, Holmquist Newbry, Honeyford, Kastama, King, Litzow, Morton, Padden, Parlette, Pflug, Roach, Schoesler, Sheldon, Stevens, Swecker, Tom and Zarelli

The President declared the question before the Senate to be the adoption of the striking amendment by Senator Zarelli as amended to Senate Bill No. 5967.

#### POINT OF ORDER

Senator Zarelli: "Adopt this or roll it to third reading at this point?"

#### REPLY BY THE PRESIDENT

President Owen: "This is still an amendment, this is the striking amendment. We have not adopted it yet."

Senators Hargrove, Kilmer, Brown, Murray, Ranker, Kohl-Welles, Nelson, Eide and Keiser spoke against adoption of the striking amendment as amended.

Senators Holmquist-Newbry, Kastama, Zarelli and Sheldon spoke in favor of adoption of the striking amendment as amended.

Senator Eide demanded a roll call.

The President declared that one-sixth of the members supported the demand and the demand was sustained.

#### ROLL CALL

The Secretary called the roll on the adoption of the striking amendment by Senator Zarelli as amended and the amendment

was adopted by the following vote: Yeas, 25; Nays, 24; Absent, 0; Excused, 0.

Voting yea: Senators Baumgartner, Becker, Benton, Carrell, Delvin, Ericksen, Fain, Hewitt, Hill, Holmquist Newbry, Honeyford, Kastama, King, Litzow, Morton, Padden, Parlette, Pflug, Roach, Schoesler, Sheldon, Stevens, Swecker, Tom and Zarelli

Voting nay: Senators Brown, Chase, Conway, Eide, Fraser, Frockt, Hargrove, Harper, Hatfield, Haugen, Hobbs, Keiser, Kilmer, Kline, Kohl-Welles, McAuliffe, Murray, Nelson, Prentice, Pridemore, Ranker, Regala, Rolfes and Shin

#### MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 1 of the title, after "matters;" strike the remainder of the title and insert "amending RCW 28B.15.067, 43.30.720, 43.320.110, 70.146.100, 76.04.610, 77.12.201, 77.12.203, 77.95.090, 79.22.010, 79.22.040, 79.64.100, 79.105.150, 79A.25.200, 86.26.007, and 90.48.390; amending 2011 2nd sp.s. c 9 ss 101, 102, 103, 104, 105, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 125, 128, 129, 130, 131, 132, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 302, 303, 304, 305, 306, 307, 308, 309, 311, 401, 402, 501, 502, 503, 504, 505, 507, 508, 509, 510, 511, 513, 514, 515, 601, 602, 603, 604, 605, 606, 607, 612, 613, 614, 701, 702, 704, 707, and 801 (uncodified); amending 2011 1st sp.s. c 50 ss 103, 104, 106, 117, 120, 124, 128, 132, 133, 137, 151, 214, 516, 616, 715, 801, 802, 803, 910, 920, 921, and 922 (uncodified); reenacting and amending RCW 2.68.020, 41.05.120, 70.105D.070, and 79.64.040; adding new sections to 2011 1st sp.s. c 50 (uncodified); repealing 2011 2nd sp.s. c 9 ss 610, 611, and 705 (uncodified); making appropriations; and declaring an emergency."

#### MOTION

On motion of Senator Zarelli, the rules were suspended, Engrossed Senate Bill No. 5967 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Zarelli, Schoesler, Delvin, Baumgartner, Parlette and Hill spoke in favor of passage of the bill.

Senators Murray, Brown, Regala, Shin, Hobbs, Ranker, Haugen, Pridemore, McAuliffe Nelson, Conway and Kilmer spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Senate Bill No. 5967.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5967 and the bill passed the Senate by the following vote: Yeas, 25; Nays, 24; Absent, 0; Excused, 0.

Voting yea: Senators Baumgartner, Becker, Benton, Carrell, Delvin, Ericksen, Fain, Hewitt, Hill, Holmquist Newbry, Honeyford, Kastama, King, Litzow, Morton, Padden, Parlette, Pflug, Roach, Schoesler, Sheldon, Stevens, Swecker, Tom and Zarelli

Voting nay: Senators Brown, Chase, Conway, Eide, Fraser, Frockt, Hargrove, Harper, Hatfield, Haugen, Hobbs, Keiser, Kilmer, Kline, Kohl-Welles, McAuliffe, Murray, Nelson, Prentice, Pridemore, Ranker, Regala, Rolfes and Shin

ENGROSSED SENATE BILL NO. 5967, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## MOTION

On motion of Senator Schoesler, Engrossed Senate Bill No. 5967 was immediately transmitted to the House of Representatives.

## MOTION

On motion of Senator Schoesler, the Senate immediately considered Senate Bill No. 6378.

## SECOND READING

ENGROSSED SENATE BILL NO. 6378, by Senators Zarelli, Baumgartner, Parlette, Hill and Tom

Reforming the state retirement plans.

The measure was read the second time.

## MOTION

Senator Zarelli moved that the following amendment by Senator Zarelli be adopted:

On page 8, line 2, strike "2102" and insert "2012"

Senator Zarelli spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Zarelli on page 8, line 2 to Senate Bill No. 6378.

The motion by Senator Zarelli carried and the amendment was adopted by voice vote.

## MOTION

On motion of Senator Zarelli, the rules were suspended, Engrossed Senate Bill No. 6378 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Zarelli, Baumgartner and Schoesler spoke in favor of passage of the bill.

Senators Brown, Conway, Prentice and Murray spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Senate Bill No. 6378.

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 6378 and the bill passed the Senate by the following vote: Yeas, 25; Nays, 24; Absent, 0; Excused, 0.

Voting yea: Senators Baumgartner, Becker, Benton, Carrell, Delvin, Ericksen, Fain, Hewitt, Hill, Holmquist Newbry, Honeyford, Kastama, King, Litzow, Morton, Padden, Parlette, Pflug, Roach, Schoesler, Sheldon, Stevens, Swecker, Tom and Zarelli

Voting nay: Senators Brown, Chase, Conway, Eide, Fraser, Frockt, Hargrove, Harper, Hatfield, Haugen, Hobbs, Keiser, Kilmer, Kline, Kohl-Welles, McAuliffe, Murray, Nelson, Prentice, Pridemore, Ranker, Regala, Rolfes and Shin

ENGROSSED SENATE BILL NO. 6378, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## MOTION

On motion of Senator Schoesler, Engrossed Senate Bill No. 6378 was immediately transmitted to the House of Representatives.

## MOTION

On motion of Senator Schoesler, the Senate immediately considered Senate Bill No. 6615.

## SECOND READING

SENATE BILL NO. 6615, by Senators Zarelli and Swecker

Concerning liquor revenue.

The measure was read the second time.

## MOTION

Senator Kohl-Welles moved that the following amendment by Senator Kohl-Welles and others be adopted:

On page 9, after line 3, insert

"Sec. 16. RCW 66.28.310 and 2011 c 119 s 101 and 2011 c 66 s 3 are each reenacted and amended to read as follows:

(1)(a) Nothing in RCW 66.28.305 prohibits an industry member from providing retailers branded promotional items which are of nominal value, singly or in the aggregate. Such items include but are not limited to: Trays, lighters, blotters, postcards, pencils, coasters, menu cards, meal checks, napkins, clocks, mugs, glasses, bottles or can openers, corkscrews, matches, printed recipes, shirts, hats, visors, and other similar items. Branded promotional items:

(i) Must be used exclusively by the retailer or its employees in a manner consistent with its license;

(ii) Must bear imprinted advertising matter of the industry member only, except imprinted advertising matter of the industry member can include the logo of a professional sports team which the industry member is licensed to use;

(iii) May be provided by industry members only to retailers and their employees and may not be provided by or through retailers or their employees to retail customers; and

(iv) May not be targeted to or appeal principally to youth.

(b) An industry member is not obligated to provide any such branded promotional items, and a retailer may not require an industry member to provide such branded promotional items as a condition for selling any alcohol to the retailer.

(c) Any industry member or retailer or any other person asserting that the provision of branded promotional items as allowed in (a) of this subsection has resulted or is more likely than not to result in undue influence or an adverse impact on public health and safety, or is otherwise inconsistent with the criteria in (a) of this subsection may file a complaint with the board. Upon receipt of a complaint the board may conduct such investigation as it deems appropriate in the circumstances. If the investigation reveals the provision of branded promotional items has resulted in or is more likely than not to result in undue influence or has resulted or is more likely than not to result in an adverse impact on public health and safety or is otherwise inconsistent with (a) of this subsection the board may issue an administrative violation notice to the industry



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member, to the retailer, or both. The recipient of the administrative violation notice may request a hearing under chapter 34.05 RCW.

(2) Nothing in RCW 66.28.305 prohibits:

(a) An industry member from providing to a special occasion licensee and a special occasion licensee from receiving services for:

(i) Installation of draft beer dispensing equipment or advertising;

(ii) Advertising, pouring, or dispensing of beer or wine at a beer or wine tasting exhibition or judging event; or

(iii) Pouring or dispensing of spirits by a licensed domestic distiller or the accredited representative of a distiller, manufacturer, importer, or distributor of spirituous liquor licensed under RCW 66.24.310; or

(b) Special occasion licensees from paying for beer or wine immediately following the end of the special occasion event; or

(c) Wineries or breweries that are participating in a special occasion event from paying reasonable booth fees to the special occasion licensee.

(3) Nothing in RCW 66.28.305 prohibits industry members from performing, and retailers from accepting the service of building, rotating, and restocking displays and stockroom inventories; rotating and rearranging can and bottle displays of their own products; providing point of sale material and brand signs; pricing case goods of their own brands; and performing such similar business services consistent with board rules, or personal services as described in subsection (5) of this section.

(4) Nothing in RCW 66.28.305 prohibits:

(a) Industry members from listing on their internet web sites information related to retailers who sell or promote their products, including direct links to the retailers' internet web sites; and

(b) Retailers from listing on their internet web sites information related to industry members whose products those retailers sell or promote, including direct links to the industry members' web sites; or

(c) Industry members and retailers from producing, jointly or together with regional, state, or local industry associations, brochures and materials promoting tourism in Washington state which contain information regarding retail licensees, industry members, and their products.

(5) Nothing in RCW 66.28.305 prohibits the performance of personal services offered from time to time by a domestic winery or certificate of approval holder to retailers when the personal services are (a) conducted at a licensed premises, and (b) intended to inform, educate, or enhance customers' knowledge or experience of the manufacturer's products. The performance of personal services may include participation and pouring, bottle signing events, and other similar informational or educational activities at the premises of a retailer holding a spirits, beer, and wine restaurant license, a wine and/or beer restaurant license, a specialty wine shop license, a special occasion license, a grocery store license with a tasting endorsement, or a private club license. A domestic winery or certificate of approval holder is not obligated to perform any such personal services, and a retail licensee may not require a domestic winery or certificate of approval holder to conduct any personal service as a condition for selling any alcohol to the retail licensee, or as a condition for including any product of the domestic winery or certificate of approval holder in any tasting conducted by the licensee. Except as provided in RCW 66.28.150, the cost of sampling may not be borne, directly or indirectly, by any domestic winery or certificate of approval holder or any distributor. Nothing in this section prohibits wineries, breweries, microbreweries, certificate of approval holders, and retail licensees from identifying the producers on private labels authorized under RCW 66.24.400, 66.24.425, ((and)) 66.24.450, 66.24.360, and 66.24.371.

(6) Nothing in RCW 66.28.305 prohibits an industry member from entering into an arrangement with any holder of a sports entertainment facility license or an affiliated business for brand advertising at the licensed facility or promoting events held at the sports entertainment facility as authorized under RCW 66.24.570.

(7) Nothing in RCW 66.28.305 prohibits the performance of personal services offered from time to time by a domestic brewery, microbrewery, or beer certificate of approval holder to grocery store licensees with a tasting endorsement when the personal services are (a) conducted at a licensed premises in conjunction with a tasting event, and (b) intended to inform, educate, or enhance customers' knowledge or experience of the manufacturer's products. The performance of personal services may include participation and pouring, bottle signing events, and other similar informational or educational activities. A domestic brewery, microbrewery, or beer certificate of approval holder is not obligated to perform any such personal services, and a grocery store licensee may not require the performance of any personal service as a condition for including any product in any tasting conducted by the licensee.

(8) Nothing in RCW 66.28.305 prohibits an arrangement between a domestic winery and a restaurant licensed under RCW 66.24.320 or 66.24.400 to waive a corkage fee.

(9) Nothing in this section prohibits professional sports teams who hold a retail liquor license or their agents from accepting bona fide liquor advertising from manufacturers, importers, distributors, or their agents for use in the sporting arena. Professional sports teams who hold a retail liquor license or their agents may license the manufacturer, importer, distributor, or their agents to use the name and trademarks of the professional sports team in their advertising and promotions, under the following conditions:

(a) Such advertising must be paid for by said manufacturer, importer, distributor, or their agent at the published advertising rate or at a reasonable fair market value.

(b) Such advertising may carry with it no express or implied offer on the part of the manufacturer, importer, distributor, or their agent, or promise on the part of the retail licensee whose operation is directly or indirectly part of the sporting arena, to stock or list any particular brand of liquor to the total or partial exclusion of any other brand."

Renumber the remaining sections consecutively and correct any internal references accordingly.

Correct the title.

#### WITHDRAWAL OF AMENDMENT

On motion of Senator Kohl-Welles, the amendment by Senator Kohl-Welles and others on page 9, line 3 to Senate Bill No. 6615 was withdrawn.

#### MOTION

Senator Keiser moved that the following amendment by Senator Kohl-Welles and others be adopted:

On page 9, after line 3, insert

**"NEW SECTION. Sec. 16.** A new section is added to chapter 66.20 RCW to read as follows:

(1) There shall be a permit known as a day spa permit to allow the holder to offer or supply without charge wine or beer by the individual glass to a customer for consumption on the premises. The customer must be at least twenty-one years of age and may only be offered one glass of wine or beer, and wine or beer served or consumed shall be purchased from a Washington state licensed retailer. A day spa offering wine or beer without charge may not advertise the service of complimentary wine or beer and may not sell wine or beer in any manner. If the wine or beer is offered by a

day spa that provides massages, the wine or beer may not be offered to the customers until the massage is completed.

(2) For the purposes of this section, "day spa" means a business that offers at least three of the following beauty services: Shampooing, cutting, styling, or dyeing hair, manicures, pedicures, facials, massages, and the use of body toning equipment.

(3) The annual fee for this permit is one hundred twenty-five dollars.

**NEW SECTION. Sec. 17** A new section is added to chapter 66.24 RCW to read as follows:

(1) There shall be a license to be designated as a senior center license. This shall be a license issued to a nonprofit organization whose primary service is providing recreational and social activities for seniors on the licensed premises. This license shall permit the licensee to sell spirits by the individual glass, including mixed drinks and cocktails mixed on the premises only, beer and wine, at retail for consumption on the premises.

(2) To qualify for this license, the applicant entity must:

(a) Be a nonprofit organization under chapter 24.03 RCW;

(b) Be open at times and durations established by the board; and

(c) Provide limited food service as defined by the board.

(3) All alcohol servers must have a valid mandatory alcohol server training permit.

(4) The board shall adopt rules to implement this section.

(5) The annual fee for this license shall be seven hundred twenty dollars.

**Sec. 18** RCW 66.20.300 and 2011 c 325 s 5 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout RCW 66.20.310 through 66.20.350.

(1) "Alcohol" has the same meaning as "liquor" in RCW 66.04.010.

(2) "Alcohol server" means any person who as part of his or her employment participates in the sale or service of alcoholic beverages for on-premise consumption at a retail licensed premise as a regular requirement of his or her employment, and includes those persons eighteen years of age or older permitted by the liquor laws of this state to serve alcoholic beverages with meals.

(3) "Board" means the Washington state liquor control board.

(4) "Training entity" means any liquor licensee associations, independent contractors, private persons, and private or public schools, that have been certified by the board.

(5) "Retail licensed premises" means any:

(a) Premises licensed to sell alcohol by the glass or by the drink, or in original containers primarily for consumption on the premises as authorized by RCW 66.24.320, 66.24.330, 66.24.350, 66.24.400, 66.24.425, 66.24.450, 66.24.570, ~~((and))~~ 66.24.610, and section 3 of this act;

(b) Distillery licensed pursuant to RCW 66.24.140 that is authorized to serve samples of its own production;

(c) Facility established by a domestic winery for serving and selling wine pursuant to RCW 66.24.170(4); and

(d) Grocery store licensed under RCW 66.24.360, but only with respect to employees whose duties include serving during tasting activities under RCW 66.24.363.

**Sec. 19** RCW 66.20.310 and 2011 c 325 s 4 are each amended to read as follows:

(1)(a) There shall be an alcohol server permit, known as a class 12 permit, for a manager or bartender selling or mixing alcohol, spirits, wines, or beer for consumption at an on-premises licensed facility.

(b) There shall be an alcohol server permit, known as a class 13 permit, for a person who only serves alcohol, spirits, wines, or beer for consumption at an on-premises licensed facility.

(c) As provided by rule by the board, a class 13 permit holder may be allowed to act as a bartender without holding a class 12 permit.

(2)(a) Effective January 1, 1997, except as provided in (d) of this subsection, every alcohol server employed, under contract or otherwise, at a retail licensed premise shall be issued a class 12 or class 13 permit.

(b) Every class 12 and class 13 permit issued shall be issued in the name of the applicant and no other person may use the permit of another permit holder. The holder shall present the permit upon request to inspection by a representative of the board or a peace officer. The class 12 or class 13 permit shall be valid for employment at any retail licensed premises described in (a) of this subsection.

(c) Except as provided in (d) of this subsection, no licensee holding a license as authorized by RCW 66.24.320, 66.24.330, 66.24.350, 66.24.400, 66.24.425, 66.24.450, 66.24.570, 66.24.600, ~~((and))~~ 66.24.610, and section 3 of this act may employ or accept the services of any person without the person first having a valid class 12 or class 13 permit.

(d) Within sixty days of initial employment, every person whose duties include the compounding, sale, service, or handling of liquor shall have a class 12 or class 13 permit.

(e) No person may perform duties that include the sale or service of alcoholic beverages on a retail licensed premises without possessing a valid alcohol server permit.

(3) A permit issued by a training entity under this section is valid for employment at any retail licensed premises described in subsection (2)(a) of this section for a period of five years unless suspended by the board.

(4) The board may suspend or revoke an existing permit if any of the following occur:

(a) The applicant or permittee has been convicted of violating any of the state or local intoxicating liquor laws of this state or has been convicted at any time of a felony; or

(b) The permittee has performed or permitted any act that constitutes a violation of this title or of any rule of the board.

(5) The suspension or revocation of a permit under this section does not relieve a licensee from responsibility for any act of the employee or agent while employed upon the retail licensed premises. The board may, as appropriate, revoke or suspend either the permit of the employee who committed the violation or the license of the licensee upon whose premises the violation occurred, or both the permit and the license.

(6)(a) After January 1, 1997, it is a violation of this title for any retail licensee or agent of a retail licensee as described in subsection (2)(a) of this section to employ in the sale or service of alcoholic beverages, any person who does not have a valid alcohol server permit or whose permit has been revoked, suspended, or denied.

(b) It is a violation of this title for a person whose alcohol server permit has been denied, suspended, or revoked to accept employment in the sale or service of alcoholic beverages.

(7) Grocery stores licensed under RCW 66.24.360, the primary commercial activity of which is the sale of grocery products and for which the sale and service of beer and wine for on-premises consumption with food is incidental to the primary business, and employees of such establishments, are exempt from RCW 66.20.300 through 66.20.350, except for employees whose duties include serving during tasting activities under RCW 66.24.363.

**Sec. 20** RCW 66.24.440 and 2011 c 325 s 3 are each amended to read as follows:

Each spirits, beer, and wine restaurant, spirits, beer, and wine private club, hotel, spirits, beer, and wine nightclub, sports entertainment facility (~~(licensee, and)~~), VIP airport lounge, and senior center licensee shall be entitled to purchase any spirituous liquor items

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salable under such license from the board at a discount of not less than fifteen percent from the retail price fixed by the board, together with all taxes.

**Sec. 21.** RCW 66.28.310 and 2011 c 119 s 101 and 2011 c 66 s 3 are each reenacted and amended to read as follows:

(1)(a) Nothing in RCW 66.28.305 prohibits an industry member from providing retailers branded promotional items which are of nominal value, singly or in the aggregate. Such items include but are not limited to: Trays, lighters, blotters, postcards, pencils, coasters, menu cards, meal checks, napkins, clocks, mugs, glasses, bottles or can openers, corkscrews, matches, printed recipes, shirts, hats, visors, and other similar items. Branded promotional items:

(i) Must be used exclusively by the retailer or its employees in a manner consistent with its license;

(ii) Must bear imprinted advertising matter of the industry member only, except imprinted advertising matter of the industry member can include the logo of a professional sports team which the industry member is licensed to use;

(iii) May be provided by industry members only to retailers and their employees and may not be provided by or through retailers or their employees to retail customers; and

(iv) May not be targeted to or appeal principally to youth.

(b) An industry member is not obligated to provide any such branded promotional items, and a retailer may not require an industry member to provide such branded promotional items as a condition for selling any alcohol to the retailer.

(c) Any industry member or retailer or any other person asserting that the provision of branded promotional items as allowed in (a) of this subsection has resulted or is more likely than not to result in undue influence or an adverse impact on public health and safety, or is otherwise inconsistent with the criteria in (a) of this subsection may file a complaint with the board. Upon receipt of a complaint the board may conduct such investigation as it deems appropriate in the circumstances. If the investigation reveals the provision of branded promotional items has resulted in or is more likely than not to result in undue influence or has resulted or is more likely than not to result in an adverse impact on public health and safety or is otherwise inconsistent with (a) of this subsection the board may issue an administrative violation notice to the industry member, to the retailer, or both. The recipient of the administrative violation notice may request a hearing under chapter 34.05 RCW.

(2) Nothing in RCW 66.28.305 prohibits:

(a) An industry member from providing to a special occasion licensee and a special occasion licensee from receiving services for:

(i) Installation of draft beer dispensing equipment or advertising;

(ii) Advertising, pouring, or dispensing of beer or wine at a beer or wine tasting exhibition or judging event; or

(iii) Pouring or dispensing of spirits by a licensed domestic distiller or the accredited representative of a distiller, manufacturer, importer, or distributor of spirituous liquor licensed under RCW 66.24.310; or

(b) Special occasion licensees from paying for beer or wine immediately following the end of the special occasion event; or

(c) Wineries or breweries that are participating in a special occasion event from paying reasonable booth fees to the special occasion licensee.

(3) Nothing in RCW 66.28.305 prohibits industry members from performing, and retailers from accepting the service of building, rotating, and restocking displays and stockroom inventories; rotating and rearranging can and bottle displays of their own products; providing point of sale material and brand signs; pricing case goods of their own brands; and performing such similar business services consistent with board rules, or personal services as described in subsection (5) of this section.

(4) Nothing in RCW 66.28.305 prohibits:

(a) Industry members from listing on their internet web sites information related to retailers who sell or promote their products, including direct links to the retailers' internet web sites; and

(b) Retailers from listing on their internet web sites information related to industry members whose products those retailers sell or promote, including direct links to the industry members' web sites; or

(c) Industry members and retailers from producing, jointly or together with regional, state, or local industry associations, brochures and materials promoting tourism in Washington state which contain information regarding retail licensees, industry members, and their products.

(5) Nothing in RCW 66.28.305 prohibits the performance of personal services offered from time to time by a domestic winery or certificate of approval holder to retailers when the personal services are (a) conducted at a licensed premises, and (b) intended to inform, educate, or enhance customers' knowledge or experience of the manufacturer's products. The performance of personal services may include participation and pouring, bottle signing events, and other similar informational or educational activities at the premises of a retailer holding a spirits, beer, and wine restaurant license, a wine and/or beer restaurant license, a specialty wine shop license, a special occasion license, a grocery store license with a tasting endorsement, or a private club license. A domestic winery or certificate of approval holder is not obligated to perform any such personal services, and a retail licensee may not require a domestic winery or certificate of approval holder to conduct any personal service as a condition for selling any alcohol to the retail licensee, or as a condition for including any product of the domestic winery or certificate of approval holder in any tasting conducted by the licensee. Except as provided in RCW 66.28.150, the cost of sampling may not be borne, directly or indirectly, by any domestic winery or certificate of approval holder or any distributor. Nothing in this section prohibits wineries, breweries, microbreweries, certificate of approval holders, and retail licensees from identifying the producers on private labels authorized under RCW 66.24.400, 66.24.425, ~~(and)~~ 66.24.450, 66.24.360, and 66.24.371.

(6) Nothing in RCW 66.28.305 prohibits an industry member from entering into an arrangement with any holder of a sports entertainment facility license or an affiliated business for brand advertising at the licensed facility or promoting events held at the sports entertainment facility as authorized under RCW 66.24.570.

(7) Nothing in RCW 66.28.305 prohibits the performance of personal services offered from time to time by a domestic brewery, microbrewery, or beer certificate of approval holder to grocery store licensees with a tasting endorsement when the personal services are (a) conducted at a licensed premises in conjunction with a tasting event, and (b) intended to inform, educate, or enhance customers' knowledge or experience of the manufacturer's products. The performance of personal services may include participation and pouring, bottle signing events, and other similar informational or educational activities. A domestic brewery, microbrewery, or beer certificate of approval holder is not obligated to perform any such personal services, and a grocery store licensee may not require the performance of any personal service as a condition for including any product in any tasting conducted by the licensee.

(8) Nothing in RCW 66.28.305 prohibits an arrangement between a domestic winery and a restaurant licensed under RCW 66.24.320 or 66.24.400 to waive a corkage fee.

(9) Nothing in this section prohibits professional sports teams who hold a retail liquor license or their agents from accepting bona fide liquor advertising from manufacturers, importers, distributors, or their agents for use in the sporting arena. Professional sports teams who hold a retail liquor license or their agents may license the

manufacturer, importer, distributor, or their agents to use the name and trademarks of the professional sports team in their advertising and promotions, under the following conditions:

(a) Such advertising must be paid for by said manufacturer, importer, distributor, or their agent at the published advertising rate or at a reasonable fair market value.

(b) Such advertising may carry with it no express or implied offer on the part of the manufacturer, importer, distributor, or their agent, or promise on the part of the retail licensee whose operation is directly or indirectly part of the sporting arena, to stock or list any particular brand of liquor to the total or partial exclusion of any other brand.

**NEW SECTION. Sec. 22.** A new section is added to chapter 66.16 RCW to read as follows:

(1) The liquor control board must allow spirits sampling in former contract liquor stores for the purpose of promoting spirits products. Stores may apply for an endorsement to offer spirits tastings under this section.

(a) No store may hold more than one spirits sampling per week.

(b) The locations shall be approved by the board. Before the board determines which stores will be eligible to participate, it shall give:

(i) Due consideration to the location of the store with respect to the proximity of places of worship, schools, and public institutions;

(ii) Due consideration to motor vehicle accident data in the proximity of the store; and

(iii) Written notice by certified mail of the proposed spirits sampling to places of worship, schools, and public institutions within five hundred feet of the store proposed to offer spirits sampling.

(c) Sampling must be conducted under the following conditions:

(i) Sampling may take place only in an area of a store in which access to persons under twenty-one years of age is prohibited;

(ii) Samples may be provided free of charge;

(iii) Only persons twenty-one years of age or over may sample spirits;

(iv) Each sample must be one-quarter ounce or less, with no more than one ounce of samples provided per person per day;

(v) Tasting activities are subject to RCW 66.28.305 and 66.28.040 and the cost of sampling may not be borne, directly or indirectly, by any liquor manufacturer, importer, or distributor;

(vi) Any person involved in the serving of such samples must have completed a mandatory alcohol server training program;

(vii) No person who is apparently intoxicated may sample spirits;

(viii) The product provided for sampling must be available for sale at the store where the sampling occurs at the time of the sampling; and

(ix) Customers must remain on the store premise while consuming samples.

(d) The liquor control board may prohibit sampling at a location that is within the boundaries of an alcohol impact area recognized by resolution of the board if the board finds that the sampling activities at the location are having an adverse effect on the reduction of chronic public inebriation in the area.

(e) A store may advertise a tasting event only within the store, on a store web site, in-store newsletters and flyers, and via e-mail and mail to customers who have requested notice of events. Advertising under this subsection may not be targeted to or appeal principally to youth.

(f) All other criteria must be determined by the board.

(2) The liquor control board may adopt rules to implement this section.

(3) For the purposes of this section, "store" means a former contract liquor store premises as of May 31, 2012.

(4)(a) If a store is found to have committed a public safety violation in conjunction with tasting activities, the board may suspend the licensee's tasting endorsement and not reissue the endorsement for up to two years from the date of the violation. If mitigating circumstances exist, the board may offer a monetary penalty in lieu of suspension during a settlement conference.

(b) RCW 66.08.150 applies to the suspension or revocation of an endorsement.

**Sec. 23.** RCW 66.24.363 and 2010 c 141 s 1 are each amended to read as follows:

(1) A grocery store licensed under RCW 66.24.360 may apply for an endorsement to offer beer and wine tasting under this section.

(2) To be issued an endorsement, a licensee must meet the following criteria:

(a) The licensee has retail sales of grocery products for off-premises consumption that are more than fifty percent of the licensee's gross sales or the licensee is a membership organization that requires members to be at least eighteen years of age;

(b) The licensee operates a fully enclosed retail area encompassing at least nine thousand square feet, except that the board may issue an endorsement to a licensee with a retail area encompassing less than nine thousand square feet if the board determines that no licensee in the community the licensee serves meets the square footage requirement and the licensee meets operational requirements established by the board by rule; and

(c) The licensee has not had more than one public safety violation within the past two years.

(3) A tasting must be conducted under the following conditions:

(a) Each sample must be two ounces or less, up to a total of four ounces, per customer during any one visit to the premises;

(b) No more than one sample of the same product offering of beer or wine may be provided to a customer during any one visit to the premises;

(c) The licensee must have food available for the tasting participants;

(d) Customers must remain in the service area while consuming samples; and

(e) The service area and facilities must be located within the licensee's fully enclosed retail area and must be of a size and design such that the licensee can observe and control persons in the area to ensure that persons under twenty-one years of age and apparently intoxicated persons cannot possess or consume alcohol.

(4) Employees of licensees whose duties include serving during tasting activities under this section must hold a class 12 alcohol server permit.

(5) Tasting activities under this section are subject to RCW 66.28.305 and 66.28.040 and the cost of sampling may not be borne, directly or indirectly, by any liquor manufacturer, importer, or distributor.

(6) A licensee may advertise a tasting event only within the store, on a store web site, in store newsletters and flyers, and via e-mail and mail to customers who have requested notice of events. Advertising under this subsection may not be targeted to or appeal principally to youth.

(7)(a) If a licensee is found to have committed a public safety violation in conjunction with tasting activities, the board may suspend the licensee's tasting endorsement and not reissue the endorsement for up to two years from the date of the violation. If mitigating circumstances exist, the board may offer a monetary penalty in lieu of suspension during a settlement conference.

(b) The board may revoke an endorsement granted to a licensee that is located within the boundaries of an alcohol impact area recognized by resolution of the board if the board finds that the tasting activities by the licensee are having an adverse effect on the reduction of chronic public inebriation in the area.

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(c) RCW 66.08.150 applies to the suspension or revocation of an endorsement.

(8) The board may establish additional requirements under this section to assure that persons under twenty-one years of age and apparently intoxicated persons cannot possess or consume alcohol.

(9) Upon request the board may adjust the gross sales percentage in subsection (2)(a) of this section at the discretion of the board.

(10) The annual fee for the endorsement is two hundred dollars. The board shall review the fee annually and may increase the fee by rule to a level sufficient to defray the cost of administration and enforcement of the endorsement, except that the board may not increase the fee by more than ten percent annually.

~~((40))~~ (11) The board must adopt rules to implement this section."

Correct the title.

Re-number the remaining sections consecutively and correct any internal references accordingly.

Senator Keiser spoke in favor of adoption of the amendment.

POINT OF ORDER

Senator Benton: "Thank you Mr. President, I believe this amendment is improperly drafted. It appears to amend the title which would be appropriate in the other body but in the Senate it is not appropriate. This amendment is improperly drafted and out of order, in my opinion."

Senator Keiser spoke against the point of order.

REPLY BY THE PRESIDENT

President Owen: "Senator Benton, you stated in your point of order that the problem was that we were amending the title, that is what you said. Well, that's what I heard you say. However, the, okay, so you're drawing the attention to it, the President has learned that they are in the process of providing the exact language which is always done. Constantly done. Every day is done, where we amend the title. So, that is being done at this time. The President would suggest that this bill be held until the amendment is corrected. The President does not believe that it's clear that the amendment is out of order but the President does understand that they are making it clear so that its absolutely unquestionably not out of order."

MOTION

On motion of Senator Schoesler, further consideration of amendment by Senator Kohl-Welles and others on page 9, after line 3 to Senate Bill No. 6615 was deferred and the amendment held its place on the second reading calendar.

MOTION

On motion of Senator Schoesler, the Senate immediately considered Senate Bill No. 6616.

SECOND READING

SENATE BILL NO. 6616, by Senators Zarelli and Swecker

Directing the solid waste collection tax to the general fund.

The measure was read the second time.

MOTION

Senator Kilmer moved that the following amendment by Senator Kilmer and others be adopted:

On page 1, after the enacting clause, strike all material and insert the following"

"Sec. 1. RCW 82.18.040 and 2011 1st sp.s. c 48 s 7034 are each amended to read as follows:

(1) Taxes collected under this chapter (~~shall~~) must be held in trust until paid to the state. Taxes received by the state (~~shall~~) must be deposited in the public works assistance account created in RCW 43.155.050(~~PROVIDED, That during the fiscal year~~), However: (a) From July 1, 2011, through June 30, 2013, one hundred percent of the taxes received by the state under this chapter must be deposited in the general fund for general purpose expenditures; and (b) from July 1, 2013, through June 30, 2038, eighty-five percent of the taxes received by the state under this chapter must be deposited in the general fund. Any person collecting the tax who appropriates or converts the tax collected (~~shall be~~) is guilty of a gross misdemeanor if the money required to be collected is not available for payment on the date payment is due. If a taxpayer fails to pay the tax imposed by this chapter to the person charged with collection of the tax and the person charged with collection fails to pay the tax to the department, the department may, in its discretion, proceed directly against the taxpayer for collection of the tax.

(2) The tax (~~shall be~~) is due from the taxpayer within twenty-five days from the date the taxpayer is billed by the person collecting the tax.

(3) The tax (~~shall be~~) is due from the person collecting the tax at the end of the tax period in which the tax is received from the taxpayer. If the taxpayer remits only a portion of the total amount billed for taxes, consideration, and related charges, the amount remitted (~~shall~~) must be applied first to payment of the solid waste collection tax and this tax (~~shall have~~) has priority over all other claims to the amount remitted."

On page 1, line 1 of the title, after "relating to", insert "temporarily"

Senator Kilmer spoke in favor of adoption of the amendment.

Senator Zarelli spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Kilmer and others on page 1 after the enacting clause to Senate Bill No. 6616.

The motion by Senator Kilmer failed and the amendment was not adopted by voice vote.

MOTION

On motion of Senator Zarelli, the rules were suspended, Senate Bill No. 6616 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Zarelli spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 6616.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6616 and the bill passed the Senate by the following vote: Yeas, 25; Nays, 24; Absent, 0; Excused, 0.

Voting yea: Senators Baumgartner, Becker, Benton, Carrell, Delvin, Ericksen, Fain, Hewitt, Hill, Holmquist Newbry, Honeyford, Kastama, King, Litzow, Morton, Padden, Parlette,

Pflug, Roach, Schoesler, Sheldon, Stevens, Swecker, Tom and Zarelli

Voting nay: Senators Brown, Chase, Conway, Eide, Fraser, Frockt, Hargrove, Harper, Hatfield, Haugen, Hobbs, Keiser, Kilmer, Kline, Kohl-Welles, McAuliffe, Murray, Nelson, Prentice, Pridemore, Ranker, Regala, Rolfes and Shin

SENATE BILL NO. 6616, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MOTION

On motion of Senator Schoesler, Senate Bill No. 6616 was immediately transmitted to the House of Representatives.

The Senate resumed consideration of Senate Bill No. 6615 which had been deferred earlier in the day.

Senators Keiser and Kohl-Welles spoke in favor of adoption of the amendment.

Senator Holmquist-Newbry spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Kohl-Welles and others on page 9, after line 3 to Senate Bill No. 6615.

The motion by Senator Keiser failed and the amendment was not adopted by voice vote.

#### MOTION

Senator Harper moved that the following amendment by Senator Harper and others be adopted:

On page 9, after line 3, insert the following:

"**Sec. 16.** RCW 66.24.145 and 2012 c 2 s 205 (Initiative Measure No. 1183) are each amended to read as follows:

(1) Any craft distillery may sell spirits of its own production for consumption off the premises, up to two liters per person per day. A craft distillery selling spirits under this subsection must comply with the applicable laws and rules relating to retailers.

(2) Any craft distillery may contract distill spirits for, and sell contract distilled spirits to, holders of distillers' or manufacturers' licenses, including licenses issued under RCW 66.24.520, or for export.

(3) Any craft distillery licensed under this section may provide, free of charge, one-half ounce or less samples of spirits of its own production to persons on the premises of the distillery. The maximum total per person per day is two ounces. Every person who participates in any manner in the service of samples must obtain a class 12 alcohol server permit.

(4) The board must adopt rules to implement the alcohol server permit requirement and may adopt additional rules to implement this section.

(5) Distilling is an agricultural practice.

(6)(a) A craft distillery licensed under RCW 66.24.140(1) may apply to the board for an endorsement to sell bottled spirits of its own production at retail for off-premises consumption at a qualifying farmers market. The annual fee for this endorsement is seventy-five dollars.

(b) For each month during which a craft distillery will sell spirits at a qualifying farmers market, the craft distillery must provide the board or its designee a list of the dates, times, and locations at which bottled spirits may be offered for sale. This list must be received by the board before the craft distillery may offer spirits for sale at a qualifying farmers market.

(c) The spirits sold at qualifying farmers markets must be produced in Washington.

(d) Each approved location in a qualifying farmers market is deemed to be part of the craft distillery license for the purpose of this title. The approved locations under an endorsement granted under this subsection (6) do not constitute the tasting or sampling privilege of a craft distillery. The craft distillery may not store spirits at a farmers market beyond the hours that the craft distillery offers bottled spirits for sale. The craft distillery may not act as a distributor from a farmers market location.

(e) Before a craft distillery may sell bottled spirits at a qualifying farmers market, the farmers market must apply to the board for authorization for any craft distillery with an endorsement approved under this subsection (6) to sell bottled spirits at retail at the farmers market. This application shall include, at a minimum: (i) A map of the farmers market showing all booths, stalls, or other designated locations at which an approved craft distillery may sell bottled spirits; and (ii) the name and contact information for the on-site market managers who may be contacted by the board or its designee to verify the locations at which bottled spirits may be sold. Before authorizing a qualifying farmers market to allow an approved craft distillery to sell bottled spirits at retail at its farmers market location, the board shall notify the persons or entities of the application for authorization pursuant to RCW 66.24.010 (8) and (9). An authorization granted under this subsection (6)(e) may be withdrawn by the board for any violation of this title or any rules adopted under this title.

(f) The board may adopt rules establishing the application and approval process under this section and any additional rules necessary to implement this section.

(g) For the purposes of this subsection (6):

(i) "Qualifying farmers market" means an entity that sponsors a regular assembly of vendors at a defined location for the purpose of promoting the sale of agricultural products grown or produced in this state directly to the consumer under conditions that meet the following minimum requirements:

(A) There are at least five participating vendors who are farmers selling their own agricultural products;

(B) The total combined gross annual sales of vendors who are farmers exceeds the total combined gross annual sales of vendors who are processors or resellers;

(C) The total combined gross annual sales of vendors who are farmers, processors, or resellers exceeds the total combined gross annual sales of vendors who are not farmers, processors, or resellers;

(D) The sale of imported items and secondhand items by any vendor is prohibited; and

(E) No vendor is a franchisee.

(ii) "Farmer" means a natural person who sells, with or without processing, agricultural products that he or she raises on land he or she owns or leases in this state or in another state's county that borders this state.

(iii) "Processor" means a natural person who sells processed food that he or she has personally prepared on land he or she owns or leases in this state or in another state's county that borders this state.

(iv) "Reseller" means a natural person who buys agricultural products from a farmer and resells the products directly to the consumer."

Renumber the remaining section consecutively and correct any internal references accordingly.

On page 1, line 1 of the title, after "revenue" strike the remainder of the title and insert "and craft distilleries; amending RCW 82.08.160, 43.110.030, 66.08.190, 66.08.196, 66.08.200, 66.08.210, 35A.66.020, 36.70A.340, 70.94.390, 70.96A.087, 43.63A.190, and 66.24.145; creating new sections; repealing RCW

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82.08.170, 82.08.180, 43.110.050, and 43.110.060; and providing an effective date."

#### WITHDRAWAL OF AMENDMENT

On motion of Senator Harper, the amendment by Senator Harper and others on page 9, line 3 to Senate Bill No. 6615 was withdrawn.

#### MOTION

Senator Harper moved that the following amendment by Senator Harper be adopted.

On page 9, after line 3, insert the following:

"**Sec. 16.** RCW 66.24.630 and 2012 c 2 s 103 (Initiative Measure No. 1183) are each amended to read as follows:

(1) There is a spirits retail license to: Sell spirits in original containers to consumers for consumption off the licensed premises and to permit holders; sell spirits in original containers to retailers licensed to sell spirits for consumption on the premises, for resale at their licensed premises according to the terms of their licenses, although no single sale may exceed twenty-four liters, unless the sale is by a licensee that was a contract liquor store manager of a contract liquor store at the location of its spirits retail licensed premises from which it makes such sales; and export spirits.

(2) For the purposes of this title, a spirits retail license is a retail license, and a sale by a spirits retailer is a retail sale only if not for resale. Nothing in this title authorizes sales by on-sale licensees to other retail licensees. The board must establish by rule an obligation of on-sale spirits retailers to:

(a) Maintain a schedule by stock-keeping unit of all their purchases of spirits from spirits retail licensees, indicating the identity of the seller and the quantities purchased; and

(b) Provide, not more frequently than quarterly, a report for each scheduled item containing the identity of the purchasing on-premise licensee and the quantities of that scheduled item purchased since any preceding report to:

(i) A distributor authorized by the distiller to distribute a scheduled item in the on-sale licensee's geographic area; or

(ii) A distiller acting as distributor of the scheduled item in the area.

(3)(a) Except as otherwise provided in (c) of this subsection ~~((c) of this section)~~, the board may issue spirits retail licenses only for premises comprising at least ten thousand square feet of fully enclosed retail space within a single structure, including storerooms and other interior auxiliary areas but excluding covered or fenced exterior areas, whether or not attached to the structure, and only to applicants that the board determines will maintain systems for inventory management, employee training, employee supervision, and physical security of the product substantially as effective as those of stores currently operated by the board with respect to preventing sales to or pilferage by underage or inebriated persons.

(b) License issuances and renewals are subject to RCW 66.24.010 and the regulations promulgated thereunder, including without limitation rights of cities, towns, county legislative authorities, the public, churches, schools, and public institutions to object to or prevent issuance of local liquor licenses. However, existing grocery premises licensed to sell beer and/or wine are deemed to be premises "now licensed" under RCW 66.24.010(9)(a) for the purpose of processing applications for spirits retail licenses.

(c) The board may not deny a spirits retail license to an otherwise qualified contract liquor store at its contract location or to the holder of former state liquor store operating rights sold at auction under RCW 66.24.620 on the grounds of location, nature, or size of the premises to be licensed. The board shall not deny a spirits retail license to applicants that are not contract liquor stores or operating

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rights holders on the grounds of the size of the premises to be licensed, if such applicant is otherwise qualified and the board determines that:

( i) There is no retail spirits license holder in the trade area that the applicant proposes to serve;

(ii) The applicant meets, or upon licensure will meet, the operational requirements established by the board by rule; and

(iii) The licensee has not committed more than one public safety violation within the three years preceding application.

(d) A retailer authorized to sell spirits for consumption on or off the licensed premises may accept delivery of spirits at its licensed premises or at one or more warehouse facilities registered with the board, which facilities may also warehouse and distribute nonliquor items, and from which the retailer may deliver to its own licensed premises and, pursuant to sales permitted under subsection (1) of this section:

(i) To other retailer premises licensed to sell spirits for consumption on the licensed premises;

(ii) To other registered facilities; or

(iii) To lawful purchasers outside the state. The facilities may be registered and utilized by associations, cooperatives, or comparable groups of retailers, including at least one retailer licensed to sell spirits.

(4)(a) Except as otherwise provided in (b) of this subsection, each spirits retail licensee must pay to the board, for deposit into the liquor revolving fund, a license issuance fee equivalent to seventeen percent of all spirits sales revenues under the license, exclusive of taxes collected by the licensee and of sales of items on which a license fee payable under this section has otherwise been incurred. The board must establish rules setting forth the timing of such payments and reporting of sales dollar volume by the licensee, with payments required quarterly in arrears. The first payment is due October 1, 2012.

(b) This subsection (4) does not apply to craft distilleries.

(5) In addition to the payment required under subsection (4) of this section, each licensee must pay an annual license renewal fee of one hundred sixty-six dollars. The board must periodically review and adjust the renewal fee as may be required to maintain it as comparable to annual license renewal fees for licenses to sell beer and wine not for consumption on the licensed premises. If required by law at the time, any increase of the annual renewal fee becomes effective only upon ratification by the legislature.

(6) As a condition to receiving and renewing a retail spirits license the licensee must provide training as prescribed by the board by rule for individuals who sell spirits or who manage others who sell spirits regarding compliance with laws and regulations regarding sale of spirits, including without limitation the prohibitions against sale of spirits to individuals who are underage or visibly intoxicated. The training must be provided before the individual first engages in the sale of spirits and must be renewed at least every five years. The licensee must maintain records documenting the nature and frequency of the training provided. An employee training program is presumptively sufficient if it incorporates a "responsible vendor program" promulgated by the board.

(7) The maximum penalties prescribed by the board in WAC 314-29-020 through 314-29-040 relating to fines and suspensions are doubled for violations relating to the sale of spirits by retail spirits licensees.

(8)(a) The board must promulgate regulations concerning the adoption and administration of a compliance training program for spirits retail licensees, to be known as a "responsible vendor program," to reduce underage drinking, encourage licensees to adopt specific best practices to prevent sales to minors, and provide

licensees with an incentive to give their employees ongoing training in responsible alcohol sales and service.

(b) Licensees who join the responsible vendor program under this section and maintain all of the program's requirements are not subject to the doubling of penalties provided in this section for a single violation in any period of twelve calendar months.

(c) The responsible vendor program must be free, voluntary, and self-monitoring.

(d) To participate in the responsible vendor program, licensees must submit an application form to the board. If the application establishes that the licensee meets the qualifications to join the program, the board must send the licensee a membership certificate.

(e) A licensee participating in the responsible vendor program must at a minimum:

- (i) Provide ongoing training to employees;
- (ii) Accept only certain forms of identification for alcohol sales;
- (iii) Adopt policies on alcohol sales and checking identification;
- (iv) Post specific signs in the business; and
- (v) Keep records verifying compliance with the program's requirements."

Renumber the remaining section consecutively and correct any internal references accordingly.

On page 1, line 3 of the title, after "70.96A.087," strike "and 43.63A.190" and insert "43.63A.190, and 66.24.630"

Senator Harper spoke in favor of adoption of the amendment.

Senator Holmquist Newbry spoke against adoption of the amendment.

Senator Brown demanded a roll call.

The President declared that one-sixth of the members supported the demand and the demand was sustained.

#### PARLIAMENTARY INQUIRY

Senator Benton: "Since this amendment attempts to amend Initiative 1183, can you tell me does it not require two-thirds vote of the body to pass?"

#### REPLY BY THE PRESIDENT

President Owen: "At this point Senator Benton the motion is to amend the other bill not final passage. It only takes a simple majority for the amendment."

#### PARLIAMENTARY INQUIRY

Senator Benton: "So if the amendment was adopted then it would require two-thirds vote to pass the bill?"

#### REPLY BY THE PRESIDENT

President Owen: "The President does not rule on something that is projecting out. We will take that up when the time comes."

The President declared the question before the Senate to be the adoption of the amendment by Senator Harper on page 9, after line 3 to Senate Bill No. 6615.

#### ROLL CALL

The Secretary called the roll on the adoption of the amendment by Senator Harper and the amendment was not adopted by the following vote: Yeas, 24; Nays, 25; Absent, 0; Excused, 0.

Voting yea: Senators Brown, Chase, Conway, Eide, Fraser, Frockt, Hargrove, Harper, Hatfield, Haugen, Hobbs, Keiser, Kilmer, Kline, Kohl-Welles, McAuliffe, Murray, Nelson, Prentice, Pridemore, Ranker, Regala, Rolfes and Shin

Voting nay: Senators Baumgartner, Becker, Benton, Carrell, Delvin, Ericksen, Fain, Hewitt, Hill, Holmquist Newbry, Honeyford, Kastama, King, Litzow, Morton, Padden, Parlette, Pflug, Roach, Schoesler, Sheldon, Stevens, Swecker, Tom and Zarelli

#### MOTION

Senator Kohl-Welles moved that the following amendment by Senators Kohl-Welles and Murray be adopted:

On page 9, line 4, strike "2012" and insert "2016"

Renumber the remaining sections consecutively and correct any internal references accordingly.

Correct the title.

Senators Kohl-Welles, Frockt and Haugen spoke in favor of adoption of the amendment.

Senator Zarelli spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senators Kohl-Welles and Murray on page 9, line 4 to Senate Bill No. 6615.

The motion by Senator Kohl-Welles failed and the amendment was not adopted by voice vote.

#### MOTION

Senator Kohl-Welles moved that the following striking amendment by Senators Kohl-Welles and Murray be adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 66.08.200 and 1979 c 151 s 167 are each amended to read as follows:

With respect to the ~~((ten percent share coming-))~~ distribution of funds to the counties under RCW 66.24.290(1)(c), the computations for distribution ~~((shall))~~ must be made by the state agency responsible for collecting the same as follows:

(1) The share coming to each eligible county ~~((shall-))~~ must be determined by a division among the eligible counties according to the relation which the population of the unincorporated area of such eligible county, as last determined by the office of financial management, bears to the population of the total combined unincorporated areas of all eligible counties, as determined by the office of financial management ~~((:— PROVIDED, That))~~. However, no county in which the sale of liquor is forbidden in the unincorporated area thereof as the result of an election ~~((shall be-))~~ is entitled to share in such distribution. "Unincorporated area" means all that portion of any county not included within the limits of incorporated cities and towns.

(2) When a special county census has been conducted for the purpose of determining the population base of a county's unincorporated area for use in the distribution of liquor funds, the census figure ~~((shall))~~ becomes effective for the purpose of distributing funds as of the official census date once the census results have been certified by the office of financial management and officially submitted to the office of the secretary of state.

Renumber the remaining sections consecutively and correct any internal references accordingly.

Correct the title.

Senators Kohl-Welles and Chase spoke in favor of adoption of the striking amendment.



FIFTY FOURTH DAY, MARCH 2, 2012

2012 REGULAR SESSION

Senator Holmquist Newbry spoke against adoption of the striking amendment.

reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the adoption of the striking amendment by Senators Kohl-Welles and Murray to Senate Bill No. 6615.

Senator Zarelli spoke in favor of passage of the bill.  
Senator Kohl-Welles spoke against passage of the bill.

The motion by Senator Kohl-Welles failed and the striking amendment was not adopted by voice vote.

The President declared the question before the Senate to be the final passage of Senate Bill No. 6615.

MOTION

ROLL CALL

Senator Kohl-Welles moved that the following striking amendment by Senators Kohl-Welles and Murray be adopted.

The Secretary called the roll on the final passage of Senate Bill No. 6615 and the bill passed the Senate by the following vote: Yeas, 25; Nays, 24; Absent, 0; Excused, 0.

Strike everything after the enacting clause and insert the following:

Voting yea: Senators Baumgartner, Becker, Benton, Carrell, Delvin, Ericksen, Fain, Hewitt, Hill, Holmquist Newbry, Honeyford, Kastama, King, Litzow, Morton, Padden, Parlette, Pflug, Roach, Schoesler, Sheldon, Stevens, Swecker, Tom and Zarelli

"Sec. 1. RCW 66.08.210 and 1979 c 151 s 168 are each amended to read as follows:

Voting nay: Senators Brown, Chase, Conway, Eide, Fraser, Frockt, Hargrove, Harper, Hatfield, Haugen, Hobbs, Keiser, Kilmer, Kline, Kohl-Welles, McAuliffe, Murray, Nelson, Prentice, Pridemore, Ranker, Regala, Rolfes and Shin

(1) With respect to the ~~((forty percent share coming))~~ distribution of funds to the incorporated cities and towns under RCW 66.24.290(1)(c), the computations for distribution ~~((shall))~~ must be made by the state agency responsible for collecting the same as ~~((follows:))~~ provided in subsection (2) of this section.

SENATE BILL NO. 6615, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

(2) The share coming to each eligible city or town ~~((shall))~~ must be determined by a division among the eligible cities and towns within the state ratably on the basis of population as last determined by the office of financial management ~~((AND PROVIDED, That)).~~ However, no city or town in which the sale of liquor is forbidden as the result of an election ~~((shall be))~~ is entitled to any share in such distribution."

MOTION

Remember the remaining sections consecutively and correct any internal references accordingly.

On motion of Senator Schoesler, Senate Bill No. 6615 was immediately transmitted to the House of Representatives.

Correct the title

MOTION

Senators Kohl-Welles, Frockt, Keiser and Harper spoke in favor of adoption of the striking amendment.

At 2:06 a.m., on motion of Senator Eide, the Senate adjourned until 1:00 p.m. Saturday, March 3, 2012.

Senators Ericksen and Zarelli spoke against adoption of the striking amendment.

BRAD OWEN, President of the Senate

Senator Eide demanded a roll call.

THOMAS HOEMANN, Secretary of the Senate

The President declared that one-sixth of the members supported the demand and the demand was sustained.

The President declared the question before the Senate to be the adoption of the striking amendment by Senators Kohl-Welles and Murray to Senate Bill No. 6615.

ROLL CALL

The Secretary called the roll on the adoption of the striking amendment by Senators Kohl-Welles and Murray and the striking amendment was not adopted by the following vote: Yeas, 24; Nays, 25; Absent, 0; Excused, 0.

Voting yea: Senators Brown, Chase, Conway, Eide, Fraser, Frockt, Hargrove, Harper, Hatfield, Haugen, Hobbs, Keiser, Kilmer, Kline, Kohl-Welles, McAuliffe, Murray, Nelson, Prentice, Pridemore, Ranker, Regala, Rolfes and Shin

Voting nay: Senators Baumgartner, Becker, Benton, Carrell, Delvin, Ericksen, Fain, Hewitt, Hill, Holmquist Newbry, Honeyford, Kastama, King, Litzow, Morton, Padden, Parlette, Pflug, Roach, Schoesler, Sheldon, Stevens, Swecker, Tom and Zarelli

MOTION

On motion of Senator Zarelli, the rules were suspended, Senate Bill No. 6615 was advanced to third reading, the second

# SENATE JOURNAL

## SIXTY-SECOND LEGISLATURE

# STATE OF WASHINGTON

AT

### OLYMPIA, THE STATE CAPITOL

*2011 Second Special Session Convened November 28, 2011*

*Adjourned Sine Die December 11, 2011*

*2012 Regular Session Convened January 9, 2012*

*Adjourned Sine Die March 8, 2012*

*2012 First Special Session Convened March 12, 2012*

*Adjourned Sine Die April 10, 2012*

*2012 Second Special Session Convened April 11, 2012*

Official Record of All Senate Actions Compiled, Edited and Indexed  
Pursuant to Article II, Section 11 of the Constitution of the State of  
Washington, by Thomas Hoemann, Secretary of the Senate

**Volume 2**



Linda Jansson,  
Minute and Journal Clerk

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Lieutenant Governor Brad Owen, *President of the Senate*  
Senator Margarita Prentice, *President Pro Tempore*  
Senator Paull Shin, *Vice President Pro Tempore*

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**2012**

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*Majority Caucus Chair*.....Karen Fraser  
*Majority Floor Leader* .....Tracey J. Eide  
*Majority Whip* .....Nick Harper  
*Majority Assistant Floor Leader*.....David Frockt  
*Majority Caucus Vice Chair* .....Debbie Regala  
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*Republican Floor Leader*.....Mark Schoesler  
*Republican Whip*.....Doug Ericksen  
*Republican Deputy Leader*.....Mike Carrell  
*Republican Caucus Vice Chair*.....Dan Swecker  
*Republican Deputy Floor Leader*.....Jim Honeyford  
*Republican Deputy Whip*.....Jerome Delvin

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*Secretary of the Senate* ..... Thomas Hoemann  
*Deputy Secretary* ..... Brad Hendrickson  
*Sergeant at Arms* ..... Jim Ruble  
*Minute and Journal Clerk* ..... Linda Jansson  
*Readers* ..... Kenneth Edmonds and Dave Whitmore

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FIFTY FIFTH DAY

NOON SESSION

Senate Chamber, Olympia, Saturday, March 3, 2012

The Senate was called to order at 1:00 p.m. by President Owen. The Secretary called the roll and announced to the President that all Senators were present with the exception of Senator Kline.

The Sergeant at Arms Color Guard consisting of Senate Interns Gavin Kremian and Dee Sonntag, presented the Colors. Senator Morton offered the prayer.

MOTION

On motion of Senator Eide the reading of the Journal of the previous day was dispensed with and it was approved.

MOTION

On motion of Senator Eide, the Senate advanced to the fourth order of business.

MESSAGE FROM THE HOUSE

March 2, 2012

MR. PRESIDENT:

The House has passed:

ENGROSSED SENATE BILL NO. 5159,

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5188,

SUBSTITUTE SENATE BILL NO. 6041,

ENGROSSED SENATE BILL NO. 6215,

SUBSTITUTE SENATE BILL NO. 6253,

SENATE BILL NO. 6256.

and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

On motion of Senator Eide, the Senate advanced to the fifth order of business.

INTRODUCTION AND FIRST READING

SB 6629 by Senator Fraser

AN ACT Relating to education requirements for family day care providers; and adding a new section to chapter 43.215 RCW.

Referred to Committee on Early Learning & K-12 Education.

MOTION

On motion of Senator Eide, the measure listed on the Introduction and First Reading report was referred to the committee as designated.

PERSONAL PRIVILEGE

Senator Eide: "Well, I just have to say that my good girlfriend Senator McAuliffe got stopped this morning, she was talking on her cell phone."

PERSONAL PRIVILEGE

Senator Schoesler: "Mr. President, now the Minority Leader knows what car that was being stopped in the parking lot outside the Capitol."

PERSONAL PRIVILEGE

Senator McAuliffe: "Incidentally I park right next to the car that says 'hang up and drive' so, I pointed to it and the State Trooper kind of chuckled a bit. He got the point, I should of known to hang up and drive."

MOTION

At 1:11 p. m., on motion of Senator Eide, the Senate was declared to be at ease subject to the call of the President.

The Senate was called to order at 3:26 p.m. by President Owen.

MOTION

On motion of Senator Eide, the Senate reverted to the fourth order of business.

MESSAGE FROM THE HOUSE

March 3, 2012

MR. PRESIDENT:

The House concurred in the Senate amendments to the following bills and passed the bills as amended by the Senate:

SUBSTITUTE HOUSE BILL NO. 1700,

ENGROSSED HOUSE BILL NO. 2152,

SECOND SUBSTITUTE HOUSE BILL NO. 2156,

SUBSTITUTE HOUSE BILL NO. 2177,

SUBSTITUTE HOUSE BILL NO. 2191,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2197,

SUBSTITUTE HOUSE BILL NO. 2252,

SUBSTITUTE HOUSE BILL NO. 2299,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2302,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2314,

HOUSE BILL NO. 2346,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2363,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2366,

ENGROSSED HOUSE BILL NO. 2469,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2473.

and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MESSAGE FROM THE HOUSE

February 27, 2012

MR. PRESIDENT:

The House passed SUBSTITUTE SENATE BILL NO. 5217 with the following amendment(s): 5217-S AMH HE H4339.2

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Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** The legislature finds that decisions made by governing boards of each respective institution greatly impact the lives of students and that student participation in the decision-making process can provide insight into the impacts of actions by trustees that are not always measurable through reports and statistics. Students are on campus every day using services and experiencing aspects of the institution that board members may only see on paper, providing a unique and valuable perspective that should not be overlooked.

Students serving on governing boards of higher education have proven effective in Washington and in over thirty other states. For over ten years students at Washington's four-year institutions of higher education have served as voting members on the board of trustees, regents, and the higher education coordinating board, providing greater depth in board deliberations and a well-educated conduit for students to voice ideas and concerns.

The student perspective at community colleges also brings the board closer to their community. Student populations at community colleges are the most diverse of any institution of higher education in the state. Being on campus and in class every day, students are exposed to a more diverse group than any member of the board representing any one group of the community.

Student positions on governing boards are also a valuable tool for developing leadership through experiential learning. Student members learn processes of institutional governance, become involved in campus projects, analyze policy proposals, and participate in board discussions and decision making.

It is the intent of the legislature to enhance community college governance by fostering a more dynamic relationship between students and institutions through the encouragement of student participation in policy development and decision making at the district and state level.

**Sec. 2.** RCW 28B.50.100 and 2011 c 336 s 739 are each amended to read as follows:

There is hereby created a board of trustees for each college district as set forth in this chapter. Each board of trustees shall be composed of five trustees, except as provided in section 3 of this act, who shall be appointed by the governor for terms commencing October 1st of the year in which appointed. In making such appointments the governor shall give consideration to geographical diversity, and representing labor, business, women, and racial and ethnic minorities, in the membership of the boards of trustees. The boards of trustees for districts containing technical colleges shall include at least one member from business and one member from labor.

The successors of the trustees initially appointed shall be appointed by the governor to serve for a term of five years except that any person appointed to fill a vacancy occurring prior to the expiration of any term shall be appointed only for the remainder of the term. Each member shall serve until a successor is appointed and qualified.

Every trustee shall be a resident and qualified elector of the college district. No trustee may be an employee of the community and technical college system, a member of the board of directors of any school district, or a member of the governing board of any public or private educational institution.

Each board of trustees shall organize itself by electing a chair from its members. The board shall adopt a seal and may adopt such bylaws, rules, and regulations as it deems necessary for its own government. Three members of the board shall constitute a quorum, but a lesser number may adjourn from time to time and may compel the attendance of absent members in such manner as prescribed in its bylaws, rules, or regulations. The district

president, or if there be none, the president of the college, shall serve as, or may designate another person to serve as, the secretary of the board, who shall not be deemed to be a member of the board.

Members of the boards of trustees may be removed for misconduct or malfeasance in office in the manner provided by RCW 28B.10.500.

**NEW SECTION. Sec. 3.** A new section is added to chapter 28B.50 RCW to read as follows:

(1) Boards of trustees for each college district, by majority vote, may establish a sixth trustee that shall be filled by a student. The governor shall select each student member from a list of candidates, of at least three and not more than five, submitted by the associated student governments or their equivalent of the college district. The student member shall hold his or her office for a term of one year, beginning July 1st and ending June 30th, or until the student member's successor is appointed and qualified, whichever is later. The student member shall be a full-time student in good standing at a college within the college district at the time of appointment and throughout the student's term. If the student member fails to be enrolled at the college full-time or forfeits his or her academic standing, the student member is disqualified and a new student member must be appointed.

(2) A student appointed under this section shall excuse himself or herself from participation or voting on matters relating to the hiring, discipline, or tenure of faculty members and personnel or any other matters pertaining to collective bargaining agreements.

**Sec. 4.** RCW 28B.50.050 and 1991 c 238 s 30 are each amended to read as follows:

(1) There is hereby created the "state board for community and technical colleges", to consist of nine members who represent the geographic diversity of the state, and who shall be appointed by the governor, with the consent of the senate. At least two members shall reside east of the Cascade mountains. A tenth member may be added pursuant to subsection (3) of this section. In making these appointments, the governor shall attempt to provide geographic balance and give consideration to representing labor, business, women, and racial and ethnic minorities, among the membership of the board. At least one member of the board shall be from business and at least one member of the board shall be from labor. The current members of the state board for community college education on September 1, 1991, shall serve on the state board for community and technical colleges until their terms expire. Successors to these members shall be appointed according to the terms of this section. A ninth member shall be appointed by September 1, 1991, for a complete term.

(2) The successors of the members initially appointed shall be appointed for terms of four years except that a person appointed to fill a vacancy occurring prior to the expiration of any term shall be appointed only for the remainder of such term. Each member shall serve until the appointment and qualification of his or her successor. All members shall be citizens and bona fide residents of the state.

(3) By majority vote, the board may establish a tenth board member that shall be a community or technical college student. The student member shall be appointed by the governor, with the consent of the senate. The student member shall hold his or her office for a term of one year, beginning July 1st and ending June 30th, or until the student member's successor is appointed and qualified, whichever is later. The student member shall be enrolled at a community or technical college for at least six credits per quarter during the academic year, and in good standing within their college at the time of appointment and throughout the student's term. If the student member fails to be enrolled at the college for at least six credits per quarter during the academic year or forfeits his or her academic standing, the student member is disqualified and a new student member must be appointed. A student appointed under this

section shall excuse himself or herself from participation or voting on matters relating to the hiring, discipline, or any other matters pertaining to faculty, personnel, or collective bargaining agreements.

(4) Members of the college board shall be compensated in accordance with RCW 43.03.240 and shall receive reimbursement for travel expenses in accordance with RCW 43.03.050 and 43.03.060 for each day actually spent in attending to the duties as a member of the college board.

(5) The members of the college board may be removed by the governor for inefficiency, neglect of duty, or malfeasance in office, in the manner provided by RCW 28B.10.500."

Correct the title.  
and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

#### MOTION

Senator Tom moved that the Senate refuse to concur in the House amendment(s) to Substitute Senate Bill No. 5217 and ask the House to recede therefrom.

Senator Tom spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Tom that the Senate refuse to concur in the House amendment(s) to Substitute Senate Bill No. 5217 and ask the House to recede therefrom.

The motion by Senator Tom carried and the Senate refused to concur in the House amendment(s) to Substitute Senate Bill No. 5217 and asked the House to recede therefrom by voice vote.

#### MESSAGE FROM THE HOUSE

March 1, 2012

MR. PRESIDENT:

The House passed SUBSTITUTE SENATE BILL NO. 6081 with the following amendment(s): 6081-S AMH ANGE HELA 066

On page 1, line 8, after "be" strike "at least"  
and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

#### MOTION

Senator Haugen moved that the Senate refuse to concur in the House amendment(s) to Substitute Senate Bill No. 6081 and ask the House to recede therefrom.

Senator Haugen spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Haugen that the Senate refuse to concur in the House amendment(s) to Substitute Senate Bill No. 6081 and ask the House to recede therefrom.

The motion by Senator Haugen carried and the Senate refused to concur in the House amendment(s) to Substitute Senate Bill No. 6081 and asked the House to recede therefrom by voice vote.

#### MESSAGE FROM THE HOUSE

February 27, 2012

MR. PRESIDENT:

The House passed SENATE BILL NO. 6412 with the following amendment(s): 6412 AMH ENGR H4384.E

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 48.43.018 and 2010 c 277 s 1 are each amended to read as follows:

(1) Except as provided in (a) through (g) of this subsection, a health carrier may require any person applying for an individual health benefit plan and the health care authority shall require any person applying for nonsubsidized enrollment in the basic health plan to complete the standard health questionnaire designated under chapter 48.41 RCW.

(a) If a person is seeking an individual health benefit plan or enrollment in the basic health plan as a nonsubsidized enrollee due to his or her change of residence from one geographic area in Washington state to another geographic area in Washington state where his or her current health plan is not offered, completion of the standard health questionnaire shall not be a condition of coverage if application for coverage is made within ninety days of relocation.

(b) If a person is seeking an individual health benefit plan or enrollment in the basic health plan as a nonsubsidized enrollee:

(i) Because a health care provider with whom he or she has an established care relationship and from whom he or she has received treatment within the past twelve months is no longer part of the carrier's provider network under his or her existing Washington individual health benefit plan; and

(ii) His or her health care provider is part of another carrier's or a basic health plan managed care system's provider network; and

(iii) Application for a health benefit plan under that carrier's provider network individual coverage or for basic health plan nonsubsidized enrollment is made within ninety days of his or her provider leaving the previous carrier's provider network; then completion of the standard health questionnaire shall not be a condition of coverage.

(c) If a person is seeking an individual health benefit plan or enrollment in the basic health plan as a nonsubsidized enrollee due to his or her having exhausted continuation coverage provided under 29 U.S.C. Sec. 1161 et seq., completion of the standard health questionnaire shall not be a condition of coverage if application for coverage is made within ninety days of exhaustion of continuation coverage. A health carrier or the health care authority as administrator of basic health plan nonsubsidized coverage shall accept an application without a standard health questionnaire from a person currently covered by such continuation coverage if application is made within ninety days prior to the date the continuation coverage would be exhausted and the effective date of the individual coverage applied for is the date the continuation coverage would be exhausted, or within ninety days thereafter.

(d) If a person is seeking an individual health benefit plan or enrollment in the basic health plan as a nonsubsidized enrollee due to a change in employment status that would qualify him or her to purchase continuation coverage provided under 29 U.S.C. Sec. 1161 et seq., but the person's employer is exempt under federal law from the requirement to offer such coverage, completion of the standard health questionnaire shall not be a condition of coverage if: (i) Application for coverage is made within ninety days of a qualifying event as defined in 29 U.S.C. Sec. 1163; and (ii) the person had at least twenty-four months of continuous group coverage immediately prior to the qualifying event. A health carrier shall accept an application without a standard health questionnaire from a person with at least twenty-four months of continuous group coverage if application is made no more than ninety days prior to the date of a qualifying event and the effective date of the individual coverage applied for is the date of the qualifying event, or within ninety days thereafter.

(e) If a person is seeking an individual health benefit plan, completion of the standard health questionnaire shall not be a

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condition of coverage if: (i) The person had at least twenty-four months of continuous basic health plan coverage under chapter 70.47 RCW immediately prior to disenrollment; and (ii) application for coverage is made within ninety days of disenrollment from the basic health plan. A health carrier shall accept an application without a standard health questionnaire from a person with at least twenty-four months of continuous basic health plan coverage if application is made no more than ninety days prior to the date of disenrollment and the effective date of the individual coverage applied for is the date of disenrollment, or within ninety days thereafter.

(f) If a person is seeking an individual health benefit plan due to a change in employment status that would qualify him or her to purchase continuation coverage provided under 29 U.S.C. Sec. 1161 et seq., completion of the standard health questionnaire is not a condition of coverage if: (i) Application for coverage is made within ninety days of a qualifying event as defined in 29 U.S.C. Sec. 1163; and (ii) the person had at least twenty-four months of continuous group coverage immediately prior to the qualifying event. A health carrier shall accept an application without a standard health questionnaire from a person with at least twenty-four months of continuous group coverage if application is made no more than ninety days prior to the date of a qualifying event and the effective date of the individual coverage applied for is the date of the qualifying event, or within ninety days thereafter.

(g) If a person is seeking an individual health benefit plan due to their terminating continuation coverage under 29 U.S.C. Sec. 1161 et seq., completion of the standard health questionnaire shall not be a condition of coverage if: (i) Application for coverage is made within ninety days of terminating the continuation coverage; and (ii) the person had at least twenty-four months of continuous group coverage immediately prior to the termination. A health carrier shall accept an application without a standard health questionnaire from a person with at least twenty-four months of continuous group coverage if application is made no more than ninety days prior to the date of termination of the continuation coverage and the effective date of the individual coverage applied for is the date the continuation coverage is terminated, or within ninety days thereafter.

(h) If a person is seeking an individual health benefit plan because his or her employer, or former employer, discontinues group coverage due to the closure of the business, completion of the standard health questionnaire shall not be a condition of coverage if: (i) Application for coverage is made within ninety days of the employer discontinuing group coverage due to closure of the business; and (ii) the person had at least twenty-four months of continuous group coverage immediately prior to the termination. A health carrier shall accept an application without a standard health questionnaire from a person with at least twenty-four months of continuous group coverage if application is made no more than ninety days prior to the date of discontinuation of group coverage, and the effective date of the individual coverage applied for is the date the group coverage is discontinued, or within ninety days thereafter.

(i) If a person is seeking an individual health benefit plan, or enrollment in the basic health plan as a nonsubsidized enrollee, because his or her health carrier is discontinuing all individual health benefit plan coverage by July 1, 2012, completion of the standard health questionnaire shall not be a condition of coverage if: (i) Application for coverage is made within ninety days of the carrier discontinuing individual health benefit plan coverage; (ii) the person had at least twenty-four months of continuous health benefit plan coverage immediately prior to the termination; and (iii) benefits under the previous plan provide equivalent or greater overall benefit coverage than that provided in the health benefit plan, or basic

health coverage, the person seeks to purchase. A health carrier, or the basic health plan, shall accept an application without a standard health questionnaire from a person with at least twenty-four months of continuous health benefit plan coverage if application is made no more than ninety days prior to the date of discontinuation of individual health benefit plan coverage, the person's prior coverage provided equivalent or greater overall benefits than the plan, or basic health coverage, the person seeks to purchase, and the effective date of the individual coverage applied for is the date the individual health benefit plan coverage is discontinued, or within ninety days thereafter.

(2) If, based upon the results of the standard health questionnaire, the person qualifies for coverage under the Washington state health insurance pool, the following shall apply:

(a) The carrier may decide not to accept the person's application for enrollment in its individual health benefit plan and the health care authority, as administrator of basic health plan nonsubsidized coverage, shall not accept the person's application for enrollment as a nonsubsidized enrollee; and

(b) Within fifteen business days of receipt of a completed application, the carrier or the health care authority as administrator of basic health plan nonsubsidized coverage shall provide written notice of the decision not to accept the person's application for enrollment to both the person and the administrator of the Washington state health insurance pool. The notice to the person shall state that the person is eligible for health insurance provided by the Washington state health insurance pool, and shall include information about the Washington state health insurance pool and an application for such coverage. If the carrier or the health care authority as administrator of basic health plan nonsubsidized coverage does not provide or postmark such notice within fifteen business days, the application is deemed approved.

(3) If the person applying for an individual health benefit plan: (a) Does not qualify for coverage under the Washington state health insurance pool based upon the results of the standard health questionnaire; (b) does qualify for coverage under the Washington state health insurance pool based upon the results of the standard health questionnaire and the carrier elects to accept the person for enrollment; or (c) is not required to complete the standard health questionnaire designated under this chapter under subsection (1)(a) or (b) of this section, the carrier or the health care authority as administrator of basic health plan nonsubsidized coverage, whichever entity administered the standard health questionnaire, shall accept the person for enrollment if he or she resides within the carrier's or the basic health plan's service area and provide or assure the provision of all covered services regardless of age, sex, family structure, ethnicity, race, health condition, geographic location, employment status, socioeconomic status, other condition or situation, or the provisions of RCW 49.60.174(2). The commissioner may grant a temporary exemption from this subsection if, upon application by a health carrier, the commissioner finds that the clinical, financial, or administrative capacity to serve existing enrollees will be impaired if a health carrier is required to continue enrollment of additional eligible individuals.

**Sec. 2.** RCW 48.43.015 and 2004 c 192 s 5 are each amended to read as follows:

(1) For a health benefit plan offered to a group, every health carrier shall reduce any preexisting condition exclusion, limitation, or waiting period in the group health plan in accordance with the provisions of section 2701 of the federal health insurance portability and accountability act of 1996 (42 U.S.C. Sec. 300gg).

(2) For a health benefit plan offered to a group other than a small group:

(a) If the individual applicant's immediately preceding health plan coverage terminated during the period beginning ninety days



and ending sixty-four days before the date of application for the new plan and such coverage was similar and continuous for at least three months, then the carrier shall not impose a waiting period for coverage of preexisting conditions under the new health plan.

(b) If the individual applicant's immediately preceding health plan coverage terminated during the period beginning ninety days and ending sixty-four days before the date of application for the new plan and such coverage was similar and continuous for less than three months, then the carrier shall credit the time covered under the immediately preceding health plan toward any preexisting condition waiting period under the new health plan.

(c) For the purposes of this subsection, a preceding health plan includes an employer-provided self-funded health plan, the basic health plan's offering to health coverage tax credit eligible enrollees as established by chapter 192, Laws of 2004, and plans of the Washington state health insurance pool.

(3) For a health benefit plan offered to a small group:

(a) If the individual applicant's immediately preceding health plan coverage terminated during the period beginning ninety days and ending sixty-four days before the date of application for the new plan and such coverage was similar and continuous for at least nine months, then the carrier shall not impose a waiting period for coverage of preexisting conditions under the new health plan.

(b) If the individual applicant's immediately preceding health plan coverage terminated during the period beginning ninety days and ending sixty-four days before the date of application for the new plan and such coverage was similar and continuous for less than nine months, then the carrier shall credit the time covered under the immediately preceding health plan toward any preexisting condition waiting period under the new health plan.

(c) For the purpose of this subsection, a preceding health plan includes an employer-provided self-funded health plan, the basic health plan's offering to health coverage tax credit eligible enrollees as established by chapter 192, Laws of 2004, and plans of the Washington state health insurance pool.

(4)(a) Except as provided in (b) of this subsection, for a health benefit plan offered to an individual, other than an individual to whom subsection (5) of this section applies, every health carrier shall credit any preexisting condition waiting period in that plan for a person who was enrolled at any time during the sixty-three day period immediately preceding the date of application for the new health plan in a group health benefit plan or an individual health benefit plan, other than a catastrophic health plan, and ~~((a))~~ (i) the benefits under the previous plan provide equivalent or greater overall benefit coverage than that provided in the health benefit plan the individual seeks to purchase; or ~~((b))~~ (ii) the person is seeking an individual health benefit plan due to his or her change of residence from one geographic area in Washington state to another geographic area in Washington state where his or her current health plan is not offered, if application for coverage is made within ninety days of relocation; or ~~((c))~~ (iii) the person is seeking an individual health benefit plan: ~~((A))~~ (A) Because a health care provider with whom he or she has an established care relationship and from whom he or she has received treatment within the past twelve months is no longer part of the carrier's provider network under his or her existing Washington individual health benefit plan; and ~~((B))~~ (B) his or her health care provider is part of another carrier's provider network; and ~~((C))~~ (C) application for a health benefit plan under that carrier's provider network individual coverage is made within ninety days of his or her provider leaving the previous carrier's provider network. The carrier must credit the period of coverage the person was continuously covered under the immediately preceding health plan toward the waiting period of the new health plan. For the purposes of this subsection (4), a preceding health plan includes an employer-provided self-funded health plan, the basic health plan's

offering to health coverage tax credit eligible enrollees as established by chapter 192, Laws of 2004, and plans of the Washington state health insurance pool.

(b) A carrier shall credit an applicant's period of coverage in his or her preceding catastrophic health plan toward any preexisting condition waiting period in the catastrophic health plan the applicant seeks to purchase if:

(i) The preceding catastrophic health plan was discontinued by a carrier that is discontinuing all individual plan coverage by July 1, 2012;

(ii) The applicant was enrolled in the previous catastrophic health plan during the sixty-three day period immediately preceding his or her application date for the new catastrophic health plan; and

(iii) The benefits under the preceding catastrophic health plan provide equivalent or greater overall benefit coverage than that provided in the catastrophic health plan the applicant seeks to purchase.

(5) Every health carrier shall waive any preexisting condition waiting period in its individual plans for a person who is an eligible individual as defined in section 2741(b) of the federal health insurance portability and accountability act of 1996 (42 U.S.C. Sec. 300gg-41(b)).

(6) Subject to the provisions of subsections (1) through (5) of this section, nothing contained in this section requires a health carrier to amend a health plan to provide new benefits in its existing health plans. In addition, nothing in this section requires a carrier to waive benefit limitations not related to an individual or group's preexisting conditions or health history.

NEW SECTION. Sec. 3. A new section is added to chapter 70.47 RCW to read as follows:

If a person was previously enrolled in a group health benefit plan, an individual health benefit plan, or a catastrophic health plan that is discontinued by the carrier by July 1, 2012, at any time during the sixty-three day period immediately preceding their application date for nonsubsidized coverage in the basic health plan as a nonsubsidized enrollee, the basic health plan must credit the applicant's period of prior coverage toward any preexisting condition waiting period applicable under the basic health plan if the benefits under the previous plan provide equivalent or greater overall benefit coverage than that provided in the basic health plan for nonsubsidized enrollees.

NEW SECTION. Sec. 4. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

Correct the title.

and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

Senator Keiser moved that the Senate concur in the House amendment(s) to Senate Bill No. 6412.

Senator Keiser spoke in favor of the motion.

MOTION

On motion of Senator Ericksen, Senator Parlette was excused.

The President declared the question before the Senate to be the motion by Senator Keiser that the Senate concur in the House amendment(s) to Senate Bill No. 6412.

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The motion by Senator Keiser carried and the Senate concurred in the House amendment(s) to Senate Bill No. 6412 by voice vote.

The President declared the question before the Senate to be the final passage of Senate Bill No. 6412, as amended by the House.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6412, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 1; Excused, 0.

Voting yea: Senators Baumgartner, Becker, Benton, Brown, Carrell, Chase, Conway, Delvin, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hatfield, Haugen, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Kastama, Keiser, Kilmer, King, Kohl-Welles, Litzow, McAuliffe, Morton, Murray, Nelson, Padden, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rolfes, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Absent: Senator Kline

SENATE BILL NO. 6412, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SIGNED BY THE PRESIDENT

The President signed:

SENATE BILL NO. 5365,  
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5715,  
 SENATE BILL NO. 5981,  
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5991,  
 SUBSTITUTE SENATE BILL NO. 6002,  
 SENATE BILL NO. 6046,  
 SENATE BILL NO. 6059,  
 SENATE BILL NO. 6098,  
 SUBSTITUTE SENATE BILL NO. 6112,  
 SUBSTITUTE SENATE BILL NO. 6167,  
 SENATE BILL NO. 6171,  
 SUBSTITUTE SENATE BILL NO. 6208,  
 SENATE BILL NO. 6218,  
 ENGROSSED SENATE BILL NO. 6255,  
 SENATE BILL NO. 6290,  
 SUBSTITUTE SENATE BILL NO. 6325,  
 SUBSTITUTE SENATE BILL NO. 6371,  
 ENGROSSED SUBSTITUTE SENATE BILL NO. 6470,  
 SUBSTITUTE SENATE BILL NO. 6574.

#### MESSAGE FROM THE HOUSE

March 1, 2012

MR. PRESIDENT:

The House passed SECOND SUBSTITUTE SENATE BILL NO. 6263 with the following amendment(s): 6263-S2 AMH BLAK H4563.2

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 43.372.020 and 2010 c 145 s 3 are each amended to read as follows:

(1) The office of the governor shall chair a marine interagency team that is composed of representatives of each of the agencies in the governor's natural resources cabinet with management responsibilities for marine waters, including the independent

agencies. A representative from a federal agency with lead responsibility for marine spatial planning must be invited to serve as a liaison to the team to help ensure consistency with federal actions and policy. The team must ~~((conduct the assessment authorized in section 4, chapter 145, Laws of 2010,))~~ assist state agencies under RCW 43.372.030 with the review and coordination of such planning with their existing and ongoing planning~~((s))~~ and conduct the marine management planning authorized in RCW 43.372.040.

(2) The team may not commence any activities authorized under RCW 43.372.030 and 43.372.040 until federal, private, or other ~~((nonstate))~~ funding is secured specifically for these activities.

**Sec. 2.** RCW 43.372.030 and 2010 c 145 s 5 are each amended to read as follows:

(1) ~~((Concurrently or prior to the assessment and planning activities provided in section 4, chapter 145, Laws of 2010 and RCW 43.372.040, and))~~ Subject to available federal, private, or other ~~((nonstate))~~ funding for this purpose, all state agencies with marine waters planning and management responsibilities are authorized to include marine spatial data and marine spatial planning elements into their existing plans and ongoing planning.

(2) The director of the Puget Sound partnership under the direction of the leadership council created in RCW 90.71.220 must integrate marine spatial information and planning provisions into the action agenda. The information should be used to address gaps or improve the effectiveness of the spatial planning component of the action agenda, such as in addressing potential new uses such as renewable energy projects.

(3) The governor and the commissioner of public lands, working with appropriate marine management and planning agencies, should work cooperatively with the applicable west coast states, Canadian provinces, and with federal agencies, through existing cooperative entities such as the west coast governor's agreement on ocean health, the coastal and oceans task force, the Pacific coast collaborative, the Puget Sound federal caucus, and the United States and Canada cooperative agreement working group, to explore the benefits of developing joint marine spatial plans or planning frameworks in the shared waters of the Salish Sea, the Columbia river estuary, and in the exclusive economic zone waters. The governor and commissioner may approve the adoption of shared marine spatial plans or planning frameworks where they determine it would further policies of this chapter and chapter 43.143 RCW.

(4) On an ongoing basis, the director of the department of ecology shall work with other state agencies with marine management responsibilities, tribal governments, marine resources committees, local and federal agencies, and marine waters stakeholders to compile marine spatial information and to incorporate this information into ongoing plans. This work may be integrated with the comprehensive marine management plan authorized under RCW 43.372.040 when that planning process is initiated.

(5) All actions taken to implement this section must be consistent with RCW 43.372.060.

**Sec. 3.** RCW 43.372.040 and 2010 c 145 s 6 are each amended to read as follows:

(1) Upon the receipt of federal, private, or other ~~((nonstate))~~ funding for this purpose, ~~((together with any required match of state funding that may be specifically provided for this purpose,))~~ the marine interagency team shall coordinate the development of a comprehensive marine management plan for the state's marine waters. The marine management plan must include marine spatial planning, as well as recommendations to the appropriate federal agencies regarding the exclusive economic zone waters.

(2) The comprehensive marine management plan may be developed in geographic segments, and may incorporate or be

developed as an element of existing marine plans, such as the Puget Sound action agenda. If the team exercises the option to develop the comprehensive marine management plan in geographic segments, it may proceed with development and adoption of marine management plans for these geographic segments on different schedules.

(3) The chair of the team may designate a state agency with marine management responsibilities to take the lead in developing and recommending to the team particular segments or elements of the comprehensive marine management plan.

~~((2))~~ (4) The marine management plan must be developed and implemented in a manner that:

(a) Recognizes and respects existing uses and tribal treaty rights;

(b) Promotes protection and restoration of ecosystem processes to a level that will enable long-term sustainable production of ecosystem goods and services;

(c) Addresses potential impacts of climate change and sea level rise upon current and projected marine waters uses and shoreline and coastal impacts;

(d) Fosters and encourages sustainable uses that provide economic opportunity without significant adverse environmental impacts;

(e) Preserves and enhances public access;

(f) Protects and encourages working waterfronts and supports the infrastructure necessary to sustain marine industry, commercial shipping, shellfish aquaculture, and other water-dependent uses;

(g) Fosters public participation in decision making and significant involvement of communities adjacent to the state's marine waters; and

(h) Integrates existing management plans and authorities and makes recommendations for aligning plans to the extent practicable.

~~((3))~~ (5) To ensure the effective stewardship of the state's marine waters held in trust for the benefit of the people, the marine management plan must rely upon existing data and resources, but also identify data gaps and, as possible, procure missing data necessary for planning.

~~((4))~~ (6) The marine management plan must include but not be limited to:

(a) An ecosystem assessment that analyzes the health and status of Washington marine waters including key social, economic, and ecological characteristics and incorporates the best available scientific information, including relevant marine data. This assessment should seek to identify key threats to plan goals, analyze risk and management scenarios, and develop key ecosystem indicators. In addition, the plan should incorporate existing adaptive management strategies underway by local, state, or federal entities and provide an adaptive management element to incorporate new information and consider revisions to the plan based upon research, monitoring, and evaluation;

(b) Using and relying upon existing plans and processes and additional management measures to guide decisions among uses proposed for specific geographic areas of the state's marine and estuarine waters consistent with applicable state laws and programs that control or address developments in the state's marine waters;

(c) A series of maps that, at a minimum, summarize available data on: The key ecological aspects of the marine ecosystem, including physical and biological characteristics, as well as areas that are environmentally sensitive or contain unique or sensitive species or biological communities that must be conserved and warrant protective measures; human uses of marine waters, particularly areas with high value for fishing, shellfish aquaculture, recreation, and maritime commerce; and appropriate locations with high potential for renewable energy production with minimal

potential for conflicts with other existing uses or sensitive environments;

(d) An element that sets forth the state's recommendations to the federal government for use priorities and limitations, siting criteria, and protection of unique and sensitive biota and ocean floor features within the exclusive economic zone waters consistent with the policies and management criteria contained in this chapter and chapter 43.143 RCW;

(e) An implementation strategy describing how the plan's management measures and other provisions will be considered and implemented through existing state and local authorities; and

(f) A framework for coordinating state agency and local government review of proposed renewable energy development uses requiring multiple permits and other approvals that provide for the timely review and action upon renewable energy development proposals while ensuring protection of sensitive resources and minimizing impacts to other existing or projected uses in the area.

~~((5))~~ (7) If the director of the department of fish and wildlife determines that a fisheries management element is appropriate for inclusion in the marine management plan, this element may include the incorporation of existing management plans and procedures and standards for consideration in adopting and revising fisheries management plans in cooperation with the appropriate federal agencies and tribal governments.

~~((6))~~ (8) Any provision of the marine management plan that does not have as its primary purpose the management of commercial or recreational fishing but that has an impact on this fishing must minimize the negative impacts on the fishing. The team must accord substantial weight to recommendations from the director of the department of fish and wildlife for plan revisions to minimize the negative impacts.

~~((7))~~ (9) The marine management plan must recognize and value existing uses. All actions taken to implement this section must be consistent with RCW 43.372.060.

~~((8))~~ (10) The marine management plan must identify any provisions of existing management plans that are substantially inconsistent with the plan.

~~((9))~~ (11)(a) In developing the marine management plan, the team shall implement a strong public participation strategy that seeks input from throughout the state and particularly from communities adjacent to marine waters. Public review and comment must be sought and incorporated with regard to planning the scope of work as well as in regard to significant drafts of the plan and plan elements.

(b) The team must engage tribes and marine resources committees in its activities throughout the planning process. In particular, prior to finalizing the plan, the team must provide each tribe and marine resources committee with a draft of the plan and invite them to review and comment on the plan.

~~((10) The team must complete the plan within twenty four months of the initiation of planning under this section.~~

~~((11))~~ (12) The director of the department of ecology shall submit the completed marine management plan to the appropriate federal agency for its review and approval for incorporation into the state's federally approved coastal zone management program.

~~((12))~~ (13) Subsequent to the adoption of the marine management plan, the team may periodically review and adopt revisions to the plan to incorporate new information and to recognize and incorporate provisions in other marine management plans. The team must afford the public an opportunity to review and comment upon significant proposed revisions to the marine management plan.

**Sec. 4.** RCW 43.372.070 and 2011 c 250 s 2 are each amended to read as follows:

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(1) The marine resources stewardship trust account is created in the state treasury. All receipts from income derived from the investment of amounts credited to the account, any grants, gifts, or donations to the state for the purposes of marine management planning, marine spatial planning, data compilation, research, or monitoring, and any appropriations made to the account must be deposited in the account. Moneys in the account may be spent only after appropriation.

(2) Expenditures from the account may only be used for the purposes of marine management planning, marine spatial planning, research, monitoring, and implementation of the marine management plan(~~(, and for the restoration or enhancement of marine habitat or resources)~~).

~~(3) ((When moneys are deposited into the marine resources stewardship trust account, the governor must provide recommendations on expenditures from the account to the appropriate committees of the legislature prior to the next regular legislative session. The recommended projects and activities must be consistent with:~~

~~(a) The allowable uses of the marine resources stewardship trust account; and~~

~~(b) The priority areas identified in)) Until July 1, 2016, expenditures from the account may only be used for the purposes of:~~

~~(a) Conducting ecosystem assessment and mapping activities in marine waters consistent with RCW 43.372.040(6) (a) and (c), with a focus on assessment and mapping activities related to marine resource uses and developing potential economic opportunities;~~

~~(b) Developing a marine management plan for the state's coastal waters as that term is defined in RCW 43.143.020; and~~

~~(c) Coordination under the west coast governors' agreement on ocean health, entered into on September 18, 2006, ((and recognized in section 1, chapter 250, Laws of 2011)) and other regional planning efforts consistent with RCW 43.372.030.~~

**NEW SECTION. Sec. 5.** A new section is added to chapter 43.143 RCW to read as follows:

(1)(a) The Washington state coastal solutions council is established in the executive office of the governor to fulfill the duties established in section 6 of this act. The council is composed of the following nonvoting members:

- (i) The governor or the governor's designee;
- (ii) The director or commissioner, or the director's or commissioner's designee, of the following agencies:
  - (A) The department of ecology;
  - (B) The department of natural resources;
  - (C) The department of fish and wildlife;
  - (D) The state parks and recreation commission; and
  - (E) The department of commerce.

(b) The following members of the coastal advisory body on ocean policy formed by the department of ecology in December 2011 are the initial voting members of the council:

- (i) A citizen from a coastal community;
- (ii) Two representatives from commercial fishing associations;
- (iii) A representative from a coastal conservation group;
- (iv) A representative from a coastal economic development group;
- (v) A representative from an educational institution;
- (vi) A person representing recreation;
- (vii) A representative from a recreational fishing organization;
- (viii) A person representing shellfish aquaculture;
- (ix) A representative from the shipping industry;
- (x) A representative from a science organization; and
- (xi) A representative from each outer coast marine resources committee, to be selected by the marine resources committee.

(c) The council must adopt bylaws addressing future membership of the council as well as how vacancies in the membership will be filled.

(d) The council must adopt bylaws addressing future membership of the coastal advisory body on ocean policy as well as how vacancies in the membership will be filled.

(2) The council may invite state, tribal, local governments, and federal agencies with responsibility for the study and management of ocean resources or regulation of ocean activities to designate a liaison to the council to attend council meetings, respond to council requests for technical and policy information, and review any draft materials prepared by the council. The council may also invite representatives from other coastal states or Canadian provinces to participate when appropriate as nonvoting members.

(3) A voting member identified under subsection (1)(b) of this section must serve as the chair of the council. The term of the chair is one year. The initial chair of the council must be nominated and elected by a majority of voting councilmembers at the first meeting of the council. The chair's term begins on the effective date of this section. At the expiration of each chair's term, the next chair must be nominated and elected by a majority of voting councilmembers. The agenda for each meeting must be developed as a collaborative process by voting and nonvoting members.

(4) The council shall utilize a consensus approach to decision making among voting and nonvoting members. The council may put a decision to a vote among voting members only, in the event that consensus cannot be reached. The council must include in its bylaws guidelines describing how consensus works and when a lack of consensus among councilmembers will trigger a vote by voting members only.

(5) If nonstate funding is secured, the council may hire a neutral convener to assist it in the performance of its duties, including but not limited to establishing bylaws and setting meeting agenda.

(6) The department of ecology shall provide administrative and staff support for the council.

(7) The council must meet at least twice each year.

(8) A majority of the voting members of the council constitutes a quorum for the transaction of business.

(9) The term of office of each member appointed by the governor, or the governing body of a county, is four years. Members are eligible for reappointment.

**NEW SECTION. Sec. 6.** A new section is added to chapter 43.143 RCW to read as follows:

The duties of the Washington state coastal solutions council created in section 5 of this act are to:

(1) Serve as a forum for communication in order to seek consistency in state, local, and tribal policies concerning coastal waters issues, including issues relating to resource management, fisheries, shellfish aquaculture, marine and coastal hazards, ocean energy, and coastal waters research and education issues;

(2) Serve as a point of contact for, and collaborate with, the federal government, regional entities, and other state governments, regarding coastal waters issues;

(3) Provide a forum to discuss coastal waters resource policy, planning, and management issues, and, when appropriate, mediate disagreements;

(4) Serve as an interagency resource to respond to issues facing coastal communities and coastal waters resources in a collaborative manner;

(5) Identify and pursue public and private funding opportunities for the programs and activities of the council, and for relevant programs and activities of member entities;

(6) Provide policy recommendations to the governor, the legislature, and state and local agencies on specific coastal waters resource management issues including:

(a) Principles and standards required for emerging new coastal uses;

(b) Data gaps and opportunities for scientific research addressing coastal needs and concerns;

(c) Implementation of Washington's ocean action plan 2006;

(d) Development and implementation of coast-wide goals and strategies including marine spatial planning; and

(e) A coastal perspective regarding cross-boundary coastal issues;

(7) Establish bylaws based on existing documents of the coastal advisory body on ocean policy referred to under section 5(1)(b) of this act.

**NEW SECTION. Sec. 7.** If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2012, in the omnibus appropriations act, this act is null and void."

Correct the title.  
and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

#### MOTION

Senator Ranker moved that the Senate concur in the House amendment(s) to Second Substitute Senate Bill No. 6263.

Senators Ranker and Delvin spoke in favor of the motion.

#### MOTION

On motion of Senator Harper, Senator Kline was excused.

The President declared the question before the Senate to be the motion by Senator Ranker that the Senate concur in the House amendment(s) to Second Substitute Senate Bill No. 6263.

The motion by Senator Ranker carried and the Senate concurred in the House amendment(s) to Second Substitute Senate Bill No. 6263 by voice vote.

The President declared the question before the Senate to be the final passage of Second Substitute Senate Bill No. 6263, as amended by the House.

#### ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 6263, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Baumgartner, Becker, Benton, Brown, Carrell, Chase, Conway, Delvin, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hatfield, Haugen, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles, Litzow, McAuliffe, Morton, Murray, Nelson, Padden, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rolfes, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

SECOND SUBSTITUTE SENATE BILL NO. 6263, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MESSAGE FROM THE HOUSE

March 1, 2012

MR. PRESIDENT:

The House passed SUBSTITUTE SENATE BILL NO. 5246 with the following amendment(s): 5246-S AMH TR H4453.1

Strike everything after the enacting clause and insert the following:

**"Sec. 1.** RCW 46.52.130 and 2010 c 253 s 1 are each amended to read as follows:

Upon a proper request, the department may furnish an abstract of a person's driving record as permitted under this section.

(1) **Contents of abstract of driving record.** An abstract of a person's driving record, whenever possible, must include:

(a) An enumeration of motor vehicle accidents in which the person was driving, including:

(i) The total number of vehicles involved;

(ii) Whether the vehicles were legally parked or moving;

(iii) Whether the vehicles were occupied at the time of the accident; and

(iv) Whether the accident resulted in a fatality;

(b) Any reported convictions, forfeitures of bail, or findings that an infraction was committed based upon a violation of any motor vehicle law;

(c) The status of the person's driving privilege in this state; and

(d) Any reports of failure to appear in response to a traffic citation or failure to respond to a notice of infraction served upon the named individual by an arresting officer.

(2) **Release of abstract of driving record.** An abstract of a person's driving record may be furnished to the following persons or entities:

(a) **Named individuals.** (i) An abstract of the full driving record maintained by the department may be furnished to the individual named in the abstract.

(ii) Nothing in this section prevents a court from providing a copy of the driver's abstract to the individual named in the abstract, provided that the named individual has a pending or open infraction or criminal case in that court. A pending case includes criminal cases that have not reached a disposition by plea, stipulation, trial, or amended charge. An open infraction or criminal case includes cases on probation, payment agreement or subject to, or in collections. Courts may charge a reasonable fee for the production and copying of the abstract for the individual.

(b) **Employers or prospective employers.** (i)(A) An abstract of the full driving record maintained by the department may be furnished to an employer or prospective employer or an agent acting on behalf of an employer or prospective employer of the named individual for purposes related to driving by the individual as a condition of employment or otherwise at the direction of the employer.

((~~(ii)~~)) (B) Release of an abstract of the driving record of an employee or prospective employee requires a statement signed by: ((~~(A)~~)) (I) The employee or prospective employee that authorizes the release of the record; and ((~~(B)~~)) (II) the employer attesting that the information is necessary for employment purposes related to driving by the individual as a condition of employment or otherwise at the direction of the employer. If the employer or prospective employer authorizes an agent to obtain this information on their behalf, this must be noted in the statement.

((~~(iii)~~)) (C) Upon request of the person named in the abstract provided under this subsection, and upon that same person furnishing copies of court records ruling that the person was not at fault in a motor vehicle accident, the department must indicate on any abstract provided under this subsection that the person was not at fault in the motor vehicle accident.

(ii) In addition to the methods described in (b)(i) of this subsection, the director may enter into a contractual agreement with an employer or its agent for the purpose of reviewing the driving records of existing employees for changes to the record during

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specified periods of time. The department shall establish a fee for this service, which must be deposited in the highway safety fund. The fee for this service must be set at a level that will not result in a net revenue loss to the state. Any information provided under this subsection must be treated in the same manner and is subject to the same restrictions as driving record abstracts.

(c) **Volunteer organizations.** (i) An abstract of the full driving record maintained by the department may be furnished to a volunteer organization or an agent for a volunteer organization for which the named individual has submitted an application for a position that would require driving by the individual at the direction of the volunteer organization.

(ii) Release of an abstract of the driving record of a prospective volunteer requires a statement signed by: (A) The prospective volunteer that authorizes the release of the record; and (B) the volunteer organization attesting that the information is necessary for purposes related to driving by the individual at the direction of the volunteer organization. If the volunteer organization authorizes an agent to obtain this information on their behalf, this must be noted in the statement.

(d) **Transit authorities.** An abstract of the full driving record maintained by the department may be furnished to an employee or agent of a transit authority checking prospective volunteer vanpool drivers for insurance and risk management needs.

(e) **Insurance carriers.** (i) An abstract of the driving record maintained by the department covering the period of not more than the last three years may be furnished to an insurance company or its agent:

(A) That has motor vehicle or life insurance in effect covering the named individual;

(B) To which the named individual has applied; or

(C) That has insurance in effect covering the employer or a prospective employer of the named individual.

(ii) The abstract provided to the insurance company must:

(A) Not contain any information related to actions committed by law enforcement officers or firefighters, as both terms are defined in RCW 41.26.030, or by Washington state patrol officers, while driving official vehicles in the performance of their occupational duty. This does not apply to any situation where the vehicle was used in the commission of a misdemeanor or felony;

(B) Include convictions under RCW 46.61.5249 and 46.61.525, except that the abstract must report the convictions only as negligent driving without reference to whether they are for first or second degree negligent driving; and

(C) Exclude any deferred prosecution under RCW 10.05.060, except that if a person is removed from a deferred prosecution under RCW 10.05.090, the abstract must show the deferred prosecution as well as the removal.

(iii) Any policy of insurance may not be canceled, nonrenewed, denied, or have the rate increased on the basis of information regarding an accident included in the abstract of a driving record, unless the policyholder was determined to be at fault.

(iv) Any insurance company or its agent, for underwriting purposes relating to the operation of commercial motor vehicles, may not use any information contained in the abstract relative to any person's operation of motor vehicles while not engaged in such employment. Any insurance company or its agent, for underwriting purposes relating to the operation of noncommercial motor vehicles, may not use any information contained in the abstract relative to any person's operation of commercial motor vehicles.

(v) The director may enter into a contractual agreement with an insurance company or its agent for the limited purpose of reviewing the driving records of existing policyholders for changes to the record during specified periods of time. The department shall

establish a fee for this service, which must be deposited in the highway safety fund. The fee for this service must be set at a level that will not result in a net revenue loss to the state. Any information provided under this subsection must be treated in the same manner and is subject to the same restrictions as driving record abstracts.

(f) **Alcohol/drug assessment or treatment agencies.** An abstract of the driving record maintained by the department covering the period of not more than the last five years may be furnished to an alcohol/drug assessment or treatment agency approved by the department of social and health services to which the named individual has applied or been assigned for evaluation or treatment, for purposes of assisting employees in making a determination as to what level of treatment, if any, is appropriate, except that the abstract must:

(i) Also include records of alcohol-related offenses, as defined in RCW 46.01.260(2), covering a period of not more than the last ten years; and

(ii) Indicate whether an alcohol-related offense was originally charged as a violation of either RCW 46.61.502 or 46.61.504.

(g) **City attorneys and county prosecuting attorneys.** An abstract of the full driving record maintained by the department, including whether a recorded violation is an alcohol-related offense, as defined in RCW 46.01.260(2), that was originally charged as a violation of either RCW 46.61.502 or 46.61.504, may be furnished to city attorneys or county prosecuting attorneys. City attorneys and county prosecuting attorneys may provide the driving record to alcohol/drug assessment or treatment agencies approved by the department of social and health services to which the named individual has applied or been assigned for evaluation or treatment.

(h) **State colleges, universities, or agencies, or units of local government.** An abstract of the full driving record maintained by the department may be furnished to (i) state colleges, universities, or agencies for employment and risk management purposes or (ii) units of local government authorized to self-insure under RCW 48.62.031 for employment and risk management purposes.

(i) **Superintendent of public instruction.** An abstract of the full driving record maintained by the department may be furnished to the superintendent of public instruction for review of public school bus driver records. The superintendent or superintendent's designee may discuss information on the driving record with an authorized representative of the employing school district for employment and risk management purposes.

(3) **Release to third parties prohibited.** Any person or entity receiving an abstract of a person's driving record under subsection (2)(b) through (i) of this section shall use the abstract exclusively for his, her, or its own purposes or as otherwise expressly permitted under this section, and shall not divulge any information contained in the abstract to a third party.

(4) **Fee.** The director shall collect a ten-dollar fee for each abstract of a person's driving record furnished by the department. Fifty percent of the fee must be deposited in the highway safety fund, and fifty percent of the fee must be deposited according to RCW 46.68.038.

(5) **Violation.** (a) Any negligent violation of this section is a gross misdemeanor.

(b) Any intentional violation of this section is a class C felony."

Correct the title.  
and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

Senator Haugen moved that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5246.

Senator Haugen spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Haugen that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5246.

The motion by Senator Haugen carried and the Senate concurred in the House amendment(s) to Substitute Senate Bill No. 5246 by voice vote.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5246, as amended by the House.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5246, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 44; Nays, 5; Absent, 0; Excused, 0.

Voting yea: Senators Becker, Benton, Brown, Carrell, Chase, Conway, Delvin, Eide, Fain, Fraser, Frockt, Hargrove, Harper, Hatfield, Haugen, Hewitt, Hill, Hobbs, Honeyford, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles, Litzow, McAuliffe, Morton, Murray, Nelson, Padden, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rolfes, Schoesler, Sheldon, Shin, Stevens, Swecker and Tom

Voting nay: Senators Baumgartner, Ericksen, Holmquist Newbry, Stevens and Zarelli

SUBSTITUTE SENATE BILL NO. 5246, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MESSAGE FROM THE HOUSE

February 28, 2012

MR. PRESIDENT:

The House passed ENGROSSED SENATE BILL NO. 5661 with the following amendment(s): 5661.E AMH MCCU CALL 058

On page 3, after line 9, insert the following:

**"NEW SECTION. Sec. 3.** (1) The department of fish and wildlife shall, by no later than December 31, 2012, work with all interested Indian tribes to develop a program that will assist coordination and communication among the department of fish and wildlife and the various cooperating Indian tribes to record, consistent with RCW 77.12.870, the location of lost or abandoned fishing nets that originated in a tribal fishery.

(2) This section expires on July 31, 2013."  
and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

#### MOTION

Senator Ranker moved that the Senate concur in the House amendment(s) to Engrossed Senate Bill No. 5661.

Senator Ranker spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Ranker that the Senate concur in the House amendment(s) to Engrossed Senate Bill No. 5661.

The motion by Senator Ranker carried and the Senate concurred in the House amendment(s) to Engrossed Senate Bill No. 5661 by voice vote.

The President declared the question before the Senate to be the final passage of Engrossed Senate Bill No. 5661, as amended by the House.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5661, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Baumgartner, Becker, Benton, Brown, Carrell, Chase, Conway, Delvin, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hatfield, Haugen, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles, Litzow, McAuliffe, Morton, Murray, Nelson, Padden, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rolfes, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

ENGROSSED SENATE BILL NO. 5661, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MESSAGE FROM THE HOUSE

March 1, 2012

MR. PRESIDENT:

The House passed SUBSTITUTE SENATE BILL NO. 5982 with the following amendment(s): 5982-S AMH WAYS H4494.1

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** (1) The joint center for aerospace technology innovation is created to:

(a) Pursue joint industry-university research in computing, manufacturing efficiency, materials/structures innovation, and other new technologies that can be used in aerospace firms;

(b) Enhance the education of students in the engineering departments of the University of Washington, Washington State University, and other participating institutions through industry-focused research; and

(c) Work directly with existing small, medium-sized, and large aerospace firms and aerospace industry associations to identify research needs and opportunities to transfer off-the-shelf technologies that would benefit such firms.

(2) The center shall be operated and administered as a multi-institutional education and research center, conducting research and development programs in various locations within Washington under the joint authority of the University of Washington and Washington State University. The initial administrative offices of the center shall be west of the crest of the Cascade mountains. In order to meet aerospace industry needs, the facilities and resources of the center must be made available to all four-year institutions of higher education as defined in RCW 28B.10.016. Resources include, but are not limited to, internships, on-the-job training, and research opportunities for undergraduate and graduate students and faculty.

(3) The powers of the center are vested in and shall be exercised by a board of directors. The board shall consist of nine members appointed by the governor. The governor shall appoint a nonvoting chair. Of the eight voting members, one member shall represent small aerospace firms, one member shall represent medium-sized

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firms, one member shall represent large aerospace firms, one member shall represent labor, two members shall represent aerospace industry associations, and two members shall represent higher education. The terms of the initial members shall be staggered.

(4) The board shall hire an executive director. The executive director shall hire such staff as the board deems necessary to operate the center. Staff support may be provided from among the cooperating institutions through cooperative agreements to the extent funds are available. The executive director may enter into cooperative agreements for programs and research with public and private organizations including state and nonstate agencies consistent with policies of the participating institutions.

(5) The board must:

(a) Work with aerospace industry associations and aerospace firms of all sizes to identify the research areas that will benefit the intermediate and long-term economic vitality of the Washington aerospace industry;

(b) Identify entrepreneurial researchers to join or lead research teams in the research areas specified in (a) of this subsection and the steps the University of Washington and Washington State University will take to recruit such researchers;

(c) Assist firms to integrate existing technologies into their operations and align the activities of the center with those of impact Washington and innovate Washington to enhance services available to aerospace firms;

(d) Develop internships, on-the-job training, research, and other opportunities and ensure that all undergraduate and graduate students enrolled in an aerospace engineering curriculum have direct experience with aerospace firms;

(e) Assist researchers and firms in safeguarding intellectual property while advancing industry innovation;

(f) Develop and strengthen university-industry relationships through promotion of faculty collaboration with industry, and sponsor, in collaboration with innovate Washington, at least one annual symposium focusing on aerospace research in the state of Washington;

(g) Encourage a full range of projects from small research projects that meet the specific needs of a smaller company to large scale, multipartner projects;

(h) Develop nonstate support of the center's research activities through leveraging dollars from federal and private for-profit and nonprofit sources;

(i) Leverage its financial impact through joint support arrangements on a project-by-project basis as appropriate;

(j) Establish mechanisms for soliciting and evaluating proposals and for making awards and reporting on technological progress, financial leverage, and other measures of impact;

(k) By June 30, 2013, develop an operating plan that includes the specific processes, methods, or mechanisms the center will use to accomplish each of its duties as set out in this subsection; and

(l) Report biennially to the legislature and the governor about the impact of the center's work on the state's economy and the aerospace sector, with projections of future impact, providing indicators of its impact, and outlining ideas for enhancing benefits to the state. The report must be coordinated with the governor's office, the Washington economic development commission, the department of commerce, and innovate Washington.

**NEW SECTION. Sec. 2.** The joint center for aerospace technology innovation may solicit and receive gifts, grants, donations, sponsorships, or contributions from any federal, state, or local governmental agency or program or any private source, and expend the same for any purpose consistent with this chapter.

**NEW SECTION. Sec. 3.** A new section is added to chapter 43.131 RCW to read as follows:

The joint center for aerospace technology innovation shall be terminated July 1, 2015, as provided in section 4 of this act.

**NEW SECTION. Sec. 4.** A new section is added to chapter 43.131 RCW to read as follows:

The following acts or parts of acts, as now existing or hereafter amended, are each repealed, effective July 1, 2016:

(1) Section 1 of this act; and

(2) Section 2 of this act.

**NEW SECTION. Sec. 5.** If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2012, in the omnibus appropriations act, this act is null and void.

**NEW SECTION. Sec. 6.** Sections 1 and 2 of this act constitute a new chapter in Title 28B RCW."

Correct the title.

and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

Senator Kastama moved that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5982.

Senators Kastama and Baumgartner spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Kastama that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5982.

The motion by Senator Kastama carried and the Senate concurred in the House amendment(s) to Substitute Senate Bill No. 5982 by voice vote.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5982, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5982, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Baumgartner, Becker, Benton, Brown, Carrell, Chase, Conway, Delvin, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hatfield, Haugen, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles, Litzow, McAuliffe, Morton, Murray, Nelson, Padden, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rolfes, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

SUBSTITUTE SENATE BILL NO. 5982, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

February 27, 2012

MR. PRESIDENT:

The House passed SUBSTITUTE SENATE BILL NO. 5995 with the following amendment(s): 5995-S AMH LG PFUN 109

On page 7, line 35, after "fewer than" strike "one hundred eighty" and insert "two hundred" and the same are herewith transmitted.



BARBARA BAKER, Chief Clerk

MOTION

Senator Delvin moved that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5995.

Senator Delvin spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Delvin that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5995.

The motion by Senator Delvin carried and the Senate concurred in the House amendment(s) to Substitute Senate Bill No. 5995 by voice vote.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5995, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5995, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 1; Excused, 0.

Voting yea: Senators Baumgartner, Becker, Benton, Brown, Carrell, Chase, Conway, Delvin, Eide, Ericksen, Fain, Fraser, Frockt, Harper, Hatfield, Haugen, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles, Litzow, McAuliffe, Morton, Murray, Nelson, Padden, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rolfes, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Absent: Senator Hargrove

SUBSTITUTE SENATE BILL NO. 5995, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

February 29, 2012

MR. PRESIDENT:

The House passed SUBSTITUTE SENATE BILL NO. 6384 with the following amendment(s): 6384-S AMH ELHS H4439.1

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** A new section is added to chapter 71A.12 RCW to read as follows:

(1) Clients age twenty-one and older who are receiving employment services must be offered the choice to transition to a community access program after nine months of enrollment in an employment program, and the option to transition from a community access program to an employment program at any time. Enrollment in an employment program begins at the time the client is authorized to receive employment.

(2) Prior approval by the department shall not be required to effectuate the client's choice to transition from an employment program to community access services after verifying nine months of participation in employment-related services.

(3) The department shall inform clients and their legal representatives of all available options for employment and day services, including the opportunity to request an exception from enrollment in an employment program. Information provided to the client and the client's legal representative must include the types

of activities each service option provides, and the amount, scope, and duration of service for which the client would be eligible under each service option. An individual client may be authorized for only one service option, either employment services or community access services. Clients may not participate in more than one of these services at any given time.

(4) The department shall work with counties and stakeholders to strengthen and expand the existing community access program, including the consideration of options that allow for alternative service settings outside of the client's residence. The program should emphasize support for the clients so that they are able to participate in activities that integrate them into their community and support independent living and skills.

(5) The department shall develop rules to allow for an exception to the requirement that a client participate in an employment program for nine months prior to transitioning to a community access program."

Correct the title.  
and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

Senator Keiser moved that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 6384.

Senators Keiser and Becker spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Keiser that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 6384.

The motion by Senator Keiser carried and the Senate concurred in the House amendment(s) to Substitute Senate Bill No. 6384 by voice vote.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6384, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6384, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Baumgartner, Becker, Benton, Brown, Carrell, Chase, Conway, Delvin, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hatfield, Haugen, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles, Litzow, McAuliffe, Morton, Murray, Nelson, Padden, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rolfes, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

SUBSTITUTE SENATE BILL NO. 6384, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

February 29, 2012

MR. PRESIDENT:

The House passed SUBSTITUTE SENATE BILL NO. 6508 with the following amendment(s): 6508-S AMH ENGR H4440.E

Strike everything after the enacting clause and insert the following:

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"Sec. 1. RCW 43.20B.030 and 2005 c 292 s 5 are each amended to read as follows:

(1) Except as otherwise provided by law, including subsection (2) of this section, there will be no collection of overpayments and other debts due the department after the expiration of six years from the date of notice of such overpayment or other debt unless the department has commenced recovery action in a court of law or unless an administrative remedy authorized by statute is in place. However, any amount due in a case thus extended shall cease to be a debt due the department at the expiration of ten years from the date of the notice of the overpayment or other debt unless a court-ordered remedy would be in effect for a longer period.

(2) There will be no collection of debts due the department after the expiration of twenty years from the date a lien is recorded pursuant to RCW 43.20B.080.

(3) The department, at any time, may accept offers of compromise of disputed claims or may grant partial or total write-off of any debt due the department if it is no longer cost-effective to pursue. The department shall adopt rules establishing the considerations to be made in the granting or denial of a partial or total write-off of debts.

(4) Notwithstanding the requirements of RCW 43.20B.630, 43.20B.635, 43.20B.640, and 43.20B.645, the department may waive all efforts to collect overpayments from a client when the department determines that the elements of equitable estoppel as set forth in WAC 388-02-0495, as it existed on January 1, 2012, are met.

NEW SECTION. Sec. 2. If any part of this act is found to be in conflict with federal requirements that are a prescribed condition to the allocation of federal funds to the state, the conflicting part of this act is inoperative solely to the extent of the conflict and with respect to the agencies directly affected, and this finding does not affect the operation of the remainder of this act in its application to the agencies concerned. Rules adopted under this act must meet federal requirements that are a necessary condition to the receipt of federal funds by the state.

NEW SECTION. Sec. 3. No later than October 1, 2013, the office of fraud and accountability within the department of social and health services, along with the state auditor's office and the department of early learning, shall collaborate in an effort to identify, review, and provide the legislature with recommendations for integrated monitoring and detection systems to prevent overpayments of public assistance from occurring."

Correct the title.

and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

Senator Hargrove moved that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 6508.

Senator Hargrove spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Hargrove that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 6508.

The motion by Senator Hargrove carried and the Senate concurred in the House amendment(s) to Substitute Senate Bill No. 6508 by voice vote.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6508, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6508, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 33; Nays, 16; Absent, 0; Excused, 0.

Voting yea: Senators Baumgartner, Benton, Brown, Chase, Conway, Eide, Fraser, Frockt, Hargrove, Harper, Hatfield, Haugen, Hewitt, Hobbs, Kastama, Keiser, Kilmer, Kline, Kohl-Welles, Litzow, McAuliffe, Morton, Murray, Nelson, Pflug, Prentice, Pridemore, Ranker, Regala, Rolfes, Shin, Stevens and Tom

Voting nay: Senators Becker, Carrell, Delvin, Ericksen, Fain, Hill, Holmquist Newbry, Honeyford, King, Padden, Parlette, Roach, Schoesler, Sheldon, Swecker and Zarelli

SUBSTITUTE SENATE BILL NO. 6508, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

March 1, 2012

MR. PRESIDENT:

The House passed SUBSTITUTE SENATE BILL NO. 6359 with the following amendment(s): 6359-S AMH ENGR H4412.E

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 43.42.010 and 2011 c 149 s 2 are each amended to read as follows:

(1) The office of regulatory assistance is created in the office of financial management and must be administered by the office of the governor to help improve the regulatory system and assist citizens, businesses, and project proponents.

(2) The governor must appoint a director. The director may employ a deputy director and a confidential secretary and such staff as are necessary, or contract with another state agency pursuant to chapter 39.34 RCW for support in carrying out the purposes of this chapter.

(3) The office must offer to:

(a) Act as the central point of contact for the project proponent in communicating about defined issues;

(b) Conduct project scoping as provided in RCW 43.42.050;

(c) Verify that the project proponent has all the information needed to correctly apply for all necessary permits;

(d) Provide general coordination services;

(e) Coordinate the efficient completion among participating agencies of administrative procedures, such as collecting fees or providing public notice;

(f) Maintain contact with the project proponent and the permit agencies to promote adherence to agreed schedules;

(g) Assist in resolving any conflict or inconsistency among permit requirements and conditions;

(h) Coordinate, to the extent practicable, with relevant federal permit agencies and tribal governments;

(i) Facilitate meetings;

(j) Manage a fully coordinated permit process, as provided in RCW 43.42.060; and

(k) Help local jurisdictions comply with the requirements of chapter 36.70B RCW (~~by providing information about best permitting practices methods to improve communication with, and solicit early involvement of, state agencies when needed; and~~

~~(l) Maintain and furnish information as provided in RCW 43.42.040).~~

(4) The office must also:

(a) Provide information to local jurisdictions about best

permitting practices, methods to improve communication with, and solicit early involvement of, state agencies when needed, and effective means of assessing and communicating expected project timelines and costs:

(b) Maintain and furnish information as provided in RCW 43.42.040; and

(c) Provide the following by September 1, 2009, and biennially thereafter, to the governor and the appropriate committees of the legislature:

~~((a)) (i) A performance report including:~~

~~((ii)) (A) Information regarding use of the office's voluntary cost-reimbursement services as provided in RCW 43.42.070;~~

~~((iii)) (B) The number and type of projects or initiatives where the office provided services ~~(and the resolution provided by the office on any conflicts that arose on such projects;~~~~

~~(iii) The agencies involved on specific projects;~~

~~(iv) Specific information on any difficulty encountered in provision of services, implementation of programs or processes, or use of tools; and~~

~~(v) Trend reporting that allows comparisons between statements of goals and performance targets and the achievement of those goals and targets; and~~

~~(b) Recommendations on system improvements including recommendations regarding:~~

~~(i) Measurement of overall system performance;~~

~~(ii) Changes needed to make cost reimbursement, a fully coordinated permit process, multiagency permitting teams, and other processes effective; and~~

~~(iii) Resolving any conflicts or inconsistencies arising from differing statutory or regulatory authorities, roles and missions of agencies, timing and sequencing of permitting and procedural requirements as identified by the office in the course of its duties)) including the key agencies with which the office partnered;~~

(C) Specific information on any difficulty encountered in providing services or implementing programs, processes, or assistance tools; and

(D) Trend reporting that allows comparisons between statements of goals and performance targets and the achievement of those goals and targets; and

(ii) Recommendations on system improvements including, but not limited to, recommendations on improving environmental permitting by making it more time efficient and cost-effective for all participants in the process.

**Sec. 2.** RCW 43.42.050 and 2009 c 97 s 5 are each amended to read as follows:

(1) Upon request of a project proponent, the office ~~((shall))~~ **must** determine the level of project scoping needed by the project proponent, taking into consideration the complexity of the project and the experience of those expected to be involved in the project application and review process. The director may require the attendance at a scoping meeting of any state or local agency.

(2) Project scoping ~~((shall))~~ **must** consider the complexity, size, and needs for assistance of the project and ~~((shall))~~ **must** address as appropriate:

(a) The permits that are required for the project;

(b) The permit application forms and other application requirements of the participating permit agencies;

(c) The specific information needs and issues of concern of each participant and their significance;

(d) Any statutory or regulatory conflicts that might arise from the differing authorities and roles of the permit agencies;

(e) Any natural resources, including federal or state listed species, that might be adversely affected by the project and might cause an alteration of the project or require mitigation; and

(f) The anticipated time required for permit decisions by each participating permit agency, including the estimated time required to determine if the permit application is complete, to conduct environmental review, and to review and process the application. In determining the estimated time required, full consideration must be given to achieving the greatest possible efficiencies through any concurrent studies and any consolidated applications, hearings, and comment periods.

(3) The outcome of the project scoping ~~((shall))~~ **must** be documented in writing, furnished to the project proponent, and be made available to the public.

(4) The project scoping ~~((shall))~~ **must** be completed prior to the passage of sixty days of the project proponent's request for a project scoping unless the director finds that better results can be obtained by delaying the project scoping meeting or meetings to ensure full participation.

(5) Upon completion of the project scoping, the participating permit agencies ~~((shall))~~ **must** proceed under their respective authorities. The agencies may remain in communication with the office as needed.

(6) This section does not create an independent cause of action, affect any existing cause of action, or establish time limits for purposes of RCW 64.40.020.

**Sec. 3.** RCW 43.42.060 and 2009 c 421 s 8 and 2009 c 97 s 6 are each reenacted and amended to read as follows:

(1) A project proponent may submit a written request to the director of the office for participation in a fully coordinated permit process. Designation as a fully coordinated project requires that:

(a) The project proponent enters into a cost-reimbursement agreement pursuant to RCW 43.42.070;

(b) The project has a designation under chapter 43.157 RCW; or

(c) The director determine that (i)(A) the project raises complex coordination, permit processing, or substantive permit review issues; or (B) if completed, the project would provide substantial benefits to the state; and (ii) the office, as well as the participating permit review agencies, have sufficient capacity within existing resources to undertake the full coordination process without reimbursement and without seriously affecting other services.

(2) A project proponent who requests designation as a fully coordinated permit process project must provide the office with a full description of the project. The office may request any information from the project proponent that is necessary to make the designation under this section, and may convene a scoping meeting or a work plan meeting of the likely participating permit agencies.

(3) When a project is designated for the fully coordinated permit process, the office ~~((shall))~~ **must** serve as the main point of contact for the project proponent and participating agencies with regard to the permit process for the project as a whole. Each participating agency must designate a single point of contact for coordinating with the office. The office ~~((shall))~~ **must** keep an up-to-date project management log and schedule illustrating required procedural steps in the permitting process, and highlighting substantive issues as appropriate that must be resolved in order for the project to move forward. In carrying out these responsibilities, the office ~~((shall))~~ **must**:

(a) Ensure that the project proponent has been informed of all the information needed to apply for the permits that are included in the coordinated permit process;

(b) Coordinate the timing of review for those permits by the respective participating permit agencies;

(c) Facilitate communication between project proponents, consultants, and agency staff to promote timely permit decisions;

(d) Assist in resolving any conflict or inconsistency among the permit requirements and conditions that are expected to be imposed by the participating permit agencies; and

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(e) Make contact, at least once, with any local, tribal, or federal jurisdiction that is responsible for issuing a permit for the project and invite them to participate in the coordinated permit process or to receive periodic updates in the project.

(4) Within thirty days, or longer with agreement of the project proponent, of the date that the office designates a project for the fully coordinated permit process, it shall convene a work plan meeting with the project proponent and the participating permit agencies to develop a coordinated permit process schedule. The meeting agenda ~~((shall))~~ may include ~~((at least))~~ any of the following:

- (a) Review of the permits that are required for the project;
- (b) A review of the permit application forms and other application requirements of the agencies that are participating in the coordinated permit process;
- (c) An estimation of the timelines that will be used by each participating permit agency to make permit decisions, including the estimated time periods required to determine if the permit applications are complete and to review or respond to each application or submittal of new information.

(i) The estimation must also include the estimated number of revision cycles for the project, or the typical number of revision cycles for projects of similar size and complexity.

(ii) In the development of this timeline, full attention ~~((shall))~~ must be given to achieving the maximum efficiencies possible through concurrent studies and consolidated applications, hearings, and comment periods.

(iii) Estimated action or response times for activities of the office that are required before or trigger further action by a participant must also be included;

(d) Available information regarding the timing of any public hearings that are required to issue permits for the project and a determination of the feasibility of coordinating or consolidating any of those required public hearings; and

(e) A discussion of fee arrangements for the coordinated permit process, including an estimate of the costs allowed by statute, any reimbursable agency costs, and billing schedules, if applicable.

(5) Each agency ~~((shall))~~ must send at least one representative qualified to discuss the applicability and timelines associated with all permits administered by that agency or jurisdiction. At the request of the project proponent, the office ~~((shall))~~ must notify any relevant local or federal agency or federally recognized Indian tribe of the date of the meeting and invite that agency's participation in the process.

(6) Any accelerated time period for the consideration of a permit application ~~((shall))~~ must be consistent with any statute, rule, or regulation, or adopted state policy, standard, or guideline that requires the participation of other agencies, federally recognized Indian tribes, or interested persons in the application process.

(7) If a permit agency or the project proponent foresees, at any time, that it will be unable to meet the estimated timelines or other obligations under the agreement, it ~~((shall))~~ must notify the office of the reasons for the problem and offer potential solutions or an amended timeline for resolving the problem. The office ~~((shall))~~ must notify the participating permit agencies and the project proponent and, upon agreement of all parties, adjust the schedule, or, if necessary, schedule another work plan meeting.

(8) The project proponent may withdraw from the coordinated permit process by submitting to the office a written request that the process be terminated. Upon receipt of the request, the office ~~((shall))~~ must notify each participating permit agency that a coordinated permit process is no longer applicable to the project.

**Sec. 4.** RCW 43.42.070 and 2010 c 162 s 4 are each amended to read as follows:

(1) The office may enter into cost-reimbursement agreements with a project proponent to recover from the project proponent the reasonable costs incurred by the office in carrying out the provisions of ~~((RCW 43.42.050, 43.42.060, 43.42.090, and 43.42.092))~~ this chapter. The agreement must include provisions for covering the costs incurred by the permit agencies that are participating in the cost-reimbursement project and carrying out permit processing or project review tasks referenced in the cost-reimbursement agreement.

(2) The office must maintain policies or guidelines for coordinating cost-reimbursement agreements with participating agencies, project proponents, and ~~((outside))~~ independent consultants. Policies or guidelines must ensure that, in developing cost-reimbursement agreements, conflicts of interest are eliminated. ~~((Contracts with independent consultants hired by the office under this section must be based on competitive bids that are awarded for each agreement from a prequalified consultant roster.))~~ The policies must also support effective use of cost-reimbursement resources to address staffing and capacity limitations as may be relevant within the office or participating permit agencies.

(3) For fully coordinated permit processes and priority economic recovery projects selected pursuant to this section, the office must coordinate the negotiation of all cost-reimbursement agreements executed under RCW 43.21A.690, 43.30.490, 43.70.630, 43.300.080, and 70.94.085. The office, project proponent, and ~~((the))~~ participating permit agencies must be signatories to the cost-reimbursement agreement or agreements. Each participating permit agency must manage performance of its portion of the cost-reimbursement agreement. Independent consultants hired under a cost-reimbursement agreement ~~((shall))~~ must report directly to the hiring office or participating permit agency. Any cost-reimbursement agreement must require that final decisions are made by the participating permit agency and not by a hired independent consultant.

~~(4) For ((a fully coordinated project using cost reimbursement, the office and participating permit agencies must include a cost reimbursement work plan, including deliverables and schedules for invoicing and reimbursement in the fully coordinated project work plan described in RCW 43.42.060. Upon request, the office must verify that the agencies have met the obligations contained in the cost reimbursement work plan and agreement. The cost reimbursement agreement must identify the tasks of each agency and the maximum costs for work conducted under the agreement. The agreement must include a schedule that states:~~

- ~~(a) The estimated number of weeks for initial review of the permit application for comparable projects;~~
- ~~(b) The anticipated number of revision cycles;~~
- ~~(c) The estimated number of weeks for review of subsequent revision submittals;~~
- ~~(d) The estimated number of billable hours of employee time;~~
- ~~(e) The rate per hour; and~~
- ~~(f) A process for revision of the agreement if necessary.~~

~~(5) If a permit agency or the project proponent foresees, at any time, that it will be unable to meet its obligations under the cost reimbursement agreement and fully coordinated project work plan, it must notify the office and state the reasons, along with proposals for resolving the problems and potentially amending the timelines. The office must notify the participating permit agencies and the project proponent and, upon agreement of all parties, adjust the schedule, or, if necessary, coordinate revision of the cost reimbursement agreement and fully coordinated project work plan))~~ any project using cost reimbursement, the cost-reimbursement agreement must require the office and participating permit agencies to develop and periodically update a project work plan, which the office must provide on the internet and

share with each party to the agreement.

(5)(a) The cost-reimbursement agreement must identify the proposed project, the desired outcomes, and the maximum costs for work to be conducted under the agreement. The desired outcomes must refer to the decision-making process and may not prejudice or predetermine whether decisions will be to approve or deny any required permit or other application. Each participating permit agency must agree to give priority to the cost-reimbursement project but may in no way reduce or eliminate regulatory requirements as part of the priority review.

(b) Reasonable costs are determined based on time and materials estimates with a provision for contingencies, or set as a flat fee tied to a reasonable estimate of staff hours required.

(c) The cost-reimbursement agreement may include deliverables and schedules for invoicing and reimbursement. The office may require advance payment of some or all of the agreed reimbursement, to be held in reserve and distributed to participating permit agencies and the office upon approval of invoices by the project proponent. The project proponent has thirty days to request additional information or challenge an invoice. If an invoice is challenged, the office must respond and attempt to resolve the challenge within thirty days. If the office is unable to resolve the challenge within thirty days, the challenge must be submitted to the office of financial management. A decision on such a challenge must be made by the office of financial management and approved by the director of the office of financial management and is binding on the parties.

(d) Upon request, the office must verify whether participating permit agencies have met the obligations contained in the project work plan and cost-reimbursement agreement.

(6) If a party to the cost-reimbursement agreement foresees, at any time, that it will be unable to meet its obligations under the agreement, it must notify the office and state the reasons, along with proposals for resolving the problems. The office must notify the other parties to the cost-reimbursement agreement and seek to resolve the problems by adjusting invoices, deliverables, or the project work plan, or through some other accommodation.

**Sec. 5.** RCW 43.42.095 and 2010 c 162 s 5 are each amended to read as follows:

~~The multiagency permitting team account is created in the ((state treasury. All receipts from solicitations authorized in RCW 43.42.092 must be deposited into the account. Moneys in the account may be spent only after appropriation. Expenditures from the account may be used only for covering the initial administrative costs of multiagency permitting teams and such other costs associated with the teams as may arise that are not recoverable through cost reimbursement or cost sharing mechanisms)) custody of the state treasurer. All receipts from cost-reimbursement agreements authorized in RCW 43.42.070 and solicitations authorized in RCW 43.42.092 must be deposited into the account. Expenditures from the account may be used only for covering staffing, consultant, technology, and other administrative costs of multiagency permitting teams and other costs associated with multiagency project review and management that may arise. Only the director of the office of regulatory assistance or the director's designee may authorize expenditures from the account. The account is subject to allotment procedures under chapter 43.88 RCW, but an appropriation is not required for expenditures.~~

**Sec. 6.** RCW 43.79A.040 and 2011 1st sp.s. c 37 s 603 are each amended to read as follows:

(1) Money in the treasurer's trust fund may be deposited, invested, and reinvested by the state treasurer in accordance with RCW 43.84.080 in the same manner and to the same extent as if the money were in the state treasury, and may be commingled with

moneys in the state treasury for cash management and cash balance purposes.

(2) All income received from investment of the treasurer's trust fund must be set aside in an account in the treasury trust fund to be known as the investment income account.

(3) The investment income account may be utilized for the payment of purchased banking services on behalf of treasurer's trust funds including, but not limited to, depository, safekeeping, and disbursement functions for the state treasurer or affected state agencies. The investment income account is subject in all respects to chapter 43.88 RCW, but no appropriation is required for payments to financial institutions. Payments must occur prior to distribution of earnings set forth in subsection (4) of this section.

(4)(a) Monthly, the state treasurer must distribute the earnings credited to the investment income account to the state general fund except under (b), (c), and (d) of this subsection.

(b) The following accounts and funds must receive their proportionate share of earnings based upon each account's or fund's average daily balance for the period: The Washington promise scholarship account, the college savings program account, the Washington advanced college tuition payment program account, the accessible communities account, the community and technical college innovation account, the agricultural local fund, the American Indian scholarship endowment fund, the foster care scholarship endowment fund, the foster care endowed scholarship trust fund, the students with dependents grant account, the basic health plan self-insurance reserve account, the contract harvesting revolving account, the Washington state combined fund drive account, the commemorative works account, the county enhanced 911 excise tax account, the Washington international exchange scholarship endowment fund, the toll collection account, the developmental disabilities endowment trust fund, the energy account, the fair fund, the family leave insurance account, the food animal veterinarian conditional scholarship account, the fruit and vegetable inspection account, the future teachers conditional scholarship account, the game farm alternative account, the GET ready for math and science scholarship account, the Washington global health technologies and product development account, the grain inspection revolving fund, the industrial insurance rainy day fund, the juvenile accountability incentive account, the law enforcement officers' and firefighters' plan 2 expense fund, the local tourism promotion account, the multiagency permitting team account, the pilotage account, the produce railcar pool account, the regional transportation investment district account, the rural rehabilitation account, the stadium and exhibition center account, the youth athletic facility account, the self-insurance revolving fund, the sulfur dioxide abatement account, the children's trust fund, the Washington horse racing commission Washington bred owners' bonus fund and breeder awards account, the Washington horse racing commission class C purse fund account, the individual development account program account, the Washington horse racing commission operating account (earnings from the Washington horse racing commission operating account must be credited to the Washington horse racing commission class C purse fund account), the life sciences discovery fund, the Washington state heritage center account, the reduced cigarette ignition propensity account, and the reading achievement account.

(c) The following accounts and funds must receive eighty percent of their proportionate share of earnings based upon each account's or fund's average daily balance for the period: The advanced right-of-way revolving fund, the advanced environmental mitigation revolving account, the federal narcotics asset forfeitures account, the high occupancy vehicle account, the local rail service assistance account, and the miscellaneous transportation programs account.

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(d) Any state agency that has independent authority over accounts or funds not statutorily required to be held in the custody of the state treasurer that deposits funds into a fund or account in the custody of the state treasurer pursuant to an agreement with the office of the state treasurer shall receive its proportionate share of earnings based upon each account's or fund's average daily balance for the period.

(5) In conformance with Article II, section 37 of the state Constitution, no trust accounts or funds shall be allocated earnings without the specific affirmative directive of this section.

**Sec. 7.** RCW 43.84.092 and 2011 1st sp.s. c 16 s 6, 2011 1st sp.s. c 7 s 22, 2011 c 369 s 6, 2011 c 339 s 1, 2011 c 311 s 9, 2011 c 272 s 3, 2011 c 120 s 3, and 2011 c 83 s 7 are each reenacted and amended to read as follows:

(1) All earnings of investments of surplus balances in the state treasury shall be deposited to the treasury income account, which account is hereby established in the state treasury.

(2) The treasury income account shall be utilized to pay or receive funds associated with federal programs as required by the federal cash management improvement act of 1990. The treasury income account is subject in all respects to chapter 43.88 RCW, but no appropriation is required for refunds or allocations of interest earnings required by the cash management improvement act. Refunds of interest to the federal treasury required under the cash management improvement act fall under RCW 43.88.180 and shall not require appropriation. The office of financial management shall determine the amounts due to or from the federal government pursuant to the cash management improvement act. The office of financial management may direct transfers of funds between accounts as deemed necessary to implement the provisions of the cash management improvement act, and this subsection. Refunds or allocations shall occur prior to the distributions of earnings set forth in subsection (4) of this section.

(3) Except for the provisions of RCW 43.84.160, the treasury income account may be utilized for the payment of purchased banking services on behalf of treasury funds including, but not limited to, depository, safekeeping, and disbursement functions for the state treasury and affected state agencies. The treasury income account is subject in all respects to chapter 43.88 RCW, but no appropriation is required for payments to financial institutions. Payments shall occur prior to distribution of earnings set forth in subsection (4) of this section.

(4) Monthly, the state treasurer shall distribute the earnings credited to the treasury income account. The state treasurer shall credit the general fund with all the earnings credited to the treasury income account except:

(a) The following accounts and funds shall receive their proportionate share of earnings based upon each account's and fund's average daily balance for the period: The aeronautics account, the aircraft search and rescue account, the budget stabilization account, the capital vessel replacement account, the capitol building construction account, the Cedar River channel construction and operation account, the Central Washington University capital projects account, the charitable, educational, penal and reformatory institutions account, the cleanup settlement account, the Columbia river basin water supply development account, the Columbia river basin taxable bond water supply development account, the Columbia river basin water supply revenue recovery account, the common school construction fund, the county arterial preservation account, the county criminal justice assistance account, the county sales and use tax equalization account, the deferred compensation administrative account, the deferred compensation principal account, the department of licensing services account, the department of retirement systems expense account, the developmental disabilities community trust

account, the drinking water assistance account, the drinking water assistance administrative account, the drinking water assistance repayment account, the Eastern Washington University capital projects account, the Interstate 405 express toll lanes operations account, the education construction fund, the education legacy trust account, the election account, the energy freedom account, the energy recovery act account, the essential rail assistance account, The Evergreen State College capital projects account, the federal forest revolving account, the ferry bond retirement fund, the freight congestion relief account, the freight mobility investment account, the freight mobility multimodal account, the grade crossing protective fund, the public health services account, the health system capacity account, the high capacity transportation account, the state higher education construction account, the higher education construction account, the highway bond retirement fund, the highway infrastructure account, the highway safety account, the high occupancy toll lanes operations account, the hospital safety net assessment fund, the industrial insurance premium refund account, the judges' retirement account, the judicial retirement administrative account, the judicial retirement principal account, the local leasehold excise tax account, the local real estate excise tax account, the local sales and use tax account, the marine resources stewardship trust account, the medical aid account, the mobile home park relocation fund, the motor vehicle fund, the motorcycle safety education account, ~~((the multiagency permitting team account,))~~ the multimodal transportation account, the municipal criminal justice assistance account, the municipal sales and use tax equalization account, the natural resources deposit account, the oyster reserve land account, the pension funding stabilization account, the perpetual surveillance and maintenance account, the public employees' retirement system plan 1 account, the public employees' retirement system combined plan 2 and plan 3 account, the public facilities construction loan revolving account beginning July 1, 2004, the public health supplemental account, the public transportation systems account, the public works assistance account, the Puget Sound capital construction account, the Puget Sound ferry operations account, the Puyallup tribal settlement account, the real estate appraiser commission account, the recreational vehicle account, the regional mobility grant program account, the resource management cost account, the rural arterial trust account, the rural mobility grant program account, the rural Washington loan fund, the site closure account, the skilled nursing facility safety net trust fund, the small city pavement and sidewalk account, the special category C account, the special wildlife account, the state employees' insurance account, the state employees' insurance reserve account, the state investment board expense account, the state investment board commingled trust fund accounts, the state patrol highway account, the state route number 520 civil penalties account, the state route number 520 corridor account, the state wildlife account, the supplemental pension account, the Tacoma Narrows toll bridge account, the teachers' retirement system plan 1 account, the teachers' retirement system combined plan 2 and plan 3 account, the tobacco prevention and control account, the tobacco settlement account, the transportation 2003 account (nickel account), the transportation equipment fund, the transportation fund, the transportation improvement account, the transportation improvement board bond retirement account, the transportation infrastructure account, the transportation partnership account, the traumatic brain injury account, the tuition recovery trust fund, the University of Washington bond retirement fund, the University of Washington building account, the volunteer firefighters' and reserve officers' relief and pension principal fund, the volunteer firefighters' and reserve officers' administrative fund, the Washington judicial retirement system account, the Washington law enforcement officers' and firefighters' system plan 1 retirement account, the

Washington law enforcement officers' and firefighters' system plan 2 retirement account, the Washington public safety employees' plan 2 retirement account, the Washington school employees' retirement system combined plan 2 and 3 account, the Washington state economic development commission account, the Washington state health insurance pool account, the Washington state patrol retirement account, the Washington State University building account, the Washington State University bond retirement fund, the water pollution control revolving fund, and the Western Washington University capital projects account. Earnings derived from investing balances of the agricultural permanent fund, the normal school permanent fund, the permanent common school fund, the scientific permanent fund, and the state university permanent fund shall be allocated to their respective beneficiary accounts.

(b) Any state agency that has independent authority over accounts or funds not statutorily required to be held in the state treasury that deposits funds into a fund or account in the state treasury pursuant to an agreement with the office of the state treasurer shall receive its proportionate share of earnings based upon each account's or fund's average daily balance for the period.

(5) In conformance with Article II, section 37 of the state Constitution, no treasury accounts or funds shall be allocated earnings without the specific affirmative directive of this section.

**NEW SECTION. Sec. 8.** A new section is added to chapter 43.42 RCW to read as follows:

Within available funds, the office of regulatory assistance may certify permit processes at the local level as streamlined processes. In developing the certification program, the director must work with local jurisdictions to establish the criteria and the process for certification. Jurisdictions with permit processes certified as streamlined may receive priority in receipt of state funds for infrastructure projects.

**Sec. 9.** RCW 43.155.070 and 2009 c 518 s 16 are each amended to read as follows:

(1) To qualify for loans or pledges under this chapter the board must determine that a local government meets all of the following conditions:

(a) The city or county must be imposing a tax under chapter 82.46 RCW at a rate of at least one-quarter of one percent;

(b) The local government must have developed a capital facility plan; and

(c) The local government must be using all local revenue sources which are reasonably available for funding public works, taking into consideration local employment and economic factors.

(2) Except where necessary to address a public health need or substantial environmental degradation, a county, city, or town planning under RCW 36.70A.040 must have adopted a comprehensive plan, including a capital facilities plan element, and development regulations as required by RCW 36.70A.040. This subsection does not require any county, city, or town planning under RCW 36.70A.040 to adopt a comprehensive plan or development regulations before requesting or receiving a loan or loan guarantee under this chapter if such request is made before the expiration of the time periods specified in RCW 36.70A.040. A county, city, or town planning under RCW 36.70A.040 which has not adopted a comprehensive plan and development regulations within the time periods specified in RCW 36.70A.040 is not prohibited from receiving a loan or loan guarantee under this chapter if the comprehensive plan and development regulations are adopted as required by RCW 36.70A.040 before submitting a request for a loan or loan guarantee.

(3) In considering awarding loans for public facilities to special districts requesting funding for a proposed facility located in a county, city, or town planning under RCW 36.70A.040, the board ~~((shall))~~ **must** consider whether the county, city, or town planning

under RCW 36.70A.040 in whose planning jurisdiction the proposed facility is located has adopted a comprehensive plan and development regulations as required by RCW 36.70A.040.

(4) The board ~~((shall))~~ **must** develop a priority process for public works projects as provided in this section. The intent of the priority process is to maximize the value of public works projects accomplished with assistance under this chapter. The board ~~((shall))~~ **must** attempt to assure a geographical balance in assigning priorities to projects. The board ~~((shall))~~ **must** consider at least the following factors in assigning a priority to a project:

(a) Whether the local government receiving assistance has experienced severe fiscal distress resulting from natural disaster or emergency public works needs;

(b) Except as otherwise conditioned by RCW 43.155.110, whether the entity receiving assistance is a Puget Sound partner, as defined in RCW 90.71.010;

(c) Whether the project is referenced in the action agenda developed by the Puget Sound partnership under RCW 90.71.310;

(d) Whether the project is critical in nature and would affect the health and safety of a great number of citizens;

~~((e))~~ **(e)** Whether the applicant's permitting process has been certified as streamlined by the office of regulatory assistance;

~~((f))~~ **(f)** Whether the applicant has developed and adhered to guidelines regarding its permitting process for those applying for development permits consistent with section 1(2), chapter 231, Laws of 2007;

~~((g))~~ **(g)** The cost of the project compared to the size of the local government and amount of loan money available;

~~((h))~~ **(h)** The number of communities served by or funding the project;

~~((i))~~ **(i)** Whether the project is located in an area of high unemployment, compared to the average state unemployment;

~~((j))~~ **(j)** Whether the project is the acquisition, expansion, improvement, or renovation by a local government of a public water system that is in violation of health and safety standards, including the cost of extending existing service to such a system;

~~((k))~~ **(k)** Except as otherwise conditioned by RCW 43.155.120, and effective one calendar year following the development of model evergreen community management plans and ordinances under RCW 35.105.050, whether the entity receiving assistance has been recognized, and what gradation of recognition was received, in the evergreen community recognition program created in RCW 35.105.030;

~~((l))~~ **(l)** The relative benefit of the project to the community, considering the present level of economic activity in the community and the existing local capacity to increase local economic activity in communities that have low economic growth; and

~~((m))~~ **(m)** Other criteria that the board considers advisable.

(5) Existing debt or financial obligations of local governments ~~((shall))~~ **may** not be refinanced under this chapter. Each local government applicant ~~((shall))~~ **must** provide documentation of attempts to secure additional local or other sources of funding for each public works project for which financial assistance is sought under this chapter.

(6) Before November 1st of each even-numbered year, the board ~~((shall))~~ **must** develop and submit to the appropriate fiscal committees of the senate and house of representatives a description of the loans made under RCW 43.155.065, 43.155.068, and subsection (9) of this section during the preceding fiscal year and a prioritized list of projects which are recommended for funding by the legislature, including one copy to the staff of each of the committees. The list ~~((shall))~~ **must** include, but not be limited to, a description of each project and recommended financing, the terms and conditions of the loan or financial guarantee, the local government jurisdiction and unemployment rate, demonstration of

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the jurisdiction's critical need for the project and documentation of local funds being used to finance the public works project. The list ~~((shall))~~ must also include measures of fiscal capacity for each jurisdiction recommended for financial assistance, compared to authorized limits and state averages, including local government sales taxes; real estate excise taxes; property taxes; and charges for or taxes on sewerage, water, garbage, and other utilities.

(7) The board ~~((shall))~~ may not sign contracts or otherwise financially obligate funds from the public works assistance account before the legislature has appropriated funds for a specific list of public works projects. The legislature may remove projects from the list recommended by the board. The legislature ~~((shall))~~ may not change the order of the priorities recommended for funding by the board.

(8) Subsection (7) of this section does not apply to loans made under RCW 43.155.065, 43.155.068, and subsection (9) of this section.

(9) Loans made for the purpose of capital facilities plans ~~((shall be))~~ are exempted from subsection (7) of this section.

(10) To qualify for loans or pledges for solid waste or recycling facilities under this chapter, a city or county must demonstrate that the solid waste or recycling facility is consistent with and necessary to implement the comprehensive solid waste management plan adopted by the city or county under chapter 70.95 RCW.

(11) After January 1, 2010, any project designed to address the effects of storm water or wastewater on Puget Sound may be funded under this section only if the project is not in conflict with the action agenda developed by the Puget Sound partnership under RCW 90.71.310.

**Sec. 10.** RCW 43.160.060 and 2008 c 327 s 5 are each amended to read as follows:

(1) The board is authorized to make direct loans to political subdivisions of the state and to federally recognized Indian tribes for the purposes of assisting the political subdivisions and federally recognized Indian tribes in financing the cost of public facilities, including development of land and improvements for public facilities, project-specific environmental, capital facilities, land use, permitting, feasibility, and marketing studies and plans; project design, site planning, and analysis; project debt and revenue impact analysis; as well as the construction, rehabilitation, alteration, expansion, or improvement of the facilities. A grant may also be authorized for purposes designated in this chapter, but only when, and to the extent that, a loan is not reasonably possible, given the limited resources of the political subdivision or the federally recognized Indian tribe and the finding by the board that financial circumstances require grant assistance to enable the project to move forward. However, no more than twenty-five percent of all financial assistance approved by the board in any biennium may consist of grants to political subdivisions and federally recognized Indian tribes.

(2) Application for funds ~~((shall))~~ must be made in the form and manner as the board may prescribe. In making grants or loans the board ~~((shall))~~ must conform to the following requirements:

~~((4))~~ (a) The board ~~((shall))~~ may not provide financial assistance:

~~((a))~~ (i) For a project the primary purpose of which is to facilitate or promote a retail shopping development or expansion.

~~((b))~~ (ii) For any project that evidence exists would result in a development or expansion that would displace existing jobs in any other community in the state.

~~((c))~~ (iii) For a project the primary purpose of which is to facilitate or promote gambling.

~~((d))~~ (iv) For a project located outside the jurisdiction of the applicant political subdivision or federally recognized Indian tribe.

~~((2))~~ (b) The board ~~((shall))~~ may only provide financial assistance:

~~((a))~~ (i) For a project demonstrating convincing evidence that a specific private development or expansion is ready to occur and will occur only if the public facility improvement is made that:

~~((i))~~ (A) Results in the creation of significant private sector jobs or significant private sector capital investment as determined by the board and is consistent with the state comprehensive economic development plan developed by the Washington economic development commission pursuant to chapter 43.162 RCW, once the plan is adopted; and

~~((ii))~~ (B) Will improve the opportunities for the successful maintenance, establishment, or expansion of industrial or commercial plants or will otherwise assist in the creation or retention of long-term economic opportunities;

~~((b))~~ (ii) For a project that cannot meet the requirement of ~~((a))~~ (b)(i) of this subsection but is a project that:

~~((i))~~ (A) Results in the creation of significant private sector jobs or significant private sector capital investment as determined by the board and is consistent with the state comprehensive economic development plan developed by the Washington economic development commission pursuant to chapter 43.162 RCW, once the plan is adopted;

~~((ii))~~ (B) Is part of a local economic development plan consistent with applicable state planning requirements;

~~((iii))~~ (C) Can demonstrate project feasibility using standard economic principles; and

~~((iv))~~ (D) Is located in a rural community as defined by the board, or a rural county;

~~((e))~~ (iii) For site-specific plans, studies, and analyses that address environmental impacts, capital facilities, land use, permitting, feasibility, marketing, project engineering, design, site planning, and project debt and revenue impacts, as grants not to exceed fifty thousand dollars.

~~((3))~~ (c) The board ~~((shall))~~ must develop guidelines for local participation and allowable match and activities.

~~((4))~~ (d) An application must demonstrate local match and local participation, in accordance with guidelines developed by the board.

~~((5))~~ (e) An application must be approved by the political subdivision and supported by the local associate development organization or local workforce development council or approved by the governing body of the federally recognized Indian tribe.

~~((6))~~ (f) The board may allow de minimis general system improvements to be funded if they are critically linked to the viability of the project.

~~((7))~~ (g) An application must demonstrate convincing evidence that the median hourly wage of the private sector jobs created after the project is completed will exceed the countywide median hourly wage.

~~((8))~~ (h) The board ~~((shall))~~ must prioritize each proposed project according to:

~~((a))~~ (i) The relative benefits provided to the community by the jobs the project would create, not just the total number of jobs it would create after the project is completed, but also giving consideration to the unemployment rate in the area in which the jobs would be located;

~~((b))~~ (ii) The rate of return of the state's investment, including, but not limited to, the leveraging of private sector investment, anticipated job creation and retention, and expected increases in state and local tax revenues associated with the project;

~~((c))~~ (iii) Whether the proposed project offers a health insurance plan for employees that includes an option for dependents of employees;



~~((d))~~ (iv) Whether the public facility investment will increase existing capacity necessary to accommodate projected population and employment growth in a manner that supports infill and redevelopment of existing urban or industrial areas that are served by adequate public facilities. Projects should maximize the use of existing infrastructure and provide for adequate funding of necessary transportation improvements; ~~(and~~  
~~(e))~~ (v) Whether the applicant's permitting process has been certified as streamlined by the office of regulatory assistance; and  
 (vi) Whether the applicant has developed and adhered to guidelines regarding its permitting process for those applying for development permits consistent with section 1(2), chapter 231, Laws of 2007.

~~((9))~~ (i) A responsible official of the political subdivision or the federally recognized Indian tribe ~~(shall)~~ must be present during board deliberations and provide information that the board requests. (3) Before any financial assistance application is approved, the political subdivision or the federally recognized Indian tribe seeking the assistance must demonstrate to the community economic revitalization board that no other timely source of funding is available to it at costs reasonably similar to financing available from the community economic revitalization board."

Correct the title.

and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

#### MOTION

Senator Kastama moved that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 6359.

Senators Kastama and Baumgartner spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Kastama that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 6359.

The motion by Senator Kastama carried and the Senate concurred in the House amendment(s) to Substitute Senate Bill No. 6359 by voice vote.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6359, as amended by the House.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6359, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 40; Nays, 9; Absent, 0; Excused, 0.

Voting yea: Senators Baumgartner, Becker, Benton, Brown, Chase, Conway, Delvin, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hatfield, Haugen, Hewitt, Hill, Hobbs, Kastama, Keiser, Kilmer, Kline, Kohl-Welles, Litzow, McAuliffe, Morton, Murray, Nelson, Pflug, Prentice, Pridemore, Ranker, Regala, Rolfes, Sheldon, Shin, Swecker, Tom and Zarelli

Voting nay: Senators Carrell, Holmquist Newbry, Honeyford, King, Padden, Parlette, Roach, Schoesler and Stevens  
 SUBSTITUTE SENATE BILL NO. 6359, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MOTION

On motion of Senator Harper, Senators Prentice and Ranker were excused.

#### MESSAGE FROM THE HOUSE

February 27, 2012

MR. PRESIDENT:

The House passed SECOND SUBSTITUTE SENATE BILL NO. 5355 with the following amendment(s): 5355-S2 AMH ENGR H4407.E

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 42.30.080 and 2005 c 273 s 1 are each amended to read as follows:

(1) A special meeting may be called at any time by the presiding officer of the governing body of a public agency or by a majority of the members of the governing body by delivering written notice personally, by mail, by fax, or by electronic mail to each member of the governing body~~(; and)~~.

(2) Notice of a special meeting called under subsection (1) of this section shall be:

(a) Delivered to each local newspaper of general circulation and ~~(to each)~~ local radio or television station ~~(which)~~ that has on file with the governing body a written request to be notified of such special meeting or of all special meetings;

(b) Posted on the agency's web site, if any, unless an agency has insufficient qualified personnel, as defined by a job description or existing contract, to update the web site; and

(c) Prominently displayed at the main entrance of the agency's principal location and the meeting site if it is not held at the agency's principal location.

Such notice must be delivered ~~((personally, by mail, by fax, or by electronic mail))~~ or posted, as applicable, at least twenty-four hours before the time of such meeting as specified in the notice.

(3) The call and notices required under subsections (1) and (2) of this section shall specify the time and place of the special meeting and the business to be transacted. Final disposition shall not be taken on any other matter at such meetings by the governing body. ~~((Such written notice may be dispensed with as to any member who at or prior to the time the meeting convenes files with the clerk or secretary of the governing body a written waiver of notice. Such waiver may be given by telegram, by fax, or electronic mail. Such written notice may also be dispensed with as to any member who is actually present at the meeting at the time it convenes.))~~

(4) The notices provided in this section may be dispensed with in the event a special meeting is called to deal with an emergency involving injury or damage to persons or property or the likelihood of such injury or damage, when time requirements of such notice would make notice impractical and increase the likelihood of such injury or damage."

Correct the title.

and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

#### MOTION

Senator Swecker moved that the Senate refuse to concur in the House amendment(s) to Second Substitute Senate Bill No. 5355 and ask the House to recede therefrom.

Senators Swecker and Morton spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Swecker that the Senate refuse to concur in the House amendment(s) to Second Substitute Senate Bill No. 5355 and ask the House to recede therefrom.

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The motion by Senator Swecker carried and the Senate refused to concur in the House amendment(s) to Second Substitute Senate Bill No. 5355 and asked the House to recede therefrom by voice vote.

MESSAGE FROM THE HOUSE

February 27, 2012

MR. PRESIDENT:

The House passed SUBSTITUTE SENATE BILL NO. 5997 with the following amendment(s): 5997-S AMH HALE MATH 186; 5997-S AMH HALE MATH 183

On page 2, line 5, after "interests." Insert "Policy advisory board members shall serve four-year terms and are eligible for reappointment."

On page 1, line 17, after "members" insert ", who serve at the pleasure of the governor." and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

Senator Hargrove moved that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5997.

Senator Hargrove spoke in favor of the motion.

MOTION

On motion of Senator Harper, Senators Eide and Haugen were excused.

The President declared the question before the Senate to be the motion by Senator Hargrove that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5997.

The motion by Senator Hargrove carried and the Senate concurred in the House amendment(s) to Substitute Senate Bill No. 5997 by voice vote.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5997, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5997, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 41; Nays, 5; Absent, 0; Excused, 3.

Voting yea: Senators Baumgartner, Becker, Benton, Brown, Carrell, Chase, Conway, Delvin, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hatfield, Hewitt, Hill, Hobbs, Kastama, Keiser, Kilmer, Kline, Kohl-Welles, Litzow, McAuliffe, Morton, Murray, Nelson, Parlette, Pflug, Pridemore, Regala, Rolfes, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Voting nay: Senators Holmquist Newbry, Honeyford, King, Padden and Roach

Excused: Senators Haugen, Prentice and Ranker

SUBSTITUTE SENATE BILL NO. 5997, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

MR. PRESIDENT:

The House passed SUBSTITUTE SENATE BILL NO. 6116 with the following amendment(s): 6116-S AMH ENGR H4399.E

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 70.05 RCW to read as follows:

(1) A local board of health in the twelve counties bordering Puget Sound implementing an on-site sewage program management plan may:

(a) Impose and collect reasonable rates or charges in an amount sufficient to pay for the actual costs of administration and operation of the on-site sewage program management plan; and

(b) Contract with the county treasurer to collect the rates or charges imposed under this section in accordance with RCW 84.56.035.

(2) In executing the provisions in subsection (1) of this section, a local board of health does not have the authority to impose a lien on real property for failure to pay rates and charges imposed by this section.

(3) Nothing in this section provides a local board of health with the ability to impose and collect rates and charges related to the implementation of an on-site sewage program management plan beyond those powers currently designated under RCW 70.05.060(7)."

and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

Senator Pridemore moved that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 6116.

Senator Pridemore spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Pridemore that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 6116.

The motion by Senator Pridemore carried and the Senate concurred in the House amendment(s) to Substitute Senate Bill No. 6116 by voice vote.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6116, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6116, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 34; Nays, 13; Absent, 0; Excused, 2.

Voting yea: Senators Baumgartner, Brown, Chase, Conway, Eide, Fain, Fraser, Frockt, Hargrove, Harper, Hatfield, Haugen, Hewitt, Hill, Hobbs, Kastama, Keiser, Kilmer, Kline, Kohl-Welles, Litzow, McAuliffe, Morton, Murray, Nelson, Parlette, Pflug, Pridemore, Regala, Rolfes, Sheldon, Shin, Swecker and Tom

Voting nay: Senators Becker, Benton, Carrell, Delvin, Ericksen, Holmquist Newbry, Honeyford, King, Padden, Roach, Schoesler, Stevens and Zarelli

Excused: Senators Prentice and Ranker

SUBSTITUTE SENATE BILL NO. 6116, as amended by the House, having received the constitutional majority, was declared

passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MOTION

On motion of Senator Harper, Senators Kline, Nelson and Pridemore were excused.

#### MESSAGE FROM THE HOUSE

March 1, 2012

MR. PRESIDENT:

The House passed ENGROSSED SENATE BILL NO. 6155 with the following amendment(s): 6155.E AMH KELL SILV 203

Strike everything after the enacting clause and insert the following:

“**Sec. 1.** RCW 18.28.010 and 1999 c 151 s 101 are each amended to read as follows:

Unless a different meaning is plainly required by the context, the following words and phrases as hereinafter used in this chapter shall have the following meanings:

(1) "Debt adjusting" means the managing, counseling, settling, adjusting, prorating, or liquidating of the indebtedness of a debtor, or receiving funds for the purpose of distributing said funds among creditors in payment or partial payment of obligations of a debtor.

(2) "Debt adjuster", which includes any person known as a debt pooler, debt manager, debt consolidator, debt prorater, or credit counselor, is any person engaging in or holding himself or herself out as engaging in the business of debt adjusting for compensation. The term shall not include:

(a) Attorneys-at-law, escrow agents, accountants, broker-dealers in securities, or investment advisors in securities, while performing services solely incidental to the practice of their professions;

(b) Any person, partnership, association, or corporation doing business under and as permitted by any law of this state or of the United States relating to banks, consumer finance businesses, consumer loan companies, trust companies, mutual savings banks, savings and loan associations, building and loan associations, credit unions, crop credit associations, development credit corporations, industrial development corporations, title insurance companies, ~~(or)~~ insurance companies, or third-party account administrators;

(c) Persons who, as employees on a regular salary or wage of an employer not engaged in the business of debt adjusting, perform credit services for their employer;

(d) Public officers while acting in their official capacities and persons acting under court order;

(e) Any person while performing services incidental to the dissolution, winding up or liquidation of a partnership, corporation, or other business enterprise;

(f) Nonprofit organizations dealing exclusively with debts owing from commercial enterprises to business creditors;

(g) Nonprofit organizations engaged in debt adjusting and which do not assess against the debtor a service charge in excess of fifteen dollars per month.

(3) "Debt adjusting agency" is any partnership, corporation, or association engaging in or holding itself out as engaging in the business of debt adjusting.

(4) "Financial institution" means any person doing business under the laws of any state or the United States relating to commercial banks, bank holding companies, savings banks, savings and loan associations, trust companies, or credit unions.

(5) "Third-party account administrator" means an independent entity that holds or administers a dedicated bank account for fees and payments to creditors, debt collectors, debt adjusters, or debt

adjusting agencies in connection with the renegotiation, settlement, reduction, or other alteration of the terms of payment or other terms of a debt.

**Sec. 2.** RCW 18.28.080 and 1999 c 151 s 102 are each amended to read as follows:

(1) By contract a debt adjuster may charge a reasonable fee for debt adjusting services. The total fee for debt adjusting services, including, but not limited to, any fee charged by a financial institution or a third-party account administrator, may not exceed fifteen percent of the total debt listed by the debtor on the contract. The fee retained by the debt adjuster from any one payment made by or on behalf of the debtor may not exceed fifteen percent of the payment. The debt adjuster may make an initial charge of up to twenty-five dollars which shall be considered part of the total fee. If an initial charge is made, no additional fee may be retained which will bring the total fee retained to date to more than fifteen percent of the total payments made to date. No fee whatsoever shall be applied against rent and utility payments for housing.

In the event of cancellation or default on performance of the contract by the debtor prior to its successful completion, the debt adjuster may collect in addition to fees previously received, six percent of that portion of the remaining indebtedness listed on said contract which was due when the contract was entered into, but not to exceed twenty-five dollars.

(2) A debt adjuster shall not be entitled to retain any fee until notifying all creditors listed by the debtor that the debtor has engaged the debt adjuster in a program of debt adjusting.

(3) The department of financial institutions has authority to enforce compliance with this section.

NEW SECTION. **Sec. 3.** A new section is added to chapter 19.230 RCW to read as follows:

(1) A third-party account administrator must be licensed as a money transmitter under this chapter and comply with the following additional requirements:

(a) A debtor's funds must be held in an account at an insured financial institution;

(b) A debtor owns the funds held in the account and must be paid accrued interest on the account, if any;

(c) A third-party account administrator may not be owned or controlled by, or in any way affiliated with, a debt adjuster;

(d) A third-party account administrator may not give or accept any money or other compensation in exchange for referrals of business involving a debt adjuster;

(e) A debtor may withdraw from the service provided by a third-party account administrator at any time without penalty and must receive all funds in the account, other than funds earned by a debt adjuster in compliance with chapter 18.28 RCW, within seven business days of the debtor's request; and

(f) A contract between a third-party account administrator and a debtor must disclose in precise terms the rate and amount of all charges and fees. In addition, the contract must include a statement that is substantially similar to the following: "Under the Washington Debt Adjusting Act, the total fees you are charged for debt adjusting services may not exceed fifteen percent of the total amount of debt you listed on your contract with the debt adjuster. This includes fees charged by a debt adjuster, a third-party account administrator, and a financial institution." The disclosures required by this subsection (1)(f) must be on the front page of the contract and must be in at least twelve-point type.

(2) The legislature finds and declares that any violation of this section substantially affects the public interest and is an unfair and deceptive act or practice and unfair method of competition in the conduct of trade or commerce as set forth in RCW 19.86.020. In addition to all remedies available in chapter 19.86 RCW, a person injured by a violation of this section may bring a civil action to

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recover the actual damages proximately caused by a violation of this section, or one thousand dollars, whichever is greater.

(3) For purposes of this section and section 4 of this act:

(a) "Debt adjuster" has the same meaning as defined in RCW 18.28.010;

(b) "Third-party account administrator" means an independent entity that holds or administers a dedicated bank account for fees and payments to creditors, debt collectors, debt adjusters, or debt adjusting agencies in connection with the renegotiation, settlement, reduction, or other alteration of the terms of payment or other terms of a debt. "Third-party account administrator" does not include an entity that is otherwise exempt from this chapter under RCW 19.230.020.

**NEW SECTION. Sec. 4.** A new section is added to chapter 19.230 RCW to read as follows:

(1) A third-party account administrator shall maintain the following records for at least five years:

(a) All contracts the third-party account administrator has entered into with debtors and debt adjusters;

(b) Account statements identifying and itemizing deposits, transfers, disbursements, and fees; and

(c) Any other records required in rule by the director.

(2) All records maintained by the third-party account administrator are open to inspection by the director or the director's designee.

**NEW SECTION. Sec. 5.** (1) Any person or entity that provides debt adjusting services, as defined in RCW 18.28.010, in this state shall provide the following information to the department of financial institutions by September 1, 2012:

(a) The percentage of Washington debtors for whom the debt adjuster provides or provided debt adjusting services in the previous three years who cancelled, terminated, or otherwise stopped using the debt adjuster's services without settlement of all of the debtor's debts;

(b) The total fees collected from Washington debtors during the previous three years; and

(c) For each debtor for whom the debt adjuster provides debt adjusting services:

(i) The number of debts included in the contract between the debt adjuster and the debtor;

(ii) The principal amount of each debt at the time the contract was signed;

(iii) Whether each debt is active, terminated, or settled;

(iv) If a debt has been settled, the settlement amount of the debt and the savings amount; and

(v) The total fees charged to the debtor and how the fees were calculated.

(2) The department of financial institutions shall submit a report to the appropriate committees of the legislature summarizing the information received under subsection (1) of this section by December 1, 2012.

**NEW SECTION. Sec. 6.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

Correct the title.

and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

Senator Hobbs moved that the Senate concur in the House amendment(s) to Engrossed Senate Bill No. 6155.

Senator Hobbs spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Hobbs that the Senate concur in the House amendment(s) to Engrossed Senate Bill No. 6155.

The motion by Senator Hobbs carried and the Senate concurred in the House amendment(s) to Engrossed Senate Bill No. 6155 by voice vote.

The President declared the question before the Senate to be the final passage of Engrossed Senate Bill No. 6155, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 6155, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Baumgartner, Becker, Benton, Brown, Carrell, Chase, Conway, Delvin, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hatfield, Haugen, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles, Litzow, McAuliffe, Morton, Murray, Padden, Parlette, Pflug, Regala, Roach, Rolfes, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Excused: Senators Nelson, Prentice, Pridemore and Ranker

ENGROSSED SENATE BILL NO. 6155, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

February 27, 2012

MR. PRESIDENT:

The House passed SUBSTITUTE SENATE BILL NO. 6242 with the following amendment(s): 6242-S AMH BFS H4362.1

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 48.120.005 and 2008 c 217 s 94 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) (~~"Communications equipment" means handsets, pagers, personal digital assistants, portable computers, automatic answering devices, batteries, and their accessories or other devices used to originate or receive communications signals or service approved for coverage by rule of the commissioner, and also includes services related to the use of the devices.~~) "Portable electronics" means personal, self-contained, easily carried by an individual, battery-operated electronic communication, viewing, listening, recording, gaming, computing or global positioning devices and other similar devices and their accessories, and service related to the use of such devices.

(2) (~~"(Communications equipment)~~) Portable electronics insurance program" means an insurance program as described in RCW 48.120.015.

(3) (~~"(Communications service" means the service necessary to send, receive, or originate communications signals)~~) "Portable electronics transaction" means the sale or lease of portable electronics or the sale of a service related to the use of portable electronics by a vendor to a customer.

(4) "Customer" means a person ~~((or entity purchasing or leasing communications equipment or communications services from))~~ that enters into a portable electronics transaction with a vendor.

(5) "Specialty producer license" means a license issued under RCW 48.120.010 that authorizes a vendor to offer or sell insurance as provided in RCW 48.120.015.

(6) "Supervising ~~((agent))~~ person" means a licensed insurer or an appointed insurance producer licensed under RCW 48.17.090 who provides training as described in RCW 48.120.020 and is ~~((affiliated to a licensed vendor))~~ appointed by an insurer to supervise the administration of a portable electronics insurance program.

(7) "Vendor" means a person ~~((or entity resident or with offices in this state))~~ in the business of ~~((leasing, selling, or providing communications equipment or communications service to customers)),~~ directly or indirectly, engaging in portable electronics transactions.

(8) "Appointing insurer" means the insurer appointing the vendor as its agent under a specialty producer license.

(9) "Federal securities law" means the securities act of 1933, the securities exchange act of 1934, and the investment company act of 1940.

(10) "Location" means any physical locale in this state and any web site, call center site, or similar site directed to residents of this state.

**Sec. 2.** RCW 48.120.010 and 2008 c 217 s 95 are each amended to read as follows:

(1) A vendor that intends to offer insurance under RCW 48.120.015 must file a specialty producer license application with the commissioner. Before the commissioner issues such a license, the vendor must be appointed as the insurance producer of one or more authorized appointing insurers under a vendor's specialty producer license.

(2) Upon receipt of an application, if the commissioner is satisfied that the application is complete, the commissioner may issue a specialty producer license to the vendor.

(3) An application for licensure pursuant to this section must conform to the requirements of chapter 48.17 RCW. However, information with respect to an applicant's officers, directors, and shareholders of record having beneficial ownership of ten percent or more of any class of securities registered under federal securities law may only be required if the vendor derives more than fifty percent of its revenue from the sale of portable electronics insurance.

**Sec. 3.** RCW 48.120.015 and 2002 c 357 s 3 are each amended to read as follows:

(1) A specialty producer license authorizes a vendor and its employees and authorized representatives to offer and sell to, enroll in, and bill and collect premiums from customers for insurance covering ~~((communications equipment))~~ portable electronics on a master, corporate, group, or on an individual policy basis at each location at which the vendor engages in portable electronics transactions. However:

(a) The supervising person must maintain a list of a vendor's locations that are authorized to sell or solicit portable electronics insurance coverage; and

(b) The list under (a) of this subsection must be provided to the commissioner within ten days of a request by the commissioner.

(2) An employee or authorized representative of a vendor may sell or offer portable electronics insurance to the vendor's customers without being individually licensed as an insurance producer if the vendor is licensed under this chapter and is acting in compliance with this chapter and any rules adopted by the commissioner.

(3) A vendor billing and collecting premiums from customers for portable electronics insurance coverage is not required to maintain these funds in a segregated account if the vendor:

(a) Is authorized by the insurer to hold the funds in an alternative manner; and

(b) Remits the funds to the supervising person within sixty days of receipt.

(4) All funds received by a vendor from an enrolled customer for the sale of portable electronics insurance are considered funds held in trust by the vendor in a fiduciary capacity for the benefit of the insurer.

(5) Any charge to the enrolled customer for coverage that is not included in the cost associated with the purchase or lease of portable electronics or related services must be separately itemized on the enrolled customer's bill.

(6) If portable electronics insurance coverage is included with the purchase or lease of portable electronics or related services, the vendor must clearly and conspicuously disclose to the enrolled customer that the portable electronics insurance coverage is included with the portable electronics or related services.

(7) Vendors may receive compensation for billing and collection services.

**Sec. 4.** RCW 48.120.020 and 2002 c 357 s 4 are each amended to read as follows:

(1) A vendor issued a specialty producer license may not issue insurance under RCW 48.120.015 unless:

(a) At every location where customers are enrolled in ~~((communications equipment))~~ portable electronics insurance programs, written material regarding the program is made available to prospective customers that:

(i) Discloses that portable electronics insurance may provide a duplication of coverage already provided by a customer's homeowner's insurance policy, renter's insurance policy, or other source of coverage;

(ii) States that the enrollment by the customer in a portable electronics insurance program is not required in order to purchase or lease portable electronics or services;

(iii) Summarizes the material terms of the insurance coverage, including the identity of the insurer, the identity of the supervising person, the amount of any applicable deductible and how it is to be paid, benefits of the coverage, and key terms and conditions of coverage, such as whether portable electronics may be replaced with a similar make and model or reconditioned make and model or repaired with nonoriginal manufacturer parts or equipment;

(iv) Summarizes the process for filing a claim, including a description of how to return portable electronics and the maximum fee applicable in the event the customer fails to comply with any equipment return requirements; and

(v) States that an enrolled customer may cancel enrollment for coverage under a portable electronics insurance policy at any time and the person paying the premium will receive a refund of any applicable unearned premium; and

(b) The ~~((communications equipment))~~ portable electronics insurance program is operated with the participation of a supervising ~~((agent))~~ person who, with authorization and approval from the appointing insurer, supervises a training program for employees of the licensed vendor. The training must comply with the following:

(i) The training must be delivered to employees and authorized representatives of vendors who are directly engaged in the activity of selling or offering portable electronics insurance;

(ii) The training may be provided in electronic form. However, if conducted in an electronic form, the supervising person must implement a supplemental education program regarding the portable electronics insurance product that is conducted and overseen by licensed employees of the supervising person; and

(iii) Each employee and authorized representative must receive basic instruction about the portable electronics insurance offered to customers and the disclosures required under this section.

(2) No employee or authorized representative of a vendor of portable electronics may advertise, represent, or otherwise hold

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himself or herself out as a nonlimited lines licensed insurance producer.

((2)) (3) Employees and authorized representatives of a vendor issued a specialty producer license may only act on behalf of the vendor in the offer, sale, solicitation, or enrollment of customers in a ~~((communications equipment))~~ portable electronics insurance program. The conduct of these employees and authorized representatives within the scope of their employment or agency is the same as conduct of the vendor for purposes of this title.

**Sec. 5.** RCW 48.17.170 and 2009 c 162 s 19 and 2009 c 119 s 11 are each reenacted and amended to read as follows:

(1) Unless denied licensure under RCW 48.17.530, persons who have met the requirements of RCW 48.17.090 and 48.17.110 shall be issued an insurance producer license. An insurance producer may receive a license in one or more of the following lines of authority:

(a) "Life," which is insurance coverage on human lives, including benefits of endowment and annuities, and may include benefits in the event of death or dismemberment by accident and benefits for disability income;

(b) "Disability," which is insurance coverage for accident, health, and disability or sickness, bodily injury, or accidental death, and may include benefits for disability income;

(c) "Property," which is insurance coverage for the direct or consequential loss or damage to property of every kind;

(d) "Casualty," which is insurance coverage against legal liability, including that for death, injury, or disability or damage to real or personal property;

(e) "Variable life and variable annuity products," which is insurance coverage provided under variable life insurance contracts, variable annuities, or any other life insurance or annuity product that reflects the investment experience of a separate account;

(f) "Personal lines," which is property and casualty insurance coverage sold to individuals and families for primarily noncommercial purposes;

(g) Limited lines:

(i) Surety;

(ii) Limited line credit insurance;

(iii) Travel;

(h) Specialty lines:

(i) ~~((Communications equipment or services))~~ Portable electronics;

(ii) Rental car;

(iii) Self-service storage; or

(i) Any other line of insurance permitted under state laws or rules.

(2) Unless denied licensure under RCW 48.17.530, persons who have met the requirements of RCW 48.17.090(4) shall be issued a title insurance agent license.

(3) All insurance producers', title insurance agents', and adjusters' licenses issued by the commissioner shall be valid for the time period established by the commissioner unless suspended or revoked at an earlier date.

(4) Subject to the right of the commissioner to suspend, revoke, or refuse to renew any insurance producer's, title insurance agent's, or adjuster's license as provided in this title, the license may be renewed into another like period by filing with the commissioner by any means acceptable to the commissioner on or before the expiration date a request, by or on behalf of the licensee, for such renewal accompanied by payment of the renewal fee as specified in RCW 48.14.010.

(5) If the request and fee for renewal of an insurance producer's, title insurance agent's, or adjuster's license are filed with the commissioner prior to expiration of the existing license, the licensee may continue to act under such license, unless sooner revoked or

suspended, until the issuance of a renewal license, or until the expiration of fifteen days after the commissioner has refused to renew the license and has mailed notification of such refusal to the licensee. If the request and fee for the license renewal are not received by the expiration date, the authority conferred by the license ends on the expiration date.

(6) If the request for renewal of an insurance producer's, title insurance agent's, or adjuster's license and payment of the fee are not received by the commissioner prior to the expiration date, the applicant for renewal shall pay to the commissioner, in addition to the renewal fee, a surcharge as follows:

(a) For the first thirty days or part thereof of delinquency, the surcharge is fifty percent of the renewal fee;

(b) For the next thirty days or part thereof of delinquency, the surcharge is one hundred percent of the renewal fee.

(7) If the request for renewal of an insurance producer's, title insurance agent's, or adjuster's license and fee for the renewal are received by the commissioner after sixty days but prior to twelve months after the expiration date, the application is for reinstatement of the license and the applicant for reinstatement must pay to the commissioner the license fee and a surcharge of two hundred percent of the license fee.

(8) Subsections (6) and (7) of this section do not exempt any person from any penalty provided by law for transacting business without a valid and subsisting license or appointment.

(9) An individual insurance producer, title insurance agent, or adjuster who allows his or her license to lapse may, within twelve months after the expiration date, reinstate the same license without the necessity of passing a written examination.

(10) A licensed insurance producer who is unable to comply with license renewal procedures due to military service or some other extenuating circumstance such as a long-term medical disability, may request a waiver of those procedures. The producer may also request a waiver of any examination requirement or any other fine or sanction imposed for failure to comply with renewal procedures.

(11) The license shall contain the licensee's name, address, personal identification number, and the date of issuance, lines of authority, expiration date, and any other information the commissioner deems necessary.

(12) Licensees shall inform the commissioner by any means acceptable to the commissioner of a change of address within thirty days of the change. Failure to timely inform the commissioner of a change in legal name or address may result in a penalty under either RCW 48.17.530 or 48.17.560, or both.

**NEW SECTION. Sec. 6.** A new section is added to chapter 48.17 RCW to read as follows:

(1) An individual who collects claim information from, or furnishes claim information to, insureds or claimants, and who enters data is not an "adjuster" for the purpose of this chapter if both of the following are satisfied:

(a) The individual's claim-related activity is limited exclusively to claims originating from policies of insurance issued through a portable electronics insurance program as defined in RCW 48.120.005(2); and

(b) The individual is an employee of, and is supervised by, a person that is licensed as an independent adjuster. For purposes of this section, "employee" includes employees of entities under common ownership with the licensed person.

(2) The person that is licensed as an independent adjuster must maintain complete records of its employees engaged in the activity described in subsection (1) of this section and must comply with either (a) or (b) of this subsection:

(a) The person must submit a list of the names of all such employees to the commissioner on forms prescribed by the

commissioner annually and must keep the list current by reporting all changes, deletions, or additions within thirty days after the change, deletion, or addition occurred. Each list must be retained by the licensed independent adjuster for a period of three years from submission; or

(b) The person must maintain a system to track and document in the claim records each employee engaged in the activity described in subsection (1) of this section and, upon request of the commissioner, must identify the employee who has engaged in the activity.

(3) The person licensed as an independent adjuster must provide a training and education program for each employee engaged in the activity described in subsection (1) of this section prior to allowing the employee to engage in the activity. The training must include a section on compliance with applicable insurance laws for which a syllabus outlining the content of this section must be submitted to the commissioner for approval prior to use, and resubmitted for approval of any changes prior to use.

(4) The licensed independent adjuster that supervises the persons engaged in the activity described in subsection (1) of this section is responsible for their conduct. The commissioner may place on probation, revoke, suspend, or refuse to renew the adjuster's license of the independent adjuster, levy a civil penalty in accordance with RCW 48.17.560, or any combination of actions for any of the causes for which an adjuster's license may be revoked under chapter 48.17 RCW for the violation of any insurance laws, or any rule, subpoena, or order of the commissioner by a person engaged in the activity described in subsection (1) of this section who is employed by the licensed adjuster."

On page 1, line 1 of the title, after "licenses;" strike the remainder of the title and insert "amending RCW 48.120.005, 48.120.010, 48.120.015, and 48.120.020; reenacting and amending RCW 48.17.170; and adding a new section to chapter 48.17 RCW." and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

#### MOTION

Senator Hobbs moved that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 6242.

Senator Hobbs spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Hobbs that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 6242.

The motion by Senator Hobbs carried and the Senate concurred in the House amendment(s) to Substitute Senate Bill No. 6242 by voice vote.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6242, as amended by the House.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6242, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Baumgartner, Becker, Benton, Brown, Carrell, Chase, Conway, Delvin, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hatfield, Haugen, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles, Litzow, McAuliffe, Morton, Murray, Padden, Parlette, Pflug, Pridemore, Regala, Roach, Rolfes, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Excused: Senators Nelson, Prentice and Ranker

SUBSTITUTE SENATE BILL NO. 6242, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MESSAGE FROM THE HOUSE

February 29, 2012

MR. PRESIDENT:

The House passed SUBSTITUTE SENATE BILL NO. 6414 with the following amendment(s): 6414-S AMH MORR DURB 228

On page 1, line 10, after "resource, the" strike "Washington State University extension energy program" and insert "department"

On page 1, at the beginning of line 15, strike "Washington State University extension energy program" and insert "department"

On page 1, beginning on line 18, after "department;" strike all material through "(c)" on line 19 and insert "and (b)"

On page 2, beginning on line 1, after "utility. The" strike "Washington State University extension energy program" and insert "department"

On page 2, beginning on line 8, after "from the" strike "Washington State University extension energy program" and insert "department"

On page 2, beginning on line 11, after "application, the" strike "Washington State University extension energy program" and insert "director of the department"

On page 2, line 25, after "(3) The" strike "Washington State University extension energy program" and insert "department"

On page 2, line 31, after "(5) The" strike "Washington State University extension energy program" and insert "department" and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

#### MOTION

Senator Regala moved that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 6414.

Senator Regala spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Regala that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 6414.

The motion by Senator Regala carried and the Senate concurred in the House amendment(s) to Substitute Senate Bill No. 6414 by voice vote.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6414, as amended by the House.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6414, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Baumgartner, Becker, Benton, Brown, Carrell, Chase, Conway, Delvin, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hatfield, Haugen, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles, Litzow, McAuliffe, Morton, Murray, Padden, Parlette, Pflug, Prentice, Pridemore, Regala, Roach,

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Rolfes, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Excused: Senators Nelson and Ranker

SUBSTITUTE SENATE BILL NO. 6414, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

March 1, 2012

MR. PRESIDENT:

The House passed SENATE BILL NO. 6134 with the following amendment(s): 6134 AMH WAYS H4515.1

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 41.26.435 and 2009 c 157 s 1 are each amended to read as follows:

(1) A member of plan 2 who was a member of the public employees' retirement system plan 2 or plan 3 while employed as an enforcement officer for the department of fish and wildlife has the option to make an election no later than December 31, 2009, filed in writing with the department of retirement systems, to transfer all service credit previously earned as an enforcement officer in the public employees' retirement system plan 2 or plan 3 to the law enforcement officers' and firefighters' retirement system plan 2. Service credit that a member elects to transfer from the public employees' retirement system to the law enforcement officers' and firefighters' retirement system under this section shall be transferred no earlier than June 30, ~~(2014)~~ 2012, and only after the member completes payment as provided in subsection (2) of this section.

(2)(a) A member who elects to transfer service credit under subsection (1) of this section shall make the payments required by this subsection prior to having service credit earned as an enforcement officer with the department of fish and wildlife under the public employees' retirement system plan 2 or plan 3 transferred to the law enforcement officers' and firefighters' retirement system plan 2.

(b) A member who elects to transfer service credit from the public employees' retirement system plan 2 under this subsection shall pay, for the applicable period of service, the difference between the contributions the employee paid to the public employees' retirement system plan 2 and the contributions that would have been paid by the employee had the employee been a member of the law enforcement officers' and firefighters' retirement system plan 2, plus interest on this difference as determined by the director. This payment must be made no later than June 30, 2014, and must be made prior to retirement.

(c) A member who elects to transfer service credit from the public employees' retirement system plan 3 under this subsection shall transfer to the law enforcement officers' and firefighters' retirement system plan 2, for the applicable period of service, the full balance of the member's defined contribution account within plan 3 as of the effective date of the transfer. At no time will the member pay, for the applicable period of service, a sum less than the contributions that would have been paid by the employee had the employee been a member of the law enforcement officers' and firefighters' retirement system plan 2, plus interest as determined by the director. This transfer and any additional payment, if necessary, must be made no later than June 30, 2014, and must be made prior to retirement.

(d) Upon completion of the payment required in (b) of this subsection, the department shall transfer from the public employees' retirement system to the law enforcement officers' and firefighters' retirement system plan 2: (i) All of the employee's applicable

accumulated contributions plus interest and all of the applicable employer contributions plus interest; and (ii) all applicable months of service, as defined in RCW 41.26.030(~~((44))~~) (28)(b), credited to the employee under this chapter for service as an enforcement officer with the department of fish and wildlife as though that service was rendered as a member of the law enforcement officers' and firefighters' retirement system plan 2.

(e) Upon completion of the payment required in (c) of this subsection, the department shall transfer from the public employees' retirement system to the law enforcement officers' and firefighters' retirement system plan 2: (i) All of the employee's applicable accumulated contributions plus interest and all of the applicable employer contributions plus interest; and (ii) all applicable months of service, as defined in RCW 41.26.030(~~((44))~~) (28)(b), credited to the employee under this chapter for service as an enforcement officer with the department of fish and wildlife as though that service was rendered as a member of the law enforcement officers' and firefighters' retirement system plan 2.

(f) If a member who elected to transfer pursuant to this section dies or retires for disability prior to June 30, ~~(2014)~~ 2012, the member's benefit is calculated as follows:

(i) All of the applicable service credit, accumulated contributions, and interest is transferred to the law enforcement officers' and firefighters' retirement system plan 2 and used in the calculation of a benefit.

(ii) If a member's obligation under (b) or (c) of this subsection has not been paid in full at the time of death or disability retirement, the member, or in the case of death the surviving spouse or eligible minor children, have the following options:

(A) Pay the bill in full;

(B) If a continuing monthly benefit is chosen, have the benefit actuarially reduced to reflect the amount of the unpaid obligation under (b) or (c) of this subsection; or

(C) Continue to make payment against the obligation under (b) or (c) of this subsection, provided that payment in full is made no later than June 30, 2014.

(g) Upon transfer of service credit, contributions, and interest under this subsection, the employee is permanently excluded from membership in the public employees' retirement system for all service related to time served as an enforcement officer with the department of fish and wildlife under the public employees' retirement system plan 2 or plan 3."

Correct the title.

and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

Senator Delvin moved that the Senate concur in the House amendment(s) to Senate Bill No. 6134.

Senators Delvin and Sheldon spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Delvin that the Senate concur in the House amendment(s) to Senate Bill No. 6134.

The motion by Senator Delvin carried and the Senate concurred in the House amendment(s) to Senate Bill No. 6134 by voice vote.

The President declared the question before the Senate to be the final passage of Senate Bill No. 6134, as amended by the House.

ROLL CALL



The Secretary called the roll on the final passage of Senate Bill No. 6134, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Baumgartner, Becker, Benton, Brown, Carrell, Chase, Conway, Delvin, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hatfield, Haugen, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles, Litzow, McAuliffe, Morton, Murray, Padden, Parlette, Pflug, Prentice, Pridemore, Regala, Roach, Rolfes, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Excused: Senators Nelson and Ranker

SENATE BILL NO. 6134, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MOTION

At 4:45 p.m., on motion of Senator Eide, the Senate adjourned until 9:30 a.m. Monday, March 5, 2012.

BRAD OWEN, President of the Senate

THOMAS HOEMANN, Secretary of the Senate

FIFTY SEVENTH DAY

MORNING SESSION

Senate Chamber, Olympia, Monday, March 5, 2012

The Senate was called to order at 9:30 a.m. by President Owen. The Secretary called the roll and announced to the President that all Senators were present with the exception of Senators Benton, Carrell, Chase, Harper, McAuliffe, Plug and Prentice.

The Sergeant at Arms Color Guard consisting of Pages Murray Stromberg and Victoria Morales, presented the Colors. Pastor Eric Wilson Weiberg of Ballard First Lutheran Church of Seattle offered the prayer.

MOTION

On motion of Senator Eide, the reading of the Journal of the previous day was dispensed with and it was approved.

MOTION

On motion of Senator Eide, the Senate advanced to the fourth order of business.

MESSAGE FROM THE HOUSE

March 3, 2012

MR. PRESIDENT:

The House concurred in the Senate amendments to the following bills and passed the bills as amended by the Senate:

- ENGROSSED SUBSTITUTE HOUSE BILL NO. 2048,
- ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2319,
- ENGROSSED SUBSTITUTE HOUSE BILL NO. 2582,
- SUBSTITUTE HOUSE BILL NO. 2617,
- SUBSTITUTE HOUSE BILL NO. 2673,
- ENGROSSED SUBSTITUTE HOUSE BILL NO. 2692,
- ENGROSSED HOUSE BILL NO. 2771.

and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

On motion of Senator Eide, the Senate advanced to the sixth order of business.

MOTION

On motion of Senator Frockt, Senators Brown and Harper were excused.

MOTION

On motion of Senator Fain, Senators Becker, Benton, Carrell, Ericksen, Hewitt, Parlette, Pflug and Zarelli were excused.

MOTION

On motion of Senator Eide, Senator Prentice was excused.

SECOND READING

CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Kline moved that Gubernatorial Appointment No. 9160, Stuart Halson, as a member of the Board of Trustees, Centralia Community College District No. 12, be confirmed.

Senators Kline, Schoesler and Roach spoke in favor of passage of the motion.

APPOINTMENT OF STUART HALSON

The President declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9160, Stuart Halson as a member of the Board of Trustees, Centralia Community College District No. 12.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9160, Stuart Halson as a member of the Board of Trustees, Centralia Community College District No. 12 and the appointment was confirmed by the following vote: Yeas, 41; Nays, 1; Absent, 2; Excused, 5.

Voting yea: Senators Becker, Brown, Conway, Delvin, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Hatfield, Haugen, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles, Litzow, Morton, Murray, Nelson, Padden, Parlette, Pridemore, Ranker, Regala, Roach, Rolfes, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Voting nay: Senator Baumgartner

Absent: Senators Chase and McAuliffe

Excused: Senators Benton, Carrell, Harper, Pflug and Prentice

Gubernatorial Appointment No. 9160, Stuart Halson, having received the constitutional majority was declared confirmed as a member of the Board of Trustees, Centralia Community College District No. 12.

MOTION

On motion of Senator Eide, Senators Chase and McAuliffe were excused.

PERSONAL PRIVILEGE

Senator Sheldon: "Well, thank you Mr. President. Now that March Madness has begun and I don't mean here in the Senate, I mean in the NCAA Tournament. As a UW alum, I want to be the first to rise and congratulate the Pac 10 Champion basketball team of our new league, the Pac 10 as the University Washington Huskies. And also to say of course they did win the Pac 10 outright in 2009 and then previously in 1953. So, it's quite an event for the team to win the championship this year. We're looking forward to the Pac 10 tournament and the NCAA tournament and good luck to the Huskies. 'Go Dawgs.'"

REPLY BY THE PRESIDENT

President Owen: "That would be to Pac 12, Senator."

PERSONAL PRIVILEGE

Senator Shin: "I feel so blessed and happy today. 1955 I was adopted, came to this country alone and many, many years later I went back to Korea. I found my father who had abandoned me and he had five children by a second marriage and having hard time to go to school. So I invited all of them to the United States, educated here. Yesterday, my nephew whose name is Paull Shin also, the son of a second brother, he has volunteered in the Marine Corps and I saw him at the train station leaving for San Diego. It was a very proud moment. I was a ... He decided to serve his country in the Marine Corps. I thought I would share this with you, thank you Mr. President."

SECOND READING  
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Fain moved that Gubernatorial Appointment No. 9187, Thomas Campbell, as a member of the Board of Trustees, Green River Community College District No. 10, be confirmed.

Senator Fain spoke in favor of the motion.

APPOINTMENT OF THOMAS CAMPBELL

The President declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9187, Thomas Campbell as a member of the Board of Trustees, Green River Community College District No. 10.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9187, Thomas Campbell as a member of the Board of Trustees, Green River Community College District No. 10 and the appointment was confirmed by the following vote: Yeas, 42; Nays, 1; Absent, 0; Excused, 6.

Voting yea: Senators Becker, Brown, Chase, Conway, Delvin, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Hatfield, Haugen, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles, Litzow, Morton, Murray, Nelson, Padden, Parlette, Pridemore, Ranker, Regala, Roach, Rolfes, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Voting nay: Senator Baumgartner

Excused: Senators Benton, Carrell, Harper, McAuliffe, Pflug and Prentice

Gubernatorial Appointment No. 9187, Thomas Campbell, having received the constitutional majority was declared confirmed as a member of the Board of Trustees, Green River Community College District No. 10.

MOTION

On motion of Senator Fraser, Senator Eide was excused.

SECOND READING  
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Pridemore moved that Gubernatorial Appointment No. 9222, Royce Pollard, as a member of the Board of Trustees, Clark Community College District No. 14, be confirmed.

Senators Pridemore and Benton spoke in favor of the motion.

APPOINTMENT OF ROYCE POLLARD

The President declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9222, Royce Pollard as a member of the Board of Trustees, Clark Community College District No. 14.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9222, Royce Pollard as a member of the Board of Trustees, Clark Community College District No. 14 and the appointment was confirmed by the following vote: Yeas, 44; Nays, 1; Absent, 0; Excused, 4.

Voting yea: Senators Becker, Benton, Brown, Chase, Conway, Delvin, Ericksen, Fain, Fraser, Frockt, Hargrove, Hatfield, Haugen, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles, Litzow, McAuliffe, Morton, Murray, Nelson, Padden, Parlette, Pflug, Pridemore, Ranker, Regala, Roach, Rolfes, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Voting nay: Senator Baumgartner

Excused: Senators Carrell, Eide, Harper and Prentice

Gubernatorial Appointment No. 9222, Royce Pollard, having received the constitutional majority was declared confirmed as a member of the Board of Trustees, Clark Community College District No. 14.

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced Colonel Ed Drummond; Captain George Hickman; and Airman George Miller, original members of the "Tuskegee Airmen" and Mr. Tommie Lamb, President of the Sam Bruce Chapter of the Tuskegee Airmen, Inc., who were seated at the rostrum. The "Tuskegee Airmen" were the first African Americans to fly and maintain combat aircraft during World War II. Previously denied military leadership roles and skilled training, the 332<sup>nd</sup> and other Fighter Groups, trained in Tuskegee, Alabama by the U. S. Army Air Corps program that has become known as the "Tuskegee Experience," went on to become one of the most highly respected fighter groups of the war, paving the way for full integration of the U. S. military.

With permission of the Senate, business was suspended to allow Colonel Ed Drummond and Mr. Tommie Lamb to address the Senate.

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced Mrs. Alberta Drummond, wife of Colonel Drummond and son, Mr. Michael Drummond; Mrs. Dorothy Hickman, wife of Captain Hickman; and Ms. Hydarose Miller, daughter of Airman Miller accompanied by Mrs. Brad Owen and visit organizer, Ms. Tracey Lundquist, daughter of former Representative Homer Lundquist and teacher at Tyee Park Elementary School in Lakewood and a Golden Apple Award winner, who were all present in the gallery.

REMARKS BY COLONEL ED DRUMMOND

Colonel Drummond: "First off, I'd like to say, express my thanks for the opportunity to speak in the Senate of the State of Washington. We came to Washington by way of the military in 1961. We're Pennsylvanians, my wife, of sixty-three years, Alberta, and myself and our family, Michael's our son, up there. We were adopted by Washington and I always challenged those who were born and raised here to take off their shoes because I have web feet just like they have and that's one thing you get when you get here. But we're really blessed and we thank you for the privilege, for taking some of your valuable time and want to

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express our thanks for what you're trying to do for the state. We realize that you work hard at what you're doing. Everybody is not always in agreement of things but you come to a rationalization which is beneficial to us in the state and we appreciate the job that you do and we appreciate you letting us just take a few minutes. Thank you very much."

REMARKS BY MR. TOMMIE LAMB

Mr. Lamb: "Good morning. I came from a little town in Mississippi and no way on God's green earth that anybody from Mississippi during my time would be standing in the State Legislature. So, I'm very proud to be here this morning and I want to thank you for taking your time out to welcome us. The Tuskegee Airmen, we're trying to just tell the story, what was done and what was not done. We look forward to working with the state and with the people of the state of Washington to prove things much better for the kids that are coming along now. You can imagine the school I went to in Mississippi was inferior from the beginning to the end and the only way you could improve yourself was to get out of the state of Mississippi in the 1950s. And like I said my mother and father they would be so proud of me to see me standing this place because it was never believed that we would ever be anything because nothing was planned to be anything. So, again I would just like to thank you and welcome you to come to our meetings. We have meetings on the last Friday of every month at the Museum of Flight where we discuss different programs that we try to encourage young people, continue their education and especially those who are interested in going to Aaronic Engineering and math and science. So, you're always welcome to come to my meetings and I hope that my members will give you the same warm welcome that you have here on us this morning. Thank you very much."

REMARKS BY THE PRESIDENT

President Owen: "Following our little time here, we are going to make a little jaunt over to the House of Representatives for a minute and then they will be in my office if people would like to come by for pictures and just say hello and pay their respects to these incredible, incredible heroes of America. That will go until about 12:30 and then I will shut the door so they can have lunch. So, thank you all for allowing us this time to meet these incredible gentlemen. Thank you very much and thank you all for being here with us today."

MOTION

On motion of Senator Eide, the Senate advanced to the eighth order of business.

Senator Shin assumed the chair.

MOTION

On motion of Senator Eide, the Senate reverted to the fourth order of business.

MOTION

At 10:16 a.m., on motion of Senator Eide, the Senate was declared to be at ease subject to the call of the President.

The Senate was called to order at 11:05 a.m. by President Owen.

MOTION

On motion of Senator Eide, the Senate advanced to the sixth order of business.

MOTION

On motion of Senator Eide, the Senate reverted to the fourth order of business.

MESSAGE FROM THE HOUSE

March 3, 2012

MR. PRESIDENT:

The House has passed:

SUBSTITUTE SENATE BILL NO. 6444.

and the same is herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

On motion of Senator Eide, the Senate advanced to the sixth order of business.

SECOND READING

SENATE BILL NO. 6406, by Senators Hargrove, Hobbs, Delvin, Hatfield, Tom, Stevens, Regala, Morton, Ranker and Shin

Modifying programs that provide for the protection of the state's natural resources.

MOTION

On motion of Senator Hargrove, Substitute Senate Bill No. 6406 was substituted for Senate Bill No. 6406 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Hargrove moved that the following striking amendment by Senators Hargrove and Schoesler be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** The legislature finds that significant opportunities exist to modify programs that provide for management and protection of the state's natural resources, including the state's forests, fish, and wildlife, in order to streamline regulatory processes and achieve program efficiencies while at the same time increasing the sustainability of program funding and maintaining current levels of natural resource protection. The legislature intends to update provisions relating to natural resource management and regulatory programs including the hydraulic project approval program, forest practices act, and state environmental policy act, in order to achieve these opportunities.

**PART ONE**

**Hydraulic Project Approvals**

**Sec. 101.** RCW 77.55.011 and 2010 c 210 s 26 are each reenacted and amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Bed" means the land below the ordinary high water lines of state waters. This definition does not include irrigation ditches, canals, storm water runoff devices, or other artificial watercourses except where they exist in a natural watercourse that has been altered artificially.

(2) "Board" means the pollution control hearings board created in chapter 43.21B RCW.

(3) "Commission" means the state fish and wildlife commission.

(4) "Date of receipt" has the same meaning as defined in RCW 43.21B.001.

(5) "Department" means the department of fish and wildlife.

(6) "Director" means the director of the department of fish and wildlife.

(7) "Emergency" means an immediate threat to life, the public, property, or of environmental degradation.

(8) "Hydraulic project" means the construction or performance of work that will use, divert, obstruct, or change the natural flow or bed of any of the salt or freshwaters of the state.

(9) "Imminent danger" means a threat by weather, water flow, or other natural conditions that is likely to occur within sixty days of a request for a permit application.

(10) "Marina" means a public or private facility providing boat moorage space, fuel, or commercial services. Commercial services include but are not limited to overnight or live-aboard boating accommodations.

(11) "Marine terminal" means a public or private commercial wharf located in the navigable water of the state and used, or intended to be used, as a port or facility for the storing, handling, transferring, or transporting of goods to and from vessels.

(12) "Ordinary high water line" means the mark on the shores of all water that will be found by examining the bed and banks and ascertaining where the presence and action of waters are so common and usual, and so long continued in ordinary years as to mark upon the soil or vegetation a character distinct from the abutting upland. Provided, that in any area where the ordinary high water line cannot be found, the ordinary high water line adjoining saltwater is the line of mean higher high water and the ordinary high water line adjoining freshwater is the elevation of the mean annual flood.

(13) "Permit" means a hydraulic project approval permit issued under this chapter.

(14) "Sandbars" includes, but is not limited to, sand, gravel, rock, silt, and sediments.

(15) "Small scale prospecting and mining" means the use of only the following methods: Pans; nonmotorized sluice boxes; concentrators; and minirocker boxes for the discovery and recovery of minerals.

(16) "Spartina," "purple loosestrife," and "aquatic noxious weeds" have the same meanings as defined in RCW 17.26.020.

(17) "Streambank stabilization" means those projects that prevent or limit erosion, slippage, and mass wasting. These projects include, but are not limited to, bank resloping, log and debris relocation or removal, planting of woody vegetation, bank protection using rock or woody material or placement of jetties or groins, gravel removal, or erosion control.

(18) "Tide gate" means a one-way check valve that prevents the backflow of tidal water.

(19) "Waters of the state" and "state waters" means all salt and freshwaters waterward of the ordinary high water line and within the territorial boundary of the state.

(20) "Emergency permit" means a verbal hydraulic project approval or the written follow-up to the verbal approval issued to a person under RCW 77.55.021(12).

(21) "Expedited permit" means a hydraulic project approval issued to a person under RCW 77.55.021 (14) and (16).

(22) "Forest practices hydraulic project" means a hydraulic project that requires a forest practices application or notification under chapter 76.09 RCW.

(23) "General permit" means a hydraulic project approval issued to a person under RCW 77.55.021 for multiple hydraulic projects that: (a) Involve repair or maintenance activities; and (b) occur over a defined geographic area, but for which specific project sites have not been designated.

(24) "Multiple site permit" means a hydraulic project approval issued to a person under RCW 77.55.021 for hydraulic projects occurring at more than one specific location and which includes site-specific requirements.

(25) "Pamphlet hydraulic project" means a hydraulic project for the removal or control of aquatic noxious weeds conducted under the aquatic plants and fish pamphlet authorized by RCW 77.55.081, or for mineral prospecting and mining conducted under the gold and fish pamphlet authorized by RCW 77.55.091.

(26) "Permit modification" means a hydraulic project approval issued to a person under RCW 77.55.021 that extends, renews, or changes the conditions of a previously issued hydraulic project approval.

(27) "Repair or maintenance" means the care and upkeep of existing structures.

**Sec. 102.** RCW 77.55.021 and 2010 c 210 s 27 are each amended to read as follows:

(1) Except as provided in RCW 77.55.031, 77.55.051, ~~((and))~~ 77.55.041, and section 201 of this act, in the event that any person or government agency desires to undertake a hydraulic project, the person or government agency shall, before commencing work thereon, secure the approval of the department in the form of a permit as to the adequacy of the means proposed for the protection of fish life.

(2) A complete written application for a permit may be submitted in person or by registered mail and must contain the following:

(a) General plans for the overall project;

(b) Complete plans and specifications of the proposed construction or work within the mean higher high water line in saltwater or within the ordinary high water line in freshwater;

(c) Complete plans and specifications for the proper protection of fish life; ~~((and))~~

(d) Notice of compliance with any applicable requirements of the state environmental policy act, unless otherwise provided for in this chapter; and

(e) Payment of all applicable application fees charged by the department under section 103 of this act.

(3) The department may establish direct billing accounts or other funds transfer methods with permit applicants to satisfy the fee payment requirements of section 103 of this act.

(4) The department may accept complete, written applications as provided in this section for multiple site permits and general permits and may issue these permits. For multiple site permits, each specific location must be identified.

(5) With the exception of emergency permits as provided in subsection (12) of this section, applications for permits must be submitted to the department's headquarters office in Olympia. Requests for emergency permits as provided in subsection (12) of this section may be made to the permitting biologist assigned to the location in which the emergency occurs, to the department's regional office in which the emergency occurs, or to the department's headquarters office.

(6) Except as provided for emergency permits in subsection (12) of this section, the department may not proceed with permit review until all fees are paid in full as required in section 103 of this act.

(7)(a) Protection of fish life is the only ground upon which

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approval of a permit may be denied or conditioned. Approval of a permit may not be unreasonably withheld or unreasonably conditioned.

~~(b)~~ Except as provided in this subsection and subsections ~~((8), (10), and)~~ (12) through (14) and (16) of this section, the department has forty-five calendar days upon receipt of a complete application to grant or deny approval of a permit. The forty-five day requirement is suspended if:

(i) After ten working days of receipt of the application, the applicant remains unavailable or unable to arrange for a timely field evaluation of the proposed project;

(ii) The site is physically inaccessible for inspection;

(iii) The applicant requests a delay; or

(iv) The department is issuing a permit for a storm water discharge and is complying with the requirements of RCW 77.55.161(3)(b).

~~((b))~~ (c) Immediately upon determination that the forty-five day period is suspended under (b) of this subsection, the department shall notify the applicant in writing of the reasons for the delay.

~~((e))~~ (d) The period of forty-five calendar days may be extended if the permit is part of a multiagency permit streamlining effort and all participating permitting agencies and the permit applicant agree to an extended timeline longer than forty-five calendar days.

~~((4))~~ (8) If the department denies approval of a permit, the department shall provide the applicant a written statement of the specific reasons why and how the proposed project would adversely affect fish life.

(a) Except as provided in (b) of this subsection, issuance, denial, conditioning, or modification of a permit shall be appealable to the board within thirty days from the date of receipt of the decision as provided in RCW 43.21B.230.

(b) Issuance, denial, conditioning, or modification of a permit may be informally appealed to the department within thirty days from the date of receipt of the decision. Requests for informal appeals must be filed in the form and manner prescribed by the department by rule. A permit decision that has been informally appealed to the department is appealable to the board within thirty days from the date of receipt of the department's decision on the informal appeal.

~~((5))~~ (9)(a) The permittee must demonstrate substantial progress on construction of that portion of the project relating to the permit within two years of the date of issuance.

(b) Approval of a permit is valid for ~~((a period of))~~ up to five years from the date of issuance, except as provided in (c) of this subsection and in RCW 77.55.151.

(c) A permit remains in effect without need for periodic renewal for hydraulic projects that divert water for agricultural irrigation or stock watering purposes and that involve seasonal construction or other work. A permit for streambank stabilization projects to protect farm and agricultural land as defined in RCW 84.34.020 remains in effect without need for periodic renewal if the problem causing the need for the streambank stabilization occurs on an annual or more frequent basis. The permittee must notify the appropriate agency before commencing the construction or other work within the area covered by the permit.

~~((6))~~ (10) The department may, after consultation with the permittee, modify a permit due to changed conditions. A modification under this subsection is not subject to the fees provided under section 103 of this act. The modification is appealable as provided in subsection ~~((4))~~ (8) of this section. For a hydraulic project~~((s))~~ that diverts water for agricultural irrigation or stock watering purposes, ~~((e))~~ when the hydraulic project or other work is associated with streambank stabilization to protect farm and agricultural land as defined in RCW 84.34.020, the burden is on the

department to show that changed conditions warrant the modification in order to protect fish life.

~~((7))~~ (11) A permittee may request modification of a permit due to changed conditions. The request must be processed within forty-five calendar days of receipt of the written request and payment of applicable fees under section 103 of this act. A decision by the department is appealable as provided in subsection ~~((4))~~ (8) of this section. For a hydraulic project~~((s))~~ that diverts water for agricultural irrigation or stock watering purposes, ~~((e))~~ when the hydraulic project or other work is associated with streambank stabilization to protect farm and agricultural land as defined in RCW 84.34.020, the burden is on the permittee to show that changed conditions warrant the requested modification and that such a modification will not impair fish life.

~~((8))~~ (12)(a) The department, the county legislative authority, or the governor may declare and continue an emergency. If the county legislative authority declares an emergency under this subsection, it shall immediately notify the department. A declared state of emergency by the governor under RCW 43.06.010 shall constitute a declaration under this subsection.

(b) The department, through its authorized representatives, shall issue immediately, upon request, ~~((oral))~~ verbal approval for a stream crossing, or work to remove any obstructions, repair existing structures, restore streambanks, protect fish life, or protect property threatened by the stream or a change in the stream flow without the necessity of obtaining a written permit prior to commencing work. Conditions of the emergency ~~((oral))~~ verbal permit must be ~~((established by the department and))~~ reduced to writing within thirty days and complied with as provided for in this chapter.

(c) The department may not require the provisions of the state environmental policy act, chapter 43.21C RCW, to be met as a condition of issuing a permit under this subsection.

~~((9))~~ (d) The department may not charge a person requesting an emergency permit any of the fees authorized by section 103 of this act until after the emergency permit is issued and reduced to writing.

(13) All state and local agencies with authority under this chapter to issue permits or other authorizations in connection with emergency water withdrawals and facilities authorized under RCW 43.83B.410 shall expedite the processing of such permits or authorizations in keeping with the emergency nature of such requests and shall provide a decision to the applicant within fifteen calendar days of the date of application.

~~((10))~~ (14) The department or the county legislative authority may determine an imminent danger exists. The county legislative authority shall notify the department, in writing, if it determines that an imminent danger exists. In cases of imminent danger, the department shall issue an expedited written permit, upon request, for work to remove any obstructions, repair existing structures, restore banks, protect fish resources, or protect property. Expedited permit requests require a complete written application as provided in subsection (2) of this section and must be issued within fifteen calendar days of the receipt of a complete written application. Approval of an expedited permit is valid for up to sixty days from the date of issuance. The department may not require the provisions of the state environmental policy act, chapter 43.21C RCW, to be met as a condition of issuing a permit under this subsection.

~~((11))~~ (15)(a) For any property, except for property located on a marine shoreline, that has experienced at least two consecutive years of flooding or erosion that has damaged or has threatened to damage a major structure, water supply system, septic system, or access to any road or highway, the county legislative authority may determine that a chronic danger exists. The county legislative authority shall notify the department, in writing, when it determines

that a chronic danger exists. In cases of chronic danger, the department shall issue a permit, upon request, for work necessary to abate the chronic danger by removing any obstructions, repairing existing structures, restoring banks, restoring road or highway access, protecting fish resources, or protecting property. Permit requests must be made and processed in accordance with subsections (2) and ~~((3))~~ (7) of this section.

(b) Any projects proposed to address a chronic danger identified under (a) of this subsection that satisfies the project description identified in RCW 77.55.181(1)(a)(ii) are not subject to the provisions of the state environmental policy act, chapter 43.21C RCW. However, the project is subject to the review process established in RCW 77.55.181(3) as if it were a fish habitat improvement project.

~~((12))~~ (16) The department may issue an expedited written permit in those instances where normal permit processing would result in significant hardship for the applicant or unacceptable damage to the environment. Expedited permit requests require a complete written application as provided in subsection (2) of this section and must be issued within fifteen calendar days of the receipt of a complete written application. Approval of an expedited permit is valid for up to sixty days from the date of issuance. The department may not require the provisions of the state environmental policy act, chapter 43.21C RCW, to be met as a condition of issuing a permit under this subsection.

**NEW SECTION. Sec. 103.** A new section is added to chapter 77.55 RCW to read as follows:

(1) The department shall charge an application fee of one hundred fifty dollars for a hydraulic project permit or permit modification issued under RCW 77.55.021 where the project is located at or below the ordinary high water line. The application fee established under this subsection may only be charged after June 30, 2012, if section 104 of this act has been enacted into law by that date.

(2) The following hydraulic projects are exempt from all fees listed under this section:

(a) Hydraulic projects approved under applicant-funded contracts with the department that pay for the costs of processing those projects;

(b) If sections 201 through 203 of this act are enacted into law by June 30, 2012, forest practices hydraulic projects;

(c) Pamphlet hydraulic projects; and

(d) Mineral prospecting and mining activities.

(3) All fees collected under this section must be deposited in the hydraulic project approval account created in section 105 of this act.

(4) The fee provisions contained in this section are prospective only. The department of fish and wildlife may not charge fees for hydraulic project permits issued under this title prior to the effective date of this section.

**NEW SECTION. Sec. 104.** (1) The University of Washington, through colleges and schools with relevant subject matter expertise, shall conduct a review of state, federal, and local natural resources, environmental, and other regulatory programs to:

(a) Identify programs that regulate construction or the performance of work conducted above the ordinary high water line;

(b) Identify construction activities or the performance of work conducted above the ordinary high water line that potentially use, divert, or change the natural flow or bed of any of the salt or freshwaters of the state;

(c) Analyze the manner and degree to which the activities identified in (b) of this subsection are regulated under the programs identified in (a) of this subsection;

(d) Using the analysis under (c) of this subsection, identify any regulatory gaps that may exist in providing for the protection of fish life for activities identified in (b) of this subsection that use, divert,

or change the natural flow or bed of any of the salt or freshwaters of the state; and

(e) Identify the scale of the potential risk to fish life from any regulatory gaps identified in (d) of this subsection.

(2) The University of Washington shall conduct the review in consultation with appropriate federal and state agencies, local governments, tribal governments, and business and environmental interests. The University of Washington shall consult with and solicit input from these entities both: (a) Through a forum gathering the stakeholders together at the onset of the review to discuss matters including the scope and timeline of the study; and (b) throughout the review process. The University of Washington shall include a summary of their comments on the outcomes of the review process in the report required under subsection (3) of this section.

(3) The University of Washington shall submit a report detailing the review to the appropriate standing committees of the senate and house of representatives consistent with RCW 43.01.036 by September 1, 2014.

(4) This section expires January 1, 2015.

**NEW SECTION. Sec. 105.** A new section is added to chapter 77.55 RCW to read as follows:

(1) The hydraulic project approval account is created in the state treasury. All receipts from application fees for hydraulic project approval applications collected under section 103 of this act must be deposited into the account.

(2) Except for unanticipated receipts under RCW 43.79.260 through 43.79.282, moneys in the hydraulic project approval account may be spent only after appropriation.

(3) Expenditures from the hydraulic project approval account may be used only to fund department activities relating to implementing and operating the hydraulic project approval program.

**Sec. 106.** RCW 77.55.151 and 2005 c 146 s 502 are each amended to read as follows:

(1) ((For a marina or marine terminal in existence on June 6, 1996, or a marina or marine terminal that has received a permit for its initial construction, a renewable, five-year permit shall be issued, upon request, for regular maintenance activities of the marina or marine terminal.

(2) Upon construction of a new marina or marine terminal that has received a permit, a renewable, five-year permit shall be issued, upon request, for regular maintenance activities of the marina or marine terminal.

(3) For the purposes of this section, regular maintenance activities are only those activities necessary to restore the marina or marine terminal to the conditions approved in the initial permit. These activities may include, but are not limited to, dredging, piling replacement, and float replacement.

~~(4)) Upon application under RCW 77.55.021, the department shall issue a renewable, five-year general permit to a marina or marine terminal for its regular maintenance activities identified in the application.~~

~~(2) For the purposes of this section, regular maintenance activities may include, but are not limited to:~~

~~(a) Maintenance, repair, or replacement of a boat ramp, launch, or float within the existing footprint;~~

~~(b) Maintenance or repair of an existing overwater structure within the existing footprint;~~

~~(c) Maintenance or repair of boat lifts or railway launches;~~

~~(d) New, maintenance, or removal of pilings;~~

~~(e) Dredging of less than fifty cubic yards;~~

~~(f) Maintenance or repair of shoreline armoring or bank protection;~~

~~(g) Maintenance or repair of wetland, riparian, or estuarine~~

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habitat; and

(h) Maintenance or repair of an existing outfall.

(3) The five-year permit must include a requirement that a fourteen-day notice be given to the department before regular maintenance activities begin.

(4) A permit under this section is subject to the application fee provided in section 103 of this act.

**Sec. 107.** RCW 77.55.231 and 2005 c 146 s 601 are each amended to read as follows:

(1) Conditions imposed upon a permit must be reasonably related to the project. The permit conditions must ensure that the project provides proper protection for fish life, but the department may not impose conditions that attempt to optimize conditions for fish life that are out of proportion to the impact of the proposed project.

(2) The permit must contain provisions allowing for minor modifications to the plans and specifications without requiring reissuance of the permit.

(3) The permit must contain provisions that allow for minor modifications to the required work timing without requiring the reissuance of the permit. "Minor modifications to the required work timing" means a minor deviation from the timing window set forth in the permit when there are no spawning or incubating fish present within the vicinity of the project.

**NEW SECTION. Sec. 108.** A new section is added to chapter 77.55 RCW to read as follows:

The department shall prepare and distribute technical and educational information to the general public to assist the public in complying with the requirements of this chapter, including the changes resulting from this act.

**NEW SECTION. Sec. 109.** A new section is added to chapter 77.55 RCW to read as follows:

The department shall develop a system to provide local governments, affected tribes, and other interested parties with access to hydraulic project approval applications, including applications for a general permit.

**NEW SECTION. Sec. 110.** The director of fish and wildlife shall adopt any rules required or deemed necessary to implement RCW 77.55.011, 77.55.021, 77.55.151, 77.55.231, and sections 103 through 105, 108, and 109 of this act.

## PART TWO Hydraulic Project

### Approval and Forest Practices Integration

**NEW SECTION. Sec. 201.** A new section is added to chapter 77.55 RCW to read as follows:

(1) The requirements of this chapter do not apply to any forest practices hydraulic project, or to any activities that are associated with such a project, upon incorporation of fish protection standards adopted under this chapter into the forest practices rules and approval of technical guidance as required under RCW 76.09.040, at which time these projects are regulated under chapter 76.09 RCW.

(2) The department must continue to conduct regulatory and enforcement activities under this chapter for forest practices hydraulic projects until the forest practices board incorporates fish protection standards adopted under this chapter into the forest practices rules and approves technical guidance as required under RCW 76.09.040.

(3) By December 31, 2013, the department shall adopt rules establishing the form and procedures for the concurrence review process consistent with section 202 of this act. The concurrence review process must allow the department up to thirty days to review forest practices hydraulic projects meeting the criteria under

section 202(2) (a) and (b) of this act for consistency with fish protection standards.

(4) The department shall notify the department of natural resources prior to beginning a rule-making process that may affect activities regulated under chapter 76.09 RCW.

(5) The department shall act consistent with appendix M of the forest and fish report, as the term "forests and fish report" is defined in RCW 76.09.020, when modifying fish protection rules that may affect activities regulated under chapter 76.09 RCW.

(6) The department may review and provide comments on any forest practices application. Prior to commenting and whenever reasonably practicable, the department shall communicate with the applicant regarding the substance of the project.

(7) The department shall participate in effectiveness monitoring for forest practices hydraulic projects through its role in the review processes provided under WAC 222-08-160 as it existed on the effective date of this section.

**NEW SECTION. Sec. 202.** A new section is added to chapter 76.09 RCW to read as follows:

(1) The department may request information and technical assistance from the department of fish and wildlife regarding any forest practices hydraulic project regulated under this chapter.

(2) A concurrence review process is established for certain forest practices hydraulic projects, as follow:

(a) Prior to submitting an application to the department under RCW 76.09.050 that includes a forest practices hydraulic project involving one or more water crossing structures meeting the criteria of (b) of this subsection, the applicant shall submit water crossing structure plans and specifications to the department of fish and wildlife for concurrence review consistent with section 201(3) of this act.

(b) The concurrence review process applies only to:

(i) Culvert installation or replacement, and repair at or below the bankfull width, as that term is defined in WAC 222-16-010 on the effective date of this section, in fish bearing rivers and streams that exceed five percent gradient;

(ii) Bridge construction or replacement, and repair at or below the bankfull width, of fish bearing unconfined streams; or

(iii) Fill within the flood level - 100 year, as that term is defined in WAC 222-16-010, as it existed on the effective date of this section, of fish bearing unconfined streams.

(c) When submitting an application to the department under RCW 76.09.050, the applicant shall attach the following to the application:

(i) The concurrence review form issued by the department of fish and wildlife; and

(ii) Plans and specifications for each water crossing structure subject to concurrence review.

**Sec. 203.** RCW 76.09.040 and 2010 c 188 s 4 are each amended to read as follows:

(1)(a) Where necessary to accomplish the purposes and policies stated in RCW 76.09.010, and to implement the provisions of this chapter, the board shall adopt forest practices rules pursuant to chapter 34.05 RCW and in accordance with the procedures enumerated in this section that:

(i) Establish minimum standards for forest practices;

(ii) Provide procedures for the voluntary development of resource management plans which may be adopted as an alternative to the minimum standards in (a)(i) of this subsection if the plan is consistent with the purposes and policies stated in RCW 76.09.010 and the plan meets or exceeds the objectives of the minimum standards;

(iii) Set forth necessary administrative provisions;

(iv) Establish procedures for the collection and administration of forest practice fees as set forth by this chapter; and



(v) Allow for the development of watershed analyses.

(b) Forest practices rules pertaining to water quality protection shall be adopted by the board after reaching agreement with the director of the department of ecology or the director's designee on the board with respect ~~((thereto))~~ to these rules. All other forest practices rules shall be adopted by the board.

(c) Forest practices rules shall be administered and enforced by either the department or the local governmental entity as provided in this chapter. Such rules shall be adopted and administered so as to give consideration to all purposes and policies set forth in RCW 76.09.010.

(2)(a) The board shall prepare proposed forest practices rules consistent with this section and chapter 34.05 RCW. In addition to any forest practices rules relating to water quality protection proposed by the board, the department of ecology may submit to the board proposed forest practices rules relating to water quality protection.

(b)(i) ((Prior to initiating the rule-making process, the proposed rules shall be submitted for review and comments to the department of fish and wildlife and to the counties of the state. After receipt of the proposed forest practices rules, the department of fish and wildlife and the counties of the state shall have thirty days in which to review and submit comments to the board, and to the department of ecology with respect to its proposed rules relating to water quality protection.

(ii) After the expiration of the thirty day period,) The board ((and the department of ecology)) shall ((jointly)) hold one or more hearings on the proposed rules pursuant to chapter 34.05 RCW. Any county representative may propose specific forest practices rules relating to problems existing within the county at the hearings.

~~((and))~~ (ii) The board may adopt and the department of ecology may approve such proposals if they find the proposals are consistent with the purposes and policies of this chapter.

(3)(a) The board shall incorporate into the forest practices rules those fish protection standards in the rules adopted under chapter 77.55 RCW, as the rules existed on the effective date of this section, that are applicable to activities regulated under the forest practices rules. If fish protection standards are incorporated by reference, the board shall minimize administrative processes by utilizing the exception from the administrative procedures controlling significant legislative rules under RCW 34.05.328(5)(b)(iii) for the incorporation of rules adopted by other state agencies.

(b) Thereafter, the board shall incorporate into the forest practices rules any changes to those fish protection standards in the rules adopted under chapter 77.55 RCW that are: (i) Adopted consistent with section 201 of this act; and (ii) applicable to activities regulated under the forest practices rules. If fish protection standards are incorporated by reference, the board shall minimize administrative processes by utilizing the exception from the administrative procedures controlling significant legislative rules under RCW 34.05.328(5)(b)(iii) for the incorporation of rules adopted by other state agencies.

(c) The board shall establish and maintain technical guidance in the forest practices board manual, as provided under WAC 222-12-090 as it existed on the effective date of this section, to assist with implementation of the standards incorporated into the forest practices rules under this section. The guidance must include best management practices and standard techniques to ensure fish protection.

(d) The board must complete the requirements of (a) of this subsection and establish initial technical guidance under (c) of this subsection by December 31, 2013.

(4)(a) The board shall establish by rule a program for the acquisition of riparian open space and critical habitat for threatened or endangered species as designated by the board. Acquisition

must be a conservation easement. Lands eligible for acquisition are forest lands within unconfined channel migration zones or forest lands containing critical habitat for threatened or endangered species as designated by the board. Once acquired, these lands may be held and managed by the department, transferred to another state agency, transferred to an appropriate local government agency, or transferred to a private nonprofit nature conservancy corporation, as defined in RCW 64.04.130, in fee or transfer of management obligation. The board shall adopt rules governing the acquisition by the state or donation to the state of such interest in lands including the right of refusal if the lands are subject to unacceptable liabilities. The rules shall include definitions of qualifying lands, priorities for acquisition, and provide for the opportunity to transfer such lands with limited warranties and with a description of boundaries that does not require full surveys where the cost of securing the surveys would be unreasonable in relation to the value of the lands conveyed. The rules shall provide for the management of the lands for ecological protection or fisheries enhancement. For the purposes of conservation easements entered into under this section, the following apply:

(i) For conveyances of a conservation easement in which the landowner conveys an interest in the trees only, the compensation must include the timber value component, as determined by the cruised volume of any timber located within the channel migration zone or critical habitat for threatened or endangered species as designated by the board, multiplied by the appropriate quality code stumpage value for timber of the same species shown on the appropriate table used for timber harvest excise tax purposes under RCW 84.33.091;

(ii) For conveyances of a conservation easement in which the landowner conveys interests in both land and trees, the compensation must include the timber value component in (a)(i) of this subsection plus such portion of the land value component as determined just and equitable by the department. The land value component must be the acreage of qualifying channel migration zone or critical habitat for threatened or endangered species as determined by the board, to be conveyed, multiplied by the average per acre value of all commercial forest land in western Washington or the average for eastern Washington, whichever average is applicable to the qualifying lands. The department must determine the western and eastern Washington averages based on the land value tables established by RCW 84.33.140 and revised annually by the department of revenue.

(b) Subject to appropriations sufficient to cover the cost of such an acquisition program and the related costs of administering the program, the department must establish a conservation easement in land that an owner tenders for purchase; provided that such lands have been taxed as forest lands and are located within an unconfined channel migration zone or contain critical habitat for threatened or endangered species as designated by the board. Lands acquired under this section shall become riparian or habitat open space. These acquisitions shall not be deemed to trigger the compensating tax of chapters 84.33 and 84.34 RCW.

(c) Instead of offering to sell interests in qualifying lands, owners may elect to donate the interests to the state.

(d) Any acquired interest in qualifying lands by the state under this section shall be managed as riparian open space or critical habitat.

NEW SECTION. Sec. 204. A new section is added to chapter 77.55 RCW to read as follows:

(1) The department and the department of natural resources shall enter into and maintain a memorandum of agreement between the two agencies that describes how to implement integration of hydraulic project approvals into forest practices applications consistent with this act.

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(2) The initial memorandum of agreement between the two departments must be executed by December 31, 2012. The memorandum of agreement may be amended as agreed to by the two departments.

**Sec. 205.** RCW 76.09.050 and 2011 c 207 s 1 are each amended to read as follows:

(1) The board shall establish by rule which forest practices shall be included within each of the following classes:

Class I: Minimal or specific forest practices that have no direct potential for damaging a public resource and that may be conducted without submitting an application or a notification except that when the regulating authority is transferred to a local governmental entity, those Class I forest practices that involve timber harvesting or road construction within "urban growth areas," designated pursuant to chapter 36.70A RCW, are processed as Class IV forest practices, but are not subject to environmental review under chapter 43.21C RCW;

Class II: Forest practices which have a less than ordinary potential for damaging a public resource that may be conducted without submitting an application and may begin five calendar days, or such lesser time as the department may determine, after written notification by the operator, in the manner, content, and form as prescribed by the department, is received by the department. However, the work may not begin until all forest practice fees required under RCW 76.09.065 have been received by the department. Class II shall not include forest practices:

(a) On forest lands that are being converted to another use;

(b) ((Which require approvals under the provisions of the hydraulics act, RCW 77.55.021;

(c)) Within "shoreslines of the state" as defined in RCW 90.58.030;

((~~(d)~~)) (c) Excluded from Class II by the board; or

((~~(e)~~)) (d) Including timber harvesting or road construction within "urban growth areas," designated pursuant to chapter 36.70A RCW, which are Class IV;

Class III: Forest practices other than those contained in Class I, II, or IV. A Class III application must be approved or disapproved by the department within thirty calendar days from the date the department receives the application. However, the applicant may not begin work on that forest practice until all forest practice fees required under RCW 76.09.065 have been received by the department;

Class IV: Forest practices other than those contained in Class I or II:

(a) On forest lands that are being converted to another use;

(b) On lands which, pursuant to RCW 76.09.070 as now or hereafter amended, are not to be reforested because of the likelihood of future conversion to urban development;

(c) That involve timber harvesting or road construction on forest lands that are contained within "urban growth areas," designated pursuant to chapter 36.70A RCW, except where the forest landowner provides:

(i) A written statement of intent signed by the forest landowner not to convert to a use other than commercial forest product operations for ten years, accompanied by either a written forest management plan acceptable to the department or documentation that the land is enrolled under the provisions of chapter 84.33 or 84.34 RCW; or

(ii) A conversion option harvest plan approved by the local governmental entity and submitted to the department as part of the application; and/or

(d) Which have a potential for a substantial impact on the environment and therefore require an evaluation by the department as to whether or not a detailed statement must be prepared pursuant to the state environmental policy act, chapter 43.21C RCW. Such

evaluation shall be made within ten days from the date the department receives the application: PROVIDED, That nothing herein shall be construed to prevent any local or regional governmental entity from determining that a detailed statement must be prepared for an action pursuant to a Class IV forest practice taken by that governmental entity concerning the land on which forest practices will be conducted. A Class IV application must be approved or disapproved by the department within thirty calendar days from the date the department receives the application, ~~((unless the department determines that a detailed statement must be made, in which case the application must be approved or disapproved by the department within sixty calendar days from the date the department receives the application, unless the commissioner of public lands, through the promulgation of a formal order, determines that the process cannot be completed within such period))~~ except that the department must: Approve or disapprove an application within sixty calendar days from the date the department receives the application if the department determines that a detailed statement must be made, unless the commissioner of public lands, through the promulgation of a formal order, determines that the process cannot be completed within such a period. However, the applicant may not begin work on that forest practice until all forest practice fees required under RCW 76.09.065 have been received by the department.

Forest practices under Classes I, II, and III are exempt from the requirements for preparation of a detailed statement under the state environmental policy act.

(2) Except for those forest practices being regulated by local governmental entities as provided elsewhere in this chapter, no Class II, Class III, or Class IV forest practice shall be commenced or continued after January 1, 1975, unless the department has received a notification with regard to a Class II forest practice or approved an application with regard to a Class III or Class IV forest practice containing all information required by RCW 76.09.060 as now or hereafter amended. However, in the event forest practices regulations necessary for the scheduled implementation of this chapter and RCW 90.48.420 have not been adopted in time to meet such schedules, the department shall have the authority to regulate forest practices and approve applications on such terms and conditions consistent with this chapter and RCW 90.48.420 and the purposes and policies of RCW 76.09.010 until applicable forest practices regulations are in effect.

(3) Except for those forest practices being regulated by local governmental entities as provided elsewhere in this chapter, if a notification or application is delivered in person to the department by the operator or the operator's agent, the department shall immediately provide a dated receipt thereof. In all other cases, the department shall immediately mail a dated receipt to the operator.

(4) Except for those forest practices being regulated by local governmental entities as provided elsewhere in this chapter, forest practices shall be conducted in accordance with the forest practices regulations, orders and directives as authorized by this chapter or the forest practices regulations, and the terms and conditions of any approved applications.

(5) Except for those forest practices being regulated by local governmental entities as provided elsewhere in this chapter, the department of natural resources shall notify the applicant in writing of either its approval of the application or its disapproval of the application and the specific manner in which the application fails to comply with the provisions of this section or with the forest practices regulations. Except as provided otherwise in this section, if the department fails to either approve or disapprove an application or any portion thereof within the applicable time limit, the application shall be deemed approved and the operation may be commenced: PROVIDED, That this provision shall not apply to

applications which are neither approved nor disapproved pursuant to the provisions of subsection (7) of this section: PROVIDED, FURTHER, That if seasonal field conditions prevent the department from being able to properly evaluate the application, the department may issue an approval conditional upon further review within sixty days (~~(= PROVIDED, FURTHER, That the department shall have until April 1, 1975, to approve or disapprove an application involving forest practices allowed to continue to April 1, 1975, under the provisions of subsection (2) of this section)~~). Upon receipt of any notification or any satisfactorily completed application the department shall in any event no later than two business days after such receipt transmit a copy to the departments of ecology and fish and wildlife, and to the county, city, or town in whose jurisdiction the forest practice is to be commenced. Any comments by such agencies shall be directed to the department of natural resources.

(6) For those forest practices regulated by the board and the department, if the county, city, or town believes that an application is inconsistent with this chapter, the forest practices regulations, or any local authority consistent with RCW 76.09.240 as now or hereafter amended, it may so notify the department and the applicant, specifying its objections.

(7) For those forest practices regulated by the board and the department, the department shall not approve portions of applications to which a county, city, or town objects if:

(a) The department receives written notice from the county, city, or town of such objections within fourteen business days from the time of transmittal of the application to the county, city, or town, or one day before the department acts on the application, whichever is later; and

(b) The objections relate to forest lands that are being converted to another use.

The department shall either disapprove those portions of such application or appeal the county, city, or town objections to the appeals board. If the objections related to (b) of this subsection are based on local authority consistent with RCW 76.09.240 as now or hereafter amended, the department shall disapprove the application until such time as the county, city, or town consents to its approval or such disapproval is reversed on appeal. The applicant shall be a party to all department appeals of county, city, or town objections. Unless the county, city, or town either consents or has waived its rights under this subsection, the department shall not approve portions of an application affecting such lands until the minimum time for county, city, or town objections has expired.

(8) For those forest practices regulated by the board and the department, in addition to any rights under the above paragraph, the county, city, or town may appeal any department approval of an application with respect to any lands within its jurisdiction. The appeals board may suspend the department's approval in whole or in part pending such appeal where there exists potential for immediate and material damage to a public resource.

(9) For those forest practices regulated by the board and the department, appeals under this section shall be made to the appeals board in the manner and time provided in RCW 76.09.205. In such appeals there shall be no presumption of correctness of either the county, city, or town or the department position.

(10) For those forest practices regulated by the board and the department, the department shall, within four business days notify the county, city, or town of all notifications, approvals, and disapprovals of an application affecting lands within the county, city, or town, except to the extent the county, city, or town has waived its right to such notice.

(11) For those forest practices regulated by the board and the department, a county, city, or town may waive in whole or in part its

rights under this section, and may withdraw or modify any such waiver, at any time by written notice to the department.

(12) Notwithstanding subsections (2) through (5) of this section, forest practices applications or notifications are not required for exotic insect and disease control operations conducted in accordance with RCW 76.09.060(8) where eradication can reasonably be expected.

**Sec. 206.** RCW 76.09.060 and 2007 c 480 s 11 and 2007 c 106 s 1 are each reenacted and amended to read as follows:

(1) The department shall prescribe the form and contents of the notification and application. The forest practices rules shall specify by whom and under what conditions the notification and application shall be signed or otherwise certified as acceptable. Activities conducted by the department or a contractor under the direction of the department under the provisions of RCW 76.04.660, shall be exempt from the landowner signature requirement on any forest practices application required to be filed. The application or notification shall be delivered in person to the department, sent by first-class mail to the department or electronically filed in a form defined by the department. The form for electronic filing shall be readily convertible to a paper copy, which shall be available to the public pursuant to chapter 42.56 RCW. The information required may include, but is not limited to:

(a) Name and address of the forest landowner, timber owner, and operator;

(b) Description of the proposed forest practice or practices to be conducted;

(c) Legal description and tax parcel identification numbers of the land on which the forest practices are to be conducted;

(d) Planimetric and topographic maps showing location and size of all lakes and streams and other public waters in and immediately adjacent to the operating area and showing all existing and proposed roads and major tractor roads;

(e) Description of the silvicultural, harvesting, or other forest practice methods to be used, including the type of equipment to be used and materials to be applied;

(f) For an application or notification submitted on or after the effective date of section 202 of this act that includes a forest practices hydraulic project, plans and specifications for the forest practices hydraulic project to ensure the proper protection of fish life;

(g) Proposed plan for reforestation and for any revegetation necessary to reduce erosion potential from roadsides and yarding roads, as required by the forest practices rules;

~~((g))~~ (h) Soil, geological, and hydrological data with respect to forest practices;

~~((h))~~ (i) The expected dates of commencement and completion of all forest practices specified in the application;

~~((i))~~ (j) Provisions for continuing maintenance of roads and other construction or other measures necessary to afford protection to public resources;

~~((j))~~ (k) An affirmation that the statements contained in the notification or application are true; and

~~((k))~~ (l) All necessary application or notification fees.

(2) Long range plans may be submitted to the department for review and consultation.

(3) The application for a forest practice or the notification of a forest practice is subject to the reforestation requirement of RCW 76.09.070.

(a) If the application states that any land will be or is intended to be converted:

(i) The reforestation requirements of this chapter and of the forest practices rules shall not apply if the land is in fact converted unless applicable alternatives or limitations are provided in forest practices rules issued under RCW 76.09.070;

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(ii) Completion of such forest practice operations shall be deemed conversion of the lands to another use for purposes of chapters 84.33 and 84.34 RCW unless the conversion is to a use permitted under a current use tax agreement permitted under chapter 84.34 RCW;

(iii) The forest practices described in the application are subject to applicable county, city, town, and regional governmental authority permitted under RCW 76.09.240 as well as the forest practices rules.

(b) Except as provided elsewhere in this section, if the landowner harvests without an approved application or notification or the landowner does not state that any land covered by the application or notification will be or is intended to be converted, and the department or the county, city, town, or regional governmental entity becomes aware of conversion activities to a use other than commercial timber operations, as that term is defined in RCW 76.09.020, then the department shall send to the department of ecology and the appropriate county, city, town, and regional governmental entities the following documents:

(i) A notice of a conversion to nonforestry use;

(ii) A copy of the applicable forest practices application or notification, if any; and

(iii) Copies of any applicable outstanding final orders or decisions issued by the department related to the forest practices application or notification.

(c) Failure to comply with the reforestation requirements contained in any final order or decision shall constitute a removal of designation under the provisions of RCW 84.33.140, and a change of use under the provisions of RCW 84.34.080, and, if applicable, shall subject such lands to the payments and/or penalties resulting from such removals or changes.

(d) Conversion to a use other than commercial forest product operations within six years after approval of the forest practices application or notification without the consent of the county, city, or town shall constitute a violation of each of the county, municipal city, town, and regional authorities to which the forest practice operations would have been subject if the application had stated an intent to convert.

(e) Land that is the subject of a notice of conversion to a nonforestry use produced by the department and sent to the department of ecology and a local government under this subsection is subject to the development prohibition and conditions provided in RCW 76.09.460.

(f) Landowners who have not stated an intent to convert the land covered by an application or notification and who decide to convert the land to a nonforestry use within six years of receiving an approved application or notification must do so in a manner consistent with RCW 76.09.470.

(g) The application or notification must include a statement requiring an acknowledgment by the forest landowner of his or her intent with respect to conversion and acknowledging that he or she is familiar with the effects of this subsection.

(4) Whenever an approved application authorizes a forest practice which, because of soil condition, proximity to a water course or other unusual factor, has a potential for causing material damage to a public resource, as determined by the department, the applicant shall, when requested on the approved application, notify the department two days before the commencement of actual operations.

(5) Before the operator commences any forest practice in a manner or to an extent significantly different from that described in a previously approved application or notification, there shall be submitted to the department a new application or notification form in the manner set forth in this section.

(6)(a) Except as provided in RCW 76.09.350(4), the notification to or the approval given by the department to an application to conduct a forest practice shall be effective for a term of ~~((two))~~ three years from the date of approval or notification ~~((and shall not be renewed unless a new application is filed and approved or a new notification has been filed))~~.

(b) A notification or application may be renewed for an additional three-year term by the filing and approval of a notification or application, as applicable, prior to the expiration of the original application or notification. A renewal application or notification is subject to the forest practices rules in effect at the time the renewal application or notification is filed. Nothing in this section precludes the applicant from applying for a new application or notification after the renewal period has lapsed.

(c) At the option of the applicant, an application or notification may be submitted to cover a single forest practice or a number of forest practices within reasonable geographic or political boundaries as specified by the department. An application or notification that covers more than one forest practice may have an effective term of more than ~~((two))~~ three years.

~~((d))~~ (d) The board shall adopt rules that establish standards and procedures for approving an application or notification that has an effective term of more than ~~((two))~~ three years. Such rules shall include extended time periods for application or notification approval or disapproval. ~~((On an approved application with a term of more than two years, the applicant shall inform the department before commencing operations))~~ The department may require the applicant to provide advance notice before commencing operations on an approved application or notification.

(7) Notwithstanding any other provision of this section, no prior application or notification shall be required for any emergency forest practice necessitated by fire, flood, windstorm, earthquake, or other emergency as defined by the board, but the operator shall submit an application or notification, whichever is applicable, to the department within forty-eight hours after commencement of such practice or as required by local regulations.

(8) Forest practices applications or notifications are not required for forest practices conducted to control exotic forest insect or disease outbreaks, when conducted by or under the direction of the department of agriculture in carrying out an order of the governor or director of the department of agriculture to implement pest control measures as authorized under chapter 17.24 RCW, and are not required when conducted by or under the direction of the department in carrying out emergency measures under a forest health emergency declaration by the commissioner of public lands as provided in RCW 76.06.130.

(a) For the purposes of this subsection, exotic forest insect or disease has the same meaning as defined in RCW 76.06.020.

(b) In order to minimize adverse impacts to public resources, control measures must be based on integrated pest management, as defined in RCW 17.15.010, and must follow forest practices rules relating to road construction and maintenance, timber harvest, and forest chemicals, to the extent possible without compromising control objectives.

(c) Agencies conducting or directing control efforts must provide advance notice to the appropriate regulatory staff of the department of the operations that would be subject to exemption from forest practices application or notification requirements.

(d) When the appropriate regulatory staff of the department are notified under (c) of this subsection, they must consult with the landowner, interested agencies, and affected tribes, and assist the notifying agencies in the development of integrated pest management plans that comply with forest practices rules as required under (b) of this subsection.

(e) Nothing under this subsection relieves agencies conducting or directing control efforts from requirements of the federal clean water act as administered by the department of ecology under RCW 90.48.260.

(f) Forest lands where trees have been cut as part of an exotic forest insect or disease control effort under this subsection are subject to reforestation requirements under RCW 76.09.070.

(g) The exemption from obtaining approved forest practices applications or notifications does not apply to forest practices conducted after the governor, the director of the department of agriculture, or the commissioner of public lands have declared that an emergency no longer exists because control objectives have been met, that there is no longer an imminent threat, or that there is no longer a good likelihood of control.

**Sec. 207.** RCW 76.09.150 and 2000 c 11 s 7 are each amended to read as follows:

(1) The department shall make inspections of forest lands, before, during, and after the conducting of forest practices as necessary for the purpose of ensuring compliance with this chapter ~~((and)),~~ the forest practices rules, including forest practices rules incorporated under RCW 76.09.040(3), and to ensure that no material damage occurs to the natural resources of this state as a result of ~~((such))~~ forest practices.

(2) Any duly authorized representative of the department shall have the right to enter upon forest land at any reasonable time to enforce the provisions of this chapter and the forest practices rules.

(3) The department or the department of ecology may apply for an administrative inspection warrant to either Thurston county superior court, or the superior court in the county in which the property is located. An administrative inspection warrant may be issued where:

(a) The department has attempted an inspection of forest lands under this chapter to ensure compliance with this chapter and the forest practices rules or to ensure that no potential or actual material damage occurs to the natural resources of this state, and access to all or part of the forest lands has been actually or constructively denied; or

(b) The department has reasonable cause to believe that a violation of this chapter or of rules adopted under this chapter is occurring or has occurred.

(4) In connection with any watershed analysis, any review of a pending application by an identification team appointed by the department, any compliance studies, any effectiveness monitoring, or other research that has been agreed to by a landowner, the department may invite representatives of other agencies, tribes, and interest groups to accompany a department representative and, at the landowner's election, the landowner, on any such inspections. Reasonable efforts shall be made by the department to notify the landowner of the persons being invited onto the property and the purposes for which they are being invited.

**NEW SECTION. Sec. 208.** A new section is added to chapter 43.30 RCW to read as follows:

(1) By December 31, 2013, the department must make examples of complete, high quality forest practices applications and the resulting approvals readily available to the public on its internet site, as well as the internet site of the office of regulatory assistance established in RCW 43.42.010. The department must maximize assistance to the public and interested parties by seeking to make readily available examples from forest practices that generate significant permitting activity or frequent questions.

(2) The department must regularly review and update the examples required to be made available on the internet under subsection (1) of this section.

(3) The department must obtain the written permission of an applicant before making publicly available that applicant's

application or approval under this section and must work cooperatively with the applicant to ensure that no personal or proprietary information is made available.

**Sec. 209.** RCW 76.09.065 and 2000 c 11 s 5 are each amended to read as follows:

(1) ~~((Effective July 1, 1997,))~~ An applicant shall pay an application fee ~~((and a recording fee)),~~ if applicable, at the time an application or notification is submitted to the department or to the local governmental entity as provided in this chapter.

(2) ~~((For applications and notifications submitted to the department, the application fee))~~ (a) If sections 201 through 203 and 206 of this act are not enacted into law by June 30, 2012, then the fee for applications and notifications submitted to the department shall be fifty dollars for class II, III, and IV forest practices applications or notifications relating to the commercial harvest of timber. However, the fee shall be five hundred dollars for class IV forest practices applications on lands being converted to other uses or on lands which are not to be reforested because of the likelihood of future conversion to urban development or on lands that are contained within "urban growth areas," designated pursuant to chapter 36.70A RCW, except the fee shall be fifty dollars on those lands where the forest landowner provides:

~~((a))~~ (i) A written statement of intent signed by the forest landowner not to convert to a use other than commercial forest product operations for ten years, accompanied by either a written forest management plan acceptable to the department or documentation that the land is enrolled under the provisions of chapter 84.33 RCW; or

~~((b))~~ (ii) A conversion option harvest plan approved by the local governmental entity and submitted to the department as part of the forest practices application.

(b)(i) If sections 201 through 203 and 206 of this act are enacted into law by June 30, 2012, then the fee for applications and notifications relating to the commercial harvest of timber submitted to the department shall be one hundred fifty dollars for class II applications and notifications, class III applications, and class IV forest practices that have a potential for a substantial impact on the environment and therefore require an evaluation by the department as to whether or not a detailed statement must be prepared pursuant to the state environmental policy act, chapter 43.21C RCW. The fee shall be one thousand five hundred dollars for class IV forest practices applications on lands being converted to other uses or on lands that are not to be reforested because of the likelihood of future conversion to urban development or on lands that are contained within urban growth areas, designated pursuant to chapter 36.70A RCW, except the fee shall be the same as for a class III forest practices application where the forest landowner provides:

(A) A written statement of intent signed by the forest landowner not to convert to a use other than commercial forest product operations for ten years, accompanied by either a written forest management plan acceptable to the department or documentation that the land is enrolled under the provisions of chapter 84.33 RCW; or

(B) A conversion option harvest plan approved by the local governmental entity and submitted to the department as part of the forest practices application.

(ii) If the board has not incorporated fish protection standards adopted under chapter 77.55 RCW into the forest practices rules and approved technical guidance as required under RCW 76.09.040 by December 31, 2013, the fee for applications and notifications submitted to the department shall be as provided under (a) of this subsection until the rules are adopted and technical guidance approved.

(3) The forest practices application account is created in the state treasury. Moneys in the account may be spent only after

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appropriation. All money collected from fees under ~~((this))~~ subsection (2) of this section shall be deposited in the ~~((state general fund))~~ forest practices application account for the purposes of implementing this chapter, chapter 76.13 RCW, and Title 222 WAC.

~~((3))~~ (4) For applications submitted to ~~((the))~~ a local governmental entity as provided in this chapter, the fee shall be ~~((five hundred dollars for class IV forest practices on lands being converted to other uses or lands that are contained within "urban growth areas," designated pursuant to chapter 36.70A RCW, except as otherwise provided in this section, unless a different fee is otherwise provided))~~ determined, collected, and retained by the local governmental entity.

~~((4))~~ Recording fees shall be as provided in chapter 36.18 RCW.

(5) An application fee under subsection (2) of this section shall be refunded or credited to the applicant if either the application or notification is disapproved by the department or the application or notification is withdrawn by the applicant due to restrictions imposed by the department.)

**Sec. 210.** RCW 76.09.470 and 2007 c 106 s 3 are each amended to read as follows:

(1) If a landowner who did not state an intent to convert his or her land to a nonforestry use decides to convert his or her land to a nonforestry use within six years of receiving an approved forest practices application or notification under this chapter, the landowner must:

(a) Stop all forest practices activities on the parcels subject to the proposed land use conversion to a nonforestry use;

(b) Contact the department of ecology and the applicable county, city, town, or regional governmental entity to begin the permitting process; and

(c) Notify the department ~~((and))~~ withdraw any applicable applications or notifications ~~((or request))~~, and submit a new application for the conversion. The fee for a new application for conversion under this subsection (1)(c) is the difference between the applicable fee for the new application under RCW 76.09.065 and the fee previously paid for the original application or notification, which must be deposited in the forest practices application account created in RCW 76.09.065.

(2) Upon being contacted by a landowner under this section, the county, city, town, or regional governmental entity must:

(a) Notify the department and request from the department the status of any applicable forest practices applications, notifications, or final orders or decisions; and

(b) Complete the following activities:

(i) Require that the landowner be in full compliance with chapter 43.21C RCW, if applicable;

(ii) Receive notification from the department that the landowner has resolved any outstanding final orders or decisions issued by the department; and

(iii) Make a determination as to whether or not the condition of the land in question is in full compliance with local ordinances and regulations. If full compliance is not found, a mitigation plan to address violations of local ordinances or regulations must be required for the parcel in question by the county, city, town, or regional governmental entity. Required mitigation plans must be prepared by the landowner and approved by the county, city, town, or regional governmental entity. Once approved, the mitigation plan must be implemented by the landowner. Mitigation measures that may be required include, but are not limited to, revegetation requirements to plant and maintain trees of sufficient maturity and appropriate species composition to restore critical area and buffer function or to be in compliance with applicable local government regulations.

**Sec. 211.** RCW 76.09.030 and 2008 c 46 s 1 are each amended to read as follows:

(1) There is hereby created the forest practices board of the state of Washington as an agency of state government consisting of members as follows:

(a) The commissioner of public lands or the commissioner's designee;

(b) The director of the department of ~~((community, trade, and economic development))~~ commerce or the director's designee;

(c) The director of the department of agriculture or the director's designee;

(d) The director of the department of ecology or the director's designee;

(e) The director of the department of fish and wildlife or the director's designee;

(f) An elected member of a county legislative authority appointed by the governor ~~((:—PROVIDED, That such))~~, However, the county member's service on the board shall be conditioned on the member's continued service as an elected county official;

(g) One member representing a timber products union, appointed by the governor from a list of three names submitted by a timber labor coalition affiliated with a statewide labor organization that represents a majority of the timber product unions in the state; and

(h) Six members of the general public appointed by the governor, one of whom shall be a small forest landowner who actively manages his or her land, and one of whom shall be an independent logging contractor.

(2) ~~((The director of the department of fish and wildlife's service on the board may be terminated two years after August 18, 1999, if the legislature finds that after two years the department has not made substantial progress toward integrating the laws, rules, and programs governing forest practices, chapter 76.09 RCW, and the laws, rules, and programs governing hydraulic projects, chapter 77.55 RCW. Such a finding shall be based solely on whether the department of fish and wildlife makes substantial progress as defined in this subsection, and will not be based on other actions taken as a member of the board. Substantial progress shall include recommendations to the legislature for closer integration of the existing rule-making authorities of the board and the department of fish and wildlife, and closer integration of the forest practices and hydraulics permitting processes, including exploring the potential for a consolidated permitting process. These recommendations shall be designed to resolve problems currently associated with the existing dual regulatory and permitting processes.~~

(3) ~~((The members of the initial board appointed by the governor shall be appointed so that the term of one member shall expire December 31, 1975, the term of one member shall expire December 31, 1976, the term of one member shall expire December 31, 1977, the terms of two members shall expire December 31, 1978, and the terms of two members shall expire December 31, 1979. Thereafter, each member shall be appointed for a term of four years. Vacancies on the board shall be filled in the same manner as the original appointments. Each member of the board shall continue in office until his or her successor is appointed and qualified. The commissioner of public lands or the commissioner's designee shall be the chair of the board.~~

~~((4))~~ (3) The board shall meet at such times and places as shall be designated by the chair or upon the written request of the majority of the board. The principal office of the board shall be at the state capital.

~~((5))~~ (4) Members of the board, except public employees and elected officials, shall be compensated in accordance with RCW 43.03.250. Each member shall be entitled to reimbursement for

travel expenses incurred in the performance of their duties as provided in RCW 43.03.050 and 43.03.060.

((6)) (5) The board may employ such clerical help and staff pursuant to chapter 41.06 RCW as is necessary to carry out its duties.

**Sec. 212.** RCW 76.09.020 and 2010 c 210 s 19 and 2010 c 188 s 6 are each reenacted and amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Adaptive management" means reliance on scientific methods to test the results of actions taken so that the management and related policy can be changed promptly and appropriately.

(2) "Appeals board" means the pollution control hearings board created by RCW 43.21B.010.

(3) "Application" means the application required pursuant to RCW 76.09.050.

(4) "Aquatic resources" includes water quality, salmon, other species of the vertebrate classes Cephalaspidomorphi and Osteichthyes identified in the forests and fish report, the Columbia torrent salamander (*Rhyacotriton kezeri*), the Cascade torrent salamander (*Rhyacotriton cascadae*), the Olympic torrent salamander (*Rhyacotriton olympian*), the Dunn's salamander (*Plethodon dummi*), the Van Dyke's salamander (*Plethodon vandyke*), the tailed frog (*Ascaphus truei*), and their respective habitats.

(5) "Board" means the forest practices board created in RCW 76.09.030.

(6) "Commissioner" means the commissioner of public lands.

(7) "Contiguous" means land adjoining or touching by common corner or otherwise. Land having common ownership divided by a road or other right-of-way shall be considered contiguous.

(8) "Conversion to a use other than commercial timber operation" means a bona fide conversion to an active use which is incompatible with timber growing and as may be defined by forest practices rules.

(9) "Date of receipt" has the same meaning as defined in RCW 43.21B.001.

(10) "Department" means the department of natural resources.

(11) "Ecosystem services" means the benefits that the public enjoys as a result of natural processes and biological diversity.

(12) "Ecosystem services market" means a system in which providers of ecosystem services can access financing or market capital to protect, restore, and maintain ecological values, including the full spectrum of regulatory, quasiregulatory, and voluntary markets.

(13) "Fish passage barrier" means any artificial instream structure that impedes the free passage of fish.

(14) "Forest land" means all land which is capable of supporting a merchantable stand of timber and is not being actively used for a use which is incompatible with timber growing. Forest land does not include agricultural land that is or was enrolled in the conservation reserve enhancement program by contract if such agricultural land was historically used for agricultural purposes and the landowner intends to continue to use the land for agricultural purposes in the future. As it applies to the operation of the road maintenance and abandonment plan element of the forest practices rules on small forest landowners, the term "forest land" excludes:

(a) Residential home sites, which may include up to five acres; and

(b) Cropfields, orchards, vineyards, pastures, feedlots, fish pens, and the land on which appurtenances necessary to the production, preparation, or sale of crops, fruit, dairy products, fish, and livestock exist.

(15) "Forest landowner" means any person in actual control of forest land, whether such control is based either on legal or equitable

title, or on any other interest entitling the holder to sell or otherwise dispose of any or all of the timber on such land in any manner. However, any lessee or other person in possession of forest land without legal or equitable title to such land shall be excluded from the definition of "forest landowner" unless such lessee or other person has the right to sell or otherwise dispose of any or all of the timber located on such forest land.

(16) "Forest practice" means any activity conducted on or directly pertaining to forest land and relating to growing, harvesting, or processing timber, including but not limited to:

(a) Road and trail construction, including forest practices hydraulic projects that include water crossing structures, and associated activities and maintenance;

(b) Harvesting, final and intermediate;

(c) Precommercial thinning;

(d) Reforestation;

(e) Fertilization;

(f) Prevention and suppression of diseases and insects;

(g) Salvage of trees; and

(h) Brush control.

"Forest practice" shall not include preparatory work such as tree marking, surveying and road flagging, and removal or harvesting of incidental vegetation from forest lands such as berries, ferns, greenery, mistletoe, herbs, mushrooms, and other products which cannot normally be expected to result in damage to forest soils, timber, or public resources.

(17) "Forest practices rules" means any rules adopted pursuant to RCW 76.09.040.

(18) "Forest road," as it applies to the operation of the road maintenance and abandonment plan element of the forest practices rules on small forest landowners, means a road or road segment that crosses land that meets the definition of forest land, but excludes residential access roads.

(19) "Forest trees" does not include hardwood trees cultivated by agricultural methods in growing cycles shorter than fifteen years if the trees were planted on land that was not in forest use immediately before the trees were planted and before the land was prepared for planting the trees. "Forest trees" includes Christmas trees, but does not include Christmas trees that are cultivated by agricultural methods, as that term is defined in RCW 84.33.035.

(20) "Forests and fish report" means the forests and fish report to the board dated April 29, 1999.

(21) "Operator" means any person engaging in forest practices except an employee with wages as his or her sole compensation.

(22) "Person" means any individual, partnership, private, public, or municipal corporation, county, the department or other state or local governmental entity, or association of individuals of whatever nature.

(23) "Public resources" means water, fish and wildlife, and in addition shall mean capital improvements of the state or its political subdivisions.

(24) "Small forest landowner" has the same meaning as defined in RCW 76.09.450.

(25) "Timber" means forest trees, standing or down, of a commercial species, including Christmas trees. However, "timber" does not include Christmas trees that are cultivated by agricultural methods, as that term is defined in RCW 84.33.035.

(26) "Timber owner" means any person having all or any part of the legal interest in timber. Where such timber is subject to a contract of sale, "timber owner" shall mean the contract purchaser.

(27) "Unconfined channel migration zone" means the area within which the active channel of an unconfined stream is prone to move and where the movement would result in a potential near-term loss of riparian forest adjacent to the stream. Sizeable islands with productive timber may exist within the zone.

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(28) "Unconfined stream" means generally fifth order or larger waters that experience abrupt shifts in channel location, creating a complex floodplain characterized by extensive gravel bars, disturbance species of vegetation of variable age, numerous side channels, wall-based channels, oxbow lakes, and wetland complexes. Many of these streams have dikes and levees that may temporarily or permanently restrict channel movement.

(29) "Forest practices hydraulic project" means a hydraulic project, as defined under RCW 77.55.011, that requires a forest practices application or notification under this chapter.

(30) "Fill" means the placement of earth material or aggregate for road or landing construction or other similar activities.

**NEW SECTION. Sec. 213.** A new section is added to chapter 43.21C RCW to read as follows:

The incorporation of fish protection standards adopted under chapter 77.55 RCW into the forest practices rules as required under RCW 76.09.040(3) is exempt from compliance with this chapter.

**NEW SECTION. Sec. 214.** (1) The departments of natural resources and fish and wildlife must jointly provide a report to the appropriate committees of the legislature containing findings and any recommendations relating to the regulatory integration of hydraulic projects and forest practices as provided in this act, including:

(a) Progress made in implementing the integration required under this act, including rule incorporation and development of forest practices board manual guidance;

(b) An update on and potential for permitting efficiencies in addition to the integration required under this act;

(c) The process for and outcomes from review of forest practices applications that include forest practices hydraulic projects by the department of fish and wildlife; and

(d) Compliance monitoring for forest practices hydraulic projects through the review processes provided under WAC 222-08-160 as it existed on the effective date of this section.

(2) The departments of natural resources and fish and wildlife must provide an initial report by September 1, 2014, and a second report by September 1, 2016.

(3) This section expires December 31, 2016.

**NEW SECTION. Sec. 215.** Sections 202 and 205 of this act take effect on the date the forest practices board incorporates fish protection standards adopted under chapter 77.55 RCW into the forest practices rules and approves technical guidance as required under RCW 76.09.040. The department of natural resources must provide written notice of the effective date of these sections to affected parties, the chief clerk of the house of representatives, the secretary of the senate, the office of the code reviser, and others as deemed appropriate by the department of natural resources.

**NEW SECTION. Sec. 216.** Nothing in this act affects any rules, processes, or procedures of the department of fish and wildlife and the department of natural resources existing on the effective date of this section that provide for regulatory integration of hydraulic projects and forest practices for projects in nonfish-bearing waters.

**NEW SECTION. Sec. 217.** Nothing in this act authorizes the department of fish and wildlife to assume authority over approval, disapproval, conditioning, or enforcement of applications or notifications submitted under chapter 76.09 RCW.

**NEW SECTION. Sec. 218.** Nothing in this act affects the jurisdiction or other authority of a federally recognized Indian tribe within the boundary of its reservation or on other tribally owned lands.

**NEW SECTION. Sec. 219.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

### PART THREE

#### State Environmental Policy Act and Local Development Regulations

**NEW SECTION. Sec. 301.** (1) The legislature recognizes that the rule-based categorical exemption thresholds to chapter 43.21C RCW, found in WAC 197-11-800, have not been updated in recent years, and should be reviewed in light of the increased environmental protections in place under chapters 36.70A and 90.58 RCW, and other laws. It is the intent of the legislature to direct the department of ecology to conduct two phases of rule making over the next two years to increase the thresholds for these categorical exemptions.

(2) By December 31, 2012, the department of ecology shall increase the rule-based categorical exemptions to chapter 43.21C RCW found in WAC 197-11-800 and update the environmental checklist found in WAC 197-11-960. In updating the categorical exemptions, the department of ecology must:

(a) At a minimum, increase the existing maximum threshold levels for the following project types:

(i) The construction or location of single-family residential developments;

(ii) The construction or location of multifamily residential developments;

(iii) The construction of an agricultural structure, other than a feed lot, that is similar to the following: A barn, a loafing shed, a farm equipment storage building, or a produce storing or packing structure;

(iv) The construction of the following, including any associated parking areas or facilities: An office, a school, a commercial building, a recreational building, a service building, or a storage building;

(v) Landfilling or excavation activities; and

(vi) The installation of an electric facility, lines, equipment, or appurtenances, other than substations.

(b) Establish maximum exemption levels for action types that differ based on whether the project is proposed to occur in:

(i) An incorporated city;

(ii) An unincorporated area within an urban growth area;

(iii) An unincorporated area outside of an urban growth area but within a county planning under chapter 36.70A RCW; or

(iv) An unincorporated area within a county not planning under chapter 36.70A RCW.

(c) In updating the environmental checklist found in WAC 197-11-960, the department of ecology shall:

(i) Improve efficiency of the environmental checklist; and

(ii) Not include any new subjects into the scope of the checklist, including climate change and greenhouse gases.

(d) Until the completion of the rule making required under this section, a city or county may apply the highest categorical exemption levels authorized under WAC 197-11-800 to any action, regardless if the city or county with jurisdiction has exercised its authority to raise the exemption levels above the established minimums, unless the city or county with jurisdiction passes an ordinance or resolution that lowers the exemption levels to a level below the allowed maximum but not less than the default minimum levels detailed in WAC 197-11-800.

(3)(a) By December 31, 2013, the department of ecology shall:

(i) Update, but not decrease, the thresholds for all other project actions not specified in subsection (2) of this section;

(ii) Propose methods for integrating the state environmental policy act process with provisions of the growth management act, chapter 36.70A RCW, including consideration of ways to revise



WAC 197-11-210 through 197-11-232 to further the goals of RCW 43.21C.240; and

(iii) Create categorical exemptions for minor code amendments for which review under chapter 43.21C RCW would not be required because they do not lessen environmental protection.

(b) During this process, the department of ecology may also review and update the thresholds resulting from the 2012 rule-making process outlined in subsection (2) of this section.

(4)(a) The department of ecology shall convene an advisory committee consisting of members representing, at minimum, cities, counties, business interests, environmental interests, agricultural interests, cultural resources interests, state agencies, and tribal governments to:

(i) Assist in updating the environmental checklist and updating the thresholds for other project actions for both rule-making processes under subsections (2) and (3) of this section; and

(ii) Ensure that state agencies, tribes, and other interested parties can receive notice about projects of interest through notice under chapter 43.21C RCW and means other than chapter 43.21C RCW.

(b) Advisory committee members must have direct experience with the implementation or application of the state environmental policy act.

(5) This section expires July 31, 2014.

**Sec. 302.** RCW 43.21C.031 and 1995 c 347 s 203 are each amended to read as follows:

(1) An environmental impact statement (the detailed statement required by RCW 43.21C.030(2)(c)) shall be prepared on proposals for legislation and other major actions having a probable significant, adverse environmental impact. The environmental impact statement may be combined with the recommendation or report on the proposal or issued as a separate document. The substantive decisions or recommendations shall be clearly identifiable in the combined document. Actions categorically exempt under RCW 43.21C.110(1)(a) and section 307 of this act do not require environmental review or the preparation of an environmental impact statement under this chapter. ~~((In a county, city, or town planning under RCW 36.70A.040, a planned action, as provided for in subsection (2) of this section, does not require a threshold determination or the preparation of an environmental impact statement under this chapter, but is subject to environmental review and mitigation as provided in this chapter.))~~

(2) An environmental impact statement is required to analyze only those probable adverse environmental impacts which are significant. Beneficial environmental impacts may be discussed. The responsible official shall consult with agencies and the public to identify such impacts and limit the scope of an environmental impact statement. The subjects listed in RCW 43.21C.030(2)(c) need not be treated as separate sections of an environmental impact statement. Discussions of significant short-term and long-term environmental impacts, significant irrevocable commitments of natural resources, significant alternatives including mitigation measures, and significant environmental impacts which cannot be mitigated should be consolidated or included, as applicable, in those sections of an environmental impact statement where the responsible official decides they logically belong.

~~((2))~~(a) For purposes of this section, a planned action means one or more types of project action that:

(i) Are designated planned actions by an ordinance or resolution adopted by a county, city, or town planning under RCW 36.70A.040;

(ii) Have had the significant impacts adequately addressed in an environmental impact statement prepared in conjunction with (A) a comprehensive plan or subarea plan adopted under chapter 36.70A RCW, or (B) a fully contained community, a master planned resort, a master planned development, or a phased project;

(iii) Are subsequent or implementing projects for the proposals listed in (a)(ii) of this subsection;

(iv) Are located within an urban growth area, as defined in RCW 36.70A.030;

(v) Are not essential public facilities, as defined in RCW 36.70A.200; and

(vi) Are consistent with a comprehensive plan adopted under chapter 36.70A RCW.

(b) A county, city, or town shall limit planned actions to certain types of development or to specific geographical areas that are less extensive than the jurisdictional boundaries of the county, city, or town and may limit a planned action to a time period identified in the environmental impact statement or the ordinance or resolution adopted under this subsection.)

**NEW SECTION. Sec. 303.** A new section is added to chapter 43.21C RCW to read as follows:

(1) For purposes of this chapter, a planned action means one or more types of development or redevelopment that meet the following criteria:

(a) Are designated as planned actions by an ordinance or resolution adopted by a county, city, or town planning under RCW 36.70A.040;

(b) Have had the significant impacts adequately addressed in an environmental impact statement under the requirements of this chapter in conjunction with, or to implement, a comprehensive plan or subarea plan adopted under chapter 36.70A RCW, or a fully contained community, a master planned resort, a master planned development, or a phased project;

(c) Have had project level significant impacts adequately addressed in an environmental impact statement unless the impacts are specifically deferred for consideration at the project level pursuant to subsection (3)(b) of this section;

(d) Are subsequent or implementing projects for the proposals listed in (b) of this subsection;

(e) Are located within an urban growth area designated pursuant to RCW 36.70A.110;

(f) Are not essential public facilities, as defined in RCW 36.70A.200, unless an essential public facility is accessory to or part of a residential, office, school, commercial, recreational, service, or industrial development that is designated a planned action under this subsection; and

(g) Are consistent with a comprehensive plan or subarea plan adopted under chapter 36.70A RCW.

(2) A county, city, or town shall define the types of development included in the planned action and may limit a planned action to:

(a) A specific geographic area that is less extensive than the jurisdictional boundaries of the county, city, or town; or

(b) A time period identified in the ordinance or resolution adopted under this subsection.

(3)(a) A county, city, or town shall determine during permit review whether a proposed project is consistent with a planned action ordinance adopted by the jurisdiction. To determine project consistency with a planned action ordinance, a county, city, or town may utilize a modified checklist pursuant to the rules adopted to implement RCW 43.21C.110, a form that is designated within the planned action ordinance, or a form contained in agency rules adopted pursuant to RCW 43.21C.120.

(b) A county, city, or town is not required to make a threshold determination and may not require additional environmental review, for a proposal that is determined to be consistent with the development or redevelopment described in the planned action ordinance, except for impacts that are specifically deferred to the project level at the time of the planned action ordinance's adoption. At least one community meeting must be held before the notice is issued for the planned action ordinance. Notice for the planned

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action and notice of the community meeting required by this subsection (3)(b) must be mailed or otherwise verifiably provided to: (i) All affected federally recognized tribal governments; and (ii) agencies with jurisdiction over the future development anticipated for the planned action. The determination of consistency, and the adequacy of any environmental review that was specifically deferred, are subject to the type of administrative appeal that the county, city, or town provides for the proposal itself consistent with RCW 36.70B.060.

(4) For a planned action ordinance that encompasses the entire jurisdictional boundary of a county, city, or town, at least one community meeting must be held before the notice is issued for the planned action ordinance. Notice for the planned action ordinance and notice of the community meeting required by this subsection must be mailed or otherwise verifiably provided to:

- (a) All property owners of record within the county, city, or town;
- (b) All affected federally recognized tribal governments; and
- (c) All agencies with jurisdiction over the future development anticipated for the planned action.

**Sec. 304.** RCW 43.21C.229 and 2003 c 298 s 1 are each amended to read as follows:

(1) In order to accommodate infill development and thereby realize the goals and policies of comprehensive plans adopted according to chapter 36.70A RCW, a city or county planning under RCW 36.70A.040 is authorized by this section to establish categorical exemptions from the requirements of this chapter. An exemption adopted under this section applies even if it differs from the categorical exemptions adopted by rule of the department under RCW 43.21C.110(1)(a). An exemption may be adopted by a city or county under this section if it meets the following criteria:

(a) It categorically exempts government action related to development ~~((that is new residential or mixed-use development))~~ proposed to fill in an urban growth area, designated according to RCW 36.70A.110, where current density and intensity of use in the area is lower than called for in the goals and policies of the applicable comprehensive plan and the development is either:

- (i) Residential development;
- (ii) Mixed-use development; or
- (iii) Commercial development up to sixty-five thousand square feet, excluding retail development;

(b) It does not exempt government action related to development that is inconsistent with the applicable comprehensive plan or would exceed the density or intensity of use called for in the goals and policies of the applicable comprehensive plan; ~~((and))~~

(c) The local government considers the specific probable adverse environmental impacts of the proposed action and determines that these specific impacts are adequately addressed by the development regulations or other applicable requirements of the comprehensive plan, subarea plan element of the comprehensive plan, planned action ordinance, or other local, state, or federal rules or laws; and

(d)(i) The city or county's applicable comprehensive plan was previously subjected to environmental analysis through an environmental impact statement under the requirements of this chapter prior to adoption; or

(ii) The city or county has prepared an environmental impact statement that considers the proposed use or density and intensity of use in the area proposed for an exemption under this section.

(2) Any categorical exemption adopted by a city or county under this section shall be subject to the rules of the department adopted according to RCW 43.21C.110(1)(a) that provide exceptions to the use of categorical exemptions adopted by the department.

**NEW SECTION. Sec. 305.** A new section is added to chapter 43.21C RCW to read as follows:

(1) A county, city, or town may recover its reasonable expenses of preparation of a nonproject environmental impact statement prepared under RCW 43.21C.229 and section 303 of this act:

- (a) Through access to financial assistance under RCW 36.70A.490;
- (b) With funding from private sources; and
- (c) By the assessment of fees consistent with the requirements and limitations of this section.

(2)(a) A county, city, or town is authorized to assess a fee upon subsequent development that will make use of and benefit from: (i) The analysis in an environmental impact statement prepared for the purpose of compliance with section 303 of this act regarding planned actions; or (ii) the reduction in environmental analysis requirements resulting from the exercise of authority under RCW 43.21C.229 regarding infill development.

(b) The amount of the fee must be reasonable and proportionate to the total expenses incurred by the county, city, or town in the preparation of the environmental impact statement.

(3) A county, city, or town assessing fees under subsection (2)(a) of this section must provide for a mechanism by which project proponents may either elect to utilize the environmental review completed by the lead agency and pay the fees under subsection (1) of this section or certify that they do not want the local jurisdiction to utilize the environmental review completed as a part of a planned action and therefore not be assessed any associated fees. Project proponents who choose this option may not make use of or benefit from the up-front environmental review prepared by the local jurisdiction.

(4) Prior to the collection of fees, the county, city, or town must enact an ordinance that establishes the total amount of expenses to be recovered through fees and provides objective standards for determining the fee amount to be imposed upon each development proposal proportionate to the impacts of each development and to the benefits accruing to each development from the nonproject environmental review. The ordinance must provide (a) a procedure by which an applicant who disagrees with whether the amount of the fee is correct, reasonable, or proportionate may pay the fee with the written stipulation "paid under protest"; and (b) if the county, city, or town provides for an administrative appeal of its decision on the project for which the fees are imposed, any dispute about the amount of the fees must be resolved in the same administrative appeals process. Any disagreement about the reasonableness, proportionality, or amount of the fees imposed upon a development may not be the basis for delay in issuance of a project permit for that development.

(5) The ordinance adopted under subsection (4) of this section must make information available about the amount of the expenses designated for recovery. When such expenses have been fully recovered, the county, city, or town may no longer assess a fee under this section.

(6) Any fees collected under this section from subsequent development may be used to reimburse funding received from private sources to conduct the environmental review.

(7) The city, county, or town shall refund fees collected where a court of competent jurisdiction determines that the environmental review conducted under section 303 of this act, regarding planned actions, or under RCW 43.21C.229, regarding infill development, was not sufficient to comply with the requirements of this chapter regarding the proposed development activity for which the fees were collected. The applicant and the city, county, or town may mutually agree to a partial refund or to waive the refund in the interest of resolving any dispute regarding compliance with this chapter.

**Sec. 306.** RCW 82.02.020 and 2010 c 153 s 3 are each amended to read as follows:

Except only as expressly provided in chapters 67.28, 81.104, and 82.14 RCW, the state preempts the field of imposing retail sales and use taxes and taxes upon parimutuel wagering authorized pursuant to RCW 67.16.060, conveyances, and cigarettes, and no county, town, or other municipal subdivision shall have the right to impose taxes of that nature. Except as provided in RCW 64.34.440 and 82.02.050 through 82.02.090, no county, city, town, or other municipal corporation shall impose any tax, fee, or charge, either direct or indirect, on the construction or reconstruction of residential buildings, commercial buildings, industrial buildings, or on any other building or building space or appurtenance thereto, or on the development, subdivision, classification, or reclassification of land. However, this section does not preclude dedications of land or easements within the proposed development or plat which the county, city, town, or other municipal corporation can demonstrate are reasonably necessary as a direct result of the proposed development or plat to which the dedication of land or easement is to apply.

This section does not prohibit voluntary agreements with counties, cities, towns, or other municipal corporations that allow a payment in lieu of a dedication of land or to mitigate a direct impact that has been identified as a consequence of a proposed development, subdivision, or plat. A local government shall not use such voluntary agreements for local off-site transportation improvements within the geographic boundaries of the area or areas covered by an adopted transportation program authorized by chapter 39.92 RCW. Any such voluntary agreement is subject to the following provisions:

(1) The payment shall be held in a reserve account and may only be expended to fund a capital improvement agreed upon by the parties to mitigate the identified, direct impact;

(2) The payment shall be expended in all cases within five years of collection; and

(3) Any payment not so expended shall be refunded with interest to be calculated from the original date the deposit was received by the county and at the same rate applied to tax refunds pursuant to RCW 84.69.100; however, if the payment is not expended within five years due to delay attributable to the developer, the payment shall be refunded without interest.

No county, city, town, or other municipal corporation shall require any payment as part of such a voluntary agreement which the county, city, town, or other municipal corporation cannot establish is reasonably necessary as a direct result of the proposed development or plat.

Nothing in this section prohibits cities, towns, counties, or other municipal corporations from collecting reasonable fees from an applicant for a permit or other governmental approval to cover the cost to the city, town, county, or other municipal corporation of processing applications, inspecting and reviewing plans, or preparing detailed statements required by chapter 43.21C RCW, including reasonable fees that are consistent with RCW 43.21C.420(6) and section 305 of this act.

This section does not limit the existing authority of any county, city, town, or other municipal corporation to impose special assessments on property specifically benefited thereby in the manner prescribed by law.

Nothing in this section prohibits counties, cities, or towns from imposing or permits counties, cities, or towns to impose water, sewer, natural gas, drainage utility, and drainage system charges. However, no such charge shall exceed the proportionate share of such utility or system's capital costs which the county, city, or town can demonstrate are attributable to the property being charged. Furthermore, these provisions may not be interpreted to expand or

contract any existing authority of counties, cities, or towns to impose such charges.

Nothing in this section prohibits a transportation benefit district from imposing fees or charges authorized in RCW 36.73.120 nor prohibits the legislative authority of a county, city, or town from approving the imposition of such fees within a transportation benefit district.

Nothing in this section prohibits counties, cities, or towns from imposing transportation impact fees authorized pursuant to chapter 39.92 RCW.

Nothing in this section prohibits counties, cities, or towns from requiring property owners to provide relocation assistance to tenants under RCW 59.18.440 and 59.18.450.

Nothing in this section limits the authority of counties, cities, or towns to implement programs consistent with RCW 36.70A.540, nor to enforce agreements made pursuant to such programs.

This section does not apply to special purpose districts formed and acting pursuant to Title 54, 57, or 87 RCW, nor is the authority conferred by these titles affected.

**NEW SECTION. Sec. 307.** A new section is added to chapter 43.21C RCW to read as follows:

The following nonproject actions are categorically exempt from the requirements of this chapter:

(1) Amendments to development regulations that are required to ensure consistency with an adopted comprehensive plan pursuant to RCW 36.70A.040, where the comprehensive plan was previously subjected to environmental review pursuant to this chapter and the impacts associated with the proposed regulation were specifically addressed in the prior environmental review;

(2) Amendments to development regulations that are required to ensure consistency with a shoreline master program approved pursuant to RCW 90.58.090, where the shoreline master program was previously subjected to environmental review pursuant to this chapter and the impacts associated with the proposed regulation were specifically addressed in the prior environmental review;

(3) Amendments to development regulations that, upon implementation of a project action, will provide increased environmental protection, limited to the following:

(a) Increased protections for critical areas, such as enhanced buffers or setbacks;

(b) Increased vegetation retention or decreased impervious surface areas in shoreline jurisdiction; and

(c) Increased vegetation retention or decreased impervious surface areas in critical areas;

(4) Amendments to technical codes adopted by a county, city, or town to ensure consistency with minimum standards contained in state law, including the following:

(a) Building codes required by chapter 19.27 RCW;

(b) Energy codes required by chapter 19.27A RCW; and

(c) Electrical codes required by chapter 19.28 RCW.

**NEW SECTION. Sec. 308.** A new section is added to chapter 43.21C RCW to read as follows:

(1) The lead agency for an environmental review under this chapter utilizing an environmental checklist developed by the department of ecology pursuant to RCW 43.21C.110 may identify within the checklist provided to applicants instances where questions on the checklist are adequately covered by a locally adopted ordinance, development regulation, land use plan, or other legal authority.

(2) If a lead agency identifies an instance as described in subsection (1) of this section, it still must consider whether the action has an impact on the particular element or elements of the environment in question.

(3) In instances where the locally adopted ordinance, development regulation, land use plan, or other legal authority

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provide the necessary information to answer a specific question, the lead agency must explain how the proposed project satisfies the underlying local legal authority.

(4) If the lead agency identifies instances where questions on the checklist are adequately covered by a locally adopted ordinance, development regulation, land use plan, or other legal authority, an applicant may still provide answers to any questions on the checklist.

(5) Nothing in this section authorizes a lead agency to ignore or delete a question on the checklist.

(6) Nothing in this section changes the standard for whether an environmental impact statement is required for an action that may have a probable significant, adverse environmental impact pursuant to RCW 43.21C.030.

(7) Nothing in this section affects the appeal provisions provided in this chapter.

(8) Nothing in this section modifies existing rules for determining the lead agency, as defined in WAC 197-11-922 through 197-11-948, nor does it modify agency procedures for complying with the state environmental policy act when an agency other than a local government is serving as the lead agency.

**Sec. 309.** RCW 36.70A.490 and 1995 c 347 s 115 are each amended to read as follows:

The growth management planning and environmental review fund is hereby established in the state treasury. Moneys may be placed in the fund from the proceeds of bond sales, tax revenues, budget transfers, federal appropriations, gifts, or any other lawful source. Moneys in the fund may be spent only after appropriation. Moneys in the fund shall be used to make grants or loans to local governments for the purposes set forth in RCW 43.21C.240, 43.21C.031, or 36.70A.500. Any payment of either principal or interest, or both, derived from loans made from this fund must be deposited into the fund.

**Sec. 310.** RCW 36.70A.500 and 1997 c 429 s 28 are each amended to read as follows:

(1) The department of (~~community, trade, and economic development~~) commerce shall provide management services for the growth management planning and environmental review fund created by RCW 36.70A.490. The department shall establish procedures for fund management. The department shall encourage participation in the grant or loan program by other public agencies. The department shall develop the grant or loan criteria, monitor the grant or loan program, and select grant or loan recipients in consultation with state agencies participating in the grant or loan program through the provision of grant or loan funds or technical assistance.

(2) A grant or loan may be awarded to a county or city that is required to or has chosen to plan under RCW 36.70A.040 and that is qualified pursuant to this section. The grant or loan shall be provided to assist a county or city in paying for the cost of preparing an environmental analysis under chapter 43.21C RCW, that is integrated with a comprehensive plan, subarea plan, plan element, countywide planning policy, development regulation, monitoring program, or other planning activity adopted under or implementing this chapter that:

(a) Improves the process for project permit review while maintaining environmental quality; or

(b) Encourages use of plans and information developed for purposes of complying with this chapter to satisfy requirements of other state programs.

(3) In order to qualify for a grant or loan, a county or city shall:

(a) Demonstrate that it will prepare an environmental analysis pursuant to chapter 43.21C RCW and subsection (2) of this section that is integrated with a comprehensive plan, subarea plan, plan element, countywide planning policy, development regulations,

monitoring program, or other planning activity adopted under or implementing this chapter;

(b) Address environmental impacts and consequences, alternatives, and mitigation measures in sufficient detail to allow the analysis to be adopted in whole or in part by applicants for development permits within the geographic area analyzed in the plan;

(c) Demonstrate that procedures for review of development permit applications will be based on the integrated plans and environmental analysis;

(d) Include mechanisms to monitor the consequences of growth as it occurs in the plan area and to use the resulting data to update the plan, policy, or implementing mechanisms and associated environmental analysis;

(e) Demonstrate substantial progress towards compliance with the requirements of this chapter. A county or city that is more than six months out of compliance with a requirement of this chapter is deemed not to be making substantial progress towards compliance; and

(f) Provide local funding, which may include financial participation by the private sector.

(4) In awarding grants or loans, the department shall give preference to proposals that include one or more of the following elements:

(a) Financial participation by the private sector, or a public/private partnering approach;

(b) Identification and monitoring of system capacities for elements of the built environment, and to the extent appropriate, of the natural environment;

(c) Coordination with state, federal, and tribal governments in project review;

(d) Furtherance of important state objectives related to economic development, protection of areas of statewide significance, and siting of essential public facilities;

(e) Programs to improve the efficiency and effectiveness of the permitting process by greater reliance on integrated plans and prospective environmental analysis;

(f) Programs for effective citizen and neighborhood involvement that contribute to greater likelihood that planning decisions can be implemented with community support; (~~and~~)

(g) Programs to identify environmental impacts and establish mitigation measures that provide effective means to satisfy concurrency requirements and establish project consistency with the plans; or

(h) Environmental review that addresses the impacts of increased density or intensity of comprehensive plans, subarea plans, or receiving areas designated by a city or town under the regional transfer of development rights program in chapter 43.362 RCW.

(5) If the local funding includes funding provided by other state functional planning programs, including open space planning and watershed or basin planning, the functional plan shall be integrated into and be consistent with the comprehensive plan.

(6) State agencies shall work with grant or loan recipients to facilitate state and local project review processes that will implement the projects receiving grants or loans under this section.

**Sec. 311.** RCW 43.21C.110 and 1997 c 429 s 47 are each amended to read as follows:

It shall be the duty and function of the department of ecology:

(1) To adopt and amend (~~hereafter~~) rules of interpretation and implementation of this chapter, subject to the requirements of chapter 34.05 RCW, for the purpose of providing uniform rules and guidelines to all branches of government including state agencies, political subdivisions, public and municipal corporations, and counties. The proposed rules shall be subject to full public hearings

requirements associated with rule ~~((promulgation))~~ adoption. Suggestions for modifications of the proposed rules shall be considered on their merits, and the department shall have the authority and responsibility for full and appropriate independent ~~((promulgation and))~~ adoption of rules, assuring consistency with this chapter as amended and with the preservation of protections afforded by this chapter. The rule-making powers authorized in this section shall include, but shall not be limited to, the following phases of interpretation and implementation of this chapter:

(a) Categories of governmental actions which are not to be considered as potential major actions significantly affecting the quality of the environment, including categories pertaining to applications for water right permits pursuant to chapters 90.03 and 90.44 RCW. The types of actions included as categorical exemptions in the rules shall be limited to those types which are not major actions significantly affecting the quality of the environment. The rules shall provide for certain circumstances where actions which potentially are categorically exempt require environmental review. An action that is categorically exempt under the rules adopted by the department may not be conditioned or denied under this chapter.

(b) Rules for criteria and procedures applicable to the determination of when an act of a branch of government is a major action significantly affecting the quality of the environment for which a detailed statement is required to be prepared pursuant to RCW 43.21C.030.

(c) Rules and procedures applicable to the preparation of detailed statements and other environmental documents, including but not limited to rules for timing of environmental review, obtaining comments, data and other information, and providing for and determining areas of public participation which shall include the scope and review of draft environmental impact statements.

(d) Scope of coverage and contents of detailed statements assuring that such statements are simple, uniform, and as short as practicable; statements are required to analyze only reasonable alternatives and probable adverse environmental impacts which are significant, and may analyze beneficial impacts.

(e) Rules and procedures for public notification of actions taken and documents prepared.

(f) Definition of terms relevant to the implementation of this chapter including the establishment of a list of elements of the environment. Analysis of environmental considerations under RCW 43.21C.030(2) may be required only for those subjects listed as elements of the environment (or portions thereof). The list of elements of the environment shall consist of the "natural" and "built" environment. The elements of the built environment shall consist of public services and utilities (such as water, sewer, schools, fire and police protection), transportation, environmental health (such as explosive materials and toxic waste), and land and shoreline use (including housing, and a description of the relationships with land use and shoreline plans and designations, including population).

(g) Rules for determining the obligations and powers under this chapter of two or more branches of government involved in the same project significantly affecting the quality of the environment.

(h) Methods to assure adequate public awareness of the preparation and issuance of detailed statements required by RCW 43.21C.030(2)(c).

(i) To prepare rules for projects setting forth the time limits within which the governmental entity responsible for the action shall comply with the provisions of this chapter.

(j) Rules for utilization of a detailed statement for more than one action and rules improving environmental analysis of nonproject proposals and encouraging better interagency coordination and integration between this chapter and other environmental laws.

(k) Rules relating to actions which shall be exempt from the provisions of this chapter in situations of emergency.

(l) Rules relating to the use of environmental documents in planning and decision making and the implementation of the substantive policies and requirements of this chapter, including procedures for appeals under this chapter.

(m) Rules and procedures that provide for the integration of environmental review with project review as provided in RCW 43.21C.240. The rules and procedures shall be jointly developed with the department of ~~((community, trade, and economic development))~~ commerce and shall be applicable to the preparation of environmental documents for actions in counties, cities, and towns planning under RCW 36.70A.040. The rules and procedures shall also include procedures and criteria to analyze planned actions under ~~((RCW 43.21C.031(2)))~~ section 303 of this act and revisions to the rules adopted under this section to ensure that they are compatible with the requirements and authorizations of chapter 347, Laws of 1995, as amended by chapter 429, Laws of 1997. Ordinances or procedures adopted by a county, city, or town to implement the provisions of chapter 347, Laws of 1995 prior to the effective date of rules adopted under this subsection (1)(m) shall continue to be effective until the adoption of any new or revised ordinances or procedures that may be required. If any revisions are required as a result of rules adopted under this subsection (1)(m), those revisions shall be made within the time limits specified in RCW 43.21C.120.

(2) In exercising its powers, functions, and duties under this section, the department may:

(a) Consult with the state agencies and with representatives of science, industry, agriculture, labor, conservation organizations, state and local governments, and other groups, as it deems advisable; and

(b) Utilize, to the fullest extent possible, the services, facilities, and information (including statistical information) of public and private agencies, organizations, and individuals, in order to avoid duplication of effort and expense, overlap, or conflict with similar activities authorized by law and performed by established agencies.

(3) Rules adopted pursuant to this section shall be subject to the review procedures of chapter 34.05 RCW.

**Sec. 312.** RCW 43.21C.095 and 1983 c 117 s 5 are each amended to read as follows:

The rules ~~((promulgated))~~ adopted under RCW 43.21C.110 shall be accorded substantial deference in the interpretation of this chapter.

**Sec. 313.** RCW 90.48.260 and 2011 c 353 s 12 are each amended to read as follows:

(1) The department of ecology is hereby designated as the state water pollution control agency for all purposes of the federal clean water act as it exists on February 4, 1987, and is hereby authorized to participate fully in the programs of the act as well as to take all action necessary to secure to the state the benefits and to meet the requirements of that act. With regard to the national estuary program established by section 320 of that act, the department shall exercise its responsibility jointly with the Puget Sound partnership, created in RCW 90.71.210. The department of ecology may delegate its authority under this chapter, including its national pollutant discharge elimination permit system authority and duties regarding animal feeding operations and concentrated animal feeding operations, to the department of agriculture through a memorandum of understanding. Until any such delegation receives federal approval, the department of agriculture's adoption or issuance of animal feeding operation and concentrated animal feeding operation rules, permits, programs, and directives pertaining to water quality shall be accomplished after reaching agreement with the director of the department of ecology. Adoption or

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issuance and implementation shall be accomplished so that compliance with such animal feeding operation and concentrated animal feeding operation rules, permits, programs, and directives will achieve compliance with all federal and state water pollution control laws. The powers granted herein include, among others, and notwithstanding any other provisions of this chapter ((90.48 RCW)) or otherwise, the following:

(a) Complete authority to establish and administer a comprehensive state point source waste discharge or pollution discharge elimination permit program which will enable the department to qualify for full participation in any national waste discharge or pollution discharge elimination permit system and will allow the department to be the sole agency issuing permits required by such national system operating in the state of Washington subject to the provisions of RCW 90.48.262(2). Program elements authorized herein may include, but are not limited to: (i) Effluent treatment and limitation requirements together with timing requirements related thereto; (ii) applicable receiving water quality standards requirements; (iii) requirements of standards of performance for new sources; (iv) pretreatment requirements; (v) termination and modification of permits for cause; (vi) requirements for public notices and opportunities for public hearings; (vii) appropriate relationships with the secretary of the army in the administration of his or her responsibilities which relate to anchorage and navigation, with the administrator of the environmental protection agency in the performance of his or her duties, and with other governmental officials under the federal clean water act; (viii) requirements for inspection, monitoring, entry, and reporting; (ix) enforcement of the program through penalties, emergency powers, and criminal sanctions; (x) a continuing planning process; and (xi) user charges.

(b) The power to establish and administer state programs in a manner which will ((~~insure~~)) ensure the procurement of moneys, whether in the form of grants, loans, or otherwise; to assist in the construction, operation, and maintenance of various water pollution control facilities and works; and the administering of various state water pollution control management, regulatory, and enforcement programs.

(c) The power to develop and implement appropriate programs pertaining to continuing planning processes, area-wide waste treatment management plans, and basin planning.

The governor shall have authority to perform those actions required of him or her by the federal clean water act.

(2) ((By July 31, 2012, the department shall:))

(a) ((Reissue without modification and for a term of one year any national pollutant discharge elimination system municipal storm water general permit first issued on January 17, 2007; and

(b) Issue an updated national pollutant discharge elimination system municipal storm water general permit for any permit first issued on January 17, 2007. An updated permit issued under this subsection shall become effective beginning August 1, 2013.)) By July 31, 2012, the department shall reissue without modification and for a term of one year any national pollutant discharge elimination system municipal storm water general permit first issued January 17, 2007, for western Washington municipalities.

(b) The department shall issue updated national pollutant discharge elimination system municipal storm water general permits for western Washington municipalities whose permits were first issued or reissued January 17, 2007, as follows:

(i) By July 1, 2012, the department shall publish final proposed permits following consideration of comments from the public and appropriate stakeholders, and provide the final proposed permits to the appropriate committees of the senate and house of representatives for legislative review;

(ii) The legislature may modify the final proposed permits

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through legislative enactment by the end of the 2013 regular legislative session. Except as directed by the legislature, the department may not modify the final proposed permits following its being published under (b)(i) of this subsection;

(iii) On July 1, 2013, the department shall issue final permits consisting of the provisions of the final proposed permits and any modifications directed by the legislature; and

(iv) The final permit becomes effective August 1, 2013.

(3) By July 31, 2012, the department shall:

(a) Reissue without modification and for a term of two years any national pollutant discharge elimination system municipal storm water general permit first issued January 17, 2007, for eastern Washington municipalities; and

(b) Issue an updated national pollutant discharge elimination system municipal storm water general permit for any permit first issued on January 17, 2007, for eastern Washington municipalities. An updated permit issued under this subsection becomes effective August 1, 2014."

Senator Hargrove spoke in favor of adoption of the striking amendment.

#### POINT OF ORDER

Senator Ranker: "Mr. President, I request that the President rule that amendment 213 to the committee substitute expands the scope and object of this legislation. The Legislation before this body is well stated in the intent section. it is a measure that updates provisions for four specific regulatory programs. These programs are the hydraulic approval program; the forest practices program; the environmental policy act; and the growth management act appeals. The amendment by contrast would change an entirely different section, entirely different program by extending an existing permit for a number of local jurisdictions regarding clean up and urban storm water runoff. Under your prior rulings Mr. President, this amendment expands both the scope and the object of this bill. The scope or subject of this bill is in four specific programs referenced earlier not just any permit program that might conceivably have connections with the state's natural resources. The amendment's subject relating to storm water permits is a separate program codified in an entirely different RCW and title. For these reasons I respectfully request that you rule that the amendment extends the scope and object of this bill."

Senator Hargrove spoke against the point of order.

#### MOTION

On motion of Senator Eide, further consideration of Substitute Senate Bill No. 6406 was deferred and the bill held its place on the second reading calendar.

#### MOTION

On motion of Senator Eide, the Senate reverted to the fourth order of business.

#### MOTION

On motion of Senator Ranker, Senator Kilmer was excused.

Senator Prentice assumed the chair.

#### MESSAGE FROM THE HOUSE

February 27, 2012

MR. PRESIDENT:

The House passed SUBSTITUTE SENATE BILL NO. 6105 with the following amendment(s): 6105-S AMH HCW BLAC 131

On page 2, line 17, after "requirements of" insert "subsections (1) through (3) of"

On page 2, line 31, after "RCW" insert ". The department, in collaboration with the veterinary board of governors, shall establish alternative data reporting requirements for veterinarians that allow veterinarians to report:

(i) By either electronic or non-electronic methods;

(ii) Only those data elements that are relevant to veterinary practices and necessary to accomplish the public protection goals of this chapter; and

(iii) No more frequently than once every three months and no less frequently than once every six months"

and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

#### MOTION

Senator Keiser moved that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 6105.

Senators Keiser and Parlette spoke in favor of the motion.

The President Pro Tempore declared the question before the Senate to be the motion by Senator Keiser that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 6105.

The motion by Senator Keiser carried and the Senate concurred in the House amendment(s) to Substitute Senate Bill No. 6105 by voice vote.

The President Pro Tempore declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6105, as amended by the House.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6105, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 1; Excused, 1.

Voting yea: Senators Baumgartner, Becker, Benton, Brown, Carrell, Chase, Conway, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Hatfield, Haugen, Hewitt, Hill, Hobbs, Holmquist, Newbry, Honeyford, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles, Litzow, McAuliffe, Morton, Murray, Nelson, Padden, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rolfes, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Absent: Senator Delvin

Excused: Senator Harper

SUBSTITUTE SENATE BILL NO. 6105, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MESSAGE FROM THE HOUSE

March 1, 2012

MR. PRESIDENT:

The House passed SECOND SUBSTITUTE SENATE BILL NO. 6140 with the following amendment(s): 6140-S2 AMH CDH H4385.3

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** (1) The legislature finds that the issuance of taxable nonrecourse revenue bonds by the Washington economic development finance authority has provided a number of Washington firms with the financing necessary to grow and create jobs. The legislature further finds that municipal authority to issue taxable nonrecourse revenue bonds does not exist and that authorizing the local issuance of taxable bonds for economic development purposes will increase local capacity to strengthen businesses and create jobs.

(2) It is the purpose of this chapter to grant new authority for cities, counties, and port districts that created public corporations under chapter 39.84 RCW prior to 2012, in order to build on the expertise with tax-exempt nonrecourse revenue bond financing developed by these municipalities. Therefore, these municipalities are permitted to create local economic development finance authorities to act as a financial conduit that, without using state or local government funds or lending the credit of the state or local governments, can issue taxable and nontaxable nonrecourse revenue bonds, and participate in federal, state, and local economic development programs to help facilitate access to needed capital by Washington businesses. It is also a primary purpose of this chapter to encourage the development of local innovative approaches to the problem of unmet capital needs. This chapter must be construed liberally to carry out its purposes and objectives.

**NEW SECTION. Sec. 2.** The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Authority" means a local economic development finance authority created under this chapter. An authority is a public body within the meaning of RCW 39.53.010.

(2) "Board of directors" means the board of directors of an authority.

(3) "Bonds" means any bonds, notes, debentures, interim certificates, conditional sales or lease financing agreements, lines of credit, forward purchase agreements, investment agreements, and other banking or financial arrangements, guaranties, or other obligations issued by or entered into by the authority. Such bonds may be issued on either a tax-exempt or taxable basis.

(4) "Borrower" means one or more public or private persons or entities acting as lessee, purchaser, mortgagor, or borrower who has obtained or is seeking to obtain financing either from an authority or from an eligible banking organization that has obtained or is seeking to obtain funds from the authority to finance a project. A borrower may include a party who transfers the right of use and occupancy to another party by lease, sublease, or otherwise, or a party who is seeking or has obtained a financial guaranty from the authority.

(5) "Economic development activities" means activities related to: Manufacturing, processing, the commercialization of research, production, assembly, tooling, warehousing, exporting products made in Washington or services provided by Washington firms, airports, docks and wharves, mass commuting facilities, high-speed intercity rail facilities, public broadcasting, pollution control, solid waste disposal, federally qualified hazardous waste facilities, energy generating, conservation, or transmission facilities, sports facilities, industrial parks, and activities conducted within a federally designated enterprise or empowerment zone or geographic area of similar nature.

(6) "Eligible banking organization" means any organization subject to regulation by the director of the department of financial institutions, any national bank, federal savings and loan association, and federal credit union located within this state.

(7) "Eligible person" means an individual, partnership, corporation, or joint venture carrying on business, or proposing to

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carry on business, within the state and seeking financial assistance under this act.

(8) "Financial assistance" means the infusion of capital to persons for use in the development and exploitation of specific inventions and products.

(9) "Financing agreements" means, and includes without limitation, a contractual arrangement with an eligible person whereby an authority obtains rights from or in an invention or product or proceeds from an invention or product in exchange for the granting of financial and other assistance to the person.

(10) "Financing document" means an instrument executed by an authority and one or more persons or entities pertaining to the issuance of or security for bonds, or the application of the proceeds of bonds or other funds of, or payable to, the authority. A financing document may include, but need not be limited to, a lease, installment sale agreement, conditional sale agreement, mortgage, loan agreement, trust agreement or indenture, security agreement, letter or line of credit, reimbursement agreement, insurance policy, guaranty agreement, or currency or interest rate swap agreement. A financing document also may be an agreement between the authority and an eligible banking organization which has agreed to make a loan to a borrower.

(11) "Investment grade credit rating" means a rating of at least BBB- by standard & poor's, Baa3 by moody's investors service, or BBB- by fitch.

(12) "Municipality" means a city, town, county, or port district of this state.

(13) "Ordinance" means any appropriate method of taking official action or adopting a legislative decision by any municipality, whether known as a resolution, ordinance, or otherwise.

(14) "Plan" means the general plan of economic development finance objectives developed and adopted by the authority, and updated from time to time, as required under RCW 43.163.090.

(15) "Product" means a product, device, technique, or process that is or may be exploitable commercially. "Product" does not refer to pure research, but does apply to products, devices, techniques, or processes that have advanced beyond the theoretic stage and are readily capable of being, or have been, reduced to practice.

(16) "Project costs" means costs of:

(a) Acquisition, lease, construction, reconstruction, remodeling, refurbishing, rehabilitation, extension, and enlargement of land, rights to land, buildings, structures, docks, wharves, fixtures, machinery, equipment, excavations, paving, landscaping, utilities, approaches, roadways and parking, handling and storage areas, and similar ancillary facilities, and any other real or personal property included in an economic development activity;

(b) Architectural, engineering, consulting, accounting, and legal costs related directly to the development, financing, acquisition, lease, construction, reconstruction, remodeling, refurbishing, rehabilitation, extension, and enlargement of an activity included under subsection (5) of this section, including costs of studies assessing the feasibility of an economic development activity;

(c) Finance costs, including the costs of credit enhancement and discounts, if any, the costs of issuing revenue bonds, and costs incurred in carrying out any financing document;

(d) Start-up costs, working capital, capitalized research and development costs, capitalized interest during construction and during the eighteen months after estimated completion of construction, and capitalized debt service or repair and replacement or other appropriate reserves;

(e) The refunding of any outstanding obligations incurred for any of the costs outlined in this subsection; and

(f) Other costs incidental to any of the costs listed in this subsection.

**NEW SECTION. Sec. 3.** (1) A municipality that formed a public corporation under chapter 39.84 RCW prior to January 1, 2012, may, if that public corporation is still in existence, enact an ordinance creating an economic development finance authority for the purposes authorized in this chapter. The ordinance creating the authority must approve a charter for the authority containing such provisions as are authorized by and not in conflict with this chapter. Any charter issued under this chapter must contain in substance the limitations set forth in section 4 of this act. In any suit, action, or proceeding involving the validity or enforcement of or relating to any contract of the authority, the authority is conclusively presumed to be established and authorized to transact business and exercise its powers under this chapter upon proof of the adoption of the ordinance creating the authority by the governing body. A copy of the ordinance duly certified by the clerk of the governing body of the municipality is admissible in evidence in any suit, action, or proceeding.

(2) An authority created by a municipality pursuant to this chapter may be dissolved by the municipality if: (a) The authority has no property to administer, other than funds or property, if any, to be paid or transferred to the municipality by which it was established; and (b) all the authority's outstanding obligations have been satisfied. Such a dissolution must be accomplished by the governing body of the municipality adopting an ordinance providing for the dissolution.

(3) The creating municipality may, at its discretion and at any time, alter or change the structure, organizational programs, or activities of an authority, including termination of the authority if contracts entered into by the authority are not impaired. Any net earnings of an authority, beyond those necessary for retirement of indebtedness incurred by it, do not inure to the benefit of any person other than the creating municipality. Upon dissolution of an authority, title to all property owned by the authority vests in the municipality.

(4) The ordinance creating an authority must include provisions establishing a board of directors to govern the affairs of the authority, what constitutes a quorum of the board of directors, and how the authority must conduct its affairs.

(5) For a period of ten years after any financing through an authority, it is illegal for a director, officer, agent, or employee of an authority to have, directly or indirectly, any financial interest in any property to be included in or any contract for property, services, or materials to be furnished or used in connection with any economic development activity financed through the authority. Violation of any provision of this section is a gross misdemeanor.

(6) The finances of any authority are subject to examination by the state auditor's office pursuant to RCW 43.09.260.

**NEW SECTION. Sec. 4.** (1) No municipality may give or lend any money or property in aid of an authority. The municipality that creates an authority must annually review any financial statements of the authority and at all times must have access to the books and records of the authority. No authority may issue revenue obligations under this chapter except upon the approval of both the municipality under the auspices of which it was created and the county, city, or town within whose planning jurisdiction the economic development activity to be financed lies. Upon receiving approval from these jurisdictions, an authority must, before bonds may be issued, obtain one of the following:

(a) A letter of credit supporting the creditworthiness of the borrower from a bank with an investment grade credit rating;

(b) Confirmation that the borrower has arranged for private placement of the bonds with an institutional investor; or

(c) Confirmation that the borrower has an investment grade credit rating of their own.



(2) An authority established under the terms of this chapter constitutes an authority and an instrumentality (within the meaning of those terms in the regulations of the United States treasury and the rulings of the internal revenue service prescribed pursuant to 26 U.S.C. Sec. 103 of the federal internal revenue code of 1986, as amended) may act on behalf of the municipality under whose auspices it is created for the specific public purposes authorized by this chapter. The authority is not a municipal corporation within the meaning of the state Constitution and the laws of the state, or a political subdivision within the meaning of the state Constitution and the laws of the state, including without limitation, Article VIII, section 7 of the Washington state Constitution. A municipality may not delegate to an authority any of the municipality's attributes of sovereignty including, without limitation, the power to tax, the power of eminent domain, and the police power.

**NEW SECTION. Sec. 5.** (1) An authority established pursuant to this chapter may develop and conduct a program or programs to provide nonrecourse revenue bond financing for the project costs for economic development activities.

(2) An authority is authorized to participate fully in federal and other governmental economic development finance programs and to take such actions as are necessary and consistent with this chapter to secure the benefits of those programs and to meet their requirements.

(3) An authority may develop and conduct a program that will stimulate and encourage the development of new products within Washington state by the infusion of financial aid for invention and innovation in situations in which the financial aid would not otherwise be reasonably available from commercial sources. The authority is authorized to provide nonrecourse revenue bond financing for this program.

(a) For the purposes of this program, the authority has the following powers and duties:

(i) To enter into financing agreements with eligible persons doing business in Washington state, upon terms and on conditions consistent with the purposes of this chapter, for the advancement of financial and other assistance to the persons for the development of specific products, procedures, and techniques, to be developed and produced in this state, and to condition the agreements upon contractual assurances that the benefits of increasing or maintaining employment and tax revenues remain in this state and accrue to it;

(ii) Own, possess, and take license in patents, copyrights, and proprietary processes and negotiate and enter into contracts and establish charges for the use of the patents, copyrights, and proprietary processes when the patents and licenses for products result from assistance provided by the authority;

(iii) Negotiate royalty payments to the authority on patents and licenses for products arising as a result of assistance provided by the authority;

(iv) Negotiate and enter into other types of contracts with eligible persons that assure that public benefits will result from the provision of services by the authority; provided that the contracts are consistent with the state Constitution;

(v) Encourage and provide technical assistance to eligible persons in the process of developing new products;

(vi) Refer eligible persons to researchers or laboratories for the purpose of testing and evaluating new products, processes, or innovations; and

(vii) To the extent permitted under its contract with eligible persons, to consent to a termination, modification, forgiveness, or other change of a term of a contractual right, payment, royalty, contract, or agreement of any kind to which the authority is a party.

(b) Eligible persons seeking financial and other assistance under this program must forward an application, together with an application fee prescribed by rule, to the authority. An

investigation and report concerning the advisability of approving an application for assistance must be completed by the staff of the authority. The investigation and report may include, but is not limited to, facts about the company under consideration as its history, wage standards, job opportunities, stability of employment, past and present financial condition and structure, pro forma income statements, present and future markets and prospects, integrity of management as well as the feasibility of the proposed product and invention to be granted financial assistance, including the state of development of the product as well as the likelihood of its commercial feasibility. After receipt and consideration of the report set out in this subsection and after other action as is deemed appropriate, the application must be approved or denied by the authority. The applicant must be promptly notified of action by the authority.

(4) An authority may receive no appropriation of state funds. The department of commerce and the Washington economic development finance authority may assist a local economic development finance authority in organizing itself and in designing programs.

(5) An authority may use any funds legally available to it for any purpose specifically authorized by this chapter, or for otherwise improving economic development by assisting businesses and farm enterprises that do not have access to capital at terms and rates comparable to large corporations due to the location of the business, the size of the business, the lack of financial expertise, or other appropriate reasons.

(6) An authority must coordinate its activities with those, including bond issuance activities, of the creating municipality and the public corporation created under chapter 39.84 RCW by the creating municipality.

**NEW SECTION. Sec. 6.** (1) An authority established pursuant to this chapter must adopt general operating procedures for the authority. The authority must also adopt operating procedures for individual programs as they are developed for obtaining funds and for providing funds to borrowers. These operating procedures must be adopted by resolution prior to the authority operating the applicable programs.

(2) The operating procedures must include, but are not limited to:

(a) Appropriate standards for securing loans and other financing the authority provides to borrowers, such as guarantees or collateral; and

(b) Strict standards for providing financing to borrowers, such as:

(i) The borrower is a responsible party with a high probability of being able to repay the financing provided by the authority;

(ii) The financing is reasonably expected to benefit the creating municipality by enabling a borrower to increase or maintain jobs or capital in the municipality;

(iii) The borrowers with the greatest needs or that provide the most public benefit are given higher priority by the authority; and

(iv) The financing is consistent with any plan adopted by the authority under the provisions of section 7 of this act.

**NEW SECTION. Sec. 7.** (1) Any authority established pursuant to this chapter must adopt a general plan of economic development finance objectives to be implemented by the authority during the period of the plan. The authority may exercise the powers authorized under this chapter prior to the adoption of the initial plan. In developing the plan, the authority must consider and set objectives for:

(a) Employment generation associated with the authority's programs;

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(b) The application of funds to economic sectors and economic development activity evidencing need for improved access to capital markets and funding resources;

(c) Eligibility criteria for participants in authority programs;

(d) The use of funds and resources available from or through federal, state, local, and private sources and programs;

(e) New programs which serve a targeted need for financing assistance within the purposes of this chapter; and

(f) Opportunities to improve capital access as evidenced by programs existent in other localities or as they are made possible by results of private capital market circumstances.

(2) Upon adoption of the general plan the authority must conduct its programs in observance of the objectives established in the plan. The authority may periodically update the plan as determined necessary by the authority.

**NEW SECTION. Sec. 8.** In addition to carrying out the economic development finance activities and programs specifically authorized in this chapter, an authority may:

(1) Maintain an office or offices;

(2) Sue and be sued in its own name, and plead and be impleaded;

(3) Engage consultants, agents, attorneys, and advisers, contract with federal, state, and local governmental entities for services, and hire such employees, agents, and other personnel as the authority deems necessary, useful, or convenient to accomplish its purposes;

(4) Make and execute all manner of contracts, agreements and instruments, and financing documents with public and private parties as the authority deems necessary, useful, or convenient to accomplish its purposes;

(5) Acquire and hold real or personal property, or any interest therein, in the name of the authority, and to sell, assign, lease, encumber, mortgage, or otherwise dispose of the same in such manner as the authority deems necessary, useful, or convenient to accomplish its purposes;

(6) Open and maintain accounts in qualified public depositories and otherwise provide for the investment of any funds not required for immediate disbursement, and provide for the selection of investments;

(7) Appear in its own behalf before boards, commissions, departments, or agencies of federal, state, or local government;

(8) Procure such insurance in such amounts and from such insurers as the authority deems desirable including, but not limited to, insurance against any loss or damage to its property or other assets, public liability insurance for injuries to persons or property, and directors and officers liability insurance;

(9) Apply for and accept subventions, grants, loans, advances, and contributions from any source of money, property, labor, or other things of value, to be held, used, and applied as the authority deems necessary, useful, or convenient to accomplish its purposes;

(10) Establish guidelines for the participation by eligible banking organizations in programs conducted by the authority under this chapter;

(11) Act as an agent, by agreement, for federal, state, or local governmental entities to carry out the programs authorized in this chapter;

(12) Establish, revise, and collect such fees and charges as the authority deems necessary, useful, or convenient to accomplish its purposes;

(13) Make such expenditures as are appropriate for paying the administrative costs and expenses of the authority in carrying out the provisions of this chapter;

(14) Establish such reserves and special funds, and controls on deposits to and disbursements from them, as the authority deems necessary, useful, or convenient to accomplish its purposes;

(15) Prepare, publish, and distribute, with or without charge, such studies, reports, bulletins, and other material as the authority deems necessary, useful, or convenient to accomplish its purposes;

(16) Delegate any of its powers and duties if consistent with the purposes of this chapter;

(17) Adopt rules concerning its exercise of the powers authorized by this chapter; and

(18) Exercise any other power the authority deems necessary, useful, or convenient to accomplish its purposes and exercise the powers expressly granted in this chapter.

**NEW SECTION. Sec. 9.** Notwithstanding any other provision of this chapter, an authority may not:

(1) Give any municipal or state money or property or loan any municipal or state money or credit to or in aid of any individual, association, company, or corporation, or become directly or indirectly the owner of any stock in or bonds of any association, company, or corporation;

(2) Issue bills of credit or accept deposits of money for time or demand deposit, administer trusts, engage in any form or manner in, or in the conduct of, any private or commercial banking business, or act as a savings bank or savings and loan association other than as provided in this chapter;

(3) Be or constitute a bank or trust company within the jurisdiction or under the control of the director of financial institutions, the comptroller of the currency of the United States of America, or the treasury department thereof;

(4) Be or constitute a bank, broker, or dealer in securities within the meaning of, or subject to the provisions of, any securities, securities exchange, or securities dealers' law of the United States of America or the state;

(5) Engage in the financing of housing as provided for in chapter 43.180 RCW;

(6) Engage in the financing of health care facilities as provided for in chapter 70.37 RCW;

(7) Engage in financing higher education facilities as provided for in chapter 28B.07 RCW; or

(8) Exercise any of the powers authorized in this chapter or issue any revenue bonds with respect to any economic development activity unless the economic development activity is located wholly within the boundaries of the municipality under whose auspices the authority is created or unless the economic development activity comprises energy facilities or solid waste disposal facilities which provide energy for or dispose of solid waste from the municipality or the residents thereof.

**NEW SECTION. Sec. 10.** (1) An authority may issue its nonrecourse revenue bonds in order to obtain the funds to carry out the programs authorized in this chapter. The bonds must be special obligations of the authority, payable solely out of the special fund or funds established by the authority for their repayment.

(2) Any bonds issued under this chapter may be secured by a financing document between the authority and the purchasers or owners of such bonds or between the authority and a corporate trustee, which may be any trust company or bank having the powers of a trust company within or without the state.

(a) The financing document may pledge or assign, in whole or in part, the revenues and funds held or to be received by the authority, any present or future contract or other rights to receive the same, and the proceeds thereof.

(b) The financing document may contain such provisions for protecting and enforcing the rights, security, and remedies of bond owners as may be reasonable and proper including, without limiting the generality of the foregoing, provisions defining defaults and providing for remedies in the event of default which may include the acceleration of maturities, restrictions on the individual rights of action by bond owners, and covenants setting forth duties of and

limitations on the authority in conduct of its programs and the management of its property.

(c) In addition to other security provided in this chapter or otherwise by law, bonds issued by the authority may be secured, in whole or in part, by financial guaranties, by insurance or by letters of credit issued to the authority or a trustee or any other person, by any bank, trust company, insurance or surety company, or other financial institution, within or without the state. The authority may pledge or assign, in whole or in part, the revenues and funds held or to be received by the authority, any present or future contract or other rights to receive the same, and the proceeds thereof, as security for such guaranties or insurance or for the reimbursement by the authority to any issuer of such letter of credit of any payments made under such letter of credit.

(3) Without limiting the powers of the authority contained in this chapter, in connection with each issue of its obligation bonds, the authority must create and establish one or more special funds including, but not limited to, debt service and sinking funds, reserve funds, project funds, and such other special funds as the authority deems necessary, useful, or convenient.

(4) Any security interest created against the unexpended bond proceeds and against the special funds created by the authority is immediately valid and binding against the money and any securities in which the money may be invested without authority or trustee possession. The security interest must be prior to any party having any competing claim against the moneys or securities, without filing or recording under Article 9A of the uniform commercial code, Title 62A RCW, and regardless of whether the party has notice of the security interest.

(5) The bonds may be issued as serial bonds, term bonds, or any other type of bond instrument consistent with the provisions of this chapter. The bonds must bear such date or dates; mature at such time or times; bear interest at such rate or rates, either fixed or variable; be payable at such time or times; be in such denominations; be in such form; bear such privileges of transferability, exchangeability, and interchangeability; be subject to such terms of redemption; and be sold at public or private sale, in such manner, at such time or times, and at such price or prices as the authority determines. The bonds must be executed by the manual or facsimile signatures of the authority's chair and either its secretary or executive director, and may be authenticated by the trustee (if the authority determines to use a trustee) or any registrar which may be designated for the bonds by the authority.

(6) Bonds may be issued by the authority to refund other outstanding authority bonds, at or prior to maturity of, and to pay any redemption premium on, the outstanding bonds. Bonds issued for refunding purposes may be combined with bonds issued for the financing or refinancing of new projects. Pending the application of the proceeds of the refunding bonds to the redemption of the bonds to be redeemed, the authority may enter into an agreement or agreements with a corporate trustee regarding the interim investment of the proceeds and the application of the proceeds and the earnings on the proceeds to the payment of the principal of and interest on, and the redemption of, the bonds to be redeemed.

(7) The bonds of the authority may be negotiable instruments under Title 62A RCW.

(8) Neither the board of directors of the authority, nor its employees or agents, nor any person executing the bonds is personally liable on the bonds or subject to any personal liability or accountability by reason of the issuance of the bonds.

(9) The authority may purchase its bonds with any of its funds available for the purchase. The authority may hold, pledge, cancel, or resell the bonds subject to and in accordance with agreements with bond owners.

(10) The state finance committee must be notified in advance of the issuance of bonds by the authority in order to promote the orderly offering of obligations in the financial markets.

**NEW SECTION. Sec. 11.** (1) Bonds issued by an authority established under this chapter are not considered to constitute a debt of the state, of the municipality, or of any other municipal corporation, quasi-municipal corporation, subdivision, or agency of this state or to pledge any or all of the faith and credit of any of these entities. The revenue bonds are payable solely from both the revenues derived as a result of the economic development activities funded by the revenue bonds including, without limitation, amounts received under the terms of any financing document or by reason of any additional security furnished by beneficiaries of the economic development activity in connection with the financing thereof, and money and other property received from private sources. The issuance of bonds under this chapter do not obligate, directly, indirectly, or contingently, the state or any political subdivision of the state to levy any taxes or appropriate or expend any funds for the payment of the principal or the interest on the bonds. Each revenue bond must contain on its face, and any disclosure document prepared in conjunction with the offer and sale of bonds must include, statements to the effect that:

(a) Neither the state, the municipality, or any other municipal corporation, quasi-municipal corporation, subdivision, or agency of the state is obligated to pay the principal or the interest thereon;

(b) No tax funds or governmental revenue may be used to pay the principal or interest thereon; and

(c) Neither any or all of the faith and credit nor the taxing power of the state, the municipality, or any other municipal corporation, quasi-municipal corporation, subdivision, or agency thereof is pledged to the payment of the principal of or the interest on the revenue bond.

(2) Neither the proceeds of bonds issued under this chapter nor any money used or to be used to pay the principal of, premium, if any, or interest on the bonds constitute public money or property. All of such money must be kept segregated and set apart from funds of the state and any political subdivision of the state and are not subject to appropriation or allotment by the state or subject to the provisions of chapter 43.88 RCW.

(3) Contracts entered into by an authority must be entered into in the name of the authority and not in the name of the state or any political subdivision of the state. The obligations of the authority under such contracts are obligations only of the authority and are not, in any way, obligations of the municipality creating the authority or the state. An authority may incur only those financial obligations which will be paid from revenues received pursuant to financing documents, from fees or charges paid by beneficiaries of the economic development activities funded by the revenue bonds, or from the proceeds of revenue bonds.

**NEW SECTION. Sec. 12.** (1)(a) An authority may enter into financing documents with borrowers regarding bonds issued by the authority that may provide for the payment by each borrower of amounts sufficient, together with other revenues available to the authority, if any, to:

(i) Pay the borrower's share of the fees established by the authority;

(ii) Pay the principal of, premium, if any, and interest on outstanding bonds of the authority issued in respect of such borrower as the same become due and payable; and

(iii) Create and maintain reserves required or provided for by the authority in connection with the issuance of such bonds.

(b) The payments are not subject to supervision or regulation by any department, committee, board, body, bureau, or agency of the state.

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MOTION

(2) All money received by or on behalf of the authority with respect to this issuance of its bonds must be trust funds to be held and applied solely as provided in this chapter. The authority, in lieu of receiving and applying the moneys itself, may enter into trust agreement or indenture with one or more banks or trust companies having the power and authority to conduct trust business in the state to:

- (a) Perform all or any part of the obligations of the authority with respect to:
  - (i) Bonds issued by it;
  - (ii) The receipt, investment, and application of the proceeds of the bonds and money paid by a participant or available from other sources for the payment of the bonds;
  - (iii) The enforcement of the obligations of a borrower in connection with the financing or refinancing of any project; and
  - (iv) Other matters relating to the exercise of the authority's powers under this chapter;
- (b) Receive, hold, preserve, and enforce any security interest or evidence of security interest granted by a participant for purposes of securing the payment of the bonds; and
- (c) Act on behalf of the authority or the owners of bonds of the authority for purposes of assuring or enforcing the payment of the bonds, when due.

**NEW SECTION. Sec. 13.** (1) Any owner of bonds issued under this chapter by any authority, and the trustee under any trust agreement or indenture, may, either at law or in equity, by suit, action, mandamus, or other proceeding, protect and enforce any of their respective rights, and may become the purchaser at any foreclosure sale if the person is the highest bidder, except to the extent the rights given are restricted by the authority in any bond resolution or trust agreement or indenture authorizing the issuance of the bonds.

(2) The bonds of an authority are securities in which all public officers and bodies of this state and all counties, cities, municipal corporations, and political subdivisions, all banks, eligible banking organizations, bankers, trust companies, savings banks and institutions, building and loan associations, savings and loan associations, investment companies, insurance companies and associations, and all executors, administrators, guardians, trustees, and other fiduciaries may legally invest any sinking funds, moneys, or other funds belonging to them or within their control. However, a municipality under the auspices of which an authority was created and the county, city, or town within whose planning jurisdiction the economic development activity to be financed lies, may not invest in bonds issued by the authority.

**NEW SECTION. Sec. 14.** This chapter provides a complete, additional, and alternative method for accomplishing the purposes of this chapter and must be regarded as supplemental and additional to powers conferred by other laws. The issuance of bonds and refunding bonds under this chapter need not comply with the requirements of any other law applicable to the issuance of bonds.

**NEW SECTION. Sec. 15.** Insofar as the provisions of this chapter are inconsistent with the provisions of any general or special law, or parts thereof, the provisions of this chapter are controlling.

**NEW SECTION. Sec. 16.** Sections 1 through 15 of this act constitute a new chapter in Title 39 RCW.

**NEW SECTION. Sec. 17.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

Correct the title.  
and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

Senator Kastama moved that the Senate concur in the House amendment(s) to Second Substitute Senate Bill No. 6140.

Senator Kastama spoke in favor of the motion.

Senator Baumgartner spoke against the motion.

MOTION

On motion of Senator Ericksen, Senator Delvin was excused.

The President Pro Tempore declared the question before the Senate to be the motion by Senator Kastama that the Senate concur in the House amendment(s) to Second Substitute Senate Bill No. 6140.

The motion by Senator Kastama carried and the Senate concurred in the House amendment(s) to Second Substitute Senate Bill No. 6140 by voice vote.

The President Pro Tempore declared the question before the Senate to be the final passage of Second Substitute Senate Bill No. 6140, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 6140, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 33; Nays, 15; Absent, 0; Excused, 1.

Voting yea: Senators Brown, Chase, Conway, Delvin, Eide, Fain, Fraser, Frockt, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles, Litzow, McAuliffe, Murray, Nelson, Parlette, Prentice, Pridemore, Ranker, Regala, Rolfes, Sheldon, Shin, Tom and Zarelli

Voting nay: Senators Baumgartner, Becker, Benton, Carrell, Ericksen, Hill, Holmquist Newbry, Honeyford, Morton, Padden, Pflug, Roach, Schoesler, Stevens and Swecker

Excused: Senator Harper

SECOND SUBSTITUTE SENATE BILL NO. 6140, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

February 29, 2012

MR. PRESIDENT:

The House passed ENGROSSED SUBSTITUTE SENATE BILL NO. 6237 with the following amendment(s): 6237-S.E AMH APPH H4375.4

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** The legislature finds that medical assistants are health professionals specifically trained to work in settings such as physicians' offices, clinics, group practices, and other health care facilities. These multiskilled personnel are trained to perform administrative and clinical procedures under the supervision of health care providers. Physicians value this unique versatility more and more because of the skills of medical assistants and their ability to contain costs and manage human resources efficiently. The demand for medical assistants is expanding rapidly. The efficient and effective delivery of health care in Washington will be improved by recognizing the valuable contributions of medical assistants, and providing statutory support for medical assistants in Washington state. The legislature further finds that rural and small medical practices and clinics may have

limited access to formally trained medical assistants. The legislature further intends that the secretary of health develop recommendations for a career ladder that includes medical assistants.

**NEW SECTION. Sec. 2.** The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Delegation" means direct authorization granted by a licensed health care practitioner to a medical assistant to perform the functions authorized in this chapter which fall within the scope of practice of the health care provider and the training and experience of the medical assistant.

(2) "Department" means the department of health.

(3) "Health care practitioner" means:

(a) A physician licensed under chapter 18.71 RCW;

(b) An osteopathic physician and surgeon licensed under chapter 18.57 RCW; or

(c) Acting within the scope of their respective licensure, a podiatric physician and surgeon licensed under chapter 18.22 RCW, a registered nurse or advanced registered nurse practitioner licensed under chapter 18.79 RCW, a naturopath licensed under chapter 18.36A RCW, a physician assistant licensed under chapter 18.71A RCW, an osteopathic physician assistant licensed under chapter 18.57A RCW, or an optometrist licensed under chapter 18.53 RCW.

(4) "Medical assistant-certified" means a person certified under section 5 of this act who assists a health care practitioner with patient care, executes administrative and clinical procedures, and performs functions as provided in section 6 of this act under the supervision of the health care practitioner.

(5) "Medical assistant-hemodialysis technician" means a person certified under section 5 of this act who performs hemodialysis and other functions pursuant to section 6 of this act under the supervision of a health care practitioner.

(6) "Medical assistant-phlebotomist" means a person certified under section 5 of this act who performs capillary, venous, and arterial invasive procedures for blood withdrawal and other functions pursuant to section 6 of this act under the supervision of a health care practitioner.

(7) "Medical assistant-registered" means a person registered under section 5 of this act who, pursuant to an endorsement by a health care practitioner, clinic, or group practice, assists a health care practitioner with patient care, executes administrative and clinical procedures, and performs functions as provided in section 6 of this act under the supervision of the health care practitioner.

(8) "Secretary" means the secretary of the department of health.

(9) "Supervision" means supervision of procedures permitted pursuant to this chapter by a health care practitioner who is physically present and is immediately available in the facility. The health care practitioner does not need to be present during procedures to withdraw blood, but must be immediately available.

**NEW SECTION. Sec. 3.** (1) No person may practice as a medical assistant-certified, medical assistant-hemodialysis technician, or medical assistant-phlebotomist unless he or she is certified under section 5 of this act.

(2) No person may practice as a medical assistant-registered unless he or she is registered under section 5 of this act.

**NEW SECTION. Sec. 4.** (1) The secretary shall adopt rules specifying the minimum qualifications for a medical assistant-certified, medical assistant-hemodialysis technician, and medical assistant-phlebotomist. The qualifications for a medical assistant-hemodialysis technician must be equivalent to the qualifications for hemodialysis technicians regulated pursuant to chapter 18.135 RCW as of January 1, 2012.

(2) The secretary shall adopt rules that establish the minimum requirements necessary for a health care practitioner, clinic, or

group practice to endorse a medical assistant as qualified to perform the duties authorized by this chapter and be able to file an attestation of that endorsement with the department.

(3) The medical quality assurance commission, the board of osteopathic medicine and surgery, the podiatric medical board, the nursing care quality assurance commission, the board of naturopathy, and the optometry board shall each review and identify other specialty assistive personnel not included in this chapter and the tasks they perform. The department of health shall compile the information from each disciplining authority listed in this subsection and submit the compiled information to the legislature no later than December 15, 2012.

**NEW SECTION. Sec. 5.** (1)(a) The secretary shall issue a certification as a medical assistant-certified to any person who has satisfactorily completed a medical assistant training program approved by the secretary, passed an examination approved by the secretary, and met any additional qualifications established under section 4 of this act.

(b) The secretary shall issue an interim certification to any person who has met all of the qualifications in (a) of this subsection, except for the passage of the examination. A person holding an interim permit possesses the full scope of practice of a medical assistant-certified. The interim permit expires upon passage of the examination or after one year, whichever occurs first, and may not be renewed.

(2) The secretary shall issue a certification as a medical assistant-hemodialysis technician to any person who meets the qualifications for a medical assistant-hemodialysis technician established under section 4 of this act.

(3) The secretary shall issue a certification as a medical assistant-phlebotomist to any person who meets the qualifications for a medical assistant-phlebotomist established under section 4 of this act.

(4)(a) The secretary shall issue a registration as a medical assistant-registered to any person who has a current endorsement from a health care practitioner, clinic, or group practice.

(b) In order to be endorsed under this subsection (4), a person must:

(i) Be endorsed by a health care practitioner, clinic, or group practice that meets the qualifications established under section 4 of this act; and

(ii) Have a current attestation of his or her endorsement to perform specific medical tasks signed by a supervising health care practitioner filed with the department. A medical assistant-registered may only perform the medical tasks listed in his or her current attestation of endorsement.

(c) A registration based on an endorsement by a health care practitioner, clinic, or group practice is not transferrable to another health care practitioner, clinic, or group practice.

(5) A certification issued under subsections (1) through (3) of this section is transferrable between different practice settings.

**NEW SECTION. Sec. 6.** (1) A medical assistant-certified may perform the following duties delegated by, and under the supervision of, a health care practitioner:

(a) Fundamental procedures:

(i) Wrapping items for autoclaving;

(ii) Procedures for sterilizing equipment and instruments;

(iii) Disposing of biohazardous materials; and

(iv) Practicing standard precautions.

(b) Clinical procedures:

(i) Performing aseptic procedures in a setting other than a hospital licensed under chapter 70.41 RCW;

(ii) Preparing of and assisting in sterile procedures in a setting other than a hospital under chapter 70.41 RCW;

(iii) Taking vital signs;

- (iv) Preparing patients for examination;
- (v) Capillary blood withdrawal, venipuncture, and intradermal, subcutaneous, and intramuscular injections; and
- (vi) Observing and reporting patients' signs or symptoms.
- (c) Specimen collection:
  - (i) Capillary puncture and venipuncture;
  - (ii) Obtaining specimens for microbiological testing; and
  - (iii) Instructing patients in proper technique to collect urine and fecal specimens.
- (d) Diagnostic testing:
  - (i) Electrocardiography;
  - (ii) Respiratory testing; and
  - (iii) Tests waived under the federal clinical laboratory improvement amendments program on the effective date of this section. The department shall periodically update the tests authorized under this subsection (1)(d) based on changes made by the federal clinical laboratory improvement amendments program.
- (e) Patient care:
  - (i) Telephone and in-person screening limited to intake and gathering of information without requiring the exercise of judgment based on clinical knowledge;
  - (ii) Obtaining vital signs;
  - (iii) Obtaining and recording patient history;
  - (iv) Preparing and maintaining examination and treatment areas;
  - (v) Preparing patients for, and assisting with, routine and specialty examinations, procedures, treatments, and minor office surgeries;
  - (vi) Maintaining medication and immunization records; and
  - (vii) Screening and following up on test results as directed by a health care practitioner.
- (f)(i) Administering medications. A medical assistant-certified may only administer medications if the drugs are:
  - (A) Administered only by unit or single dosage, or by a dosage calculated and verified by a health care practitioner. For purposes of this section, a combination vaccine shall be considered a unit dose;
  - (B) Limited to legend drugs, vaccines, and Schedule III-V controlled substances as authorized by a health care practitioner under the scope of his or her license and consistent with rules adopted by the secretary under (f)(ii) of this subsection; and
  - (C) Administered pursuant to a written order from a health care practitioner.
- (ii) The secretary may, by rule, limit the drugs that may be administered under this subsection. The rules adopted under this subsection must limit the drugs based on risk, class, or route.
- (g) Intravenous injections. A medical assistant-certified may administer intravenous injections for diagnostic or therapeutic agents if he or she meets minimum standards established by the secretary in rule. The minimum standards must be substantially similar to the qualifications for category D and F health care assistants as they exist on the effective date of this section.
- (2) A medical assistant-hemodialysis technician may perform hemodialysis when delegated and supervised by a health care practitioner. A medical assistant-hemodialysis technician may also administer drugs and oxygen to a patient when delegated and supervised by a health care practitioner and pursuant to rules adopted by the secretary.
- (3) A medical assistant-phlebotomist may perform capillary, venous, or arterial invasive procedures for blood withdrawal when delegated and supervised by a health care practitioner and pursuant to rules adopted by the secretary.
- (4) A medical assistant-registered may perform the following duties delegated by, and under the supervision of, a health care practitioner:

- (a) Fundamental procedures:
    - (i) Wrapping items for autoclaving;
    - (ii) Procedures for sterilizing equipment and instruments;
    - (iii) Disposing of biohazardous materials; and
    - (iv) Practicing standard precautions.
  - (b) Clinical procedures:
    - (i) Preparing for sterile procedures;
    - (ii) Taking vital signs;
    - (iii) Preparing patients for examination; and
    - (iv) Observing and reporting patients' signs or symptoms.
  - (c) Specimen collection:
    - (i) Obtaining specimens for microbiological testing; and
    - (ii) Instructing patients in proper technique to collect urine and fecal specimens.
  - (d) Patient care:
    - (i) Telephone and in-person screening limited to intake and gathering of information without requiring the exercise of judgment based on clinical knowledge;
    - (ii) Obtaining vital signs;
    - (iii) Obtaining and recording patient history;
    - (iv) Preparing and maintaining examination and treatment areas;
    - (v) Maintaining medication and immunization records; and
    - (vi) Screening and following up on test results as directed by a health care practitioner.
  - (e) Tests waived under the federal clinical laboratory improvement amendments program on the effective date of this section. The department shall periodically update the tests authorized under subsection (1)(d) of this section based on changes made by the federal clinical laboratory improvement amendments program.
  - (f) Administering vaccines, including combination vaccines.
- NEW SECTION. Sec. 7.** (1) Prior to delegation of any of the functions in section 6 of this act, a health care practitioner shall determine to the best of his or her ability each of the following:
- (a) That the task is within that health care practitioner's scope of licensure or authority;
  - (b) That the task is indicated for the patient;
  - (c) The appropriate level of supervision;
  - (d) That no law prohibits the delegation;
  - (e) That the person to whom the task will be delegated is competent to perform that task; and
  - (f) That the task itself is one that should be appropriately delegated when considering the following factors:
    - (i) That the task can be performed without requiring the exercise of judgment based on clinical knowledge;
    - (ii) That results of the task are reasonably predictable;
    - (iii) That the task can be performed without a need for complex observations or critical decisions;
    - (iv) That the task can be performed without repeated clinical assessments; and
    - (v) That the task, if performed improperly, would not present life-threatening consequences or the danger of immediate and serious harm to the patient.
  - (2) Nothing in this section prohibits the use of protocols that do not involve clinical judgment and do not involve the administration of medications, other than vaccines.
- NEW SECTION. Sec. 8.** (1) In addition to any other authority provided by law, the secretary may:
- (a) Adopt rules, in accordance with chapter 34.05 RCW, necessary to implement this chapter;
  - (b) Establish forms and procedures necessary to administer this chapter;
  - (c) Establish administrative procedures, administrative requirements, and fees in accordance with RCW 43.70.250 and

43.70.280. Until July 1, 2016, for purposes of setting fees under this section, the secretary shall consider persons registered or certified under this chapter and health care assistants, certified under chapter 18.135 RCW, as one profession;

(d) Hire clerical, administrative, and investigative staff as needed to implement and administer this chapter;

(e) Maintain the official department of health record of all applicants and credential holders; and

(f) Establish requirements and procedures for an inactive registration or certification.

(2) The uniform disciplinary act, chapter 18.130 RCW, governs unlicensed practice, the issuance and denial of a registration or certification, and the discipline of persons registered or certified under this chapter.

**NEW SECTION. Sec. 9.** (1) The department may not issue new certifications for category C, D, E, or F health care assistants on or after the effective date of this section. The department shall certify a category C, D, E, or F health care assistant who was certified prior to the effective date of this section as a medical assistant-certified when he or she renews his or her certification.

(2) The department may not issue new certifications for category G health care assistants on or after the effective date of this section. The department shall certify a category G health care assistant who was certified prior to the effective date of this section as a medical assistant-hemodialysis technician when he or she renews his or her certification.

(3) The department may not issue new certifications for category A or B health care assistants on or after the effective date of this section. The department shall certify a category A or B health care assistant who was certified prior to the effective date of this section as a medical assistant-phlebotomist when he or she renews his or her certification.

**NEW SECTION. Sec. 10.** Nothing in this chapter prohibits or affects:

(1) A person licensed under this title performing services within his or her scope of practice;

(2) A person performing functions in the discharge of official duties on behalf of the United States government including, but not limited to, the armed forces, coast guard, public health service, veterans' bureau, or bureau of Indian affairs;

(3) A person trained by a federally approved end-stage renal disease facility who performs end-stage renal dialysis in the home setting;

(4) A person registered or certified under this chapter from performing blood-drawing procedures in the residences of research study participants when the procedures have been authorized by the institutional review board of a comprehensive cancer center or nonprofit degree-granting institution of higher education and are conducted under the general supervision of a physician; or

(5) A person participating in an externship as part of an approved medical assistant training program under the direct supervision of an on-site health care provider.

**NEW SECTION. Sec. 11.** Within existing resources, the secretary shall develop recommendations regarding a career path plan for medical assistants. The secretary shall consult with stakeholders, including, but not limited to, health care practitioner professional organizations, organizations representing health care workers, community colleges, career colleges, and technical colleges. The recommendations must include methods for including credit for prior learning. The purpose of the plan is to evaluate and map career paths for medical assistants and entry-level health care workers to transition by means of a career ladder into medical assistants or other health care professions. The recommendations must identify barriers to career advancement and career ladder training initiatives. The department shall report its

recommendations to the legislature no later than December 15, 2012.

**NEW SECTION. Sec. 12.** An applicant with military training or experience satisfies the training or experience requirements of this chapter unless the secretary determines that the military training or experience is not substantially equivalent to the standards of this state.

**Sec. 13.** RCW 18.79.340 and 2003 c 258 s 2 are each amended to read as follows:

(1) "Nursing technician" means a nursing student employed in a hospital licensed under chapter 70.41 RCW, a clinic, or a nursing home licensed under chapter 18.51 RCW, who:

(a) Is currently enrolled in good standing in a nursing program approved by the commission and has not graduated; or

(b) Is a graduate of a nursing program approved by the commission who graduated:

(i) Within the past thirty days; or

(ii) Within the past sixty days and has received a determination from the secretary that there is good cause to continue the registration period, as defined by the secretary in rule.

(2) No person may practice or represent oneself as a nursing technician by use of any title or description of services without being registered under this chapter, unless otherwise exempted by this chapter.

(3) The commission may adopt rules to implement chapter 258, Laws of 2003.

**Sec. 14.** RCW 18.120.020 and 2010 c 286 s 14 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Applicant group" includes any health professional group or organization, any individual, or any other interested party which proposes that any health professional group not presently regulated be regulated or which proposes to substantially increase the scope of practice of the profession.

(2) "Certificate" and "certification" mean a voluntary process by which a statutory regulatory entity grants recognition to an individual who (a) has met certain prerequisite qualifications specified by that regulatory entity, and (b) may assume or use "certified" in the title or designation to perform prescribed health professional tasks.

(3) "Grandfather clause" means a provision in a regulatory statute applicable to practitioners actively engaged in the regulated health profession prior to the effective date of the regulatory statute which exempts the practitioners from meeting the prerequisite qualifications set forth in the regulatory statute to perform prescribed occupational tasks.

(4) "Health professions" means and includes the following health and health-related licensed or regulated professions and occupations: Podiatric medicine and surgery under chapter 18.22 RCW; chiropractic under chapter 18.25 RCW; dental hygiene under chapter 18.29 RCW; dentistry under chapter 18.32 RCW; denturism under chapter 18.30 RCW; dispensing opticians under chapter 18.34 RCW; hearing instruments under chapter 18.35 RCW; naturopaths under chapter 18.36A RCW; embalming and funeral directing under chapter 18.39 RCW; midwifery under chapter 18.50 RCW; nursing home administration under chapter 18.52 RCW; optometry under chapters 18.53 and 18.54 RCW; ocularists under chapter 18.55 RCW; osteopathic medicine and surgery under chapters 18.57 and 18.57A RCW; pharmacy under chapters 18.64 and 18.64A RCW; medicine under chapters 18.71 and 18.71A RCW; emergency medicine under chapter 18.73 RCW; physical therapy under chapter 18.74 RCW; practical nurses under chapter 18.79 RCW; psychologists under chapter 18.83 RCW; registered nurses under chapter 18.79 RCW; occupational therapists licensed under chapter

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18.59 RCW; respiratory care practitioners licensed under chapter 18.89 RCW; veterinarians and veterinary technicians under chapter 18.92 RCW; health care assistants under chapter 18.135 RCW; massage practitioners under chapter 18.108 RCW; East Asian medicine practitioners licensed under chapter 18.06 RCW; persons registered under chapter 18.19 RCW; persons licensed as mental health counselors, marriage and family therapists, and social workers under chapter 18.225 RCW; dietitians and nutritionists certified by chapter 18.138 RCW; radiologic technicians under chapter 18.84 RCW; ~~(and)~~ nursing assistants registered or certified under chapter 18.88A RCW; and medical assistants-certified, medical assistants-hemodialysis technician, medical assistants-phlebotomist, and medical assistants- registered certified and registered under chapter 18.--- RCW (the new chapter created in section 19 of this act).

(5) "Inspection" means the periodic examination of practitioners by a state agency in order to ascertain whether the practitioners' occupation is being carried out in a fashion consistent with the public health, safety, and welfare.

(6) "Legislative committees of reference" means the standing legislative committees designated by the respective rules committees of the senate and house of representatives to consider proposed legislation to regulate health professions not previously regulated.

(7) "License," "licensing," and "licensure" mean permission to engage in a health profession which would otherwise be unlawful in the state in the absence of the permission. A license is granted to those individuals who meet prerequisite qualifications to perform prescribed health professional tasks and for the use of a particular title.

(8) "Professional license" means an individual, nontransferable authorization to carry on a health activity based on qualifications which include: (a) Graduation from an accredited or approved program, and (b) acceptable performance on a qualifying examination or series of examinations.

(9) "Practitioner" means an individual who (a) has achieved knowledge and skill by practice, and (b) is actively engaged in a specified health profession.

(10) "Public member" means an individual who is not, and never was, a member of the health profession being regulated or the spouse of a member, or an individual who does not have and never has had a material financial interest in either the rendering of the health professional service being regulated or an activity directly related to the profession being regulated.

(11) "Registration" means the formal notification which, prior to rendering services, a practitioner shall submit to a state agency setting forth the name and address of the practitioner; the location, nature and operation of the health activity to be practiced; and, if required by the regulatory entity, a description of the service to be provided.

(12) "Regulatory entity" means any board, commission, agency, division, or other unit or subunit of state government which regulates one or more professions, occupations, industries, businesses, or other endeavors in this state.

(13) "State agency" includes every state office, department, board, commission, regulatory entity, and agency of the state, and, where provided by law, programs and activities involving less than the full responsibility of a state agency.

**Sec. 15.** RCW 18.120.020 and 2012 c ... s 14 (section 14 of this act) are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Applicant group" includes any health professional group or organization, any individual, or any other interested party which proposes that any health professional group not presently regulated

be regulated or which proposes to substantially increase the scope of practice of the profession.

(2) "Certificate" and "certification" mean a voluntary process by which a statutory regulatory entity grants recognition to an individual who (a) has met certain prerequisite qualifications specified by that regulatory entity, and (b) may assume or use "certified" in the title or designation to perform prescribed health professional tasks.

(3) "Grandfather clause" means a provision in a regulatory statute applicable to practitioners actively engaged in the regulated health profession prior to the effective date of the regulatory statute which exempts the practitioners from meeting the prerequisite qualifications set forth in the regulatory statute to perform prescribed occupational tasks.

(4) "Health professions" means and includes the following health and health-related licensed or regulated professions and occupations: Podiatric medicine and surgery under chapter 18.22 RCW; chiropractic under chapter 18.25 RCW; dental hygiene under chapter 18.29 RCW; dentistry under chapter 18.32 RCW; denturism under chapter 18.30 RCW; dispensing opticians under chapter 18.34 RCW; hearing instruments under chapter 18.35 RCW; naturopaths under chapter 18.36A RCW; embalming and funeral directing under chapter 18.39 RCW; midwifery under chapter 18.50 RCW; nursing home administration under chapter 18.52 RCW; optometry under chapters 18.53 and 18.54 RCW; ocularists under chapter 18.55 RCW; osteopathic medicine and surgery under chapters 18.57 and 18.57A RCW; pharmacy under chapters 18.64 and 18.64A RCW; medicine under chapters 18.71 and 18.71A RCW; emergency medicine under chapter 18.73 RCW; physical therapy under chapter 18.74 RCW; practical nurses under chapter 18.79 RCW; psychologists under chapter 18.83 RCW; registered nurses under chapter 18.79 RCW; occupational therapists licensed under chapter 18.59 RCW; respiratory care practitioners licensed under chapter 18.89 RCW; veterinarians and veterinary technicians under chapter 18.92 RCW; ~~(health care assistants under chapter 18.135 RCW;)~~ massage practitioners under chapter 18.108 RCW; East Asian medicine practitioners licensed under chapter 18.06 RCW; persons registered under chapter 18.19 RCW; persons licensed as mental health counselors, marriage and family therapists, and social workers under chapter 18.225 RCW; dietitians and nutritionists certified by chapter 18.138 RCW; radiologic technicians under chapter 18.84 RCW; nursing assistants registered or certified under chapter 18.88A RCW; and medical assistants-certified, medical assistants-hemodialysis technician, medical assistants-phlebotomist, and medical assistants- registered certified and registered under chapter 18.---

RCW (the new chapter created in section 19 of this act).

(5) "Inspection" means the periodic examination of practitioners by a state agency in order to ascertain whether the practitioners' occupation is being carried out in a fashion consistent with the public health, safety, and welfare.

(6) "Legislative committees of reference" means the standing legislative committees designated by the respective rules committees of the senate and house of representatives to consider proposed legislation to regulate health professions not previously regulated.

(7) "License," "licensing," and "licensure" mean permission to engage in a health profession which would otherwise be unlawful in the state in the absence of the permission. A license is granted to those individuals who meet prerequisite qualifications to perform prescribed health professional tasks and for the use of a particular title.

(8) "Professional license" means an individual, nontransferable authorization to carry on a health activity based on qualifications which include: (a) Graduation from an accredited or approved



program, and (b) acceptable performance on a qualifying examination or series of examinations.

(9) "Practitioner" means an individual who (a) has achieved knowledge and skill by practice, and (b) is actively engaged in a specified health profession.

(10) "Public member" means an individual who is not, and never was, a member of the health profession being regulated or the spouse of a member, or an individual who does not have and never has had a material financial interest in either the rendering of the health professional service being regulated or an activity directly related to the profession being regulated.

(11) "Registration" means the formal notification which, prior to rendering services, a practitioner shall submit to a state agency setting forth the name and address of the practitioner; the location, nature and operation of the health activity to be practiced; and, if required by the regulatory entity, a description of the service to be provided.

(12) "Regulatory entity" means any board, commission, agency, division, or other unit or subunit of state government which regulates one or more professions, occupations, industries, businesses, or other endeavors in this state.

(13) "State agency" includes every state office, department, board, commission, regulatory entity, and agency of the state, and, where provided by law, programs and activities involving less than the full responsibility of a state agency.

**Sec. 16.** RCW 18.130.040 and 2011 c 41 s 11 are each amended to read as follows:

(1) This chapter applies only to the secretary and the boards and commissions having jurisdiction in relation to the professions licensed under the chapters specified in this section. This chapter does not apply to any business or profession not licensed under the chapters specified in this section.

(2)(a) The secretary has authority under this chapter in relation to the following professions:

(i) Dispensing opticians licensed and designated apprentices under chapter 18.34 RCW;

(ii) Midwives licensed under chapter 18.50 RCW;

(iii) Ocularists licensed under chapter 18.55 RCW;

(iv) Massage operators and businesses licensed under chapter 18.108 RCW;

(v) Dental hygienists licensed under chapter 18.29 RCW;

(vi) East Asian medicine practitioners licensed under chapter 18.06 RCW;

(vii) Radiologic technologists certified and X-ray technicians registered under chapter 18.84 RCW;

(viii) Respiratory care practitioners licensed under chapter 18.89 RCW;

(ix) Hypnotherapists and agency affiliated counselors registered and advisors and counselors certified under chapter 18.19 RCW;

(x) Persons licensed as mental health counselors, mental health counselor associates, marriage and family therapists, marriage and family therapist associates, social workers, social work associates--advanced, and social work associates--independent clinical under chapter 18.225 RCW;

(xi) Persons registered as nursing pool operators under chapter 18.52C RCW;

(xii) Nursing assistants registered or certified under chapter 18.88A RCW;

(xiii) Health care assistants certified under chapter 18.135 RCW;

(xiv) Dietitians and nutritionists certified under chapter 18.138 RCW;

(xv) Chemical dependency professionals and chemical dependency professional trainees certified under chapter 18.205 RCW;

(xvi) Sex offender treatment providers and certified affiliate sex offender treatment providers certified under chapter 18.155 RCW;

(xvii) Persons licensed and certified under chapter 18.73 RCW or RCW 18.71.205;

(xviii) Denturists licensed under chapter 18.30 RCW;

(xix) Orthotists and prosthetists licensed under chapter 18.200 RCW;

(xx) Surgical technologists registered under chapter 18.215 RCW;

(xxi) Recreational therapists (~~(under chapter 18.230 RCW)~~) under chapter 18.230 RCW;

(xxii) Animal massage practitioners certified under chapter 18.240 RCW;

(xxiii) Athletic trainers licensed under chapter 18.250 RCW;

(xxiv) Home care aides certified under chapter 18.88B RCW; ~~(and)~~

(xxv) Genetic counselors licensed under chapter 18.290 RCW; and

(xxvi) Medical assistants-certified, medical assistants-hemodialysis technician, medical assistants-phlebotomist, and medical assistants-registered certified and registered under chapter 18.--- RCW (the new chapter created in section 19 of this act).

(b) The boards and commissions having authority under this chapter are as follows:

(i) The podiatric medical board as established in chapter 18.22 RCW;

(ii) The chiropractic quality assurance commission as established in chapter 18.25 RCW;

(iii) The dental quality assurance commission as established in chapter 18.32 RCW governing licenses issued under chapter 18.32 RCW and licenses and registrations issued under chapter 18.260 RCW;

(iv) The board of hearing and speech as established in chapter 18.35 RCW;

(v) The board of examiners for nursing home administrators as established in chapter 18.52 RCW;

(vi) The optometry board as established in chapter 18.54 RCW governing licenses issued under chapter 18.53 RCW;

(vii) The board of osteopathic medicine and surgery as established in chapter 18.57 RCW governing licenses issued under chapters 18.57 and 18.57A RCW;

(viii) The board of pharmacy as established in chapter 18.64 RCW governing licenses issued under chapters 18.64 and 18.64A RCW;

(ix) The medical quality assurance commission as established in chapter 18.71 RCW governing licenses and registrations issued under chapters 18.71 and 18.71A RCW;

(x) The board of physical therapy as established in chapter 18.74 RCW;

(xi) The board of occupational therapy practice as established in chapter 18.59 RCW;

(xii) The nursing care quality assurance commission as established in chapter 18.79 RCW governing licenses and registrations issued under that chapter;

(xiii) The examining board of psychology and its disciplinary committee as established in chapter 18.83 RCW;

(xiv) The veterinary board of governors as established in chapter 18.92 RCW; and

(xv) The board of naturopathy established in chapter 18.36A RCW.

(3) In addition to the authority to discipline license holders, the disciplining authority has the authority to grant or deny licenses. The disciplining authority may also grant a license subject to conditions.

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(4) All disciplining authorities shall adopt procedures to ensure substantially consistent application of this chapter, the Uniform Disciplinary Act, among the disciplining authorities listed in subsection (2) of this section.

**Sec. 17.** RCW 18.130.040 and 2012 c ... s 16 (section 16 of this act) are each amended to read as follows:

(1) This chapter applies only to the secretary and the boards and commissions having jurisdiction in relation to the professions licensed under the chapters specified in this section. This chapter does not apply to any business or profession not licensed under the chapters specified in this section.

(2)(a) The secretary has authority under this chapter in relation to the following professions:

- (i) Dispensing opticians licensed and designated apprentices under chapter 18.34 RCW;
- (ii) Midwives licensed under chapter 18.50 RCW;
- (iii) Ocularists licensed under chapter 18.55 RCW;
- (iv) Massage operators and businesses licensed under chapter 18.108 RCW;
- (v) Dental hygienists licensed under chapter 18.29 RCW;
- (vi) East Asian medicine practitioners licensed under chapter 18.06 RCW;
- (vii) Radiologic technologists certified and X-ray technicians registered under chapter 18.84 RCW;
- (viii) Respiratory care practitioners licensed under chapter 18.89 RCW;
- (ix) Hypnotherapists and agency affiliated counselors registered and advisors and counselors certified under chapter 18.19 RCW;
- (x) Persons licensed as mental health counselors, mental health counselor associates, marriage and family therapists, marriage and family therapist associates, social workers, social work associates--advanced, and social work associates--independent clinical under chapter 18.225 RCW;
- (xi) Persons registered as nursing pool operators under chapter 18.52C RCW;
- (xii) Nursing assistants registered or certified under chapter 18.88A RCW;
- (xiii) ~~Health care assistants certified under chapter 18.125 RCW;~~
- ~~(xiv)~~ Dietitians and nutritionists certified under chapter 18.138 RCW;
- ~~(xv)~~ (xiv) Chemical dependency professionals and chemical dependency professional trainees certified under chapter 18.205 RCW;
- ~~(xvi)~~ (xv) Sex offender treatment providers and certified affiliate sex offender treatment providers certified under chapter 18.155 RCW;
- ~~(xvii)~~ (xvi) Persons licensed and certified under chapter 18.73 RCW or RCW 18.71.205;
- ~~(xviii)~~ (xvii) Denturists licensed under chapter 18.30 RCW;
- ~~(xix)~~ (xviii) Orthotists and prosthetists licensed under chapter 18.200 RCW;
- ~~(xx)~~ (xix) Surgical technologists registered under chapter 18.215 RCW;
- ~~(xxi)~~ (xx) Recreational therapists under chapter 18.230 RCW;
- ~~(xxii)~~ (xxi) Animal massage practitioners certified under chapter 18.240 RCW;
- ~~(xxiii)~~ (xxii) Athletic trainers licensed under chapter 18.250 RCW;
- ~~(xxiv)~~ (xxiii) Home care aides certified under chapter 18.88B RCW;
- ~~(xxv)~~ (xxiv) Genetic counselors licensed under chapter 18.290 RCW; and

~~(xxvi)~~ (xxv) Medical assistants-certified, medical assistants-hemodialysis technician, medical assistants-phlebotomist, and medical assistants-registered certified and registered under chapter 18.--- RCW (the new chapter created in section 19 of this act).

(b) The boards and commissions having authority under this chapter are as follows:

- (i) The podiatric medical board as established in chapter 18.22 RCW;
- (ii) The chiropractic quality assurance commission as established in chapter 18.25 RCW;
- (iii) The dental quality assurance commission as established in chapter 18.32 RCW governing licenses issued under chapter 18.32 RCW and licenses and registrations issued under chapter 18.260 RCW;
- (iv) The board of hearing and speech as established in chapter 18.35 RCW;
- (v) The board of examiners for nursing home administrators as established in chapter 18.52 RCW;
- (vi) The optometry board as established in chapter 18.54 RCW governing licenses issued under chapter 18.53 RCW;
- (vii) The board of osteopathic medicine and surgery as established in chapter 18.57 RCW governing licenses issued under chapters 18.57 and 18.57A RCW;
- (viii) The board of pharmacy as established in chapter 18.64 RCW governing licenses issued under chapters 18.64 and 18.64A RCW;
- (ix) The medical quality assurance commission as established in chapter 18.71 RCW governing licenses and registrations issued under chapters 18.71 and 18.71A RCW;
- (x) The board of physical therapy as established in chapter 18.74 RCW;
- (xi) The board of occupational therapy practice as established in chapter 18.59 RCW;
- (xii) The nursing care quality assurance commission as established in chapter 18.79 RCW governing licenses and registrations issued under that chapter;
- (xiii) The examining board of psychology and its disciplinary committee as established in chapter 18.83 RCW;
- (xiv) The veterinary board of governors as established in chapter 18.92 RCW; and
- (xv) The board of naturopathy established in chapter 18.36A RCW.

(3) In addition to the authority to discipline license holders, the disciplining authority has the authority to grant or deny licenses. The disciplining authority may also grant a license subject to conditions.

(4) All disciplining authorities shall adopt procedures to ensure substantially consistent application of this chapter, the Uniform Disciplinary Act, among the disciplining authorities listed in subsection (2) of this section.

**Sec. 18.** RCW 18.135.055 and 1996 c 191 s 83 are each amended to read as follows:

The health care facility or health care practitioner registering an initial or continuing certification pursuant to the provisions of this chapter shall comply with administrative procedures, administrative requirements, and fees determined by the secretary as provided in RCW 43.70.250 and 43.70.280. For the purposes of setting fees under this section, the secretary shall consider health care assistants and persons registered and certified under chapter 18.--- RCW (the new chapter created in section 19 of this act) as one profession.

All fees collected under this section shall be credited to the health professions account as required in RCW 43.70.320.

**NEW SECTION. Sec. 19.** Sections 1 through 12 of this act constitute a new chapter in Title 18 RCW.

**NEW SECTION. Sec. 20.** The following acts or parts of acts, as now existing or hereafter amended, are each repealed, effective July 1, 2016:

(1) RCW 18.135.010 (Practices authorized) and 2009 c 43 s 2, 2008 c 58 s 1, & 1984 c 281 s 1;

(2) RCW 18.135.020 (Definitions) and 2009 c 43 s 4, 2008 c 58 s 2, 2001 c 22 s 2, & 1997 c 133 s 1;

(3) RCW 18.135.025 (Rules--Legislative intent) and 1986 c 216 s 1;

(4) RCW 18.135.030 (Health care assistant profession--Duties--Requirements for certification--Rules) and 1999 c 151 s 201, 1994 sp.s. c 9 s 515, 1991 c 3 s 273, 1986 c 216 s 2, & 1984 c 281 s 4;

(5) RCW 18.135.035 (Requirements for certification--Military training or experience) and 2011 c 32 s 12;

(6) RCW 18.135.040 (Certification of health care assistants) and 2006 c 242 s 3 & 1984 c 281 s 3;

(7) RCW 18.135.050 (Certification by health care facility or practitioner--Roster--Recertification) and 1996 c 191 s 82, 1991 c 3 s 274, & 1984 c 281 s 5;

(8) RCW 18.135.055 (Registering an initial or continuing certification--Fees) and 2012 c ... s 18 (section 18 of this act), 1996 c 191 s 83, 1991 c 3 s 275, & 1985 c 117 s 1;

(9) RCW 18.135.060 (Conditions for performing authorized functions--Renal dialysis) and 2001 c 22 s 3, 2000 c 171 s 30, & 1993 c 13 s 1;

(10) RCW 18.135.062 (Renal dialysis training task force--Development of core competencies) and 2001 c 22 s 4;

(11) RCW 18.135.065 (Delegation--Duties of delegator and delegatee) and 2009 c 43 s 5, 2008 c 58 s 3, 1991 c 3 s 276, & 1986 c 216 s 4;

(12) RCW 18.135.070 (Complaints--Violations--Investigations-- Disciplinary action) and 1993 c 367 s 11 & 1984 c 281 s 7;

(13) RCW 18.135.090 (Performance of authorized functions) and 1984 c 281 s 9;

(14) RCW 18.135.100 (Uniform Disciplinary Act) and 1993 c 367 s 12;

(15) RCW 18.135.110 (Blood-drawing procedures--Not prohibited by chapter--Requirements) and 2006 c 242 s 2; and

(16) RCW 18.135.120 (Administration of vaccines--Restrictions) and 2008 c 58 s 4.

**NEW SECTION. Sec. 21.** The secretary of health shall adopt any rules necessary to implement this act.

**NEW SECTION. Sec. 22.** Sections 1 through 12, 14, 16, and 18 of this act take effect July 1, 2013.

**NEW SECTION. Sec. 23.** Sections 15 and 17 of this act take effect July 1, 2016."

Correct the title.  
and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

#### MOTION

Senator Keiser moved that the Senate concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 6237.

Senator Keiser spoke in favor of the motion.

The President Pro Tempore declared the question before the Senate to be the motion by Senator Keiser that the Senate concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 6237.

The motion by Senator Keiser carried and the Senate concurred in the House amendment(s) to Engrossed Substitute Senate Bill No. 6237 by voice vote.

The President Pro Tempore declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 6237, as amended by the House.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6237, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 43; Nays, 5; Absent, 0; Excused, 1.

Voting yea: Senators Baumgartner, Becker, Benton, Brown, Carrell, Chase, Conway, Delvin, Eide, Erickson, Fain, Fraser, Frockt, Hargrove, Hatfield, Haugen, Hewitt, Hill, Hobbs, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles, Litzow, McAuliffe, Murray, Nelson, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rolfes, Schoesler, Sheldon, Shin, Swecker, Tom and Zarelli

Voting nay: Senators Holmquist Newbry, Honeyford, Morton, Padden and Stevens

Excused: Senator Harper

ENGROSSED SUBSTITUTE SENATE BILL NO. 6237, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

The President assumed the chair.

#### MESSAGE FROM THE HOUSE

March 1, 2012

MR. PRESIDENT:

The House passed ENGROSSED SENATE BILL NO. 6254 with the following amendment(s): 6254.E AMH PSEP H4428.1

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 9A.88.070 and 2007 c 368 s 13 are each amended to read as follows:

(1) A person is guilty of promoting prostitution in the first degree if he or she knowingly advances prostitution;

(a) By compelling a person by threat or force to engage in prostitution or profits from prostitution which results from such threat or force; or

(b) By compelling a person with a mental incapacity or developmental disability that renders the person incapable of consent to engage in prostitution or profits from prostitution that results from such compulsion.

(2) Promoting prostitution in the first degree is a class B felony."

Correct the title.

and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

#### MOTION

Senator Kline moved that the Senate concur in the House amendment(s) to Engrossed Senate Bill No. 6254.

Senator Kline spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Kline that the Senate concur in the House amendment(s) to Engrossed Senate Bill No. 6254.

The motion by Senator Kline carried and the Senate concurred in the House amendment(s) to Engrossed Senate Bill No. 6254 by voice vote.

FIFTY SEVENTH DAY, MARCH 5, 2012

2012 REGULAR SESSION

The President declared the question before the Senate to be the final passage of Engrossed Senate Bill No. 6254, as amended by the House.

Senator Delvin spoke in favor of final passage.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 6254, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Baumgartner, Becker, Benton, Brown, Carrell, Chase, Conway, Delvin, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Hatfield, Haugen, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles, Litzow, McAuliffe, Morton, Murray, Nelson, Padden, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rolfes, Schoessler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Excused: Senator Harper

ENGROSSED SENATE BILL NO. 6254, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MOTION

On motion of Senator Eide, the Senate advanced to the eighth order of business.

#### MOTION

Senator Parlette moved adoption of the following resolution:

#### SENATE RESOLUTION 8703

By Senators Parlette, Honeyford, Holmquist Newbry, Harper, Fraser, Kastama, Conway, Frockt, Carrell, Padden, and Delvin

WHEREAS, Washington's apple industry is a major contributor to the economic health of both the state and its people; and

WHEREAS, The City of Wenatchee is preparing to celebrate the 93rd annual Washington State Apple Blossom Festival to take place from April 27 through May 6, 2012; and

WHEREAS, The Apple Blossom Festival, which began as a one-day gathering of poetry and song in Wenatchee's Memorial Park, is one of the oldest major festivals in the state, first celebrated in 1919 when Mrs. E. Wagner organized the first Blossom Day; and

WHEREAS, The Apple Blossom Festival celebrates the importance of the apple industry in the Wenatchee Valley and its environs; and

WHEREAS, The Apple Blossom Festival recognizes three young women who by their superior and distinctive efforts have exemplified the spirit and meaning of the Apple Blossom Festival; and

WHEREAS, These three young women are selected to reign over the Apple Blossom Festival and serve as ambassadors to the outlying communities as Princesses and Queen; and

WHEREAS, Devyn Huylar has been selected to represent her community as a 2012 Apple Blossom Princess, in part for her solicitous, compassionate, and optimistic nature, her selfless commitment to helping others and her community, including taking part in organizing fundraisers for local soldiers with disabilities, and

her exhilaration and ingenuity as demonstrated through being a senior leader on her cheerleading squad at Eastmont High School and an assistant instructor at the Academy of Dance and Performing Arts; and

WHEREAS, Hayley Brown has been selected to represent her community as a 2012 Apple Blossom Princess, in part for her humor, determination, and vivacious outlook on life, her strong academic performance and passion to succeed, including being a student in Wenatchee High School's Sports Medicine program, a member of the Varsity Golf Team, and being the team captain for Relay for Life, and her passion and earnest love for her family and friends; and

WHEREAS, Samantha Allen has been selected to represent her community as the 2012 Apple Blossom Queen, in part for her insightful, committed, aspiring, and loyal character, her strong academic performance, extracurricular activities, and appetite for adventure, including being a ski instructor at Mission Ridge, a member of Youth United and Vice President of Key Club at Wenatchee High School, and her compassionate and heartfelt love for her family, friends, and community; and

WHEREAS, These three young women all desire to share their proven talents and leadership ambition to serve their community and be an encouragement to those they encounter;

NOW, THEREFORE, BE IT RESOLVED, That the Senate of the State of Washington honor the accomplishments of the members of the Apple Blossom Festival Court and join the City of Wenatchee and the people of the State of Washington in celebrating the Washington State Apple Blossom Festival; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to Queen Samantha Allen, Princess Devyn Huylar, Princess Hayley Brown, and the Board of Directors and Chairs of the Washington State Apple Blossom Festival.

Senators Parlette and Kastama spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8703.

The motion by Senator Parlette carried and the resolution was adopted by voice vote.

#### INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced the 2012 Apple Blossom Royalty Court: Queen Samantha Allen; Princess Hayley Brown; and Princess Devyn Huylar, who were seated at the rostrum.

#### INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced Mr. & Mrs. Steve and Irene Soth, chaperones, and royalty who were seated in the gallery.

#### REMARKS BY QUEENSAMANTHA ALLEN

Miss Allen: "On behalf of Princess Haley Brown and Princess Devyn Huylar and myself I'd would like to thank you for welcoming us. We are honored not only to represent the Washington State Apple Blossom Festival but to share the beauty and character of our Wenatchee Valley. The Valley is truly special, from the embrace of the mountains, to the glittering Columbia River to the ever-present presence sunshine. It seems to come straight from an outdoor enthusiast's dream. As well as being a scenic heavenly with four distinct seasons, the Valley is also heavy affiliated with the fruit industry. With just one stroll through our rolling orchards or charming farmers market you'll

know exactly why Wenatchee is known as the apple capital of the world, providing fresh produce to planet earth one crisp and delicious apple at a time. But the most important aspect of the Wenatchee Valley is its people. In part due to our agricultural roots, the Valley houses a wonderful mix of people, cultures and languages, presenting an opportunity to become an area rich in the ways of the world. Our people are also very friendly, making the valley not just a place to live but a friendly and sporting community. Everything that makes the Wenatchee Valley special culminates into our beloved Apple Blossom Festival. Wound in civic pride and celebrating our people and wealth of natural beauty. All the while paying tribute to the fruit industry so essential to our beginnings. Spring 2012 will bring the 93<sup>rd</sup> Apple Blossom Festival, a family-inspired eleven day celebration beginning April 26 and ending May 6. Whether it's the food fair with its mouth-watering aromas, classic entertainment and powerful community vibe or the grand parade with all of its attractions, the most ornate floats in the region, and crisp and brassy marching bands, there's something for everyone to enjoy at Apple Blossom 2012. From our special youth weekend and parade evoking the joys of childhood, to the arts and crafts festival, from your golf tournament and much, much more there are a multitude of fun opportunities for all ages. With the assistance of AppleBlossom.org make your way over to Wenatchee to visit this year's festival actually theme 'Walking on Sunshine'. We cordially invite you to experience a time of family and fun and discover the charm of a small city wrapped in majestic scenery and brimming with individual diversity and talent. We'll even save an apple for you at Festival 2012. See you there."

#### INTRODUCTION OF SPECIAL GUESTS

The President welcomed representatives and contestants of the Miss Washington Pageant, escorted by Mrs. Pam Curnel who were seated in the gallery.

#### MOTION

On motion of Senator Eide, the Senate reverted to the fourth order of business.

#### MESSAGE FROM THE HOUSE

March 1, 2012

MR. PRESIDENT:

The House passed SUBSTITUTE SENATE BILL NO. 6328 with the following amendment(s): 6328-S AMH HCW BLAC 133

On page 1, beginning on line 10, after "clinical social workers" strike all material through "license" on line 14 and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

#### MOTION

Senator Conway moved that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 6328.

Senator Conway spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Conway that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 6328.

The motion by Senator Conway carried and the Senate concurred in the House amendment(s) to Substitute Senate Bill No. 6328 by voice vote.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6328, as amended by the House.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6328, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Baumgartner, Becker, Benton, Brown, Carrell, Chase, Conway, Delvin, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Hatfield, Haugen, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles, Litzow, McAuliffe, Morton, Murray, Nelson, Padden, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rolfes, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Excused: Senator Harper

SUBSTITUTE SENATE BILL NO. 6328, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MESSAGE FROM THE HOUSE

March 1, 2012

MR. PRESIDENT:

The House passed SUBSTITUTE SENATE BILL NO. 6354 with the following amendment(s): 6354-S AMH SGTA H4352.1

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** A new section is added to chapter 43.17 RCW to read as follows:

(1) In any instance where a state agency requires that a business submit a document, form, or payment of a fee in paper format, the state agency must provide the business an option to submit such requirement electronically.

(2) A business may authorize a second party to meet the requirements imposed by a state agency under subsection (1) of this section on its behalf.

(3) The director of a state agency or the director's designee may exempt a document, form, or payment of a fee from the requirements of this section if:

(a)(i) There is a legal requirement for such materials to be submitted in paper format; or

(ii) It is not technically or fiscally feasible or practical, or in the best interest of businesses for such materials to be submitted electronically; and

(b) Within existing resources, the director or the director's designee establishes and maintains a process to notify the public regarding such exemptions.

(4) Agencies must add the capability to submit existing documents, forms, and fees electronically as part of their normal operations. New documents, forms, and fees required of a business must be capable of electronic submission within a reasonable time following either their creation or the implementation of the new requirement.

(5) Agencies must document how they plan to transition from paper to electronic forms."

Correct the title and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

FIFTY SEVENTH DAY, MARCH 5, 2012

2012 REGULAR SESSION

MOTION

Senator Kastama moved that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 6354.

Senator Kastama spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Kastama that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 6354.

The motion by Senator Kastama carried and the Senate concurred in the House amendment(s) to Substitute Senate Bill No. 6354 by voice vote.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6354, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6354, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Baumgartner, Becker, Benton, Brown, Carrell, Chase, Conway, Delvin, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Hatfield, Haugen, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles, Litzow, McAuliffe, Morton, Murray, Nelson, Padden, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rolfes, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Excused: Senator Harper

SUBSTITUTE SENATE BILL NO. 6354, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

The Senate resumed consideration of Substitute Senate Bill No. 6406 which had been deferred earlier in the day.

RULING BY THE PRESIDENT

President Owen: "In ruling on the Point of Order raised by Senator Ranker as to whether the striking amendment to Substitute Senate Bill No. 6406 fits within the scope and object of the underlying bill, the President finds and rules as follows.

Substitute Senate Bill No. 6406 presents a challenge between the substitute bill passed by committee and properly substituted on the floor, and a proposed striking amendment. For the purposes of determining whether the striking amendment is outside the scope of the underlying bill, the appropriate comparison is between the substitute bill and the striker.

Substitute Senate Bill No. 6406 is initially described by its intent section. That provision states that the bill's purpose is: "to modify programs that provide for management and protection of the state's natural resources, including the state's forests, fish, and wildlife, in order to streamline regulatory processes and achieve program efficiencies...."

It does this in four different ways: altering provisions relating to hydraulic permits, forest practices, state environmental processes, and the growth management act. These changes affect both state agency processes and local government actions as well.

The substitute bill does not impact storm water provisions. The addition of the storm water provisions are appropriate only if those provisions do not impermissibly alter the bill's scope and object.

Here, the substitute bill approaches what the President has referred to as an omnibus bill. It takes four different substantive areas, altering each one in a manner consistent with the bill's intent section. By adding a fifth area, in a manner consistent with the policies as expressed in the bill, the striking amendment does not broaden the scope and object of the underlying bill.

For these reasons, the President finds that the amendment is within the scope and object of the substitute bill, and Senator Ranker's point of order is not well-taken."

MOTION

On motion of Senator Eide, the Senate advanced to the sixth order of business.

MOTION

Senator Hatfield moved that the following amendment by Senator Hatfield and others to the striking amendment be adopted:

On page 9, after line 23 of the amendment, insert the following: "(5) This section expires June 30, 2016."

Senators Hatfield and Hargrove spoke in favor of adoption of the amendment to the striking amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Hatfield and others on page 9, after line 23 to the striking amendment to Substitute Senate Bill No. 6406.

The motion by Senator Hatfield carried and the amendment to the striking amendment was adopted by voice vote.

MOTION

Senator Pridemore moved that the following amendment by Senator Pridemore to the striking amendment be adopted:

Beginning on page 40, line 16 of the amendment, strike all of sections 301 through 312

Renumber the remaining section consecutively and correct any internal references accordingly.

On page 61, beginning on line 4 of the title amendment, after "76.09.030," strike all material through "43.21C.095," on line 5 and on line 8, after "adding" strike "new sections" and insert "a new section"

WITHDRAWAL OF AMENDMENT

On motion of Senator Pridemore, the amendment by Senator Pridemore on page 40, line 16 to the striking amendment to Substitute Senate Bill No. 6406 was withdrawn.

MOTION

Senator Chase moved that the following amendment by Senator Chase and Prentice to the striking amendment be adopted:

On page 42, line 18 of the amendment, after "section;" strike "and"

On page 42, line 19 of the amendment, after "agencies" strike ", tribes,"

On page 42, line 21 of the amendment, after "than chapter 43.21C RCW" insert "; and

(iii) Ensure that federally recognized tribes receive notice about projects that impact tribal interests through notice under chapter 43.21C RCW and means other than chapter 43.21C RCW"

Senators Chase and Hargrove spoke in favor of adoption of the amendment to the striking amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Chase and Prentice on page 42, line 18 to the striking amendment to Substitute Senate Bill No. 6406.

The motion by Senator Chase carried and the amendment to the striking amendment was adopted by voice vote.

#### MOTION

Senator Ranker moved that the following amendment by Senator Ranker to the striking amendment be adopted.

Beginning on page 58, line 9 of the amendment, strike all of section 313

On page 61, line 5 of the title amendment, after "43.21C.110," strike "43.21C.095, and 90.48.260" and insert "and 43.21C.095"

Senators Ranker, Pridemore, Hargrove and Nelson spoke in favor of adoption of the amendment to the striking amendment.

Senator Schoesler spoke against adoption of the amendment to the striking amendment.

Senator Eide demanded a roll call.

The President declared that one-sixth of the members supported the demand and the demand was sustained.

The President declared the question before the Senate to be the adoption of the amendment by Senator Ranker on page 58, line 9 to the striking amendment to Substitute Senate Bill No. 6406.

#### ROLL CALL

The Secretary called the roll on the adoption of the amendment by Senator Ranker to the striking amendment and the amendment was not adopted by the following vote: Yeas, 22; Nays, 26; Absent, 0; Excused, 1.

Voting yea: Senators Brown, Chase, Conway, Eide, Fain, Fraser, Frockt, Hill, Keiser, Kline, Kohl-Welles, Litzow, McAuliffe, Murray, Nelson, Pflug, Prentice, Pridemore, Ranker, Regala, Rolfes and Tom

Voting nay: Senators Baumgartner, Becker, Benton, Carrell, Delvin, Ericksen, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist Newbry, Honeyford, Kastama, Kilmer, King, Morton, Padden, Parlette, Roach, Schoesler, Sheldon, Shin, Stevens, Swecker and Zarelli

Excused: Senator Harper

#### MOTION

Senator Ranker moved that the following amendment by Senator Ranker to the striking amendment be adopted:

Beginning on page 59, line 35 of the amendment, after "(2)" strike all material through "August 1, 2013." on page 60, line 26 and insert "By July 31, 2012, the department shall:

(a) Reissue without modification and for a term of one year any national pollutant discharge elimination system municipal storm water general permit first issued on January 17, 2007, for western Washington municipalities; and

(b) Issue an updated national pollutant discharge elimination system municipal storm water general permit for any permit first issued on January 17, 2007, for western Washington municipalities. An updated permit issued under this subsection shall become effective beginning August 1, 2013."

Senators Ranker, Nelson and Hargrove spoke in favor of adoption of the amendment to the striking amendment.

Senator Schoesler spoke against adoption of the amendment to the striking amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Ranker on page 59, line 35 to the striking amendment to Substitute Senate Bill No. 6406.

The motion by Senator Ranker failed and the amendment to the striking amendment was not adopted by voice vote.

#### MOTION

Senator Pridemore moved that the following amendment by Senator Pridemore to the striking amendment be adopted:

On page 60, after line 35 of the amendment, insert the following:

"(4) Beginning July 1, 2012, those public entities covered by the phase II national pollutant discharge elimination system municipal storm water general permit shall report monthly to the legislature on the progress made toward implementing the permit requirements."

Senator Pridemore spoke in favor of adoption of the amendment to the striking amendment.

Senators Schoesler and Hargrove spoke against adoption of the amendment to the striking amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Pridemore on page 60, after line 35 to the striking amendment to Substitute Senate Bill No. 6406.

The motion by Senator Pridemore failed and the amendment to the striking amendment was not adopted by voice vote.

#### MOTION

Senator Pridemore moved that the following amendment by Senator Pridemore to the striking amendment be adopted.

On page 60, after line 35 of the amendment, insert the following:

"(4) Within existing resources, the department shall evaluate the provisions of this section regarding compliance with the federal clean water act governing the issuance of discharge permits, including the risk to the state of a successful third-party lawsuit that challenges the state's compliance. The department shall provide its evaluation to the appropriate committees of the legislature by June 30, 2012."

Senators Pridemore and Ranker spoke in favor of adoption of the amendment to the striking amendment.

Senators Schoesler, Hargrove and Ericksen spoke against adoption of the amendment to the striking amendment.

Senator Eide demanded a roll call.

The President declared that one-sixth of the members supported the demand and the demand was sustained.

The President declared the question before the Senate to be the adoption of the amendment by Senator Pridemore on page 60, after line 35 to the striking amendment to Substitute Senate Bill No. 6406.

#### ROLL CALL

The Secretary called the roll on the adoption of the amendment by Senator Pridemore to the striking amendment and the amendment was not adopted by the following vote: Yeas, 21; Nays, 27; Absent, 0; Excused, 1.

FIFTY SEVENTH DAY, MARCH 5, 2012

2012 REGULAR SESSION

Voting yea: Senators Brown, Chase, Conway, Eide, Fraser, Frockt, Haugen, Keiser, Kilmer, Kline, Kohl-Welles, Litzow, McAuliffe, Murray, Nelson, Prentice, Pridemore, Ranker, Regala, Rolfes and Tom

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 6406.

ROLL CALL

Voting nay: Senators Baumgartner, Becker, Benton, Carrell, Delvin, Ericksen, Fain, Hargrove, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Kastama, King, Morton, Padden, Parlette, Pflug, Roach, Schoesler, Sheldon, Shin, Stevens, Swecker and Zarelli

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6406 and the bill passed the Senate by the following vote: Yeas, 27; Nays, 21; Absent, 0; Excused, 1.

Excused: Senator Harper

Voting yea: Senators Baumgartner, Becker, Benton, Carrell, Delvin, Eide, Ericksen, Fain, Hargrove, Hatfield, Haugen, Hewitt, Hill, Hobbs, Honeyford, Kastama, King, Morton, Parlette, Pflug, Roach, Schoesler, Sheldon, Shin, Stevens, Swecker and Zarelli

MOTION

Senator Pridemore moved that the following amendment by Senator Pridemore to the striking amendment be adopted:

Voting nay: Senators Brown, Chase, Conway, Fraser, Frockt, Holmquist Newbry, Keiser, Kilmer, Kline, Kohl-Welles, Litzow, McAuliffe, Murray, Nelson, Padden, Prentice, Pridemore, Ranker, Regala, Rolfes and Tom

On page 60, after line 35 of the amendment, insert the following:  
 "(4) Within existing resources, by June 30, 2012, the department shall report to the appropriate committees of the legislature on the estimated loss of federal and other resources resulting from additional delay in compliance with federal clean water act requirements."

Excused: Senator Harper

Senators Pridemore and Nelson spoke in favor of adoption of the amendment to the striking amendment.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6406, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

Senators Schoesler and Hargrove spoke against adoption of the amendment to the striking amendment.

SIGNED BY THE PRESIDENT

The President declared the question before the Senate to be the adoption of the amendment by Senator Pridemore on page 60, after line 35 to the striking amendment to Substitute Senate Bill No. 6406.

The President signed:

The motion by Senator Pridemore failed and the amendment to the striking amendment was not adopted by voice vote.

ENGROSSED SENATE BILL NO. 5159,  
 ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5188,  
 SUBSTITUTE SENATE BILL NO. 6041,  
 ENGROSSED SENATE BILL NO. 6215,  
 SUBSTITUTE SENATE BILL NO. 6253,  
 SENATE BILL NO. 6256.

The President declared the question before the Senate to be the adoption of the striking amendment as amended by Senators Hargrove and Schoesler to Substitute Senate Bill No. 6406.

MOTION

The motion by Senator Hargrove carried and the striking amendment as amended was adopted by voice vote.

At 12:50 p.m., on motion of Senator Eide, the Senate was declared to be at ease subject to the call of the President.

MOTION

AFTERNOON SESSION

There being no objection, the following title amendment was adopted:

The Senate was called to order at 2:46 p.m. by President Owen.

On page 1, beginning on line 2 of the title, after "resources;" strike the remainder of the title and insert "amending RCW 77.55.021, 77.55.151, 77.55.231, 76.09.040, 76.09.050, 76.09.150, 76.09.065, 76.09.470, 76.09.030, 43.21C.031, 43.21C.229, 82.02.020, 36.70A.490, 36.70A.500, 43.21C.110, 43.21C.095, and 90.48.260; reenacting and amending RCW 77.55.011, 76.09.060, and 76.09.020; adding new sections to chapter 77.55 RCW; adding a new section to chapter 76.09 RCW; adding a new section to chapter 43.30 RCW; adding new sections to chapter 43.21C RCW; creating new sections; prescribing penalties; providing a contingent effective date; and providing expiration dates."

MOTION

On motion of Senator Eide, the Senate reverted to the fourth order of business.

MESSAGE FROM THE HOUSE

March 5, 2012

MOTION

MR. PRESIDENT:

On motion of Senator Hargrove, the rules were suspended, Engrossed Substitute Senate Bill No. 6406 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The House receded from its amendment to SUBSTITUTE SENATE BILL NO. 5217 and passed the bill without the House amendment.

and the same is herewith transmitted.

BARBARA BAKER, Chief Clerk

Senators Hargrove and Schoesler spoke in favor of passage of the bill.

MESSAGE FROM THE HOUSE

Senators Ranker, Chase, Pridemore and Nelson spoke against passage of the bill.

March 5, 2012



MR. PRESIDENT:

The House concurred in the Senate amendments to the following bills and passed the bills as amended by the Senate:

SUBSTITUTE HOUSE BILL NO. 1552,  
SUBSTITUTE HOUSE BILL NO. 1559,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1627,  
ENGROSSED THIRD SUBSTITUTE HOUSE BILL NO.

1860,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1983,  
SUBSTITUTE HOUSE BILL NO. 2254,  
SUBSTITUTE HOUSE BILL NO. 2261,  
SUBSTITUTE HOUSE BILL NO. 2263,  
HOUSE BILL NO. 2308,  
SUBSTITUTE HOUSE BILL NO. 2313,  
HOUSE BILL NO. 2329,  
HOUSE BILL NO. 2482,  
HOUSE BILL NO. 2535,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2567,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2570,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2586.

and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MESSAGE FROM THE HOUSE

March 5, 2012

MR. PRESIDENT:

The House concurred in the Senate amendments to the following bills and passed the bills as amended by the Senate:

SUBSTITUTE HOUSE BILL NO. 1057,  
SUBSTITUTE HOUSE BILL NO. 2326,  
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO.

2337,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2347,  
HOUSE BILL NO. 2485,  
HOUSE BILL NO. 2499.

and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MESSAGE FROM THE HOUSE

March 5, 2012

MR. PRESIDENT:

The Speaker has signed:

SENATE BILL NO. 5365,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5715,  
SENATE BILL NO. 5981,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5991,  
SUBSTITUTE SENATE BILL NO. 6002,  
SENATE BILL NO. 6046,  
SENATE BILL NO. 6059,  
SENATE BILL NO. 6098,  
SUBSTITUTE SENATE BILL NO. 6112,  
SUBSTITUTE SENATE BILL NO. 6167,  
SENATE BILL NO. 6171,  
SUBSTITUTE SENATE BILL NO. 6208,  
SENATE BILL NO. 6218,  
ENGROSSED SENATE BILL NO. 6255,  
SENATE BILL NO. 6290,  
SUBSTITUTE SENATE BILL NO. 6325,  
SUBSTITUTE SENATE BILL NO. 6371,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 6470,

SUBSTITUTE SENATE BILL NO. 6574,  
SUBSTITUTE SENATE JOINT MEMORIAL NO. 8016.  
and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MESSAGE FROM THE HOUSE

March 5, 2012

MR. PRESIDENT:

The Speaker has signed:

SUBSTITUTE SENATE BILL NO. 5381,  
SUBSTITUTE SENATE BILL NO. 5412,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5895,  
SUBSTITUTE SENATE BILL NO. 5966,  
SUBSTITUTE SENATE BILL NO. 6038,  
SENATE BILL NO. 6095,  
SENATE BILL NO. 6131,  
SUBSTITUTE SENATE BILL NO. 6387,  
SUBSTITUTE SENATE BILL NO. 6421,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 6445.

and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MESSAGE FROM THE HOUSE

March 5, 2012

MR. PRESIDENT:

The Speaker has signed:

ENGROSSED HOUSE BILL NO. 1234,  
SUBSTITUTE HOUSE BILL NO. 1775,  
SUBSTITUTE HOUSE BILL NO. 2188,  
SUBSTITUTE HOUSE BILL NO. 2212,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2223,  
HOUSE BILL NO. 2224,  
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO.  
2238,  
SUBSTITUTE HOUSE BILL NO. 2259,  
HOUSE BILL NO. 2293,  
HOUSE BILL NO. 2305,  
SUBSTITUTE HOUSE BILL NO. 2312,  
ENGROSSED HOUSE BILL NO. 2328,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2341,  
SUBSTITUTE HOUSE BILL NO. 2354,  
SUBSTITUTE HOUSE BILL NO. 2360,  
SUBSTITUTE HOUSE BILL NO. 2389,  
HOUSE BILL NO. 2420,  
HOUSE BILL NO. 2456,  
HOUSE BILL NO. 2459,  
SUBSTITUTE HOUSE BILL NO. 2492,  
HOUSE BILL NO. 2523,  
SUBSTITUTE HOUSE BILL NO. 2541,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2545,  
SUBSTITUTE HOUSE BILL NO. 2574,  
SUBSTITUTE HOUSE BILL NO. 2657,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2747.  
and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MESSAGE FROM THE HOUSE

March 5, 2012

FIFTY SEVENTH DAY, MARCH 5, 2012

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MR. PRESIDENT:

The Speaker has signed:  
 SUBSTITUTE HOUSE BILL NO. 1700,  
 ENGROSSED HOUSE BILL NO. 2152,  
 SECOND SUBSTITUTE HOUSE BILL NO. 2156,  
 SUBSTITUTE HOUSE BILL NO. 2191,  
 SUBSTITUTE HOUSE BILL NO. 2299,  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2302,  
 HOUSE BILL NO. 2346,  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2366,  
 ENGROSSED HOUSE BILL NO. 2469,  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2473.  
 and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MESSAGE FROM THE HOUSE

March 5, 2012

MR. PRESIDENT:

The Speaker has signed:  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1820,  
 SUBSTITUTE HOUSE BILL NO. 2194,  
 HOUSE BILL NO. 2195,  
 HOUSE BILL NO. 2210,  
 SECOND SUBSTITUTE HOUSE BILL NO. 2216,  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2229,  
 SUBSTITUTE HOUSE BILL NO. 2239,  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2301,  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2318,  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2502,  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2592,  
 ENGROSSED HOUSE BILL NO. 2671,  
 ENGROSSED HOUSE BILL NO. 2814.  
 and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:

ENGROSSED HOUSE BILL NO. 1234,  
 SUBSTITUTE HOUSE BILL NO. 1700,  
 SUBSTITUTE HOUSE BILL NO. 1775,  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1820,  
 ENGROSSED HOUSE BILL NO. 2152,  
 SECOND SUBSTITUTE HOUSE BILL NO. 2156,  
 SUBSTITUTE HOUSE BILL NO. 2188,  
 SUBSTITUTE HOUSE BILL NO. 2191,  
 SUBSTITUTE HOUSE BILL NO. 2194,  
 HOUSE BILL NO. 2195,  
 HOUSE BILL NO. 2210,  
 SUBSTITUTE HOUSE BILL NO. 2212,  
 SECOND SUBSTITUTE HOUSE BILL NO. 2216,  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2223,  
 HOUSE BILL NO. 2224,  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2229,  
 ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2238,  
 SUBSTITUTE HOUSE BILL NO. 2239,  
 SUBSTITUTE HOUSE BILL NO. 2259,  
 HOUSE BILL NO. 2293,  
 SUBSTITUTE HOUSE BILL NO. 2299,  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2301,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2302,  
 HOUSE BILL NO. 2305,  
 SUBSTITUTE HOUSE BILL NO. 2312,  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2318,  
 ENGROSSED HOUSE BILL NO. 2328,  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2341,  
 HOUSE BILL NO. 2346,  
 SUBSTITUTE HOUSE BILL NO. 2354,  
 SUBSTITUTE HOUSE BILL NO. 2360,  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2366,  
 SUBSTITUTE HOUSE BILL NO. 2389,  
 HOUSE BILL NO. 2420,  
 HOUSE BILL NO. 2456,  
 HOUSE BILL NO. 2459,  
 ENGROSSED HOUSE BILL NO. 2469,  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2473,  
 SUBSTITUTE HOUSE BILL NO. 2492,  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2502,  
 HOUSE BILL NO. 2523,  
 SUBSTITUTE HOUSE BILL NO. 2541,  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2545,  
 SUBSTITUTE HOUSE BILL NO. 2574,  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2592,  
 SUBSTITUTE HOUSE BILL NO. 2657,  
 ENGROSSED HOUSE BILL NO. 2671,  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2747,  
 ENGROSSED HOUSE BILL NO. 2814.

MOTION

On motion of Senator Eide, the Senate advanced to the sixth order of business.

MOTION

On motion of Senator Frockt, Senators Brown and Hargrove were excused.

SECOND READING  
 CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Fraser moved that Gubernatorial Appointment No. 9228, Harriet Spanel, as a member of the Pacific Marine Fishery Commission, be confirmed.

Senator Fraser spoke in favor of the motion.

MOTION

On motion of Senator Hill, Senator Ericksen was excused.

MOTION

On motion of Senator Hatfield, Senator Hobbs was excused.

APPOINTMENT OF HARRIET SPANEL

The President declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9228, Harriet Spanel as a member of the Pacific Marine Fishery Commission.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9228, Harriet Spanel as a member of the Pacific Marine Fishery Commission and the

appointment was confirmed by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Baumgartner, Becker, Benton, Brown, Carrell, Chase, Conway, Delvin, Eide, Fain, Fraser, Frockt, Hatfield, Haugen, Hewitt, Hill, Holmquist Newbry, Honeyford, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles, Litzow, McAuliffe, Morton, Murray, Nelson, Padden, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rolfes, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Excused: Senators Ericksen, Hargrove, Harper and Hobbs

Gubernatorial Appointment No. 9228, Harriet Spanel, having received the constitutional majority was declared confirmed as a member of the Pacific Marine Fishery Commission.

#### MOTION

On motion of Senator Eide, Senators Brown and Kastama were excused.

#### SECOND READING

#### CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

#### MOTION

Senator Fraser moved that Gubernatorial Appointment No. 9155, David Troutt, as a member of the Salmon Recovery Funding Board, be confirmed.

Senator Fraser spoke in favor of the motion.

#### APPOINTMENT OF DAVID TROUTT

The President declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9155, David Troutt as a member of the Salmon Recovery Funding Board.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9155, David Troutt as a member of the Salmon Recovery Funding Board and the appointment was confirmed by the following vote: Yeas, 44; Nays, 0; Absent, 1; Excused, 4.

Voting yea: Senators Baumgartner, Becker, Benton, Carrell, Chase, Conway, Delvin, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Hatfield, Haugen, Hewitt, Hill, Holmquist Newbry, Honeyford, Keiser, Kilmer, King, Kline, Kohl-Welles, McAuliffe, Morton, Murray, Nelson, Padden, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rolfes, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Absent: Senator Litzow

Excused: Senators Brown, Harper, Hobbs and Kastama

Gubernatorial Appointment No. 9155, David Troutt, having received the constitutional majority was declared confirmed as a member of the Salmon Recovery Funding Board.

#### MOTION

On motion of Senator Ericksen, Senator Litzow was excused.

#### SECOND READING

#### CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

#### MOTION

Senator Fain moved that Gubernatorial Appointment No. 9250, Frederick Mendoza, as a member of the Board of Trustees, Highline Community College District No. 9, be confirmed.

Senators Fain and Keiser spoke in favor of passage of the motion.

#### APPOINTMENT OF FREDERICK MENDOZA

The President declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9250, Frederick Mendoza as a member of the Board of Trustees, Highline Community College District No. 9.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9250, Frederick Mendoza as a member of the Board of Trustees, Highline Community College District No. 9 and the appointment was confirmed by the following vote: Yeas, 44; Nays, 1; Absent, 0; Excused, 4.

Voting yea: Senators Becker, Benton, Carrell, Chase, Conway, Delvin, Eide, Ericksen, Fain, Fraser, Frockt, Hatfield, Haugen, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, Kilmer, King, Kline, Kohl-Welles, Litzow, McAuliffe, Morton, Murray, Nelson, Padden, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rolfes, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Voting nay: Senator Baumgartner

Excused: Senators Brown, Hargrove, Harper and Kastama

Gubernatorial Appointment No. 9250, Frederick Mendoza, having received the constitutional majority was declared confirmed as a member of the Board of Trustees, Highline Community College District No. 9.

#### MOTION

On motion of Senator Eide, the Senate reverted to the fourth order of business.

#### MESSAGE FROM THE HOUSE

March 3, 2012

#### MR. PRESIDENT:

The House passed ENGROSSED SUBSTITUTE SENATE BILL NO. 6150 with the following amendment(s): 6150-S.E AMH ENGR H4549.E

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 46.20.037 and 2006 c 292 s 1 are each amended to read as follows:

(1) ((No later than two years after full implementation of the provisions of Title II of P.L. 109-13, improved security for driver's licenses and personal identification cards (Real ID), as passed by Congress May 10, 2005.)) The department ((shall)) **may** implement a ((voluntary biometric)) **facial recognition** matching system for ((driver's)) **drivers' licenses, permits, and** identicards. ((A biometric)) **Any facial recognition** matching system ((shall)) **selected by the department must be used only to verify the identity of an applicant for or holder of a ((renewal or duplicate)) driver's license, permit, or identicard ((by matching a biometric identifier submitted by the applicant against the biometric identifier submitted when the license was last issued. This project requires a full review by the information services board using the criteria for projects of the highest visibility and risk)) to determine whether the person has been issued a driver's license, permit, or identicard under a different name or names.**

(2) Any ((biometric)) **facial recognition** matching system selected by the department ((shall)) **must** be capable of highly accurate matching, and ((shall)) **must** be compliant with

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~~((biometric))~~ appropriate standards established by the American association of motor vehicle administrators that exist on the effective date of this section, or such subsequent date as may be provided by the department by rule, consistent with the purposes of this section.

(3) ~~((The biometric matching system selected by the department must incorporate a process that allows the owner of a driver's license or identicard to present a personal identification number or other code along with the driver's license or identicard before the information may be verified by a third party, including a governmental entity.~~

(4) Upon the establishment of a biometric driver's license and identicard system as described in this section, the department shall allow every person applying for an original, renewal, or duplicate driver's license or identicard to voluntarily submit a biometric identifier. Each applicant shall be informed of all ways in which the biometric identifier may be used, all parties to whom the identifier may be disclosed and the conditions of disclosure, the expected error rates for the biometric matching system which shall be regularly updated as the technology changes or empirical data is collected, and the potential consequences of those errors. The department shall adopt rules to allow applicants to verify the accuracy of the system at the time that biometric information is submitted, including the use of at least two separate devices.

(5) The department may not disclose biometric information to the public or any governmental entity except when authorized by court order.

(6))) The department shall post notices in conspicuous locations at all department driver licensing offices, make written information available to all applicants at department driver licensing offices, and provide information on the department's web site regarding the facial recognition matching system. The notices, written information, and information on the web site must address how the facial recognition matching system works, all ways in which the department may use results from the facial recognition matching system, how an investigation based on results from the facial recognition matching system would be conducted, and a person's right to appeal any determinations made under this chapter.

(4) Results from the facial recognition matching system:

(a) Are not available for public inspection and copying under chapter 42.56 RCW;

(b) May only be disclosed pursuant to a valid subpoena, warrant, or court order;

(c) May only be disclosed to a federal government agency if specifically required under federal law; and

(d) May be disclosed by the department to a government agency, including a court or law enforcement agency, for use in carrying out its functions if the department has determined that person has committed one of the prohibited practices listed in RCW 46.20.0921 and this determination has been confirmed by a hearings examiner under this chapter or the person declined a hearing or did not attend a scheduled hearing.

(5) All ((biometric)) personally identifying information ((shall)) derived from the facial recognition matching system must be stored with appropriate security safeguards((, including but not limited to encryption)). The office of the chief information officer shall develop the appropriate security standards for the department's use of the facial recognition matching system, subject to approval and oversight by the technology services board.

~~((7))) (6) The department shall develop procedures to handle instances in which the ((biometric)) facial recognition matching system fails to verify the identity of an applicant for a renewal or duplicate driver's license, permit, or identicard. These procedures ((shall)) must allow an applicant to prove identity without using ((a biometric identifier.~~

~~(8) Any person who has voluntarily submitted a biometric identifier may choose to discontinue participation in the biometric matching program at any time, provided that the department utilizes a secure procedure to prevent fraudulent requests for a renewal or duplicate driver's license or identicard. When the person discontinues participation, any previously collected biometric information shall be destroyed.~~

~~((9) This section does not apply when an applicant renews his or her driver's license or identicard by mail or electronic commerce)) the facial recognition matching system.~~

(7) The department shall report to the governor and the legislature by October 1st of each year, beginning October 1, 2012, on the following numbers during the previous fiscal year: The number of investigations initiated by the department based on results from the facial recognition matching system; the number of determinations made that a person has committed one of the prohibited practices in RCW 46.20.0921 after the completion of an investigation; the number of determinations that were confirmed by a hearings examiner and the number that were overturned by a hearings examiner; the number of cases where a person declined a hearing or did not attend a scheduled hearing; and the number of determinations that were referred to law enforcement.

NEW SECTION. Sec. 2. A new section is added to chapter 46.04 RCW to read as follows:

"Facial recognition matching system" means a system that compares the biometric template derived from an image of an applicant or holder of a driver's license, permit, or identicard with the biometric templates derived from the images in the department's negative file.

NEW SECTION. Sec. 3. RCW 46.20.038 (Biometric matching system--Funding) and 2004 c 273 s 4 are each repealed.

Sec. 4. RCW 46.20.055 and 2010 c 223 s 1 are each amended to read as follows:

(1) **Driver's instruction permit.** The department may issue a driver's instruction permit with or without a photograph to an applicant who has successfully passed all parts of the examination other than the driving test, provided the information required by RCW 46.20.091, paid ((a)) an application fee of twenty-five dollars, and meets the following requirements:

(a) Is at least fifteen and one-half years of age; or

(b) Is at least fifteen years of age and:

(i) Has submitted a proper application; and

(ii) Is enrolled in a traffic safety education program offered, approved, and accredited by the superintendent of public instruction or offered by a driver training school licensed and inspected by the department of licensing under chapter 46.82 RCW, that includes practice driving.

(2) **Waiver of written examination for instruction permit.** The department may waive the written examination, if, at the time of application, an applicant is enrolled in:

(a) A traffic safety education course as defined by RCW 28A.220.020(2); or

(b) A course of instruction offered by a licensed driver training school as defined by RCW 46.82.280.

The department may require proof of registration in such a course as it deems necessary.

(3) **Effect of instruction permit.** A person holding a driver's instruction permit may drive a motor vehicle, other than a motorcycle, upon the public highways if:

(a) The person has immediate possession of the permit;

(b) The person is not using a wireless communications device, unless the person is using the device to report illegal activity, summon medical or other emergency help, or prevent injury to a person or property; and

(c) An approved instructor, or a licensed driver with at least five years of driving experience, occupies the seat beside the driver.

(4) **Term of instruction permit.** A driver's instruction permit is valid for one year from the date of issue.

(a) The department may issue one additional one-year permit.

(b) The department may issue a third driver's permit if it finds after an investigation that the permittee is diligently seeking to improve driving proficiency.

(c) A person applying (~~to renew~~) for an additional instruction permit must submit the application to the department in person and pay an application fee of twenty-five dollars for each issuance.

**Sec. 5.** RCW 46.20.117 and 2005 c 314 s 305 are each amended to read as follows:

(1) **Issuance.** The department shall issue an identicard, containing a picture, if the applicant:

(a) Does not hold a valid Washington driver's license;

(b) Proves his or her identity as required by RCW 46.20.035; and

(c) Pays the required fee. Except as provided in subsection (5) of this section, the fee is (~~twenty~~) forty-five dollars from October 1, 2012, to June 30, 2013, and fifty-four dollars after June 30, 2013, unless an applicant is a recipient of continuing public assistance grants under Title 74 RCW, who is referred in writing by the secretary of social and health services. For those persons the fee must be the actual cost of production of the identicard.

(2) **Design and term.** The identicard must:

(a) Be distinctly designed so that it will not be confused with the official driver's license; and

(b) Except as provided in subsection (5) of this section, expire on the (~~fifth~~) sixth anniversary of the applicant's birthdate after issuance.

(3) **Renewal.** An application for identicard renewal may be submitted by means of:

(a) Personal appearance before the department; or

(b) Mail or electronic commerce, if permitted by rule of the department and if the applicant did not renew his or her identicard by mail or by electronic commerce when it last expired. (~~However, the department may accept an application for renewal of an identicard submitted by means of mail or electronic commerce only if specific authority and funding is provided for this purpose by June 30, 2004, in the omnibus transportation appropriations act.~~)

An identicard may not be renewed by mail or by electronic commerce unless the renewal issued by the department includes a photograph of the identicard holder.

(4) **Cancellation.** The department may cancel an identicard if the holder of the identicard used the card or allowed others to use the card in violation of RCW 46.20.0921.

(5) **Alternative issuance/renewal/extension.** The department may issue or renew an identicard for a period other than five years from October 1, 2012, to June 30, 2013, or six years after June 30, 2013, or may extend by mail or electronic commerce an identicard that has already been issued, in order to evenly distribute, as nearly as possible, the yearly renewal rate of identicard holders. The fee for an identicard issued or renewed for a period other than five years from October 1, 2012, to June 30, 2013, or six years after June 30, 2013, or that has been extended by mail or electronic commerce, is nine dollars for each year that the identicard is issued, renewed, or extended. The department may adopt any rules as are necessary to carry out this subsection.

**Sec. 6.** RCW 46.20.120 and 2011 c 370 s 4 are each amended to read as follows:

An applicant for a new or renewed driver's license must successfully pass a driver licensing examination to qualify for a driver's license. The department must ensure that examinations are given at places and times reasonably available to the people of this

state. If the department does not administer driver licensing examinations as a routine part of its licensing services within a department region because adequate testing sites are provided by driver training schools or school districts within that region, the department shall, at a minimum, administer driver licensing examinations by appointment to applicants eighteen years of age and older in at least one licensing office within that region.

(1) **Waiver.** The department may waive:

(a) All or any part of the examination of any person applying for the renewal of a driver's license unless the department determines that the applicant is not qualified to hold a driver's license under this title; or

(b) All or any part of the examination involving operating a motor vehicle if the applicant:

(i) Surrenders a valid driver's license issued by the person's previous home state; or

(ii) Provides for verification a valid driver's license issued by a foreign driver licensing jurisdiction with which the department has an informal agreement under RCW 46.20.125; and

(iii) Is otherwise qualified to be licensed.

(2) **Fee.** Each applicant for a new license must pay an examination fee of (~~twenty~~) thirty-five dollars.

(a) The examination fee is in addition to the fee charged for issuance of the license.

(b) "New license" means a license issued to a driver:

(i) Who has not been previously licensed in this state; or

(ii) Whose last previous Washington license has been expired for more than (~~five~~) six years.

(3) An application for driver's license renewal may be submitted by means of:

(a) Personal appearance before the department; or

(b) Mail or electronic commerce, if permitted by rule of the department and if the applicant did not renew his or her license by mail or by electronic commerce when it last expired.

(4) A person whose license expired or will expire while he or she is living outside the state, may:

(a) Apply to the department to extend the validity of his or her license for no more than twelve months. If the person establishes to the department's satisfaction that he or she is unable to return to Washington before the date his or her license expires, the department shall extend the person's license. The department may grant consecutive extensions, but in no event may the cumulative total of extensions exceed twelve months. An extension granted under this section does not change the expiration date of the license for purposes of RCW 46.20.181. The department shall charge a fee of five dollars for each license extension;

(b) Apply to the department to renew his or her license by mail or, if permitted by rule of the department, by electronic commerce even if subsection (3)(b) of this section would not otherwise allow renewal by that means. If the person establishes to the department's satisfaction that he or she is unable to return to Washington within twelve months of the date that his or her license expires, the department shall renew the person's license by mail or, if permitted by rule of the department, by electronic commerce.

(5) If a qualified person submits an application for renewal under subsection (3)(b) or (4)(b) of this section, he or she is not required to pass an examination nor provide an updated photograph. A license renewed by mail or by electronic commerce that does not include a photograph of the licensee must be labeled "not valid for identification purposes."

(6) Driver training schools licensed by the department under chapter 46.82 RCW may administer the portions of the driver licensing examination that test the applicant's knowledge of traffic laws and ability to safely operate a motor vehicle.

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(7) School districts that offer a traffic safety education program under chapter 28A.220 RCW may administer the portions of the driver licensing examination that test the applicant's knowledge of traffic laws and ability to safely operate a motor vehicle.

**Sec. 7.** RCW 46.20.161 and 2000 c 115 s 6 are each amended to read as follows:

The department, upon receipt of a fee of ~~((twenty-five))~~ forty-five dollars from October 1, 2012, to June 30, 2013, and fifty-four dollars after June 30, 2013, unless the driver's license is issued for a period other than five years from October 1, 2012, to June 30, 2013, or six years after June 30, 2013, in which case the fee shall be ~~((five))~~ nine dollars for each year or partial year that the license is issued, which includes the fee for the required photograph, shall issue to every qualifying applicant a driver's license. A driver's license issued to a person under the age of eighteen is an intermediate license, subject to the restrictions imposed under RCW 46.20.075, until the person reaches the age of eighteen. The license must include a distinguishing number assigned to the licensee, the name of record, date of birth, Washington residence address, photograph, a brief description of the licensee, and either a facsimile of the signature of the licensee or a space upon which the licensee shall write his or her usual signature with pen and ink immediately upon receipt of the license. No license is valid until it has been so signed by the licensee.

**Sec. 8.** RCW 46.20.181 and 1999 c 308 s 3 are each amended to read as follows:

(1) Except as provided in subsection (4) ~~or (5)~~ of this section ~~or RCW 46.20.105~~, every driver's license expires on the ~~((fifth))~~ sixth anniversary of the licensee's birthdate following the issuance of the license.

(2) A person may renew his or her license on or before the expiration date by submitting an application as prescribed by the department and paying a fee of ~~((twenty-five))~~ forty-five dollars from October 1, 2012, to June 30, 2013, and fifty-four dollars after June 30, 2013. This fee includes the fee for the required photograph.

(3) A person renewing his or her driver's license more than sixty days after the license has expired shall pay a penalty fee of ten dollars in addition to the renewal fee, unless his or her license expired when:

(a) The person was outside the state and he or she renews the license within sixty days after returning to this state; or

(b) The person was incapacitated and he or she renews the license within sixty days after the termination of the incapacity.

(4) ~~((During the period from July 1, 2000, to July 1, 2006,))~~ The department may issue or renew a driver's license for a period other than five years from October 1, 2012, to June 30, 2013, or six years after June 30, 2013, or may extend by mail or electronic commerce a license that has already been issued, in order to evenly distribute, as nearly as possible, the yearly renewal rate of licensed drivers. The fee for a driver's license issued or renewed for a period other than five years from October 1, 2012, to June 30, 2013, or six years after June 30, 2013, or that has been extended by mail or electronic commerce, is ~~((five))~~ nine dollars for each year that the license is issued, renewed, or extended. The department may adopt any rules as are necessary to carry out this subsection.

(5) A driver's license that includes a hazardous materials endorsement under chapter 46.25 RCW may expire on an anniversary of the licensee's birthdate other than the sixth year following issuance or renewal of the license in order to match, as nearly as possible, the validity of certification from the federal transportation security administration that the licensee has been determined not to pose a security risk. The fee for a driver's license issued or renewed for a period other than five years from October 1, 2012, to June 30, 2013, or six years after June 30, 2013, is nine

dollars for each year that the license is issued or renewed, not including any endorsement fees. The department may adjust the expiration date of a driver's license that has previously been issued to conform to the provisions of this subsection if a hazardous materials endorsement is added to the license subsequent to its issuance. If the validity of the driver's license is extended, the licensee must pay a fee of nine dollars for each year that the license is extended.

(6) The department may adopt any rules as are necessary to carry out this section.

**Sec. 9.** RCW 46.20.200 and 2002 c 352 s 14 are each amended to read as follows:

(1) If an instruction permit, identicard, or a driver's license is lost or destroyed, the person to whom it was issued may obtain a duplicate of it upon furnishing proof of such fact satisfactory to the department and payment of a fee of ~~((fifteen))~~ twenty dollars to the department.

(2) A replacement permit, identicard, or driver's license may be obtained to change or correct material information upon payment of a fee of ten dollars and surrender of the permit, identicard, or driver's license being replaced.

**Sec. 10.** RCW 46.20.049 and 2011 c 227 s 6 are each amended to read as follows:

There shall be an additional fee for issuing any class of commercial driver's license in addition to the prescribed fee required for the issuance of the original driver's license. The additional fee for each class shall be ~~((sixty-one))~~ eighty-five dollars from October 1, 2012, to June 30, 2013, and one hundred two dollars after June 30, 2013, for the original commercial driver's license or subsequent renewals. If the commercial driver's license is issued, renewed, or extended for a period other than five years from October 1, 2012, to June 30, 2013, or six years after June 30, 2013, the fee for each class shall be ~~((twelve))~~ seventeen dollars ~~((and twenty cents))~~ for each year that the commercial driver's license is issued, renewed, or extended. The fee shall be deposited in the highway safety fund.

**Sec. 11.** RCW 46.20.308 and 2008 c 282 s 2 are each amended to read as follows:

(1) Any person who operates a motor vehicle within this state is deemed to have given consent, subject to the provisions of RCW 46.61.506, to a test or tests of his or her breath or blood for the purpose of determining the alcohol concentration or presence of any drug in his or her breath or blood if arrested for any offense where, at the time of the arrest, the arresting officer has reasonable grounds to believe the person had been driving or was in actual physical control of a motor vehicle while under the influence of intoxicating liquor or any drug or was in violation of RCW 46.61.503. Neither consent nor this section precludes a police officer from obtaining a search warrant for a person's breath or blood.

(2) The test or tests of breath shall be administered at the direction of a law enforcement officer having reasonable grounds to believe the person to have been driving or in actual physical control of a motor vehicle within this state while under the influence of intoxicating liquor or any drug or the person to have been driving or in actual physical control of a motor vehicle while having alcohol in a concentration in violation of RCW 46.61.503 in his or her system and being under the age of twenty-one. However, in those instances where the person is incapable due to physical injury, physical incapacity, or other physical limitation, of providing a breath sample or where the person is being treated in a hospital, clinic, doctor's office, emergency medical vehicle, ambulance, or other similar facility or where the officer has reasonable grounds to believe that the person is under the influence of a drug, a blood test shall be administered by a qualified person as provided in RCW 46.61.506(5). The officer shall inform the person of his or her right to refuse the breath or blood test, and of his or her right to have

additional tests administered by any qualified person of his or her choosing as provided in RCW 46.61.506. The officer shall warn the driver, in substantially the following language, that:

(a) If the driver refuses to take the test, the driver's license, permit, or privilege to drive will be revoked or denied for at least one year; and

(b) If the driver refuses to take the test, the driver's refusal to take the test may be used in a criminal trial; and

(c) If the driver submits to the test and the test is administered, the driver's license, permit, or privilege to drive will be suspended, revoked, or denied for at least ninety days if the driver is age twenty-one or over and the test indicates the alcohol concentration of the driver's breath or blood is 0.08 or more, or if the driver is under age twenty-one and the test indicates the alcohol concentration of the driver's breath or blood is 0.02 or more, or if the driver is under age twenty-one and the driver is in violation of RCW 46.61.502 or 46.61.504; and

(d) If the driver's license, permit, or privilege to drive is suspended, revoked, or denied the driver may be eligible to immediately apply for an ignition interlock driver's license.

(3) Except as provided in this section, the test administered shall be of the breath only. If an individual is unconscious or is under arrest for the crime of vehicular homicide as provided in RCW 46.61.520 or vehicular assault as provided in RCW 46.61.522, or if an individual is under arrest for the crime of driving while under the influence of intoxicating liquor or drugs as provided in RCW 46.61.502, which arrest results from an accident in which there has been serious bodily injury to another person, a breath or blood test may be administered without the consent of the individual so arrested.

(4) Any person who is dead, unconscious, or who is otherwise in a condition rendering him or her incapable of refusal, shall be deemed not to have withdrawn the consent provided by subsection (1) of this section and the test or tests may be administered, subject to the provisions of RCW 46.61.506, and the person shall be deemed to have received the warnings required under subsection (2) of this section.

(5) If, following his or her arrest and receipt of warnings under subsection (2) of this section, the person arrested refuses upon the request of a law enforcement officer to submit to a test or tests of his or her breath or blood, no test shall be given except as authorized under subsection (3) or (4) of this section.

(6) If, after arrest and after the other applicable conditions and requirements of this section have been satisfied, a test or tests of the person's blood or breath is administered and the test results indicate that the alcohol concentration of the person's breath or blood is 0.08 or more if the person is age twenty-one or over, or 0.02 or more if the person is under the age of twenty-one, or the person refuses to submit to a test, the arresting officer or other law enforcement officer at whose direction any test has been given, or the department, where applicable, if the arrest results in a test of the person's blood, shall:

(a) Serve notice in writing on the person on behalf of the department of its intention to suspend, revoke, or deny the person's license, permit, or privilege to drive as required by subsection (7) of this section;

(b) Serve notice in writing on the person on behalf of the department of his or her right to a hearing, specifying the steps he or she must take to obtain a hearing as provided by subsection (8) of this section and that the person waives the right to a hearing if he or she receives an ignition interlock driver's license;

(c) Mark the person's Washington state driver's license or permit to drive, if any, in a manner authorized by the department;

(d) Serve notice in writing that the marked license or permit, if any, is a temporary license that is valid for sixty days from the date

of arrest or from the date notice has been given in the event notice is given by the department following a blood test, or until the suspension, revocation, or denial of the person's license, permit, or privilege to drive is sustained at a hearing pursuant to subsection (8) of this section, whichever occurs first. No temporary license is valid to any greater degree than the license or permit that it replaces; and

(e) Immediately notify the department of the arrest and transmit to the department within seventy-two hours, except as delayed as the result of a blood test, a sworn report or report under a declaration authorized by RCW 9A.72.085 that states:

(i) That the officer had reasonable grounds to believe the arrested person had been driving or was in actual physical control of a motor vehicle within this state while under the influence of intoxicating liquor or drugs, or both, or was under the age of twenty-one years and had been driving or was in actual physical control of a motor vehicle while having an alcohol concentration in violation of RCW 46.61.503;

(ii) That after receipt of the warnings required by subsection (2) of this section the person refused to submit to a test of his or her blood or breath, or a test was administered and the results indicated that the alcohol concentration of the person's breath or blood was 0.08 or more if the person is age twenty-one or over, or was 0.02 or more if the person is under the age of twenty-one; and

(iii) Any other information that the director may require by rule.

(7) The department of licensing, upon the receipt of a sworn report or report under a declaration authorized by RCW 9A.72.085 under subsection (6)(e) of this section, shall suspend, revoke, or deny the person's license, permit, or privilege to drive or any nonresident operating privilege, as provided in RCW 46.20.3101, such suspension, revocation, or denial to be effective beginning sixty days from the date of arrest or from the date notice has been given in the event notice is given by the department following a blood test, or when sustained at a hearing pursuant to subsection (8) of this section, whichever occurs first.

(8) A person receiving notification under subsection (6)(b) of this section may, within twenty days after the notice has been given, request in writing a formal hearing before the department. The person shall pay a fee of ~~((two))~~ three hundred seventy-five dollars as part of the request. If the request is mailed, it must be postmarked within twenty days after receipt of the notification. Upon timely receipt of such a request for a formal hearing, including receipt of the required ~~((two))~~ three hundred seventy-five dollar fee, the department shall afford the person an opportunity for a hearing. The department may waive the required ~~((two))~~ three hundred seventy-five dollar fee if the person is an indigent as defined in RCW 10.101.010. Except as otherwise provided in this section, the hearing is subject to and shall be scheduled and conducted in accordance with RCW 46.20.329 and 46.20.332. The hearing shall be conducted in the county of the arrest, except that all or part of the hearing may, at the discretion of the department, be conducted by telephone or other electronic means. The hearing shall be held within sixty days following the arrest or following the date notice has been given in the event notice is given by the department following a blood test, unless otherwise agreed to by the department and the person, in which case the action by the department shall be stayed, and any valid temporary license marked under subsection (6)(c) of this section extended, if the person is otherwise eligible for licensing. For the purposes of this section, the scope of the hearing shall cover the issues of whether a law enforcement officer had reasonable grounds to believe the person had been driving or was in actual physical control of a motor vehicle within this state while under the influence of intoxicating liquor or any drug or had been driving or was in actual physical control of a motor vehicle within this state while having alcohol in his or her system in a concentration

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of 0.02 or more if the person was under the age of twenty-one, whether the person was placed under arrest, and (a) whether the person refused to submit to the test or tests upon request of the officer after having been informed that such refusal would result in the revocation of the person's license, permit, or privilege to drive, or (b) if a test or tests were administered, whether the applicable requirements of this section were satisfied before the administration of the test or tests, whether the person submitted to the test or tests, or whether a test was administered without express consent as permitted under this section, and whether the test or tests indicated that the alcohol concentration of the person's breath or blood was 0.08 or more if the person was age twenty-one or over at the time of the arrest, or 0.02 or more if the person was under the age of twenty-one at the time of the arrest. The sworn report or report under a declaration authorized by RCW 9A.72.085 submitted by a law enforcement officer is prima facie evidence that the officer had reasonable grounds to believe the person had been driving or was in actual physical control of a motor vehicle within this state while under the influence of intoxicating liquor or drugs, or both, or the person had been driving or was in actual physical control of a motor vehicle within this state while having alcohol in his or her system in a concentration of 0.02 or more and was under the age of twenty-one and that the officer complied with the requirements of this section.

A hearing officer shall conduct the hearing, may issue subpoenas for the attendance of witnesses and the production of documents, and shall administer oaths to witnesses. The hearing officer shall not issue a subpoena for the attendance of a witness at the request of the person unless the request is accompanied by the fee required by RCW 5.56.010 for a witness in district court. The sworn report or report under a declaration authorized by RCW 9A.72.085 of the law enforcement officer and any other evidence accompanying the report shall be admissible without further evidentiary foundation and the certifications authorized by the criminal rules for courts of limited jurisdiction shall be admissible without further evidentiary foundation. The person may be represented by counsel, may question witnesses, may present evidence, and may testify. The department shall order that the suspension, revocation, or denial either be rescinded or sustained.

(9) If the suspension, revocation, or denial is sustained after such a hearing, the person whose license, privilege, or permit is suspended, revoked, or denied has the right to file a petition in the superior court of the county of arrest to review the final order of revocation by the department in the same manner as an appeal from a decision of a court of limited jurisdiction. Notice of appeal must be filed within thirty days after the date the final order is served or the right to appeal is waived. Notwithstanding RCW 46.20.334, RALJ 1.1, or other statutes or rules referencing de novo review, the appeal shall be limited to a review of the record of the administrative hearing. The appellant must pay the costs associated with obtaining the record of the hearing before the hearing officer. The filing of the appeal does not stay the effective date of the suspension, revocation, or denial. A petition filed under this subsection must include the petitioner's grounds for requesting review. Upon granting petitioner's request for review, the court shall review the department's final order of suspension, revocation, or denial as expeditiously as possible. The review must be limited to a determination of whether the department has committed any errors of law. The superior court shall accept those factual determinations supported by substantial evidence in the record: (a) That were expressly made by the department; or (b) that may reasonably be inferred from the final order of the department. The superior court may reverse, affirm, or modify the decision of the department or remand the case back to the department for further proceedings. The decision of the superior court must be in writing and filed in the clerk's office with the other papers in the case. The court shall state

the reasons for the decision. If judicial relief is sought for a stay or other temporary remedy from the department's action, the court shall not grant such relief unless the court finds that the appellant is likely to prevail in the appeal and that without a stay the appellant will suffer irreparable injury. If the court stays the suspension, revocation, or denial it may impose conditions on such stay.

(10)(a) If a person whose driver's license, permit, or privilege to drive has been or will be suspended, revoked, or denied under subsection (7) of this section, other than as a result of a breath or blood test refusal, and who has not committed an offense for which he or she was granted a deferred prosecution under chapter 10.05 RCW, petitions a court for a deferred prosecution on criminal charges arising out of the arrest for which action has been or will be taken under subsection (7) of this section, or notifies the department of licensing of the intent to seek such a deferred prosecution, then the license suspension or revocation shall be stayed pending entry of the deferred prosecution. The stay shall not be longer than one hundred fifty days after the date charges are filed, or two years after the date of the arrest, whichever time period is shorter. If the court stays the suspension, revocation, or denial, it may impose conditions on such stay. If the person is otherwise eligible for licensing, the department shall issue a temporary license, or extend any valid temporary license marked under subsection (6) of this section, for the period of the stay. If a deferred prosecution treatment plan is not recommended in the report made under RCW 10.05.050, or if treatment is rejected by the court, or if the person declines to accept an offered treatment plan, or if the person violates any condition imposed by the court, then the court shall immediately direct the department to cancel the stay and any temporary marked license or extension of a temporary license issued under this subsection.

(b) A suspension, revocation, or denial imposed under this section, other than as a result of a breath or blood test refusal, shall be stayed if the person is accepted for deferred prosecution as provided in chapter 10.05 RCW for the incident upon which the suspension, revocation, or denial is based. If the deferred prosecution is terminated, the stay shall be lifted and the suspension, revocation, or denial reinstated. If the deferred prosecution is completed, the stay shall be lifted and the suspension, revocation, or denial canceled.

(c) The provisions of (b) of this subsection relating to a stay of a suspension, revocation, or denial and the cancellation of any suspension, revocation, or denial do not apply to the suspension, revocation, denial, or disqualification of a person's commercial driver's license or privilege to operate a commercial motor vehicle.

(11) When it has been finally determined under the procedures of this section that a nonresident's privilege to operate a motor vehicle in this state has been suspended, revoked, or denied, the department shall give information in writing of the action taken to the motor vehicle administrator of the state of the person's residence and of any state in which he or she has a license.

**Sec. 12.** RCW 46.20.505 and 2007 c 97 s 1 are each amended to read as follows:

Every person applying for a special endorsement of a driver's license authorizing such person to drive a two or three-wheeled motorcycle or a motor-driven cycle shall pay a fee of five dollars, which is not refundable. In addition, the endorsement fee for the initial motorcycle endorsement shall not exceed ~~((ten))~~ twelve dollars ~~((and))~~, unless the endorsement is issued for a period other than six years, in which case the endorsement fee shall not exceed two dollars for each year the initial motorcycle endorsement is issued. The subsequent renewal endorsement fee shall not exceed ~~((twenty-five))~~ thirty dollars, unless the endorsement is renewed or extended for a period other than ~~((five))~~ six years, in which case the subsequent renewal endorsement fee shall not exceed five dollars for each year that the endorsement is renewed or extended. Fees



collected under this section shall be deposited in the motorcycle safety education account of the highway safety fund.

**Sec. 13.** RCW 46.20.105 and 2000 c 115 s 5 are each amended to read as follows:

(1)(a) The department may provide a method to distinguish the driver's license of a person who is under the age of twenty-one from the driver's license of a person who is twenty-one years of age or older.

(b) If the department provides a method to distinguish under (a) of this subsection, any driver's license issued to a person who is under the age of twenty-one expires on the person's twenty-first birthdate.

(2) An instruction permit must be identified as an "instruction permit" and issued in a distinctive form as determined by the department.

(3) An intermediate license must be identified as an "intermediate license" and issued in a distinctive form as determined by the department.

**NEW SECTION. Sec. 14.** A new section is added to chapter 46.68 RCW to read as follows:

(1) The following amounts in aggregate may only be used for the purposes listed in subsection (2) of this section:

(a) Five dollars per year of validity of each fee collected by the department for an identicard under RCW 46.20.117;

(b) Four dollars per year of validity of each fee collected by the department for a driver's license under RCW 46.20.161;

(c) Four dollars and eighty cents per year of validity of each fee collected by the department for a commercial driver's license under RCW 46.20.049;

(d) Five dollars of each fee collected by the department under RCW 46.20.055;

(e) Fifteen dollars of each fee collected by the department under RCW 46.20.120(2);

(f) Five dollars of each fee collected by the department under RCW 46.20.200; and

(g) One hundred seventy-five dollars of each fee collected by the department under RCW 46.20.308.

(2) The fees in subsection (1) of this section may only be used for the following purposes at the following percentages:

(a) Fourteen and one-half percent for highway maintenance;

(b) Fourteen and one-half percent for highway preservation;

(c) Fourteen and one-half percent for street construction and maintenance grants to cities and urban counties;

(d) Fourteen and one-half percent to provide grants for county road improvements;

(e) Twenty-nine percent for state ferry operations;

(f) Three and seven-tenths percent for freight mobility projects; and

(g) Nine and three-tenths percent for grants to improve safety and mobility for children by enabling and encouraging them to walk and bicycle to school.

**NEW SECTION. Sec. 15.** Sections 4 through 12 and 14 of this act take effect October 1, 2012.

**NEW SECTION. Sec. 16.** Section 13 of this act takes effect July 1, 2013."

Correct the title.

and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

Senator Haugen moved that the Senate refuse to concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 6150 and request of the House a conference thereon.

The President declared the question before the Senate to be motion by Senator Haugen that the Senate refuse to concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 6150 and request a conference thereon.

The motion by Senator Haugen carried and the Senate refused to concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 6150 and requested of the House a conference thereon by voice vote.

APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Engrossed Substitute Senate Bill No. 6150 and the House amendment(s) thereto: Senators Eide, Haugen and King.

MOTION

On motion of Senator Eide, the appointments to the conference committee were confirmed.

MESSAGE FROM THE HOUSE

March 3, 2012

MR. PRESIDENT:

The House passed ENGROSSED SUBSTITUTE SENATE BILL NO. 6455 with the following amendment(s): 6455-S.E AMH CLIB H4600.1

Strike everything after the enacting clause and insert the following:

**"Sec. 1.** RCW 46.17.100 and 2010 c 161 s 508 are each amended to read as follows:

Before accepting an application for a certificate of title as required in this title, the department, county auditor or other agent, or subagent appointed by the director shall require the applicant to pay a ~~((five))~~ fifteen dollar application fee in addition to any other fees and taxes required by law. The certificate of title application fee must be distributed under RCW 46.68.020.

**Sec. 2.** RCW 46.17.140 and 2010 c 161 s 512 are each amended to read as follows:

The penalty for a late transfer under RCW 46.12.650(7) is ~~((twenty-five))~~ fifty dollars assessed on the sixteenth day after the date of delivery and two dollars for each additional day thereafter, but the total penalty must not exceed one hundred twenty-five dollars. The penalty must be distributed under RCW 46.68.020.

**Sec. 3.** RCW 46.17.200 and 2011 c 171 s 56 are each amended to read as follows:

(1) In addition to all other fees and taxes required by law, the department, county auditor or other agent, or subagent appointed by the director shall charge:

(a) The following license plate fees for each license plate, unless the owner or type of vehicle is exempt from payment:

FEE TYPE	FEE	DISTRIBUTION
<u>Original issue</u>	<u>\$ 10.00</u>	<u>RCW 46.68.070</u>
Reflectivity	\$ 2.00	RCW 46.68.070
Replacement	\$ 10.00	RCW 46.68.070
<u>Original issue, motorcycle</u>	<u>\$ 4.00</u>	<u>RCW 46.68.070</u>
Replacement, motorcycle	<del>(( \$ 2.00 ))</del> <u>\$ 4.00</u>	RCW 46.68.070

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Original issue, moped

\$1.50

RCW 46.68.070

(b) A license plate retention fee, as required under RCW 46.16A.200(10)(~~(a)(iii)~~) (c), of twenty dollars if the owner wishes to retain the current license plate number upon license plate replacement, unless the owner or type of vehicle is exempt from payment. The twenty dollar fee must be deposited in the multimodal transportation account created in RCW 47.66.070.

(c) A ten dollar license plate transfer fee, as required under RCW 46.16A.200(8)(a), when transferring standard issue license plates from one vehicle to another, unless the owner or type of vehicle is exempt from payment. The ten dollar license plate transfer fee must be deposited in the motor vehicle fund created in RCW 46.68.070.

(d) Former prisoner of war license plates, as described in RCW 46.18.235, may be transferred to a replacement vehicle upon payment of a five dollar license plate fee, in addition to any other fee required by law.

(2) The department may, upon request, provide license plates that have been used and returned to the department to individuals for nonvehicular use. The department may charge a fee of up to five dollars per license plate to cover costs or recovery for postage and handling. The department may waive the fee for license plates used in educational projects and may, by rule, provide standards for the fee waiver and restrictions on the number of license plates provided to any one person. The fee must be deposited in the motor vehicle fund created in RCW 46.68.070.

**Sec. 4.** RCW 46.17.375 and 2010 c 161 s 534 are each amended to read as follows:

(1) Before accepting an application for registration for a recreational vehicle, the department, county auditor or other agent, or subagent appointed by the director (~~shall~~) must require an applicant to pay a (~~three~~) thirteen dollar fee in addition to any other fees and taxes required by law. The state parks support and recreational vehicle sanitary disposal fee must be (~~deposited in the RV account created~~) distributed as provided in RCW 46.68.170.

(2) For the purposes of this section, "recreational vehicle" means a camper, motor home, or travel trailer.

**Sec. 5.** RCW 46.68.170 and 2011 c 367 s 715 are each amended to read as follows:

(~~There is~~) The director shall forward all proceeds from the state parks support and recreational vehicle sanitary disposal fee imposed under RCW 46.17.375 to the state treasurer to be distributed to the following accounts:

(1) Three dollars to the RV account hereby created in the motor vehicle fund the RV account. All moneys hereafter deposited in (~~said~~) the account (~~shall~~) must be used by the department of transportation for the construction, maintenance, and operation of recreational vehicle sanitary disposal systems at safety rest areas in accordance with the department's highway system plan as prescribed in chapter 47.06 RCW. During the 2009-2011 and 2011-2013 fiscal biennia, the legislature may transfer from the RV account to the motor vehicle fund such amounts as reflect the excess fund balance of the RV account to accomplish the purposes identified in this section; and

(2) Ten dollars to the state parks renewal and stewardship account established in RCW 79A.05.215.

**Sec. 6.** RCW 79A.05.215 and 2011 c 320 s 22 are each amended to read as follows:

The state parks renewal and stewardship account is created in the state treasury. Except as otherwise provided in this chapter, all receipts from user fees, concessions, leases, donations collected under RCW 46.16A.090(3), and other state park-based activities (~~shall~~) must be deposited into the account. In addition, ten dollars

of the fee established in RCW 46.17.375 must be deposited into the account as provided in RCW 46.68.170(2) and may be used by the commission only for the operation and maintenance of state parks that provide access and overnight accommodations to recreational vehicles. The proceeds from the recreation access pass account created in RCW 79A.80.090 must be used for the purpose of operating and maintaining state parks. Except as provided otherwise in this section, expenditures from the account may be used for operating state parks, developing and renovating park facilities, undertaking deferred maintenance, enhancing park stewardship, and other state park purposes. Expenditures from the account may be made only after appropriation by the legislature.

**Sec. 7.** RCW 46.20.293 and 2007 c 424 s 1 are each amended to read as follows:

The department is authorized to provide juvenile courts with the department's record of traffic charges compiled under RCW 46.52.101 and 13.50.200, against any minor upon the request of any state juvenile court or duly authorized officer of any juvenile court of this state. Further, the department is authorized to provide any juvenile court with any requested service which the department can reasonably perform which is not inconsistent with its legal authority which substantially aids juvenile courts in handling traffic cases and which promotes highway safety.

The department is authorized to furnish to the parent, parents, or guardian of any person under eighteen years of age who is not emancipated from such parent, parents, or guardian, the department records of traffic charges compiled against the person and shall collect for the copy a fee of (~~ten~~) thirteen dollars, fifty percent of which must be deposited in the highway safety fund and fifty percent of which must be deposited according to RCW 46.68.038.

**Sec. 8.** RCW 46.29.050 and 2010 c 8 s 9028 are each amended to read as follows:

(1) The department shall upon request furnish any person or his or her attorney a certified abstract of his or her driving record, which abstract shall include enumeration of any motor vehicle accidents in which such person has been involved. Such abstract shall (a) indicate the total number of vehicles involved, whether the vehicles were legally parked or moving, and whether the vehicles were occupied at the time of the accident; and (b) contain reference to any convictions of the person for violation of the motor vehicle laws as reported to the department, reference to any findings that the person has committed a traffic infraction which have been reported to the department, and a record of any vehicles registered in the name of the person. The department shall collect for each abstract the sum of (~~ten~~) thirteen dollars, fifty percent of which shall be deposited in the highway safety fund and fifty percent of which must be deposited according to RCW 46.68.038.

(2) The department shall upon request furnish any person who may have been injured in person or property by any motor vehicle, with an abstract of all information of record in the department pertaining to the evidence of the ability of any driver or owner of any motor vehicle to respond in damages. The department shall collect for each abstract the sum of (~~ten~~) thirteen dollars, fifty percent of which shall be deposited in the highway safety fund and fifty percent of which must be deposited according to RCW 46.68.038.

**Sec. 9.** RCW 46.52.130 and 2010 c 253 s 1 are each amended to read as follows:

Upon a proper request, the department may furnish an abstract of a person's driving record as permitted under this section.

(1) **Contents of abstract of driving record.** An abstract of a person's driving record, whenever possible, must include:

(a) An enumeration of motor vehicle accidents in which the person was driving, including:

(i) The total number of vehicles involved;

- (ii) Whether the vehicles were legally parked or moving;
- (iii) Whether the vehicles were occupied at the time of the accident; and
- (iv) Whether the accident resulted in a fatality;
- (b) Any reported convictions, forfeitures of bail, or findings that an infraction was committed based upon a violation of any motor vehicle law;
- (c) The status of the person's driving privilege in this state; and
- (d) Any reports of failure to appear in response to a traffic citation or failure to respond to a notice of infraction served upon the named individual by an arresting officer.

(2) **Release of abstract of driving record.** An abstract of a person's driving record may be furnished to the following persons or entities:

(a) **Named individuals.** (i) An abstract of the full driving record maintained by the department may be furnished to the individual named in the abstract.

(ii) Nothing in this section prevents a court from providing a copy of the driver's abstract to the individual named in the abstract, provided that the named individual has a pending or open infraction or criminal case in that court. A pending case includes criminal cases that have not reached a disposition by plea, stipulation, trial, or amended charge. An open infraction or criminal case includes cases on probation, payment agreement or subject to, or in collections. Courts may charge a reasonable fee for the production and copying of the abstract for the individual.

(b) **Employers or prospective employers.** (i) An abstract of the full driving record maintained by the department may be furnished to an employer or prospective employer or an agent acting on behalf of an employer or prospective employer of the named individual for purposes related to driving by the individual as a condition of employment or otherwise at the direction of the employer.

(ii) Release of an abstract of the driving record of an employee or prospective employee requires a statement signed by: (A) The employee or prospective employee that authorizes the release of the record; and (B) the employer attesting that the information is necessary for employment purposes related to driving by the individual as a condition of employment or otherwise at the direction of the employer. If the employer or prospective employer authorizes an agent to obtain this information on their behalf, this must be noted in the statement.

(iii) Upon request of the person named in the abstract provided under this subsection, and upon that same person furnishing copies of court records ruling that the person was not at fault in a motor vehicle accident, the department must indicate on any abstract provided under this subsection that the person was not at fault in the motor vehicle accident.

(c) **Volunteer organizations.** (i) An abstract of the full driving record maintained by the department may be furnished to a volunteer organization or an agent for a volunteer organization for which the named individual has submitted an application for a position that would require driving by the individual at the direction of the volunteer organization.

(ii) Release of an abstract of the driving record of a prospective volunteer requires a statement signed by: (A) The prospective volunteer that authorizes the release of the record; and (B) the volunteer organization attesting that the information is necessary for purposes related to driving by the individual at the direction of the volunteer organization. If the volunteer organization authorizes an agent to obtain this information on their behalf, this must be noted in the statement.

(d) **Transit authorities.** An abstract of the full driving record maintained by the department may be furnished to an employee or

agent of a transit authority checking prospective volunteer vanpool drivers for insurance and risk management needs.

(e) **Insurance carriers.** (i) An abstract of the driving record maintained by the department covering the period of not more than the last three years may be furnished to an insurance company or its agent:

(A) That has motor vehicle or life insurance in effect covering the named individual;

(B) To which the named individual has applied; or

(C) That has insurance in effect covering the employer or a prospective employer of the named individual.

(ii) The abstract provided to the insurance company must:

(A) Not contain any information related to actions committed by law enforcement officers or firefighters, as both terms are defined in RCW 41.26.030, or by Washington state patrol officers, while driving official vehicles in the performance of their occupational duty. This does not apply to any situation where the vehicle was used in the commission of a misdemeanor or felony;

(B) Include convictions under RCW 46.61.5249 and 46.61.525, except that the abstract must report the convictions only as negligent driving without reference to whether they are for first or second degree negligent driving; and

(C) Exclude any deferred prosecution under RCW 10.05.060, except that if a person is removed from a deferred prosecution under RCW 10.05.090, the abstract must show the deferred prosecution as well as the removal.

(iii) Any policy of insurance may not be canceled, nonrenewed, denied, or have the rate increased on the basis of information regarding an accident included in the abstract of a driving record, unless the policyholder was determined to be at fault.

(iv) Any insurance company or its agent, for underwriting purposes relating to the operation of commercial motor vehicles, may not use any information contained in the abstract relative to any person's operation of motor vehicles while not engaged in such employment. Any insurance company or its agent, for underwriting purposes relating to the operation of noncommercial motor vehicles, may not use any information contained in the abstract relative to any person's operation of commercial motor vehicles.

(v) The director may enter into a contractual agreement with an insurance company or its agent for the limited purpose of reviewing the driving records of existing policyholders for changes to the record during specified periods of time. The department shall establish a fee for this service, which must be deposited in the highway safety fund. The fee for this service must be set at a level that will not result in a net revenue loss to the state. Any information provided under this subsection must be treated in the same manner and is subject to the same restrictions as driving record abstracts.

(f) **Alcohol/drug assessment or treatment agencies.** An abstract of the driving record maintained by the department covering the period of not more than the last five years may be furnished to an alcohol/drug assessment or treatment agency approved by the department of social and health services to which the named individual has applied or been assigned for evaluation or treatment, for purposes of assisting employees in making a determination as to what level of treatment, if any, is appropriate, except that the abstract must:

(i) Also include records of alcohol-related offenses, as defined in RCW 46.01.260(2), covering a period of not more than the last ten years; and

(ii) Indicate whether an alcohol-related offense was originally charged as a violation of either RCW 46.61.502 or 46.61.504.

(g) **City attorneys and county prosecuting attorneys.** An abstract of the full driving record maintained by the department,

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including whether a recorded violation is an alcohol-related offense, as defined in RCW 46.01.260(2), that was originally charged as a violation of either RCW 46.61.502 or 46.61.504, may be furnished to city attorneys or county prosecuting attorneys. City attorneys and county prosecuting attorneys may provide the driving record to alcohol/drug assessment or treatment agencies approved by the department of social and health services to which the named individual has applied or been assigned for evaluation or treatment.

(h) **State colleges, universities, or agencies, or units of local government.** An abstract of the full driving record maintained by the department may be furnished to (i) state colleges, universities, or agencies for employment and risk management purposes or (ii) units of local government authorized to self-insure under RCW 48.62.031 for employment and risk management purposes.

(i) **Superintendent of public instruction.** An abstract of the full driving record maintained by the department may be furnished to the superintendent of public instruction for review of public school bus driver records. The superintendent or superintendent's designee may discuss information on the driving record with an authorized representative of the employing school district for employment and risk management purposes.

(3) **Release to third parties prohibited.** Any person or entity receiving an abstract of a person's driving record under subsection (2)(b) through (i) of this section shall use the abstract exclusively for his, her, or its own purposes or as otherwise expressly permitted under this section, and shall not divulge any information contained in the abstract to a third party.

(4) **Fee.** The director shall collect a ~~((ten))~~ thirteen dollar fee for each abstract of a person's driving record furnished by the department. Fifty percent of the fee must be deposited in the highway safety fund, and fifty percent of the fee must be deposited according to RCW 46.68.038.

(5) **Violation.** (a) Any negligent violation of this section is a gross misdemeanor.

(b) Any intentional violation of this section is a class C felony.

**Sec. 10.** RCW 46.70.061 and 2002 c 352 s 23 are each amended to read as follows:

(1) The annual fees for original licenses issued for twelve consecutive months from the date of issuance under this chapter shall be:

(a) Vehicle dealers, principal place of business for each and every license classification: ~~((Seven))~~ Nine hundred ~~((fifty))~~ seventy-five dollars;

(b) Vehicle dealers, each subagency, and temporary subagency: One hundred dollars;

(c) Vehicle manufacturers: Five hundred dollars.

(2) The annual fee for renewal of any license issued pursuant to this chapter shall be:

(a) Vehicle dealers, principal place of business for each and every license classification: ~~((Two))~~ Three hundred ~~((fifty))~~ twenty-five dollars;

(b) Vehicle dealer, each and every subagency: Twenty-five dollars;

(c) Vehicle manufacturers: Two hundred fifty dollars.

If any licensee fails or neglects to apply for such renewal within thirty days after the expiration of the license, or assigned renewal date under a staggered licensing system, the license shall be declared canceled by the director, in which case the licensee will be required to apply for an original license and pay the fee required for the original license.

(3) The fee for the transfer to another location of any license classification issued pursuant to this chapter shall be twenty-five dollars.

(4) The fee for vehicle dealer license plates and manufacturer license plates shall be the amount required by law for vehicle license plates exclusive of excise tax and gross weight and tonnage fees.

(5) All fees collected under this chapter shall be deposited in the state treasury and credited to the motor vehicle fund.

(6) The fees prescribed in this section are in addition to any excise taxes imposed by chapter 82.44 RCW.

**Sec. 11.** RCW 46.70.180 and 2010 c 161 s 1136 are each amended to read as follows:

Each of the following acts or practices is unlawful:

(1) To cause or permit to be advertised, printed, displayed, published, distributed, broadcasted, televised, or disseminated in any manner whatsoever, any statement or representation with regard to the sale, lease, or financing of a vehicle which is false, deceptive, or misleading, including but not limited to the following:

(a) That no down payment is required in connection with the sale of a vehicle when a down payment is in fact required, or that a vehicle may be purchased for a smaller down payment than is actually required;

(b) That a certain percentage of the sale price of a vehicle may be financed when such financing is not offered in a single document evidencing the entire security transaction;

(c) That a certain percentage is the amount of the service charge to be charged for financing, without stating whether this percentage charge is a monthly amount or an amount to be charged per year;

(d) That a new vehicle will be sold for a certain amount above or below cost without computing cost as the exact amount of the factory invoice on the specific vehicle to be sold;

(e) That a vehicle will be sold upon a monthly payment of a certain amount, without including in the statement the number of payments of that same amount which are required to liquidate the unpaid purchase price.

(2)(a)(i) To incorporate within the terms of any purchase and sale or lease agreement any statement or representation with regard to the sale, lease, or financing of a vehicle which is false, deceptive, or misleading, including but not limited to terms that include as an added cost to the selling price or capitalized cost of a vehicle an amount for licensing or transfer of title of that vehicle which is not actually due to the state, unless such amount has in fact been paid by the dealer prior to such sale.

(ii) However, an amount not to exceed ~~((the applicable amount provided in (iii)(A) and (B) of this subsection (2)(a)))~~ one hundred fifty dollars per vehicle sale or lease may be charged by a dealer to recover administrative costs for collecting motor vehicle excise taxes, licensing and registration fees and other agency fees, verifying and clearing titles, transferring titles, perfecting, releasing, or satisfying liens or other security interests, and other administrative and documentary services rendered by a dealer in connection with the sale or lease of a vehicle and in carrying out the requirements of this chapter or any other provisions of state law.

((iii) A dealer may charge under (a)(ii) of this subsection:

(A) As of July 26, 2009, through June 30, 2014, an amount not to exceed one hundred fifty dollars; and

(B) As of July 1, 2014, an amount not to exceed fifty dollars.)

(b) A dealer may charge the documentary service fee in (a) of this subsection under the following conditions:

(i) The documentary service fee is disclosed in writing to a prospective purchaser or lessee before the execution of a purchase and sale or lease agreement;

(ii) The dealer discloses to the purchaser or lessee in writing that the documentary service fee is a negotiable fee. The disclosure must be written in a typeface that is at least as large as the typeface used in the standard text of the document that contains the disclosure and that is bold faced, capitalized, underlined, or otherwise set out from the surrounding material so as to be conspicuous. The dealer

shall not represent to the purchaser or lessee that the fee or charge is required by the state to be paid by either the dealer or prospective purchaser or lessee;

(iii) The documentary service fee is separately designated from the selling price or capitalized cost of the vehicle and from any other taxes, fees, or charges; and

(iv) Dealers disclose in any advertisement that a documentary service fee in an amount ~~((provided in (iv)(A) and (B) of this subsection (2)(b)))~~ up to one hundred fifty dollars may be added to the sale price or the capitalized cost(=

~~(A) As of July 26, 2009, through June 30, 2014, an amount up to one hundred fifty dollars; and~~

~~(B) As of July 1, 2014, an amount up to fifty dollars).~~

For the purposes of this subsection (2), the term "documentary service fee" means the optional amount charged by a dealer to provide the services specified in (a) of this subsection.

(3) To set up, promote, or aid in the promotion of a plan by which vehicles are to be sold or leased to a person for a consideration and upon further consideration that the purchaser or lessee agrees to secure one or more persons to participate in the plan by respectively making a similar purchase and in turn agreeing to secure one or more persons likewise to join in said plan, each purchaser or lessee being given the right to secure money, credits, goods, or something of value, depending upon the number of persons joining the plan.

(4) To commit, allow, or ratify any act of "bushing" which is defined as follows: Entering into a written contract, written purchase order or agreement, retail installment sales agreement, note and security agreement, or written lease agreement, hereinafter collectively referred to as contract or lease, signed by the prospective buyer or lessee of a vehicle, which:

(a) Is subject to any conditions or the dealer's or his or her authorized representative's future acceptance, and the dealer fails or refuses within four calendar days, exclusive of Saturday, Sunday, or legal holiday, and prior to any further negotiations with said buyer or lessee to inform the buyer or lessee either: (i) That the dealer unconditionally accepts the contract or lease, having satisfied, removed, or waived all conditions to acceptance or performance, including, but not limited to, financing, assignment, or lease approval; or (ii) that the dealer rejects the contract or lease, thereby automatically voiding the contract or lease, as long as such voiding does not negate commercially reasonable contract or lease provisions pertaining to the return of the subject vehicle and any physical damage, excessive mileage after the demand for return of the vehicle, and attorneys' fees authorized by law, and tenders the refund of any initial payment or security made or given by the buyer or lessee, including, but not limited to, any down payment, and tenders return of the trade-in vehicle, key, other trade-in, or certificate of title to a trade-in. Tender may be conditioned on return of the subject vehicle if previously delivered to the buyer or lessee.

The provisions of this subsection (4)(a) do not impair, prejudice, or abrogate the rights of a dealer to assert a claim against the buyer or lessee for misrepresentation or breach of contract and to exercise all remedies available at law or in equity, including those under chapter 62A.9A RCW, if the dealer, bank, or other lender or leasing company discovers that approval of the contract or financing or approval of the lease was based upon material misrepresentations made by the buyer or lessee, including, but not limited to, misrepresentations regarding income, employment, or debt of the buyer or lessee, as long as the dealer, or his or her staff, has not, with knowledge of the material misrepresentation, aided, assisted, encouraged, or participated, directly or indirectly, in the misrepresentation. A dealer shall not be in violation of this subsection (4)(a) if the buyer or lessee made a material

misrepresentation to the dealer, as long as the dealer, or his or her staff, has not, with knowledge of the material misrepresentation, aided, assisted, encouraged, or participated, directly or indirectly, in the misrepresentation.

When a dealer informs a buyer or lessee under this subsection (4)(a) regarding the unconditional acceptance or rejection of the contract, lease, or financing by an electronic mail message, the dealer must also transmit the communication by any additional means;

(b) Permits the dealer to renegotiate a dollar amount specified as trade-in allowance on a vehicle delivered or to be delivered by the buyer or lessee as part of the purchase price or lease, for any reason except:

(i) Failure to disclose that the vehicle's certificate of title has been branded for any reason, including, but not limited to, status as a rebuilt vehicle as provided in RCW 46.12.540 and 46.12.560; or

(ii) Substantial physical damage or latent mechanical defect occurring before the dealer took possession of the vehicle and which could not have been reasonably discoverable at the time of the taking of the order, offer, or contract; or

(iii) Excessive additional miles or a discrepancy in the mileage. "Excessive additional miles" means the addition of five hundred miles or more, as reflected on the vehicle's odometer, between the time the vehicle was first valued by the dealer for purposes of determining its trade-in value and the time of actual delivery of the vehicle to the dealer. "A discrepancy in the mileage" means (A) a discrepancy between the mileage reflected on the vehicle's odometer and the stated mileage on the signed odometer statement; or (B) a discrepancy between the mileage stated on the signed odometer statement and the actual mileage on the vehicle; or

(c) Fails to comply with the obligation of any written warranty or guarantee given by the dealer requiring the furnishing of services or repairs within a reasonable time.

(5) To commit any offense relating to odometers, as such offenses are defined in RCW 46.37.540, 46.37.550, 46.37.560, and 46.37.570. A violation of this subsection is a class C felony punishable under chapter 9A.20 RCW.

(6) For any vehicle dealer or vehicle salesperson to refuse to furnish, upon request of a prospective purchaser or lessee, for vehicles previously registered to a business or governmental entity, the name and address of the business or governmental entity.

(7) To commit any other offense under RCW 46.37.423, 46.37.424, or 46.37.425.

(8) To commit any offense relating to a dealer's temporary license permit, including but not limited to failure to properly complete each such permit, or the issuance of more than one such permit on any one vehicle. However, a dealer may issue a second temporary permit on a vehicle if the following conditions are met:

(a) The lienholder fails to deliver the vehicle title to the dealer within the required time period;

(b) The dealer has satisfied the lien; and

(c) The dealer has proof that payment of the lien was made within two calendar days, exclusive of Saturday, Sunday, or a legal holiday, after the sales contract has been executed by all parties and all conditions and contingencies in the sales contract have been met or otherwise satisfied.

(9) For a dealer, salesperson, or mobile home manufacturer, having taken an instrument or cash "on deposit" from a purchaser or lessee prior to the delivery of the bargained-for vehicle, to commingle the "on deposit" funds with assets of the dealer, salesperson, or mobile home manufacturer instead of holding the "on deposit" funds as trustee in a separate trust account until the purchaser or lessee has taken delivery of the bargained-for vehicle. Delivery of a manufactured home shall be deemed to occur in accordance with RCW 46.70.135(5). Failure, immediately upon

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receipt, to endorse "on deposit" instruments to such a trust account, or to set aside "on deposit" cash for deposit in such trust account, and failure to deposit such instruments or cash in such trust account by the close of banking hours on the day following receipt thereof, shall be evidence of intent to commit this unlawful practice: PROVIDED, HOWEVER, That a motor vehicle dealer may keep a separate trust account which equals his or her customary total customer deposits for vehicles for future delivery. For purposes of this section, "on deposit" funds received from a purchaser of a manufactured home means those funds that a seller requires a purchaser to advance before ordering the manufactured home, but does not include any loan proceeds or moneys that might have been paid on an installment contract.

(10) For a dealer or manufacturer to fail to comply with the obligations of any written warranty or guarantee given by the dealer or manufacturer requiring the furnishing of goods and services or repairs within a reasonable period of time, or to fail to furnish to a purchaser or lessee, all parts which attach to the manufactured unit including but not limited to the undercarriage, and all items specified in the terms of a sales or lease agreement signed by the seller and buyer or lessee.

(11) For a vehicle dealer to pay to or receive from any person, firm, partnership, association, or corporation acting, either directly or through a subsidiary, as a buyer's agent for consumers, any compensation, fee, purchase moneys or funds that have been deposited into or withdrawn out of any account controlled or used by any buyer's agent, gratuity, or reward in connection with the purchase, sale, or lease of a new motor vehicle.

(12) For a buyer's agent, acting directly or through a subsidiary, to pay to or to receive from any motor vehicle dealer any compensation, fee, gratuity, or reward in connection with the purchase, sale, or lease of a new motor vehicle. In addition, it is unlawful for any buyer's agent to engage in any of the following acts on behalf of or in the name of the consumer:

(a) Receiving or paying any purchase moneys or funds into or out of any account controlled or used by any buyer's agent;

(b) Signing any vehicle purchase orders, sales contracts, leases, odometer statements, or title documents, or having the name of the buyer's agent appear on the vehicle purchase order, sales contract, lease, or title; or

(c) Signing any other documentation relating to the purchase, sale, lease, or transfer of any new motor vehicle.

It is unlawful for a buyer's agent to use a power of attorney obtained from the consumer to accomplish or effect the purchase, sale, lease, or transfer of ownership documents of any new motor vehicle by any means which would otherwise be prohibited under (a) through (c) of this subsection. However, the buyer's agent may use a power of attorney for physical delivery of motor vehicle license plates to the consumer.

Further, it is unlawful for a buyer's agent to engage in any false, deceptive, or misleading advertising, disseminated in any manner whatsoever, including but not limited to making any claim or statement that the buyer's agent offers, obtains, or guarantees the lowest price on any motor vehicle or words to similar effect.

(13) For a buyer's agent to arrange for or to negotiate the purchase, or both, of a new motor vehicle through an out-of-state dealer without disclosing in writing to the customer that the new vehicle would not be subject to chapter 19.118 RCW. This subsection also applies to leased vehicles. In addition, it is unlawful for any buyer's agent to fail to have a written agreement with the customer that: (a) Sets forth the terms of the parties' agreement; (b) discloses to the customer the total amount of any fees or other compensation being paid by the customer to the buyer's agent for the agent's services; and (c) further discloses whether the fee or any portion of the fee is refundable.

(14) Being a manufacturer, other than a motorcycle manufacturer governed by chapter 46.93 RCW, to:

(a) Coerce or attempt to coerce any vehicle dealer to order or accept delivery of any vehicle or vehicles, parts or accessories, or any other commodities which have not been voluntarily ordered by the vehicle dealer: PROVIDED, That recommendation, endorsement, exposition, persuasion, urging, or argument are not deemed to constitute coercion;

(b) Cancel or fail to renew the franchise or selling agreement of any vehicle dealer doing business in this state without fairly compensating the dealer at a fair going business value for his or her capital investment which shall include but not be limited to tools, equipment, and parts inventory possessed by the dealer on the day he or she is notified of such cancellation or termination and which are still within the dealer's possession on the day the cancellation or termination is effective, if: (i) The capital investment has been entered into with reasonable and prudent business judgment for the purpose of fulfilling the franchise; and (ii) the cancellation or nonrenewal was not done in good faith. Good faith is defined as the duty of each party to any franchise to act in a fair and equitable manner towards each other, so as to guarantee one party freedom from coercion, intimidation, or threats of coercion or intimidation from the other party: PROVIDED, That recommendation, endorsement, exposition, persuasion, urging, or argument are not deemed to constitute a lack of good faith;

(c) Encourage, aid, abet, or teach a vehicle dealer to sell or lease vehicles through any false, deceptive, or misleading sales or financing practices including but not limited to those practices declared unlawful in this section;

(d) Coerce or attempt to coerce a vehicle dealer to engage in any practice forbidden in this section by either threats of actual cancellation or failure to renew the dealer's franchise agreement;

(e) Refuse to deliver any vehicle publicly advertised for immediate delivery to any duly licensed vehicle dealer having a franchise or contractual agreement for the retail sale or lease of new and unused vehicles sold or distributed by such manufacturer within sixty days after such dealer's order has been received in writing unless caused by inability to deliver because of shortage or curtailment of material, labor, transportation, or utility services, or by any labor or production difficulty, or by any cause beyond the reasonable control of the manufacturer;

(f) To provide under the terms of any warranty that a purchaser or lessee of any new or unused vehicle that has been sold or leased, distributed for sale or lease, or transferred into this state for resale or lease by the vehicle manufacturer may only make any warranty claim on any item included as an integral part of the vehicle against the manufacturer of that item.

Nothing in this section may be construed to impair the obligations of a contract or to prevent a manufacturer, distributor, representative, or any other person, whether or not licensed under this chapter, from requiring performance of a written contract entered into with any licensee hereunder, nor does the requirement of such performance constitute a violation of any of the provisions of this section if any such contract or the terms thereof requiring performance, have been freely entered into and executed between the contracting parties. This paragraph and subsection (14)(b) of this section do not apply to new motor vehicle manufacturers governed by chapter 46.96 RCW.

(15) Unlawful transfer of an ownership interest in a motor vehicle as defined in RCW 19.116.050.

(16) To knowingly and intentionally engage in collusion with a registered owner of a vehicle to repossess and return or resell the vehicle to the registered owner in an attempt to avoid a suspended license impound under chapter 46.55 RCW. However, compliance with chapter 62A.9A RCW in repossessing, selling, leasing, or

otherwise disposing of the vehicle, including providing redemption rights to the debtor, is not a violation of this section.

(17)(a) For a dealer to enter into a new motor vehicle sales contract without disclosing in writing to a buyer of the new motor vehicle, or to a dealer in the case of an unregistered motor vehicle, any known damage and repair to the new motor vehicle if the damage exceeds five percent of the manufacturer's suggested retail price as calculated at the dealer's authorized warranty rate for labor and parts, or one thousand dollars, whichever amount is greater. A manufacturer or new motor vehicle dealer is not required to disclose to a dealer or buyer that glass, tires, bumpers, or cosmetic parts of a new motor vehicle were damaged at any time if the damaged item has been replaced with original or comparable equipment. A replaced part is not part of the cumulative damage required to be disclosed under this subsection.

(b) A manufacturer is required to provide the same disclosure to a dealer of any known damage or repair as required in (a) of this subsection.

(c) If disclosure of any known damage or repair is not required under this section, a buyer may not revoke or rescind a sales contract due to the fact that the new motor vehicle was damaged and repaired before completion of the sale.

(d) As used in this section:

(i) "Cosmetic parts" means parts that are attached by and can be replaced in total through the use of screws, bolts, or other fasteners without the use of welding or thermal cutting, and includes windshields, bumpers, hoods, or trim panels.

(ii) "Manufacturer's suggested retail price" means the retail price of the new motor vehicle suggested by the manufacturer, and includes the retail delivered price suggested by the manufacturer for each accessory or item of optional equipment physically attached to the new motor vehicle at the time of delivery to the new motor vehicle dealer that is not included within the retail price suggested by the manufacturer for the new motor vehicle.

**NEW SECTION. Sec. 12.** A new section is added to chapter 46.68 RCW to read as follows:

(1) The public transportation grant program account is created in the state treasury. Moneys in the account may be spent only after appropriation. Expenditures from the account may be used only for the grants provided under section 13 of this act.

(2) By the last day of December 2012, March 2013, and June 2013, the state treasurer shall transfer from the multimodal transportation account to the public transportation grant program account one million two hundred fifty thousand dollars.

(3) Beginning September 2013, and by the last day of September, December, March, and June of each year, the state treasurer shall transfer from the multimodal transportation account to the public transportation grant program account one million eight hundred seventy-five thousand dollars.

**NEW SECTION. Sec. 13.** A new section is added to chapter 47.66 RCW to read as follows:

(1) The department shall establish a public transportation grant program. The purpose of the grant program is to aid transit authorities, and the grant amounts provided pursuant to this subsection must be used for operations. One hundred percent of the money appropriated for the public transportation grant program must be distributed statewide to transit authorities according to the distribution formula in (a) of this subsection.

(a) Of the grant amounts provided to transit authorities pursuant to this subsection:

(i) One-third must be distributed based on the number of vehicle miles of service provided;

(ii) One-third must be distributed based on the number of vehicle hours of service provided; and

(iii) One-third must be distributed based on the number of passenger trips.

(b) For the purposes of this subsection:

(i) "Transit authorities" has the same meaning as in RCW 9.91.025(2).

(ii) "Vehicle miles of service," "vehicle hours of service," and "passenger trips" are transit service metrics as reported by the public transportation program of the department of transportation in the annual report required in RCW 35.58.2796 for the calendar year that is two years prior to the current fiscal year.

(2) The department must report annually to the transportation committees of the legislature on the use of the grant amounts provided pursuant to this section.

**NEW SECTION. Sec. 14.** A new section is added to chapter 46.68 RCW to read as follows:

(1) Ten dollars of the fee established in RCW 46.17.100 for the purposes of motor change, the transfer of certificates of title, security interest changes, and duplicate certificates of title, and that is deposited to the transportation 2003 account (nickel account) under RCW 46.68.280, must be used for the purposes of paying the debt service on bonds issued for the construction of a second one hundred forty-four car class ferry boat vessel. After the bonds have been retired, the proceeds may be used for other account purposes.

(2) The following must be used for the purposes of initial highway and road project development, including design, preliminary engineering, and rights-of-way acquisition:

(a) Ten dollars of the fee established in RCW 46.17.200(1)(a) for the original issue of motor vehicle license plates;

(b) Four dollars of the fee established in RCW 46.17.200(1)(a) for the original issue of motorcycle license plates;

(c) Two dollars of the fee established in RCW 46.17.200(1)(a) for the issue of replacement motorcycle license plates;

(d) Two hundred twenty-five dollars of the fee established in RCW 46.70.061(1)(a) for the original license of a vehicle dealer's principal place of business; and

(e) Seventy-five dollars of the fee established in RCW 46.70.061(2)(a) for the renewal license of a vehicle dealer's principal place of business.

(3) The following must be used for the purposes of enforcing the driver and vehicle laws and rules of the state:

(a) Three dollars of the fee established in RCW 46.20.293;

(b) Three dollars of the fee established in RCW 46.29.050; and

(c) Three dollars of the fee established in RCW 46.52.130.

**NEW SECTION. Sec. 15.** A new section is added to chapter 46.17 RCW to read as follows:

(1) Before accepting an application for an annual vehicle registration renewal for an electric vehicle that uses propulsion units powered solely by electricity, the department, county auditor or other agent, or subagent appointed by the director must require the applicant to pay a one hundred dollar fee in addition to any other fees and taxes required by law. The one hundred dollar fee is due only at the time of annual registration renewal.

(2) This section only applies to:

(a) A vehicle that is designed to have the capability to drive at a speed of more than thirty-five miles per hour; and

(b) An annual vehicle registration renewal that is due on or after February 1, 2013.

(3)(a) The fee under this section is imposed to provide funds to mitigate the impact of vehicles on state roads and highways and for the purpose of evaluating the feasibility of transitioning from a revenue collection system based on fuel taxes to a road user assessment system, and is separate and distinct from other vehicle license fees. Proceeds from the fee must be used for highway purposes, and must be deposited in the motor vehicle fund created in RCW 46.68.070, subject to (b) of this subsection.

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(b) If in any year the amount of proceeds from the fee collected under this section exceeds one million dollars, the excess amount over one million dollars must be deposited as follows:

(i) Seventy percent to the motor vehicle fund created in RCW 46.68.070;

(ii) Fifteen percent to the transportation improvement account created in RCW 47.26.084; and

(iii) Fifteen percent to the rural arterial trust account created in RCW 36.79.020.

**NEW SECTION. Sec. 16.** Section 15 of this act expires on the effective date of legislation enacted by the legislature that imposes a vehicle miles traveled fee or tax.

**NEW SECTION. Sec. 17.** The department of licensing must provide written notice of the expiration date of section 15 of this act to affected parties, the chief clerk of the house of representatives, the secretary of the senate, the office of the code reviser, and others as deemed appropriate by the department.

**Sec. 18.** RCW 46.10.420 and 2010 c 161 s 231 are each amended to read as follows:

(1) Each dealer of snowmobiles in this state shall obtain a snowmobile dealer license from the department in a manner prescribed by the department. Upon receipt of an application for a snowmobile dealer's license and the fee provided in subsection (2) of this section, the dealer is licensed and a snowmobile dealer license number must be assigned.

(2) The annual license fee for a snowmobile dealer is twenty-five dollars, which covers all of the snowmobiles offered by a dealer for sale and not rented on a regular, commercial basis. Snowmobiles rented on a regular commercial basis by a snowmobile dealer must be registered separately under RCW 46.10.310, 46.10.400, 46.10.430, and 46.10.440.

(3) Upon the issuance of a snowmobile dealer license, a snowmobile dealer may purchase, at a cost to be determined by the department, snowmobile dealer license plates of a size and color to be determined by the department. The snowmobile dealer license plates must contain the snowmobile license number assigned to the dealer. Each snowmobile operated by a dealer, dealer representative, or prospective customer for the purposes of demonstration or testing shall display snowmobile dealer license plates in a clearly visible manner.

(4) Only a dealer, dealer representative, or prospective customer may display a snowmobile dealer plate, and only a dealer, dealer representative, or prospective customer may use a snowmobile dealer's license plate for the purposes described in subsection (3) of this section.

(5) Snowmobile dealer licenses are nontransferable.

(6) It is unlawful for any snowmobile dealer to sell a snowmobile at wholesale or retail, or to test or demonstrate any snowmobile, within the state, unless the dealer has a snowmobile dealer license as required under this section.

(7) When a snowmobile is sold by a snowmobile dealer, the dealer:

(a) Shall apply for licensing in the purchaser's name (~~within fifteen days following the sale~~) as provided by rules adopted by the department; and

(b) May issue a temporary license as provided by rules adopted by the department.

**Sec. 19.** RCW 46.12.675 and 2010 c 161 s 316 are each amended to read as follows:

(1) A security interest in a vehicle other than one held as inventory by a manufacturer or a dealer and for which a certificate of title is required is perfected only by:

(a) Complying with the requirements of RCW 46.12.660 or this section;

(b) Receipt by the department, county auditor or other agent, or subagent appointed by the director of:

(i) The existing certificate of title, if any;

(ii) An application for a certificate of title containing the name and address of the secured party; and

(iii) Payment of the required fees.

(2) A security interest is perfected when it is created if the secured party's name and address appear on the most recently issued certificate of title or, if not, it is created when the department, county auditor or other agent, or subagent appointed by the director receives the certificate of title or an application for a certificate of title and the fees required in subsection (1) of this section.

(3) If a vehicle is subject to a security interest when brought into this state, perfection of the security interest is determined by the law of the jurisdiction where the vehicle was when the security interest was attached, subject to the following:

(a) The security interest continues perfected in this state if the name of the secured party is shown on the existing certificate of title issued by that jurisdiction. The name of the secured party must be shown on the certificate of title issued for the vehicle by this state. The security interest continues perfected in this state when the department issues the certificate of title.

(b) If the security interest was not perfected under the law of the jurisdiction where the vehicle was when the security interest was attached, it may be perfected in this state. Perfection begins when the department receives the information and fees required in subsection (1) of this section.

(4)(a) After a certificate of title has been issued, the registered owner or secured party must apply to the department, county auditor or other agent, or subagent appointed by the director for a new certificate of title when a security interest is granted on a vehicle. Within ten days after creating a security agreement, the registered owner or secured party must submit:

(i) An application for a certificate of title;

(ii) The certificate of title last issued for the vehicle, or other documentation required by the department; and

(iii) The fee required in RCW 46.17.100.

(b) If satisfied that a certificate of title should be reissued, the department shall change the vehicle record and issue a new certificate of title to the secured party.

(5) A secured party shall release the security interest when the conditions within the security agreement have been met and there is no further secured obligation. The secured party must either:

(a) Assign the certificate of title to the registered owner or the registered owner's designee and send the certificate of title to the department, county auditor or other agent, or subagent appointed by the director with the fee required in RCW 46.17.100; or

(b) Assign the certificate of title to the person acquiring the vehicle from the registered owner with the registered owner's release of interest.

(6) The department shall issue a new certificate of title to the registered owner when the department receives the release of interest and required fees as provided in subsection (5)(a) of this section.

(7) A secured party is liable for one hundred dollars payable to the registered owner or person acquiring the vehicle from the registered owner when:

(a) The secured party fails to either assign the certificate of title to the registered owner or to the person acquiring the vehicle from the registered owner or apply for a new certificate of title within ten days after proper demand; and

(b) The failure of the secured party to act as described in (a) of this subsection results in a loss to the registered owner or person acquiring the vehicle from the registered owner.



**Sec. 20.** RCW 46.16A.320 and 2010 c 161 s 425 are each amended to read as follows:

(1)(a) A vehicle owner may operate an unregistered vehicle on public highways under the authority of a trip permit issued by this state. For purposes of trip permits, a vehicle is considered unregistered if:

- (i) Under reciprocal relations with another jurisdiction, the owner would be required to register the vehicle in this state;
- (ii) Not registered when registration is required under this chapter;
- (iii) The license tabs have expired; or
- ~~((iii))~~ (iv) The current gross weight license is insufficient for the load being carried. The licensed gross weight may not exceed eighty thousand pounds for a combination of vehicles or forty thousand pounds for a single unit vehicle with three or more axles.

(b) Trip permits are required to move mobile homes or park model trailers and may only be issued if property taxes are paid in full.

(2) Trip permits may not be:

- (a) Issued to vehicles registered under RCW 46.16A.455(5) in lieu of further registration within the same registration year; or
- (b) Used for commercial motor vehicles owned by a motor carrier subject to RCW 46.32.080 if the motor carrier's department of transportation number has been placed out of service by the Washington state patrol. A violation of or a failure to comply with this subsection is a gross misdemeanor, subject to a minimum monetary penalty of two thousand five hundred dollars for the first violation and five thousand dollars for each subsequent violation.

(3)(a) Each trip permit authorizes the operation of a single vehicle at the maximum legal weight limit for the vehicle for a period of three consecutive days beginning with the day of first use. No more than three trip permits may be used for any one vehicle in any thirty consecutive day period. No more than two trip permits the director shall charge the following vessel fees and surcharge:

may be used for any one recreational vehicle, as defined in RCW 43.22.335, in a one- year period. Every trip permit must:

- (i) Identify the vehicle for which it is issued;
  - (ii) Be completed in its entirety;
  - (iii) Be signed by the operator before operation of the vehicle on the public highways of this state;
  - (iv) Not be altered or corrected. Altering or correcting data on the trip permit invalidates the trip permit; and
  - (v) Be displayed on the vehicle for which it is issued as required by the department.
- (b) Vehicles operating under the authority of trip permits are subject to all laws, rules, and regulations affecting the operation of similar vehicles in this state.

(4) Prorate operators operating commercial vehicles on trip permits in Washington shall retain the customer copy of each permit for four years.

(5) Trip permits may be obtained from field offices of the department of transportation, department of licensing, county auditors or other agents, and subagents appointed by the department for the fee provided in RCW 46.17.400(1)(h). Exchanges, credits, or refunds may not be given for trip permits after they have been purchased.

(6) Except as provided in subsection (2)(b) of this section, a violation of or a failure to comply with this section is a gross misdemeanor.

(7) The department may adopt rules necessary to administer this section.

**Sec. 21.** RCW 88.02.640 and 2011 c 326 s 5, 2011 c 171 s 134, and 2011 c 169 s 1 are each reenacted and amended to read as follows:

(1) In addition to any other fees and taxes required by law, the department, county auditor or other agent, or subagent appointed by

FEE	AMOUNT	AUTHORITY	DISTRIBUTION
(a) Dealer temporary permit	\$5.00	RCW 88.02.800(2)	General fund
(b) Derelict vessel and invasive species removal	Subsection (3) of this section	Subsection (3) of this section	Subsection (3) of this section
(c) Derelict vessel removal surcharge	\$1.00	Subsection (4) of this section	Subsection (4) of this section
(d) <u>Duplicate certificate of title</u>	<u>\$1.25</u>	<u>RCW 88.02.530(1)(c)</u>	<u>General fund</u>
(e) Duplicate registration	\$1.25	RCW 88.02.590(1)(c)	General fund
<del>((e))</del> (f) Filing	RCW 46.17.005	RCW <del>((46.17.005))</del> <u>88.02.560(2)</u>	RCW 46.68.400
<del>((f))</del> (g) License plate technology	RCW 46.17.015	RCW <del>((46.17.015))</del> <u>88.02.560(2)</u>	RCW 46.68.370
<del>((g))</del> (h) License service	RCW 46.17.025	RCW <del>((46.17.025))</del> <u>88.02.560(2)</u>	RCW 46.68.220
<del>((h))</del> (i) Nonresident vessel permit	\$25.00	RCW 88.02.620(3)	Subsection (5) of this section
<del>((i))</del> (j) Quick title service	\$50.00	RCW 88.02.540(3)	Subsection (7) of this section
<del>((j))</del> (k) Registration	\$10.50	RCW 88.02.560(2)	RCW 88.02.650
<del>((k))</del> (l) Replacement decal	\$1.25	RCW 88.02.595(1)(c)	General fund
<del>((l))</del> (m) Title application	\$5.00	RCW 88.02.515	General fund
<del>((m))</del> (n) Transfer	\$1.00	RCW 88.02.560(7)	General fund

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~~((#))~~ (o) Vessel visitor permit

\$30.00

RCW 88.02.610(3)

Subsection (6) of this section

(2) The five dollar dealer temporary permit fee required in subsection (1) of this section must be credited to the payment of registration fees at the time application for registration is made.

(3)(a) The derelict vessel and invasive species removal fee required in subsection (1) of this section is five dollars and must be distributed as follows:

(i) One dollar and fifty cents must be deposited in the aquatic invasive species prevention account created in RCW 77.12.879;

(ii) One dollar must be deposited into the aquatic algae control account created in RCW 43.21A.667;

(iii) Fifty cents must be deposited into the aquatic invasive species enforcement account created in RCW 43.43.400; and

(iv) Two dollars must be deposited in the derelict vessel removal account created in RCW 79.100.100.

(b) If the department of natural resources indicates that the balance of the derelict vessel removal account, not including any transfer or appropriation of funds into the account or funds deposited into the account collected under subsection (5) of this section reaches one million dollars as of March 1st of any year, the collection of the two dollars of the derelict vessel and invasive species removal fee that is deposited into the derelict vessel removal account as authorized in (a)(iv) of this subsection must be suspended for the following fiscal year.

(4) Until January 1, 2014, an annual derelict vessel removal surcharge of one dollar must be charged with each vessel registration. The surcharge:

(a) Is to address the significant backlog of derelict vessels accumulated in Washington state waters that pose a threat to the health and safety of the people and to the environment;

(b) Is to be used only for the removal of vessels that are less than seventy-five feet in length; and

(c) Must be deposited into the derelict vessel removal account created in RCW 79.100.100.

(5) The twenty-five dollar nonresident vessel permit fee must be paid by the vessel owner to the department for the cost of providing the identification document by the department. Any moneys remaining from the fee after the payment of costs must be allocated to counties by the state treasurer for approved boating safety programs under RCW 88.02.650.

(6) The thirty dollar vessel visitor permit fee must be distributed as follows:

(a) Five dollars must be deposited in the derelict vessel removal account created in RCW 79.100.100;

(b) The department may keep an amount to cover costs for providing the vessel visitor permit;

(c) Any moneys remaining must be allocated to counties by the state treasurer for approved boating safety programs under RCW 88.02.650; and

(d) Any fees required for licensing agents under RCW 46.17.005 are in addition to any other fee or tax due for the titling and registration of vessels.

(7)(a) The fifty dollar quick title service fee must be distributed as follows:

(i) If the fee is paid to the director, the fee must be deposited to the general fund.

(ii) If the fee is paid to the participating county auditor or other agent or subagent appointed by the director, twenty-five dollars must be deposited to the general fund. The remainder must be retained by the county treasurer in the same manner as other fees collected by the county auditor.

(b) For the purposes of this subsection, "quick title" has the same meaning as in RCW 88.02.540.

NEW SECTION. **Sec. 22.** Section 4 of this act applies to vehicle registrations that are due or become due on or after October 1, 2012.

NEW SECTION. **Sec. 23.** Sections 1 through 17 of this act take effect October 1, 2012.

NEW SECTION. **Sec. 24.** Sections 4 through 6 of this act expire July 1, 2015."

Correct the title.  
and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

Senator Haugen moved that the Senate refuse to concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 6455 and request of the House a conference thereon.

The President declared the question before the Senate to be motion by Senator Haugen that the Senate refuse to concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 6455 and request a conference thereon.

The motion by Senator Haugen carried and the Senate refused to concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 6455 and requested of the House a conference thereon by voice vote.

APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Engrossed Substitute Senate Bill No. 6455 and the House amendment(s) thereto: Senators Eide, Haugen and King.

MOTION

On motion of Senator Eide, the appointments to the conference committee were confirmed.

MESSAGE FROM THE HOUSE

March 3, 2012

MR. PRESIDENT:

The House passed ENGROSSED SUBSTITUTE SENATE BILL NO. 6582 with the following amendment(s): 6582-S.E AMH LIIA H4616.1

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** (1) It is the intent of the legislature to provide diversified local revenue options that may be tailored to the needs of each jurisdiction. It is also the intent that local governments provide countywide transportation planning and coordinate with other municipalities, transit systems, transportation benefit districts, planning organizations, and other transportation agencies. It is critical that all transportation infrastructure is well planned, coordinated, and maintained at the local levels to provide a seamless transportation infrastructure to enable people and goods to move safely and efficiently throughout the state and to bolster and improve the state's economy.

(2) The legislature finds that the purchasing power of funds to pay for local transportation needs continues to decline while costs have risen. Without additional funding, counties and cities will continue to struggle financially to preserve and maintain county roads, city streets, and bridges; pavement conditions will to continue

to decline; and public transit systems will be forced to cut services at a time when demand for transit services is increasing.

**Sec. 2.** RCW 36.73.065 and 2007 c 329 s 1 are each amended to read as follows:

(1) Except as provided in subsection (4) of this section, taxes, fees, charges, and tolls may not be imposed by a district without approval of a majority of the voters in the district voting on a proposition at a general or special election. The proposition must include a specific description of the transportation improvement or improvements proposed by the district and the proposed taxes, fees, charges, and the range of tolls imposed by the district to raise revenue to fund the improvement or improvements.

(2) Voter approval under this section (~~(shall)~~) must be accorded substantial weight regarding the validity of a transportation improvement as defined in RCW 36.73.015.

(3) A district may not increase any taxes, fees, charges, or range of tolls imposed under this chapter once the taxes, fees, charges, or tolls take effect, unless authorized by the district voters pursuant to RCW 36.73.160 or up to forty dollars of the vehicle fee authorized in RCW 82.80.140 by the governing board of a city transportation benefit district with a population of five hundred thousand or less.

(4)(a) A district that includes all the territory within the boundaries of the jurisdiction, or jurisdictions, establishing the district, but not including territory in which a fee is currently being collected under RCW 82.80.140, may impose by a majority vote of the governing board of the district the following fees and charges:

(i) Up to twenty dollars of the vehicle fee authorized in RCW 82.80.140; (~~(or)~~)

(ii) For a city transportation benefit district with a population of five hundred thousand or less, up to forty dollars of the vehicle fee authorized in RCW 82.80.140; or

(iii) A fee or charge in accordance with RCW 36.73.120.

(b) The vehicle fee authorized in (a) of this subsection may only be imposed for a passenger-only ferry transportation improvement if the vehicle fee is first approved by a majority of the voters within the jurisdiction of the district.

(c)(i) A district solely comprised of a city or cities (~~(shall)~~) may not impose the fees or charges identified in (a) of this subsection within one hundred eighty days after July 22, 2007, unless the county in which the city or cities reside, by resolution, declares that it will not impose the fees or charges identified in (a) of this subsection within the one hundred eighty-day period; or

(ii) A district solely comprised of a city or cities identified in RCW 36.73.020(6)(b) (~~(shall)~~) may not impose the fees or charges until after May 22, 2008, unless the county in which the city or cities reside, by resolution, declares that it will not impose the fees or charges identified in (a) of this subsection through May 22, 2008.

(5) If the interlocal agreement in RCW 82.80.140(2)(a) cannot be reached, a district that includes only the unincorporated territory of a county may impose by a majority vote of the governing body of the district up to (~~(twenty))~~ forty dollars of the vehicle fee authorized in RCW 82.80.140.

(6) Until June 30, 2015, the additional revenue generated by the vehicle fee authorized in RCW 82.80.140 by the governing board of the district must not be used to supplant existing local transportation funding in the local road operation and maintenance accounts.

**Sec. 3.** RCW 82.80.140 and 2010 c 161 s 917 are each amended to read as follows:

(1) Subject to the provisions of RCW 36.73.065, a transportation benefit district under chapter 36.73 RCW may fix and impose an annual vehicle fee, not to exceed one hundred dollars per vehicle registered in the district, for each vehicle subject to vehicle license fees under RCW 46.17.350(1) (a), (c), (d), (e), (g), (h), (j), or (n) through (q) and for each vehicle subject to gross weight license

fees under RCW 46.17.355 with a scale weight of six thousand pounds or less.

(2)(a) A district that includes all the territory within the boundaries of the jurisdiction, or jurisdictions, or a city with a population of over five hundred thousand establishing the district, but not including territory in which a fee is currently being collected under this section, may impose by a majority vote of the governing board of the district up to twenty dollars of the vehicle fee authorized in subsection (1) of this section. A city transportation benefit district with a population of five hundred thousand or less may impose by a majority vote of the governing board of the city transportation benefit district up to forty dollars of the vehicle fee authorized in subsection (1) of this section.

(i) If the district is countywide, the revenues of the fee (~~(shall)~~) must be distributed to each city within the (~~(county))~~ district by interlocal agreement that must be effective prior to imposition of the fee. The interlocal agreement is effective when approved by the (~~(county))~~ district and sixty percent of the cities representing seventy-five percent of the population of the cities within the (~~(county))~~ district in which the countywide fee is collected.

(ii) If the district is less than countywide, the revenues of the fee must be distributed to each city within the district by interlocal agreement that must be effective prior to imposition of the fee.

(b) A district may not impose a fee under this subsection (2):

(i) For a passenger-only ferry transportation improvement unless the vehicle fee is first approved by a majority of the voters within the jurisdiction of the district; or

(ii) That, if combined with the fees previously imposed by another district within its boundaries under RCW 36.73.065(4)(a)(i), exceeds twenty dollars.

(c) If a district imposes or increases a fee under this subsection (2) that, if combined with the fees previously imposed by another district within its boundaries, exceeds twenty dollars, the district shall provide a credit for the previously imposed fees so that the combined vehicle fee does not exceed twenty dollars.

(3) The department of licensing shall administer and collect the fee. The department shall deduct a percentage amount, as provided by contract, not to exceed one percent of the fees collected, for administration and collection expenses incurred by it. The department shall remit remaining proceeds to the custody of the state treasurer. The state treasurer shall distribute the proceeds to the district on a monthly basis.

(4) No fee under this section may be collected until six months after approval under RCW 36.73.065.

(5) The vehicle fee under this section applies only when renewing a vehicle registration, and is effective upon the registration renewal date as provided by the department of licensing.

(6) The following vehicles are exempt from the fee under this section:

(a) Campers, as defined in RCW 46.04.085;

(b) Farm tractors or farm vehicles, as defined in RCW 46.04.180 and 46.04.181;

(c) Mopeds, as defined in RCW 46.04.304;

(d) Off-road and nonhighway vehicles, as defined in RCW 46.04.365;

(e) Private use single-axle trailer, as defined in RCW 46.04.422;

(f) Snowmobiles, as defined in RCW 46.04.546; and

(g) Vehicles registered under chapter 46.87 RCW and the international registration plan.

(7)(a) A county transportation benefit district with a population of one million five hundred thousand or more may use funds derived from the vehicle license fee authorized in this section as a public authority to purchase air space rights and associated rights above transit facilities that include parking facilities and ferry terminals and provide, at no or reduced costs, for nonprofit organizations or

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public housing authorities to provide, for purchase or lease, affordable workforce housing. For purposes of this subsection, "affordable workforce housing" means housing for a single person, family, or unrelated persons living together whose income is between thirty percent and eighty percent of the median income, adjusted for household size, for the county in which the housing is located. Any commercial use located in these facilities must pay a commercial market rate when purchasing or leasing in one of these facilities.

(b) In furtherance of the public health and welfare and public transportation purposes, a county transportation benefit district with a population of one million five hundred thousand or more, the central Puget Sound regional transit authority, and the Washington state ferries may sell, transfer, exchange, lease, or otherwise dispose of the air rights or other property interests in any parcel of real property owned by such entities, and used and improved by those entities for public transportation facilities, for the development of and use of the air rights and associated property interests for affordable housing so long as any such sale, transfer, exchange, lease, or other disposition of the air rights or other property interests for affordable housing is compatible with the public transportation use of the underlying property or facility.

(c) Any sale, transfer, exchange, lease, or other disposition of air rights and associated property interests made under the authority of this section is exempt from any statutory or other requirement to obtain fair market value, and a sale, transfer, exchange, lease, or other disposition of air rights and associated property interests at less than fair market value made under this section is not invalid, provided that such sale, transfer, exchange, lease, or other disposition of air rights and associated property interests is discounted below fair market value not more than any proportional reduction in value resulting from the requirement for affordable housing.

(d) Any sale, transfer, exchange, lease, or other disposition of air rights and associated property interests to a private entity made under the authority of this section must include a restrictive covenant requiring that any subsequent transfer of the air rights and associated property interests be prohibited unless the property continues to be used for affordable housing purposes for the duration of the term of the restrictive covenant.

(e) Any sale, transfer, exchange, lease, or other disposition of air rights and associated property interests for affordable housing purposes is considered a legitimate public transportation purpose.

**Sec. 4.** RCW 36.73.015 and 2010 c 251 s 2 and 2010 c 105 s 1 are each reenacted and amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "City" means a city or town.

(2) "District" means a transportation benefit district created under this chapter.

(3) "Supplemental transportation improvement" or "supplemental improvement" means any project, work, or undertaking to provide public transportation service, in addition to a district's existing or planned voter-approved transportation improvements, proposed by a participating city member of the district under RCW 36.73.180.

(4) "Transportation improvement" means a project contained in the transportation plan of the state, a regional transportation planning organization, city, county, or eligible jurisdiction as identified in RCW 36.73.020(2). A project may include, but is not limited to, investment in new or existing highways of statewide significance, principal arterials of regional significance, high capacity transportation, public transportation, and other transportation projects and programs of local, regional, or statewide significance including transportation demand management.

Projects may also include the operation, preservation, and maintenance of these facilities or programs.

**NEW SECTION. Sec. 5.** A new section is added to chapter 82.80 RCW to read as follows:

(1) A county may impose, by approval of a majority of the registered voters of the county voting on the proposition at a general or special election, a local motor vehicle excise tax of up to one percent annually on the value of every motor vehicle registered to a person residing within the county based on the valuation schedules in RCW 82.44.035. No motor vehicle excise tax may be imposed on vehicles licensed under RCW 46.17.355, except for motor vehicles with an unladen weight of six thousand pounds or less, RCW 46.16A.425, 46.17.335, or 46.17.350(1)(c).

(2) Counties imposing a tax under this section shall contract, before the effective date of the resolution or ordinance imposing a motor vehicle excise tax, with the department of licensing. The department of licensing must administer and collect the tax. The department must deduct a percentage amount, as provided by contract, not to exceed one percent of the taxes collected, for administration and collection expenses incurred by the department. The department must remit the remaining proceeds to the custody of the state treasurer. The state treasurer must distribute the proceeds to the county on a monthly basis.

(3) No tax imposed under this section may be collected until six months after approval.

(4) The tax under this section applies only when renewing a vehicle registration, and is effective upon the registration renewal date as provided by the department of licensing.

(5) Counties imposing a tax under this section must use the funds in a manner consistent with RCW 35.58.2795, 36.70A.070, and 36.70.330, and chapters 36.73 and 47.80 RCW.

(6)(a) The legislative authority of each county shall convene a meeting with representatives of each city and town located within the county for the purpose of establishing a collaborative process that will provide a framework for the adoption of a ballot measure pursuant to chapter 29A.36 RCW.

(b) The legislative authority of each county that includes a public transit system under chapter 36.57A RCW, 36.56, 35.95A, or 36.57 RCW, or RCW 35.58.2721 or 36.57.100, shall convene a meeting with representatives of the respective transit system for the purpose of establishing a collaborative process that will provide a framework for the adoption of a ballot measure pursuant to chapter 29A.36 RCW.

(7) A county has until December 31, 2013, to impose a local motor vehicle tax of up to one percent, as authorized in this section. If a county does not impose the full one percent of the local motor vehicle excise tax authorized under this section within this time period, the transit systems within that county may impose up to one-half of the county's one percent local motor vehicle excise tax. A county may waive the December 31, 2013, deadline and allow transit agencies in that county to proceed with imposing a motor vehicle excise tax.

(8) Any county that has implemented a congestion reduction charge under RCW 82.80.055 must sunset the congestion reduction charge prior to the implementation date of the county motor vehicle excise tax imposed in accordance with this section.

(9) Local governments may use all or a part of the local option motor vehicle excise tax revenues for the amortization of local government general obligation and revenue bonds issued for transportation purposes.

**NEW SECTION. Sec. 6.** A new section is added to chapter 82.80 RCW to read as follows:

(1)(a) A transit system that receives a waiver from a county pursuant to section 5(7) of this act may impose, by approval of a majority of the registered voters within the boundaries of the transit

system voting on the proposition at a general or special election, a local motor vehicle excise tax or greater of up to one-half of one percent annually under section 5 of this act on the value of every motor vehicle registered to a person residing within the transit boundaries based on the valuation schedules in RCW 82.44.035. No motor vehicle excise tax may be imposed on vehicles licensed under RCW 46.17.355, except for motor vehicles with an unladen weight of six thousand pounds or less, RCW 46.16A.425, 46.17.335, or 46.17.350(1)(c).

(b) Beginning January 1, 2014, a transit system may impose, by approval of a majority of the registered voters within the boundaries of the transit system voting on the proposition at a general or special election, a local motor vehicle excise tax or greater of up to one-half of one percent annually under section 5 of this act on the value of every motor vehicle registered to a person residing within the transit boundaries based on the valuation schedules in RCW 82.44.035. No motor vehicle excise tax may be imposed on vehicles licensed under RCW 46.17.355, except for motor vehicles with an unladen weight of six thousand pounds or less, RCW 46.16A.425, 46.17.335, or 46.17.350(1)(c).

(2) Transit systems imposing a tax under this section shall contract, before the effective date of the resolution or ordinance imposing a motor vehicle excise tax, with the department of licensing. The department of licensing must administer and collect the tax. The department must deduct a percentage amount, as provided by contract, not to exceed one percent of the taxes collected, for administration and collection expenses incurred by the department. The department must remit the remaining proceeds to the custody of the state treasurer. The state treasurer must distribute the proceeds to the county on a monthly basis.

(3) No tax imposed under this section may be collected until six months after approval.

(4) The tax under this section applies only when renewing a vehicle registration, and is effective upon the registration renewal date as provided by the department of licensing.

(5) Transit systems may use all or a part of the local option motor vehicle excise tax revenues authorized in this section for the amortization of local government general obligation and revenue bonds issued for transportation purposes.

**Sec. 7.** RCW 82.80.010 and 2003 c 350 s 1 are each amended to read as follows:

(1) For purposes of this section:

(a) "Distributor" means every person who imports, refines, manufactures, produces, or compounds motor vehicle fuel and special fuel as defined in RCW 82.36.010 and 82.38.020, respectively, and sells or distributes the fuel into a county;

(b) "Person" has the same meaning as in RCW 82.04.030.

(2) Subject to the conditions of this section~~(:)~~: (a) Any county may levy, by approval of its legislative body and a majority of the registered voters of the county voting on the proposition at a general or special election, additional excise taxes equal to ~~((ten percent of the statewide motor vehicle fuel tax rate under RCW 82.36.025)) one cent, two cents, or three cents~~ on each gallon of motor vehicle fuel as defined in RCW 82.36.010 and on each gallon of special fuel as defined in RCW 82.38.020 sold within the boundaries of the county; and (b) any city with a population of over five hundred thousand may levy, by approval of its legislative body and a majority of the registered voters of the city voting on the proposition at a general or special election, additional excise taxes equal to one cent on each gallon of motor vehicle fuel as defined in RCW 82.36.010 and on each gallon of special fuel as defined in RCW 82.38.020 sold within the boundaries of the city. Vehicles paying an annual license fee under RCW 82.38.075 are exempt from the county fuel excise tax. An election held under this section must be held not more than twelve months before the date on which the

proposed tax is to be levied. The ballot setting forth the proposition ~~((shall))~~ must state the tax rate that is proposed. The county's authority to levy additional excise taxes under this section includes the incorporated and unincorporated areas of the county to the extent that the tax has not been imposed by the city. The additional excise taxes are subject to the same exceptions and rights of refund as applicable to other motor vehicle fuel and special fuel excise taxes levied under chapters 82.36 and 82.38 RCW. The proposed tax ~~((shall))~~ may not be levied less than one month from the date the election results are certified by the county election officer. The commencement date for the levy of any tax under this section ~~((shall be))~~ is the first day of January, April, July, or October.

(3) The local option motor vehicle fuel tax on each gallon of motor vehicle fuel and on each gallon of special fuel is imposed upon the distributor of the fuel.

(4) A taxable event for the purposes of this section occurs upon the first distribution of the fuel within the boundaries of a county or city to a retail outlet, bulk fuel user, or ultimate user of the fuel.

(5) All administrative provisions in chapters 82.01, 82.03, and 82.32 RCW, insofar as they are applicable, apply to local option fuel taxes imposed under this section.

(6) Before the effective date of the imposition of the fuel taxes under this section, a county ~~((shall))~~ or city must contract with the department of revenue for the administration and collection of the taxes. The contract must provide that a percentage amount, not to exceed one percent of the taxes imposed under this section, will be deposited into the local tax administration account created in the custody of the state treasurer. The department of revenue may spend money from this account, upon appropriation, for the administration of the local taxes imposed under this section.

(7) The state treasurer ~~((shall))~~ must distribute monthly to the levying county and cities contained therein the proceeds of the additional excise taxes collected under this section, after the deductions for payments and expenditures as provided in RCW 46.68.090(1) (a) and (b) and under the conditions and limitations provided in RCW 82.80.080.

(8) The proceeds of the additional excise taxes levied under this section ~~((shall))~~ must be used strictly for transportation purposes in accordance with RCW 82.80.070.

(9) A county or city may not levy the tax under this section if they are levying the additional fuel tax in RCW 82.80.110 or if they are a member of a regional transportation investment district levying the additional fuel tax in RCW 82.80.120."

Correct the title.  
and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

#### MOTION

Senator Haugen moved that the Senate refuse to concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 6582 and request of the House a conference thereon.

The President declared the question before the Senate to be motion by Senator Haugen that the Senate refuse to concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 6582 and request a conference thereon.

The motion by Senator Haugen carried and the Senate refused to concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 6582 and requested of the House a conference thereon by voice vote.

#### APPOINTMENT OF CONFERENCE COMMITTEE

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The President appointed as members of the Conference Committee on Engrossed Substitute Senate Bill No. 6582 and the House amendment(s) thereto: Senators Eide, Haugen and King.

MOTION

On motion of Senator Eide, the appointments to the conference committee were confirmed.

MESSAGE FROM THE HOUSE

February 28, 2012

MR. PRESIDENT:

The House passed ENGROSSED SUBSTITUTE SENATE BILL NO. 6355 with the following amendment(s): 6355-S.E AMH CDH H4416.1

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 43.330.080 and 2011 c 286 s 2 are each amended to read as follows:

~~(In carrying out its obligations under RCW 43.330.070,) (1)(a) The department must ((provide business services training to and)) contract with county-designated associate development organizations to increase the support for and coordination of community and economic development services in communities or regional areas. ((The business services training provided to the organizations contracted with must include, but need not be limited to, training in the fundamentals of export assistance and the services available from private and public export assistance providers in the state. The organizations contracted within each community or regional area must work closely with the department to carry out state identified economic development priorities and must be broadly representative of community and economic interests. The organization must)) The contracting organizations in each community or regional area must:~~

(i) Be broadly representative of community and economic interests;

(ii) Be capable of identifying key economic and community development problems, developing appropriate solutions, and mobilizing broad support for recommended initiatives((— The contracting organization must));

(iii) Work closely with the department to carry out state-identified economic development priorities;

(iv) Work with and include local governments, local chambers of commerce, workforce development councils, port districts, labor groups, institutions of higher education, community action programs, and other appropriate private, public, or nonprofit community and economic development groups; and

(v) Meet and share best practices with other associate development organizations at least two times each year.

(b) The scope of services delivered under ((these)) the contracts required in (a) of this subsection must include two broad areas of work:

((#)) (i) Direct assistance, including business planning, to companies throughout the county who need support to stay in business, expand, or relocate to Washington from out of state or other countries. Assistance must comply with business recruitment and retention protocols established in RCW 43.330.062, and includes:

((#)) (A) Working with the appropriate partners throughout the county((;)) including, but not limited to, local governments, workforce development councils, port districts, community and technical colleges and higher education institutions, export assistance providers, ((the Washington manufacturing services)) impact Washington, the Washington state quality award council,

small business assistance programs, innovation partnership zones, and other federal, state, and local programs to facilitate the alignment of planning efforts and the seamless delivery of business support services within the entire county;

((#)) (B) Providing information on state and local permitting processes, tax issues, export assistance, and other essential information for operating, expanding, or locating a business in Washington;

((#)) (C) Marketing Washington and local areas as excellent locations to expand or relocate a business and positioning Washington as a globally competitive place to grow business, which may include developing and executing regional plans to attract companies from out of state;

((#)) (D) Working with businesses on site location and selection assistance;

((#)) (E) Providing business retention and expansion services throughout the county((, including)). Such services must include, but are not limited to, business outreach and monitoring efforts to identify and address challenges and opportunities faced by businesses, assistance to trade impacted businesses in applying for grants from the federal trade adjustment assistance for firms program, and the provision of information to businesses on:

(I) Resources available for microenterprise development;

(II) Resources available on the revitalization of commercial districts; and

(III) The opportunity to maintain jobs through shared work programs authorized under chapter 50.60 RCW;

((#)) (F) Participating in economic development system-wide discussions regarding gaps in business start-up assistance in Washington; ((and

(#)) (G) Providing or facilitating the provision of export assistance through workshops or one-on-one assistance; and

(H) Using a web-based information system to track data on business recruitment, retention, expansion, and trade; and

((#)) (i) Support for regional economic research and regional planning efforts to implement target industry sector strategies and other economic development strategies, including cluster-based strategies((, that support increased living standards and increase foreign direct investment throughout Washington)). Research and planning efforts should support increased living standards and increased foreign direct investment, and be aligned with the statewide economic development strategy. Regional associate development organizations retain their independence to address local concerns and goals. Activities include:

((#) Participation) (A) Participating in regional planning efforts with workforce development councils involving coordinated strategies around workforce development and economic development policies and programs. Coordinated planning efforts must include, but not be limited to, assistance to industry clusters in the region;

((#) Participation between the contracting organization and) (B) Participating with the state board for community and technical colleges as created in RCW 28B.50.050, and any community and technical colleges in ((providing for)) the coordination of the job skills training program and the customized training program within its region;

((#)) (C) Collecting and reporting data as specified by the contract with the department for statewide systemic analysis. The department must consult with the Washington state economic development commission in the establishment of such uniform data as is needed to conduct a statewide systemic analysis of the state's economic development programs and expenditures. In cooperation with other local, regional, and state planning efforts, contracting organizations may provide insight into the needs of target industry clusters, business expansion plans, early detection of potential

relocations or layoffs, training needs, and other appropriate economic information;

~~((d))~~ (D) In conjunction with other governmental jurisdictions and institutions, participate in the development of a countywide economic development plan, consistent with the state comprehensive plan for economic development developed by the Washington state economic development commission.

(2) The department must provide business services training to the contracting organizations, including but not limited to:

(a) Training in the fundamentals of export assistance and the services available from private and public export assistance providers in the state; and

(b) Training in the provision of business retention and expansion services as required by subsection (1)(b)(i)(E) of this section.

**Sec. 2.** RCW 43.330.082 and 2011 c 286 s 3 are each amended to read as follows:

(1)(a) Contracting associate development organizations must provide the department with measures of their performance and a summary of best practices shared and implemented by the contracting organizations. Annual reports must include ~~((information on the impact of the contracting organization on employment, wages, tax revenue, and capital investment. Specific measures must be developed in the contracting process between the department))~~ the following information to show the contracting organization's impact on employment and overall changes in employment: Current employment and economic information for the community or regional area produced by the employment security department; the net change from the previous year's employment and economic information using data produced by the employment security department; other relevant information on the community or regional area; the amount of funds received by the contracting organization through its contract with the department; the amount of funds received by the contracting organizations through all sources; and the contracting organization's impact on employment through all funding sources. Annual reports may include the impact of the contracting organization on wages, exports, tax revenue, small business creation, foreign direct investment, business relocations, expansions, terminations, and capital investment. Data must be input into a common web-based business information system managed by the department. Specific measures, data standards, and data definitions must be developed in the contracting process between the department, the economic development commission, and the contracting organization every two years. Except as provided in (b) of this subsection, performance measures should be consistent across regions to allow for statewide evaluation.

(b) In addition to the measures required in (a) of this subsection, contracting associate development organizations in counties with a population greater than one million five hundred thousand persons must include the following measures in reports to the department:

(i) The number of small businesses that received retention and expansion services, and the outcome of those services;

(ii) The number of businesses located outside of the boundaries of the largest city within the contracting associate development organization's region that received recruitment, retention, and expansion services, and the outcome of those services.

(2)(a) The department and contracting associate development organizations must agree upon specific target levels for the performance measures in subsection (1) of this section. Comparison of agreed thresholds and actual performance must occur annually.

(b) Contracting organizations that fail to achieve the agreed performance targets in more than one-half of the agreed measures must develop remediation plans to address performance gaps. The

remediation plans must include revised performance thresholds specifically chosen to provide evidence of progress in making the identified service changes.

(c) Contracts and state funding must be terminated for one year for organizations that fail to achieve the agreed upon progress toward improved performance defined under (b) of this subsection. During the year in which termination for nonperformance is in effect, organizations must review alternative delivery strategies to include reorganization of the contracting organization, merging of previous efforts with existing regional partners, and other specific steps toward improved performance. At the end of the period of termination, the department may contract with the associate development organization or its successor as it deems appropriate.

(3) The department must submit a preliminary report to the Washington economic development commission by September 1st of each even-numbered year, and a final report to the legislature and the Washington economic development commission by December 31st of each even-numbered year on the performance results of the contracts with associate development organizations.

(4) Contracting associate development organizations must provide the Washington state economic development commission with information to be used in the comprehensive statewide economic development strategy and progress report due under RCW 43.162.020, by the date determined by the commission.

**Sec. 3.** RCW 43.162.020 and 2011 c 311 s 5 are each amended to read as follows:

(1) The commission must concentrate its major efforts on strategic planning, policy research and analysis, advocacy, evaluation, and promoting coordination and collaboration.

(2) During each regular legislative session, the commission must consult with appropriate legislative committees about the state's economic development needs and opportunities.

(3)(a) By October 1st of each even-numbered year, the commission must submit to the governor and legislature a biennial comprehensive statewide economic development strategy with a report on progress from the previous comprehensive strategy.

(b) The comprehensive statewide economic development strategy must include the industry clusters in the state and the strategic clusters targeted by the commission for economic development efforts. The commission must consult with the workforce training and education coordinating board and include labor market and economic information by the employment security department in developing the list of clusters and strategic clusters that meet the criteria identified by the working group convened by the economic development commission and the workforce training and education coordinating board under chapter 43.330 RCW.

(4)(a) In developing the comprehensive statewide economic development strategy, the commission must use, but may not be limited to: Economic, labor market, and populations trend reports in office of financial management forecasts; the annual state economic climate report prepared by the economic climate council; joint office of financial management and employment security department labor force, industry employment, and occupational forecasts; the results of scientifically based outcome evaluations; the needs of industry associations, industry clusters, businesses, and employees as evidenced in formal surveys and other input.

(b) The comprehensive statewide economic development strategy may include:

(i) An assessment of the state's economic vitality;

(ii) Recommended goals, objectives, and priorities for the next biennium, and the future;

(iii) A common set of outcomes and benchmarks for the economic development system as a whole;

(iv) Recommendations for removing barriers and promoting collaboration among participants in the innovation ecosystem;

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(v) An inventory of existing relevant programs compiled by the commission from materials submitted by agencies;

(vi) Recommendations for expanding, discontinuing, or redirecting existing programs, or adding new programs; and

(vii) Recommendations of best practices and public and private sector roles in implementing the comprehensive statewide economic development strategy.

(c) The report on progress from the previous comprehensive strategy must include information provided by associate development organizations as requested by the commission. The commission may include recommendations for associate development organizations in the report on progress or in the comprehensive statewide economic development strategy.

(5) In developing the biennial statewide economic development strategy, plans, inventories, assessments, and policy research, the commission must consult, collaborate, and coordinate with relevant state agencies, private sector businesses, nonprofit organizations involved in economic development, trade associations, associate development organizations, and relevant local organizations in order to avoid duplication of effort.

(6) State agencies and associate development organizations must cooperate with the commission and provide information as the commission may reasonably request.

(7) The commission must develop a biennial budget request for approval by the office of financial management. The commission must adopt an annual budget and work plan in accordance with the omnibus appropriations bill approved by the legislature.

(8)(a) The commission and its fiscal agent must jointly develop and adopt a memorandum of understanding to outline and establish clear lines of authority and responsibility between them related to budget and administrative services.

(b) The memorandum of understanding may not provide any additional grant of authorities to the commission or the fiscal agent that is not already provided for by statute, nor diminish any authorities or powers granted to either party by statute.

(c) Periodically, but not less often than biannually, the commission and fiscal agent must review the memorandum of understanding and, if necessary, recommend changes to the other party.

(d) As provided generally under RCW 43.162.015, the executive director of the commission must report solely to the governor and the commissioners on matters pertaining to commission operations.

(9) To maintain its objectivity and concentration on strategic planning, policy research and analysis, and evaluation, the commission may not take an administrative role in the delivery of services. However, subject to available resources and consistent with its work plan, the commission or the executive director may conduct outreach activities such as regional forums and best practices seminars.

(10) The commission must evaluate its own performance on a regular basis.

(11) The commission may accept gifts, grants, donations, sponsorships, or contributions from any federal, state, or local governmental agency or program, or any private source, and expend the same for any purpose consistent with this chapter."

Correct the title.  
and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

Senator Rolfes moved that the Senate concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 6355.

Senator Rolfes spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Rolfes that the Senate concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 6355.

The motion by Senator Rolfes carried and the Senate concurred in the House amendment(s) to Engrossed Substitute Senate Bill No. 6355 by voice vote.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 6355, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6355, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 44; Nays, 2; Absent, 0; Excused, 3.

Voting yea: Senators Baumgartner, Becker, Benton, Brown, Carrell, Chase, Conway, Delvin, Eide, Fain, Fraser, Frockt, Hatfield, Haugen, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, Kilmer, King, Kline, Kohl-Welles, Litzow, McAuliffe, Morton, Murray, Nelson, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rolfes, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Voting nay: Senators Ericksen and Padden

Excused: Senators Hargrove, Harper and Kastama

ENGROSSED SUBSTITUTE SENATE BILL NO. 6355, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

March 1, 2012

MR. PRESIDENT:

The House passed SUBSTITUTE SENATE BILL NO. 6403 with the following amendment(s): 6403-S AMH JUDI HARO 089

On page 1, after line 9, insert:

"**Sec. 2.** RCW 74.34.140 and 1986 c 187 s 8 are each amended to read as follows:

When an order for protection under RCW 74.34.130 is issued upon request of the petitioner, the court may order a peace officer to assist in the execution of the order of protection. A public agency may not charge a fee for service of process to petitioners seeking relief under this chapter. Petitioners must be provided the necessary number of certified copies at no cost."

Correct the title.

and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

Senator Keiser moved that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 6403.

Senator Keiser spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Keiser that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 6403.

The motion by Senator Keiser carried and the Senate concurred in the House amendment(s) to Substitute Senate Bill No. 6403 by voice vote.



The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6403, as amended by the House.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6403, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 1; Excused, 3.

Voting yea: Senators Baumgartner, Becker, Benton, Brown, Carrell, Chase, Conway, Delvin, Eide, Ericksen, Fain, Fraser, Frockt, Hatfield, Haugen, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, Kilmer, King, Kohl-Welles, Litzow, McAuliffe, Morton, Murray, Nelson, Padden, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rolfes, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Absent: Senator Kline

Excused: Senators Hargrove, Harper and Kastama

SUBSTITUTE SENATE BILL NO. 6403, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MOTION

At 3:26 p.m., on motion of Senator Eide, the Senate was declared to be at ease subject to the call of the President.

#### EVENING SESSION

The Senate was called to order at 5:24 p.m. by President Owen.

#### MOTION

On motion of Senator Eide, the Senate advanced to the sixth order of business.

#### SECOND READING

SENATE BILL NO. 6073, by Senators Kilmer, Regala, Rolfes and Carrell

Concerning sales and use taxes related to the state route number 16 corridor improvements project.

#### MOTIONS

On motion of Senator Kilmer, Substitute Senate Bill No. 6073 was substituted for Senate Bill No. 6073 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Kilmer, the rules were suspended, Substitute Senate Bill No. 6073 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Kilmer spoke in favor of passage of the bill.

#### MOTION

On motion of Senator Ranker, Senator Brown was excused.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6073.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6073 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 3; Absent, 0; Excused, 1.

Voting yea: Senators Baumgartner, Becker, Benton, Brown, Carrell, Chase, Conway, Delvin, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Hatfield, Haugen, Hewitt, Hill, Hobbs, Holmquist Newbry, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles, Litzow, McAuliffe, Morton, Murray, Nelson, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rolfes, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Voting nay: Senators Honeyford, Padden and Schoesler

Excused: Senator Harper

SUBSTITUTE SENATE BILL NO. 6073, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 6277, by Senators Conway, Becker, Kastama, Schoesler, Kilmer, Kohl-Welles and Regala

Creating authority for counties to exempt from property taxation new and rehabilitated multiple-unit dwellings in certain unincorporated urban centers.

#### MOTIONS

On motion of Senator Conway, Substitute Senate Bill No. 6277 was substituted for Senate Bill No. 6277 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Conway, the rules were suspended, Substitute Senate Bill No. 6277 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Conway spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6277.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6277 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 3; Absent, 0; Excused, 1.

Voting yea: Senators Baumgartner, Becker, Benton, Brown, Carrell, Chase, Conway, Delvin, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Hatfield, Haugen, Hewitt, Hill, Hobbs, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles, Litzow, McAuliffe, Morton, Murray, Nelson, Padden, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rolfes, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Voting nay: Senators Holmquist Newbry, Honeyford and Schoesler

Excused: Senator Harper

SUBSTITUTE SENATE BILL NO. 6277, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

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SUBSTITUTE SENATE BILL NO. 5250, by Senate Committee on Transportation (originally sponsored by Senators Haugen, King, White and Swecker)

Concerning the design-build procedure for certain projects.

## MOTION

On motion of Senator Haugen, Second Substitute Senate Bill No. 5250 was substituted for Substitute Senate Bill No. 5250 and the second substitute bill was placed on the second reading and read the second time.

## MOTION

Senator Haugen moved that the following amendment by Senators Haugen and King be adopted:

On page 1, beginning on line 7, after "contracts" strike "from department funds dedicated to highway improvements"

Senator Haugen spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senators Haugen and King on page 1, line 7 to Second Substitute Senate Bill No. 5250.

The motion by Senator Haugen carried and the amendment was adopted by voice vote.

## MOTION

On motion of Senator Haugen, the rules were suspended, Engrossed Second Substitute Senate Bill No. 5250 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Haugen and King spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Second Substitute Senate Bill No. 5250.

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 5250 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 1; Absent, 0; Excused, 1.

Voting yea: Senators Becker, Benton, Brown, Carrell, Chase, Conway, Delvin, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Hatfield, Haugen, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles, Litzow, McAuliffe, Morton, Murray, Nelson, Padden, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rolfes, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Voting nay: Senator Baumgartner

Excused: Senator Harper

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5250, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SENATE BILL NO. 6581, by Senator Murray

Eliminating accounts and funds.

## MOTIONS

On motion of Senator Murray, Substitute Senate Bill No. 6581 was substituted for Senate Bill No. 6581 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Murray, the rules were suspended, Substitute Senate Bill No. 6581 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Murray spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6581.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6581 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 2; Absent, 0; Excused, 1.

Voting yea: Senators Baumgartner, Becker, Benton, Brown, Carrell, Chase, Conway, Delvin, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Hatfield, Haugen, Hewitt, Hill, Hobbs, Honeyford, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles, Litzow, McAuliffe, Morton, Murray, Nelson, Padden, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rolfes, Schoesler, Sheldon, Shin, Swecker, Tom and Zarelli

Voting nay: Senators Holmquist Newbry and Stevens

Excused: Senator Harper

SUBSTITUTE SENATE BILL NO. 6581, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SENATE BILL NO. 6607, by Senators Kilmer, Frockt, Kastama, Hatfield, Harper, Hargrove, Hill, Murray, Becker, Hobbs and Hewitt

Instituting policies to reduce the central service costs of state government.

## MOTION

On motion of Senator Kilmer, Substitute Senate Bill No. 6607 was substituted for Senate Bill No. 6607 and the substitute bill was placed on the second reading and read the second time.

## MOTION

Senator Kilmer moved that the following striking amendment by Senators Kilmer, Murray and Zarelli be adopted:

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** A new section is added to chapter 43.19 RCW to read as follows:

The office of the chief information officer, in consultation with the department of enterprise services, shall develop a state policy on the purchasing and use of cellular telephone communications devices and services, to be applicable to all agencies of state government except institutions of higher education. The department shall develop master contracts for cellular communications that include the best available cost-savings plans and improve statewide contractor reporting to lower costs. To improve purchasing

efficiencies, the state policy and master contracts may authorize state agencies to purchase prepaid cellular communications services.

The state policy and master contracts shall seek to reduce the unnecessary use of cellular communications and minimize the costs associated with such communications. The state policy shall establish appropriate reduction goals and implement performance measurements.

**Sec. 2.** RCW 40.07.040 and 2005 c 274 s 276 are each amended to read as follows:

(1) The ~~((governor or the governor's designee))~~ department of enterprise services shall take such ~~((other))~~ action as may be necessary to maximize the economy, efficiency, and effectiveness of state publications and state mailings and to do so may eliminate, consolidate, or simplify state agency publications and mailings.

(2) The department of enterprise services, in consultation with the office of the chief information officer, shall develop a state policy on the purchasing and use of state agency mailings, to be applicable to all agencies of state government except institutions of higher education. The state policy shall seek to reduce the unnecessary use of state mailings, minimize the costs associated with such communications, and replace state mailings with electronic communications where possible and effective. The state policy shall establish appropriate reduction goals and implement performance measurements. In addition, the department shall periodically review state statutes that mandate agency mailings and recommend reductions where appropriate.

(3) Nothing in this chapter shall be construed in any way as restricting public access to public records or the public right to copy such records as provided by chapter 42.56 RCW.

**Sec. 3.** RCW 43.19.742 and 2011 1st sp.s. c 43 s 312 are each amended to read as follows:

To improve the efficiency and minimize the costs of agency-based printing, the department shall establish rules and guidelines for all agencies to use in managing their printing operations, including both agency-based printing and those jobs that require the services of a print shop, as based on the successes of implementation of existing print management programs in state agencies. At a minimum, the rules and guidelines must implement managed print strategies to track, manage, and reduce agency-based printing.

The department shall develop a state policy on the use of agency-based printing, to be applicable to all agencies of state government except institutions of higher education. The state policy shall seek to reduce the unnecessary use of agency print shops and agency-based printing and minimize the costs associated with state print operations. The state policy shall establish appropriate reduction goals and implement performance measurements.

**Sec. 4.** RCW 43.19.565 and 2011 1st sp.s. c 43 s 231 are each amended to read as follows:

The department shall establish a motor vehicle transportation service which is hereby empowered to:

(1) Provide suitable motor vehicle transportation services to state agencies on either a temporary or permanent basis and upon such demonstration of need as the department may require;

(2) Provide motor pools for the use of state agencies located in the Olympia area and such additional motor pools at other locations in the state as may be necessary to provide economic, efficient, and effective motor vehicle transportation services to state agencies. Such additional motor pools may be under either the direct control of the department or under the supervision of another state agency by agreement with the department;

(3) Establish an equitable schedule of rental and mileage charges to agencies for motor vehicle transportation services furnished which shall be designed to provide funds to recover the actual total costs of

motor pool operations including but not limited to vehicle operation expense, depreciation expense, overhead, and nonrecoverable collision or other damage to vehicles; and

(4) Establish guidelines, procedures, and standards for fleet operations that other state agencies and institutions of higher education may adopt. The guidelines, procedures, and standards shall be consistent with and carry out the objectives of any general policies adopted by the office of financial management under RCW 43.41.130.

The department shall develop a state policy on the acquisition of motor vehicles, to be applicable to all agencies and institutions of state government. The state policy shall seek to reduce the long-term costs of motor vehicle ownership and operation by performing a life-cycle cost analysis that considers, among other factors, the initial purchase cost and the costs of maintenance and operation including, where appropriate and cost-effective, fuel efficiency. The state policy shall establish appropriate cost reduction goals and implement performance measurements.

Unless otherwise determined by the director after consultation with the office of financial management, vehicles owned and managed by the department of transportation, the department of natural resources, and the Washington state patrol are exempt from the requirements of subsections (1), (2), and (4) of this section.

**NEW SECTION. Sec. 5.** The office of financial management and the department of enterprise services shall jointly establish a work group on central services rate methodology to examine the methods by which the costs of state agency central services are allocated among the agencies and institutions of state government. The objective of the work group is to recommend a central services rate methodology that achieves more efficient, cost-effective, and transparent use of state resources for central services, including state agency legal services, agency audits, archives and records management, and services provided to state agencies by the department of enterprise services and the consolidated technology services agency.

The joint work group shall include representatives of the office of financial management, the department of enterprise services, the attorney general's office, the office of the secretary of state, the state auditor's office, the consolidated technology services agency, and staff of the ways and means committees of the senate and house of representatives. Administrative support of the work group shall be provided by the department of enterprise services.

The joint work group shall report its findings to the governor and the legislative fiscal committees by September 1, 2012."

Senator Kilmer spoke in favor of adoption of the striking amendment.

The President declared the question before the Senate to be the adoption of the striking amendment by Senators Kilmer, Murray and Zarelli to Substitute Senate Bill No. 6607.

The motion by Senator Kilmer carried and the striking amendment was adopted by voice vote.

#### MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 1 of the title, after "government;" strike the remainder of the title and insert "amending RCW 40.07.040, 43.19.742, and 43.19.565; adding a new section to chapter 43.19 RCW; and creating a new section."

#### MOTION

FIFTY SEVENTH DAY, MARCH 5, 2012

2012 REGULAR SESSION

On motion of Senator Kilmer, the rules were suspended, Engrossed Substitute Senate Bill No. 6607 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Kilmer spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 6607.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6607 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Baumgartner, Becker, Benton, Brown, Carrell, Chase, Conway, Delvin, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Hatfield, Haugen, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles, Litzow, McAuliffe, Morton, Murray, Nelson, Padden, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rolfes, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Excused: Senator Harper

ENGROSSED SUBSTITUTE SENATE BILL NO. 6607, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE JOINT RESOLUTION NO. 8221, by Senators Parlette, Kilmer, Benton, Murray, Brown, King, Hewitt, Becker and Morton

Amending the Constitution to include the recommendations of the commission on state debt.

The measure was read the second time.

MOTION

Senator Parlette moved that the following amendment by Senator Parlette and others be adopted:

Beginning on page 1, line 8, strike all material through "state." on page 5, line 13 and insert the following:

"Article VIII, section 1. (a) The state may contract debt, the principal of which shall be paid and discharged within thirty years from the time of contracting thereof, in the manner set forth herein.

(b) The aggregate debt contracted by the state, as calculated by the treasurer at the time debt is contracted, shall not exceed that amount for which payments of principal and interest in any fiscal year would require the state to expend more than ~~((nine percent))~~ the applicable percentage limit of the arithmetic mean of its general state revenues for the ~~((three))~~ six immediately preceding fiscal years as certified by the treasurer. The term "applicable percentage limit" means eight and one-half percent from July 1, 2014, through June 30, 2016; eight and one-quarter percent from July 1, 2016, through June 30, 2034; eight percent from July 1, 2034, and thereafter. The term "fiscal year" means that period of time commencing July 1 of any year and ending on June 30 of the following year.

(c) The term "general state revenues," when used in this section, shall include all state money received in the treasury from each and every source ~~((whatsoever except))~~, including moneys received from ad valorem taxes levied by the state and deposited in the

general fund in each fiscal year, but not including: (1) Fees and other revenues derived from the ownership or operation of any undertaking, facility, or project; (2) Moneys received as gifts, grants, donations, aid, or assistance or otherwise from the United States or any department, bureau, or corporation thereof, or any person, firm, or corporation, public or private, when the terms and conditions of such gift, grant, donation, aid, or assistance require the application and disbursement of such moneys otherwise than for the general purposes of the state of Washington; (3) Moneys to be paid into and received from retirement system funds, and performance bonds and deposits; (4) Moneys to be paid into and received from trust funds ~~((including but not limited to moneys received from taxes levied for specific purposes))~~ and the several permanent and irreducible funds of the state and the moneys derived therefrom but excluding bond redemption funds; (5) Moneys received from taxes levied for specific purposes and required to be deposited for those purposes into specified funds or accounts other than the general fund; and (6) Proceeds received from the sale of bonds or other evidences of indebtedness.

(d) In computing the amount required for payment of principal and interest on outstanding debt under this section, debt shall be construed to mean borrowed money represented by bonds, notes, or other evidences of indebtedness which are secured by the full faith and credit of the state or are required to be repaid, directly or indirectly, from general state revenues and which are incurred by the state, any department, authority, public corporation, or quasi public corporation of the state, any state university or college, or any other public agency created by the state but not by counties, cities, towns, school districts, or other municipal corporations, but shall not include obligations for the payment of current expenses of state government, nor shall it include debt hereafter incurred pursuant to section 3 of this article, obligations guaranteed as provided for in subsection (g) of this section, principal of bond anticipation notes or obligations issued to fund or refund the indebtedness of the Washington state building authority. In addition, for the purpose of computing the amount required for payment of interest on outstanding debt under subsection (b) of this section and this subsection, "interest" shall be reduced by subtracting the amount scheduled to be received by the state as payments from the federal government in each year in respect of bonds, notes, or other evidences of indebtedness subject to this section.

(e) The state may pledge the full faith, credit, and taxing power of the state to guarantee the voter approved general obligation debt of school districts in the manner authorized by the legislature. Any such guarantee does not remove the debt obligation of the school district and is not state debt.

(f) The state may, without limitation, fund or refund, at or prior to maturity, the whole or any part of any existing debt or of any debt hereafter contracted pursuant to section 1, section 2, or section 3 of this article, including any premium payable with respect thereto and interest thereon, or fund or refund, at or prior to maturity, the whole or any part of any indebtedness incurred or authorized prior to the effective date of this amendment by any entity of the type described in subsection (h) of this section, including any premium payable with respect thereto and any interest thereon. Such funding or refunding shall not be deemed to be contracting debt by the state.

(g) Notwithstanding the limitation contained in subsection (b) of this section, the state may pledge its full faith, credit, and taxing power to guarantee the payment of any obligation payable from revenues received from any of the following sources: (1) Fees collected by the state as license fees for motor vehicles; (2) Excise taxes collected by the state on the sale, distribution or use of motor vehicle fuel; and (3) Interest on the permanent common school fund: *Provided*, That the legislature shall, at all times, provide sufficient revenues from

such sources to pay the principal and interest due on all obligations for which said source of revenue is pledged.

(h) No money shall be paid from funds in custody of the treasurer with respect to any debt contracted after the effective date of this amendment by the Washington state building authority, the capitol committee, or any similar entity existing or operating for similar purposes pursuant to which such entity undertakes to finance or provide a facility for use or occupancy by the state or any agency, department, or instrumentality thereof.

(i) The legislature shall prescribe all matters relating to the contracting, funding or refunding of debt pursuant to this section, including: The purposes for which debt may be contracted; by a favorable vote of three-fifths of the members elected to each house, the amount of debt which may be contracted for any class of such purposes; the kinds of notes, bonds, or other evidences of debt which may be issued by the state; and the manner by which the treasurer shall determine and advise the legislature, any appropriate agency, officer, or instrumentality of the state as to the available debt capacity within the limitation set forth in this section. The legislature may delegate to any state officer, agency, or instrumentality any of its powers relating to the contracting, funding or refunding of debt pursuant to this section except its power to determine the amount and purposes for which debt may be contracted.

(j) The full faith, credit, and taxing power of the state of Washington are pledged to the payment of the debt created on behalf of the state pursuant to this section and the legislature shall provide by appropriation for the payment of the interest upon and installments of principal of all such debt as the same falls due, but in any event, any court of record may compel such payment.

(k) Notwithstanding the limitations contained in subsection (b) of this section, the state may issue certificates of indebtedness in such sum or sums as may be necessary to meet temporary deficiencies of the treasury, to preserve the best interests of the state in the conduct of the various state institutions, departments, bureaus, and agencies during each fiscal year; such certificates may be issued only to provide for appropriations already made by the legislature and such certificates must be retired and the debt discharged other than by refunding within twelve months after the date of incurrence.

(l) Bonds, notes, or other obligations issued and sold by the state of Washington pursuant to and in conformity with this article shall not be invalid for any irregularity or defect in the proceedings of the issuance or sale thereof and shall be incontestable in the hands of a bona fide purchaser or holder thereof.

BE IT FURTHER RESOLVED, That the amendments to Article VIII, Section 1, if approved and ratified by the qualified voters of the state, shall be effective on and after July 1, 2014.

BE IT FURTHER RESOLVED, That the statement of subject and concise description for the ballot title of this constitutional amendment shall read "The legislature has proposed a constitutional amendment on implementing the Commission on State Debt recommendations regarding Washington's debt limit. This amendment would, starting July 1, 2014, phase-down the debt limit percentage in three steps from nine to eight percent and modify the calculation date, calculation period, and the term general state revenues. Should this constitutional amendment be:

Approved .....

Rejected .....

BE IT FURTHER RESOLVED, That the secretary of state shall cause notice of this constitutional amendment to be published at least four times during the four weeks next preceding the election in every legal newspaper in the state."

Senator Parlette spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Parlette and others on page 1, line 8 to Senate Joint Resolution No. 8221.

The motion by Senator Parlette carried and the amendment was adopted by voice vote.

MOTION

On motion of Senator Parlette, the rules were suspended, Engrossed Senate Joint Resolution No. 8221 was advanced to third reading, the second reading considered the third and the resolution was placed on final passage.

Senator Parlette spoke in favor of passage of the resolution.

The President declared the question before the Senate to be the final passage of Engrossed Senate Joint Resolution No. 8221.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Joint Resolution No. 8221 and the resolution passed the Senate by the following vote: Yeas, 41; Nays, 7; Absent, 0; Excused, 1.

Voting yea: Senators Baumgartner, Becker, Benton, Brown, Carrell, Chase, Delvin, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Hatfield, Haugen, Hewitt, Hill, Hobbs, Holmquist, Newbry, Honeyford, Kastama, Kilmer, King, Litzow, McAuliffe, Morton, Murray, Padden, Parlette, Pflug, Prentice, Ranker, Regala, Roach, Rolfes, Schoesler, Sheldon, Shin, Swecker, Tom and Zarelli

Voting nay: Senators Conway, Keiser, Kline, Kohl-Welles, Nelson, Pridemore and Stevens

Excused: Senator Harper

ENGROSSED SENATE JOINT RESOLUTION NO. 8221, having received the constitutional majority, was declared passed.

MOTION

On motion of Senator Eide, the Senate reverted to the fourth order of business.

MESSAGE FROM THE HOUSE

March 3, 2012

MR. PRESIDENT:

The House refuses to concur in the Senate amendment(s) to ENGROSSED SUBSTITUTE HOUSE BILL NO. 2233 and asks the Senate to recede therefrom. and the same is herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

Senator Pridemore moved that the Senate recede from its position in the Senate amendment(s) to Engrossed Substitute House Bill No. 2233.

Senator Pridemore spoke in favor of the motion.

The President declared the question before the Senate to be motion by Senator Pridemore that the Senate recede from its position in the Senate amendment(s) to Engrossed Substitute House Bill No. 2233.

FIFTY SEVENTH DAY, MARCH 5, 2012

2012 REGULAR SESSION

The motion by Senator Pridemore carried and the Senate receded from its position in the Senate amendment(s) to Engrossed Substitute House Bill No. 2233 by voice vote.

#### MOTION

On motion of Senator Pridemore, the rules were suspended and Engrossed Substitute House Bill No. 2233 was returned to second reading for the purposes of amendment.

#### SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2233, by House Committee on State Government & Tribal Affairs (originally sponsored by Representatives McCoy, Hunt, Haigh, Pedersen, Appleton, Morris, Billig, Fitzgibbon, Eddy, Sells, Tharinger, Jinkins, Hasegawa, Pollet, Wylie, Uptegrove and Roberts)

Creating a procedure for the state's retrocession of civil and criminal jurisdiction over Indian tribes and Indian country.

The measure was read the second time.

#### MOTION

Senator Pridemore moved that the following striking amendment by Senator Pridemore be adopted:

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** A new section is added to chapter 37.12 RCW to read as follows:

(1) The process by which the state may retrocede to the United States all or part of the civil and/or criminal jurisdiction previously acquired by the state over a federally recognized Indian tribe, and the Indian country of such tribe, must be accomplished in accordance with the requirements of this section.

(2) To initiate civil and/or criminal retrocession the duly authorized governing body of a tribe must submit a retrocession resolution to the governor accompanied by information about the tribe's plan regarding the tribe's exercise of jurisdiction following the proposed retrocession. The resolution must express the desire of the tribe for the retrocession by the state of all or any measures or provisions of the civil and/or criminal jurisdiction acquired by the state under this chapter over the Indian country and the members of such Indian tribe. Before a tribe submits a retrocession resolution to the governor, the tribe and affected municipalities are encouraged to collaborate in the adoption of interlocal agreements, or other collaborative arrangements, with the goal of ensuring that the best interests of the tribe and the surrounding communities are served by the retrocession process.

(3) Upon receiving a resolution under this section, the governor must within ninety days convene a government-to-government meeting with either the governing body of the tribe or duly authorized tribal representatives for the purpose of considering the tribe's retrocession resolution. The governor's office must consult with elected officials from the counties, cities, and towns proximately located to the area of the proposed retrocession.

(4) Within one year of the receipt of an Indian tribe's retrocession resolution the governor must issue a proclamation, if approving the request either in whole or in part. This one-year deadline may be extended by the mutual consent of the tribe and the governor, as needed. In addition, either the tribe or the governor may extend the deadline once for a period of up to six months. Within ten days of issuance of a proclamation approving the retrocession resolution, the governor must formally submit the

proclamation to the federal government in accordance with the procedural requirements for federal approval of the proposed retrocession. In the event the governor denies all or part of the resolution, the reasons for such denial must be provided to the tribe in writing.

(5) Within one hundred twenty days of the governor's receipt of a tribe's resolution requesting civil and/or criminal retrocession, but prior to the governor's issuance of the proclamation approving or denying the tribe's resolution, the appropriate standing committees of the state house and senate may conduct public hearings on the tribe's request for state retrocession. The majority leader of the senate must designate the senate standing committee and the speaker of the house of representatives must designate the house standing committee. Following such public hearings, the designated legislative committees may submit advisory recommendations and/or comments to the governor regarding the proposed retrocession, but in no event are such legislative recommendations binding on the governor or otherwise of legal effect.

(6) The proclamation for retrocession does not become effective until it is approved by a duly designated officer of the United States government and in accordance with the procedures established by the United States for the approval of a proposed state retrocession.

(7) The provisions of RCW 37.12.010 are not applicable to a civil and/or criminal retrocession that is accomplished in accordance with the requirements of this section.

(8) For any proclamation issued by the governor under this section that addresses the operation of motor vehicles upon the public streets, alleys, roads, and highways, the governor must consider the following:

(a) Whether the affected tribe has in place interlocal agreements with neighboring jurisdictions, including applicable state transportation agencies, that address uniformity of motor vehicle operations over Indian country;

(b) Whether there is a tribal traffic policing agency that will ensure the safe operation of motor vehicles in Indian country;

(c) Whether the affected tribe has traffic codes and courts in place; and

(d) Whether there are appropriate traffic control devices in place sufficient to maintain the safety of the public roadways.

(9) The following definitions apply for the purposes of this section:

(a) "Civil retrocession" means the state's act of returning to the federal government the civil jurisdiction acquired over Indians and Indian country under federal Public Law 280, Act of August 15, 1953, 67 Stat. 588 (codified as amended at 18 U.S.C. Sec. 1162, 25 U.S.C. Secs. 1321-1326, and 28 U.S.C. Sec. 1360);

(b) "Criminal retrocession" means the state's act of returning to the federal government the criminal jurisdiction acquired over Indians and Indian country under federal Public Law 280, Act of August 15, 1953, 67 Stat. 588 (codified as amended at 18 U.S.C. Sec. 1162, 25 U.S.C. Secs. 1321-1326, and 28 U.S.C. Sec. 1360);

(c) "Indian tribe" means any federally recognized Indian tribe, nation, community, band, or group;

(d) "Indian country" means:

(i) All land within the limits of any Indian reservation under the jurisdiction of the United States government, notwithstanding the issuance of any patent, and including rights-of-way running through the reservation;

(ii) All dependent Indian communities with the borders of the United States whether in the original or subsequently acquired territory thereof, and whether within or without the limits of a state; and

(iii) All Indian allotments, the Indian titles to which have not been extinguished, including rights-of-way running through the same.

**NEW SECTION. Sec. 2.** A new section is added to chapter 37.12 RCW to read as follows:

A civil or criminal retrocession accomplished pursuant to the procedure set forth in section 1 of this act does not:

(1) Affect the state's civil jurisdiction over the civil commitment of sexually violent predators pursuant to chapter 71.09 RCW and the state must retain such jurisdiction notwithstanding the completion of the retrocession process authorized under section 1 of this act; and

(2) Abate any action or proceeding which has been filed with any court or agency of the state or local government preceding the effective date of the completion of a retrocession authorized under section 1 of this act.

**NEW SECTION. Sec. 3.** A new section is added to chapter 37.12 RCW to read as follows:

(1) The provisions of section 1 of this act do not affect the validity of any retrocession procedure commenced under RCW 37.12.100 through 37.12.140 prior to the effective date of this section.

(2) Any Indian tribe that has commenced but not completed the retrocession procedure authorized in RCW 37.12.100 through 37.12.140 may request retrocession under section 1 of this act in lieu of completing that procedure.

(3) Any Indian tribe that has completed the retrocession procedure authorized in RCW 37.12.100 through 37.12.140 may use the process authorized under section 1 of this act to request retrocession of any civil or criminal jurisdiction retained by the state under RCW 37.12.120 or 37.12.010.

(4) The provisions of RCW 37.12.120 are not applicable to a civil and/or criminal retrocession that is accomplished in accordance with the requirements of section 1 of this act."

Senator Pridemore spoke in favor of adoption of the striking amendment.

The President declared the question before the Senate to be the adoption of the striking amendment by Senator Pridemore to Engrossed Substitute House Bill No. 2233.

The motion by Senator Pridemore carried and the striking amendment was adopted by voice vote.

#### MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 3 of the title, after "country;" strike the remainder of the title and insert "and adding new sections to chapter 37.12 RCW."

#### MOTION

On motion of Senator Pridemore, the rules were suspended, Engrossed Substitute House Bill No. 2233 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Pridemore and Sheldon spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 2233 as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 2233 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 42; Nays, 6; Absent, 0; Excused, 1.

Voting yea: Senators Baumgartner, Becker, Benton, Brown, Carrell, Chase, Conway, Delvin, Eide, Fain, Fraser, Frockt, Hargrove, Hatfield, Haugen, Hill, Hobbs, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles, Litzow, McAuliffe, Morton, Murray, Nelson, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rolfes, Schoesler, Sheldon, Shin, Swecker, Tom and Zarelli

Voting nay: Senators Ericksen, Hewitt, Holmquist Newbry, Honeyford, Padden and Stevens

Excused: Senator Harper

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2233 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MESSAGE FROM THE HOUSE

March 3, 2012

MR. PRESIDENT:

The House refuses to concur in the Senate amendment(s) to ENGROSSED SUBSTITUTE HOUSE BILL NO. 2361 and asks the Senate to recede therefrom. and the same is herewith transmitted.

BARBARA BAKER, Chief Clerk

#### MOTION

Senator Hobbs moved that the Senate recede from its position on Engrossed Substitute House Bill No. 2361 and consider the bill without the Senate amendment(s).

Senators Hobbs and Benton spoke in favor of passage of the motion.

The President declared the question before the Senate to be motion by Senator Hobbs that the Senate recede from its position on Engrossed Substitute House Bill No. 2361 and consider the bill without Senate amendment(s).

The motion by Senator Hobbs carried and the Senate receded from its position on Engrossed Substitute House Bill No. 2361 and considered the bill without the Senate amendment(s) by voice vote.

The President declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 2361 without the Senate amendment(s).

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 2361, without the Senate amendment(s), and the bill passed the Senate by the following vote: Yeas, 36; Nays, 12; Absent, 0; Excused, 1.

Voting yea: Senators Baumgartner, Becker, Benton, Brown, Carrell, Conway, Delvin, Eide, Ericksen, Fain, Frockt, Hatfield, Hewitt, Hill, Hobbs, Honeyford, Keiser, Kilmer, King, Kline, Kohl-Welles, Litzow, Nelson, Padden, Parlette, Pflug, Pridemore, Roach, Rolfes, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Voting nay: Senators Chase, Fraser, Hargrove, Haugen, Holmquist Newbry, Kastama, McAuliffe, Morton, Murray, Prentice, Ranker and Regala

Excused: Senator Harper

FIFTY SEVENTH DAY, MARCH 5, 2012

2012 REGULAR SESSION

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2361, without the Senate amendment(s), having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

Senator Hobbs moved that the Senate recede from its position in the Senate amendment(s) to Engrossed Substitute House Bill No. 2614.

The President declared the question before the Senate to be motion by Senator Hobbs that the Senate recede from its position in the Senate amendment(s) to Engrossed Substitute House Bill No. 2614.

The motion by Senator Hobbs carried and the Senate receded from its position in the Senate amendment(s) to Engrossed Substitute House Bill No. 2614 by voice vote.

MOTION

On motion of Senator Hobbs, the rules were suspended and Engrossed Substitute House Bill No. 2614 was returned to second reading for the purposes of amendment.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2614, by House Committee on Judiciary (originally sponsored by Representatives Kenney, Ryu, Hasegawa and Santos)

Limiting deficiency judgments pertaining to residual debts following short sales of owner-occupied residential property secured by deeds of trust. Revised for 1st Substitute: Limiting deficiency judgments pertaining to residual debts following short sales of owner-occupied residential property secured by deeds of trust. (REVISED FOR PASSED LEGISLATURE: Assisting homeowners in crisis by providing alternatives, remedies, and assistance.)

The measure was read the second time.

MOTION

Senator Hobbs moved that the following striking amendment by Senator Hobbs and others be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 64.04 RCW to read as follows:

(1) If the beneficiary or mortgagee, or its assignees, of debt secured by owner-occupied real property intends to release its deed of trust or mortgage in the real property for less than full payment of the secured debt, it shall provide upon its first written notice to the borrower the following information in substantially the following form:

"To: [Name of borrower] DATE:

Please take note that [name of beneficiary or mortgagee, or its assignees], in releasing its security interest in this owner-occupied real property, [waives or reserves] the right to collect that amount that constitutes full payment of the secured debt. The amount of debt outstanding as of the date of this letter is \$. . . . . However, nothing in this letter precludes the borrower from negotiating with the [name of beneficiary or mortgagee, or its assignees] for a full release of this outstanding debt.

If [name of beneficiary or mortgagee, or its assignees] does not initiate a court action to collect the outstanding debt within three years on the date which it released its security interest, the right to collect the outstanding debt is forfeited."

MESSAGE FROM THE HOUSE

March 5, 2012

MR. PRESIDENT:

The House refuses to concur in the Senate amendment(s) to SUBSTITUTE HOUSE BILL NO. 2640 and asks the Senate to recede therefrom.

and the same is herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

Senator Hobbs moved that the Senate recede from its position on Engrossed Substitute 2640 and consider the bill without the Senate amendment(s).

Senator Hobbs spoke in favor of the motion.

The President declared the question before the Senate to be motion by Senator Hobbs that the Senate recede from its position on Engrossed Substitute 2640 and consider the bill without Senate amendment(s).

The motion by Senator Hobbs carried and the Senate receded from its position on Substitute House Bill No. 2640 and consider the bill without the Senate amendment(s) by voice vote.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 2640 without the Senate amendment(s).

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2640, without the Senate amendment(s), and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Baumgartner, Becker, Benton, Brown, Carrell, Chase, Conway, Delvin, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Hatfield, Haugen, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles, Litzow, McAuliffe, Morton, Murray, Nelson, Padden, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rolfes, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Excused: Senator Harper

SUBSTITUTE HOUSE BILL NO. 2640, without the Senate amendment(s), having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

March 5, 2012

MR. PRESIDENT:

The House refuses to concur in the Senate amendment(s) to ENGROSSED SUBSTITUTE HOUSE BILL NO. 2614 and asks the Senate to recede therefrom.

and the same is herewith transmitted.

BARBARA BAKER, Chief Clerk



(2) If the beneficiary or mortgagee, or its assignees, of debt secured by owner-occupied real property intends to pursue collection of the outstanding debt, it must initiate a court action to collect the remaining debt within three years from the date on which it released its deed of trust or mortgage in the owner-occupied real property or else it forfeits any right to collect the remaining debt.

(3) This section applies only to debts incurred by individuals primarily for personal, family, or household purposes. This section does not apply to debts for business, commercial, or agricultural purposes.

(4) For the purposes of this section, "owner-occupied real property" means real property consisting solely of a single-family residence, a residential condominium unit, or a residential cooperative unit that is the principal residence of the borrower.

**Sec. 2.** RCW 18.86.120 and 1997 c 217 s 7 are each amended to read as follows:

(1) The pamphlet required under RCW 18.86.030(1)(f) shall consist of the entire text of RCW 18.86.010 through 18.86.030 and 18.86.040 through 18.86.110 with a separate cover page. The pamphlet shall be 8 1/2 by 11 inches in size, the text shall be in print no smaller than 10-point type, the cover page shall be in print no smaller than 12-point type, and the title of the cover page "The Law of Real Estate Agency" shall be in print no smaller than 18-point type. The cover page shall be in the following form:

### **The Law of Real Estate Agency**

This pamphlet describes your legal rights in dealing with a real estate broker or salesperson. Please read it carefully before signing any documents.

The following is only a brief summary of the attached law:

**Sec. 1. Definitions.** Defines the specific terms used in the law.

**Sec. 2. Relationships between Licensees and the Public.** States that a licensee who works with a buyer or tenant represents that buyer or tenant--unless the licensee is the listing agent, a seller's subagent, a dual agent, the seller personally or the parties agree otherwise. Also states that in a transaction involving two different licensees affiliated with the same broker, the broker is a dual agent and each licensee solely represents his or her client--unless the parties agree in writing that both licensees are dual agents.

**Sec. 3. Duties of a Licensee Generally.** Prescribes the duties that are owed by all licensees, regardless of who the licensee represents. Requires disclosure of the licensee's agency relationship in a specific transaction.

**Sec. 4. Duties of a Seller's Agent.** Prescribes the additional duties of a licensee representing the seller or landlord only.

**Sec. 5. Duties of a Buyer's Agent.** Prescribes the additional duties of a licensee representing the buyer or tenant only.

**Sec. 6. Duties of a Dual Agent.** Prescribes the additional duties of a licensee representing both parties in the same transaction, and requires the written consent of both parties to the licensee acting as a dual agent.

**Sec. 7. Duration of Agency Relationship.** Describes when an agency relationship begins and

ends. Provides that the duties of accounting and confidentiality continue after the termination of an agency relationship.

**Sec. 8. Compensation.** Allows brokers to share compensation with cooperating brokers. States that payment of compensation does not necessarily establish an agency relationship. Allows brokers to receive compensation from more than one party in a transaction with the parties' consent.

**Sec. 9. Vicarious Liability.** Eliminates the common law liability of a party for the conduct of the party's agent or subagent, unless the agent or subagent is insolvent. Also limits the liability of a broker for the conduct of a subagent associated with a different broker.

**Sec. 10. Imputed Knowledge and Notice.** Eliminates the common law rule that notice to or knowledge of an agent constitutes notice to or knowledge of the principal.

**Sec. 11. Interpretation.** This law replaces the fiduciary duties owed by an agent to a principal under the common law, to the extent that it conflicts with the common law.

(2)(a) The pamphlet required under RCW 18.86.030(1)(f) must also include the following disclosure: When the seller of owner-occupied residential real property enters into a listing agreement with a real estate licensee where the proceeds from the sale may be insufficient to cover the costs at closing, it is the responsibility of the real estate licensee to disclose to the seller in writing that the decision by any beneficiary or mortgagee, or its assignees, to release its interest in the real property, for less than the amount the borrower owes, does not automatically relieve the seller of the obligation to pay any debt or costs remaining at closing, including fees such as the real estate licensee's commission.

(b) For the purposes of this subsection, "owner-occupied real property" means real property consisting solely of a single-family residence, a residential condominium unit, or a residential cooperative unit that is the principal residence of the borrower.

**Sec. 3.** RCW 4.16.040 and 2007 c 124 s 1 are each amended to read as follows:

The following actions shall be commenced within six years:

(1) An action upon a contract in writing, or liability express or implied arising out of a written agreement, except as provided for in section 1(2) of this act.

(2) An action upon an account receivable. For purposes of this section, an account receivable is any obligation for payment incurred in the ordinary course of the claimant's business or profession, whether arising from one or more transactions and whether or not earned by performance.

(3) An action for the rents and profits or for the use and occupation of real estate.

**Sec. 4.** RCW 61.24.031 and 2011 c 58 s 5 are each amended to read as follows:

(1)(a) A trustee, beneficiary, or authorized agent may not issue a notice of default under RCW 61.24.030(8) until: (i) Thirty days after ~~((initial contact with the borrower was initiated as required under (b) of this subsection or thirty days after))~~ satisfying the due diligence requirements as described in subsection (5) of this section and the borrower has not responded; or (ii) if the borrower responds to the initial contact, ninety days after the initial contact with the borrower was initiated.

(b) A beneficiary or authorized agent shall make initial contact with the borrower by letter to provide the borrower with information required under (c) of this subsection and by telephone as required

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under subsection (5) of this section. The letter required under this subsection must be mailed in accordance with subsection (5)(a) of this section and must include the information described in (c) of this subsection and subsection (5)(e)(i) through (iv) of this section.

(c) The letter required under this subsection, developed by the department pursuant to RCW 61.24.033, at a minimum shall include:

(i) A paragraph printed in no less than twelve-point font and bolded that reads:

"You must respond within thirty days of the date of this letter. IF YOU DO NOT RESPOND within thirty days, a notice of default may be issued and you may lose your home in foreclosure.

IF YOU DO RESPOND within thirty days of the date of this letter, you will have an additional sixty days to meet with your lender before a notice of default may be issued.

You should contact a housing counselor or attorney as soon as possible. Failure to contact a housing counselor or attorney may result in your losing certain opportunities, such as meeting with your lender or participating in mediation in front of a neutral third party. A housing counselor or attorney can help you work with your lender to avoid foreclosure.

If you filed bankruptcy or have been discharged in bankruptcy, this communication is not intended as an attempt to collect a debt from you personally, but is notice of enforcement of the deed of trust lien against the property. If you wish to avoid foreclosure and keep your property, this notice sets forth your rights and options.";

(ii) The toll-free telephone number from the United States department of housing and urban development to find a department-approved housing counseling agency, the toll-free numbers for the statewide foreclosure hotline recommended by the housing finance commission, and the statewide civil legal aid hotline for assistance and referrals to other housing counselors and attorneys;

(iii) A paragraph stating that a housing counselor may be available at little or no cost to the borrower and that whether or not the borrower contacts a housing counselor or attorney, the borrower has the right to request a meeting with the beneficiary; and

(iv) A paragraph explaining how the borrower may respond to the letter and stating that after responding the borrower will have an opportunity to meet with his or her beneficiary in an attempt to resolve and try to work out an alternative to the foreclosure and that, after ninety days from the date of the letter, a notice of default may be issued, which starts the foreclosure process.

(d) If the beneficiary has exercised due diligence as required under subsection (5) of this section and the borrower does not respond by contacting the beneficiary within thirty days of the initial contact, the notice of default may be issued. "Initial contact" with the borrower is considered made three days after the date the letter required in (b) of this subsection is sent.

(e) If a meeting is requested by the borrower or the borrower's housing counselor or attorney, the beneficiary or authorized agent shall schedule the meeting to occur before the notice of default is issued. An assessment of the borrower's financial ability to modify or restructure the loan obligation and a discussion of options must occur during the meeting scheduled for that purpose.

(f) The meeting scheduled to assess the borrower's financial ability to modify or restructure the loan obligation and discuss options to avoid foreclosure ~~((must be in person, unless the requirement to meet in person is waived in writing by the borrower or the borrower's representative. A person who is authorized to modify the loan obligation or reach an alternative resolution to foreclosure on behalf of the beneficiary may participate by telephone or video conference, so long as a representative of the beneficiary is at the meeting in person))~~ may be held telephonically, unless the borrower or borrower's representative requests in writing that a meeting be held in person. The written request for an

in-person meeting must be made within thirty days of the initial contact with the borrower. If the meeting is requested to be held in person, the meeting must be held in the county where the borrower resides. A person who is authorized to agree to a resolution, including modifying or restructuring the loan obligation or other alternative resolution to foreclosure on behalf of the beneficiary, must be present either in person or on the telephone or video conference during the meeting.

(2) A notice of default issued under RCW 61.24.030(8) must include a declaration, as provided in subsection (9) of this section, from the beneficiary or authorized agent that it has contacted the borrower as provided in subsection (1) of this section, it has tried with due diligence to contact the borrower under subsection (5) of this section, or the borrower has surrendered the property to the trustee, beneficiary, or authorized agent. Unless the trustee has violated his or her duty under RCW 61.24.010(4), the trustee is entitled to rely on the declaration as evidence that the requirements of this section have been satisfied, and the trustee is not liable for the beneficiary's or its authorized agent's failure to comply with the requirements of this section.

(3) If, after the initial contact under subsection (1) of this section, a borrower has designated a housing counseling agency, housing counselor, or attorney to discuss with the beneficiary or authorized agent, on the borrower's behalf, options for the borrower to avoid foreclosure, the borrower shall inform the beneficiary or authorized agent and provide the contact information to the beneficiary or authorized agent. The beneficiary or authorized agent shall contact the designated representative for the borrower to meet.

(4) The beneficiary or authorized agent and the borrower or the borrower's representative shall attempt to reach a resolution for the borrower within the ninety days from the time the initial contact is sent and the notice of default is issued. A resolution may include, but is not limited to, a loan modification, an agreement to conduct a short sale, or a deed in lieu of foreclosure transaction, or some other workout plan. Any modification or workout plan offered at the meeting with the borrower's designated representative by the beneficiary or authorized agent is subject to approval by the borrower.

(5) A notice of default may be issued under RCW 61.24.030(8) if a beneficiary or authorized agent has initiated contact with the borrower as required under subsection (1)(b) of this section and the failure to meet with the borrower occurred despite the due diligence of the beneficiary or authorized agent. Due diligence requires the following:

(a) A beneficiary or authorized agent shall first attempt to contact a borrower by sending a first-class letter to the address in the beneficiary's records for sending account statements to the borrower and to the address of the property encumbered by the deed of trust. The letter must be the letter described in subsection (1)(c) of this section.

(b)(i) After the letter has been sent, the beneficiary or authorized agent shall attempt to contact the borrower by telephone at least three times at different hours and on different days. Telephone calls must be made to the primary and secondary telephone numbers on file with the beneficiary or authorized agent.

(ii) A beneficiary or authorized agent may attempt to contact a borrower using an automated system to dial borrowers if the telephone call, when answered, is connected to a live representative of the beneficiary or authorized agent.

(iii) A beneficiary or authorized agent satisfies the telephone contact requirements of this subsection (5)(b) if the beneficiary or authorized agent determines, after attempting contact under this subsection (5)(b), that the borrower's primary telephone number and

secondary telephone number or numbers on file, if any, have been disconnected or are not good contact numbers for the borrower.

(iv) The telephonic contact under this subsection (5)(b) does not constitute the meeting under subsection (1)(f) of this section.

(c) If the borrower does not respond within fourteen days after the telephone call requirements of (b) of this subsection have been satisfied, the beneficiary or authorized agent shall send a certified letter, with return receipt requested, to the borrower at the address in the beneficiary's records for sending account statements to the borrower and to the address of the property encumbered by the deed of trust. The letter must include the information described in (e)(i) through (iv) of this subsection. The letter must also include a paragraph stating: "Your failure to contact a housing counselor or attorney may result in your losing certain opportunities, such as meeting with your lender or participating in mediation in front of a neutral third party."

(d) The beneficiary or authorized agent shall provide a means for the borrower to contact the beneficiary or authorized agent in a timely manner, including a toll-free telephone number or charge-free equivalent that will provide access to a live representative during business hours for the purpose of initiating and scheduling the meeting under subsection (1)(f) of this section.

(e) The beneficiary or authorized agent shall post a link on the home page of the beneficiary's or authorized agent's internet web site, if any, to the following information:

(i) Options that may be available to borrowers who are unable to afford their mortgage payments and who wish to avoid foreclosure, and instructions to borrowers advising them on steps to take to explore those options;

(ii) A list of financial documents borrowers should collect and be prepared to present to the beneficiary or authorized agent when discussing options for avoiding foreclosure;

(iii) A toll-free telephone number or charge-free equivalent for borrowers who wish to discuss options for avoiding foreclosure with their beneficiary or authorized agent; and

(iv) The toll-free telephone number or charge-free equivalent made available by the department to find a department-approved housing counseling agency.

(6) Subsections (1) and (5) of this section do not apply if ~~((any of the following occurs:~~

~~((a)) the borrower has surrendered the property as evidenced by either a letter confirming the surrender or delivery of the keys to the property to the trustee, beneficiary, or authorized agent((; or~~

~~((b) The borrower has filed for bankruptcy, and the bankruptcy stay remains in place, or the borrower has filed for bankruptcy and the bankruptcy court has granted relief from the bankruptcy stay allowing enforcement of the deed of trust)).~~

(7)(a) This section applies only to deeds of trust that are recorded against owner-occupied residential real property. This section does not apply to deeds of trust: (i) Securing a commercial loan; (ii) securing obligations of a grantor who is not the borrower or a guarantor; or (iii) securing a purchaser's obligations under a seller-financed sale.

(b) This section does not apply to association beneficiaries subject to chapter 64.32, 64.34, or 64.38 RCW.

(8) As used in this section:

(a) "Department" means the United States department of housing and urban development.

(b) "Seller-financed sale" means a residential real property transaction where the seller finances all or part of the purchase price, and that financed amount is secured by a deed of trust against the subject residential real property.

(9) The form of declaration to be provided by the beneficiary or authorized agent as required under subsection (2) of this section must be in substantially the following form:

## "FORECLOSURE LOSS MITIGATION FORM

Please select applicable option(s) below.

The undersigned beneficiary or authorized agent for the beneficiary hereby represents and declares under the penalty of perjury that [check the applicable box and fill in any blanks so that the trustee can insert, on the beneficiary's behalf, the applicable declaration in the notice of default required under chapter 61.24 RCW]:

(1) [ ] The beneficiary or beneficiary's authorized agent has contacted the borrower under, and has complied with, RCW 61.24.031 (contact provision to "assess the borrower's financial ability to pay the debt secured by the deed of trust and explore options for the borrower to avoid foreclosure") and the borrower did not request a meeting.

(2) [ ] The beneficiary or beneficiary's authorized agent has contacted the borrower as required under RCW 61.24.031 and the borrower or the borrower's designated representative requested a meeting. A meeting was held in compliance with RCW 61.24.031.

(3) [ ] The beneficiary or beneficiary's authorized agent has exercised due diligence to contact the borrower as required in RCW 61.24.031(5).

(4) [ ] The borrower has surrendered the secured property as evidenced by either a letter confirming the surrender or by delivery of the keys to the secured property to the beneficiary, the beneficiary's authorized agent or to the trustee.

((5) [ ] Under RCW 61.24.031, the beneficiary or the beneficiary's authorized agent has verified information that, on or before the date of this declaration, the borrower(s) has filed for bankruptcy, and the bankruptcy stay remains in place, or the borrower has filed for bankruptcy and the bankruptcy court has granted relief from the bankruptcy stay allowing the enforcement of the deed of trust.))"

**Sec. 5.** RCW 61.24.160 and 2011 c 58 s 6 are each amended to read as follows:

(1)(a) A housing counselor who is contacted by a borrower under RCW 61.24.031 has a duty to act in good faith to attempt to reach a resolution with the beneficiary on behalf of the borrower within the ninety days provided from the date the beneficiary initiates contact with the borrower and the date the notice of default is issued. A resolution may include, but is not limited to, modification of the loan, an agreement to conduct a short sale, a deed in lieu of foreclosure transaction, or some other workout plan.

(b) Nothing in RCW 61.24.031 or this section precludes a meeting or negotiations between the housing counselor, borrower, and beneficiary at any time, including after the issuance of the notice of default.

(c) A borrower who is contacted under RCW 61.24.031 may seek the assistance of a housing counselor or attorney at any time.

(2) Housing counselors have a duty to act in good faith to assist borrowers by:

(a) Preparing the borrower for meetings with the beneficiary;

(b) Advising the borrower about what documents the borrower must have to seek a loan modification or other resolution;

(c) Informing the borrower about the alternatives to foreclosure, including loan modifications or other possible resolutions; and

(d) Providing other guidance, advice, and education as the housing counselor considers necessary.

(3) A housing counselor or attorney assisting a borrower may refer the borrower to ~~((a)) mediation ((program)), pursuant to RCW 61.24.163, if((;~~

~~((a)) the housing counselor or attorney determines that mediation is appropriate based on the individual circumstances((;~~

and

~~(b) A notice of sale on the deed of trust has not been recorded.~~

~~(4)) and the borrower has received a notice of default. The referral to mediation may be made any time after a notice of default has been issued but no later than twenty days after the date a notice of sale has been recorded.~~

(4) For borrowers who have received a letter under RCW 61.24.031 before the effective date of this section, a referral to mediation by a housing counselor or attorney does not preclude a trustee issuing a notice of default if the requirements of RCW 61.24.031 have been met.

(5) Housing counselors providing assistance to borrowers under RCW 61.24.031 are not liable for civil damages resulting from any acts or omissions in providing assistance, unless the acts or omissions constitute gross negligence or willful or wanton misconduct.

(6) Housing counselors shall provide information to the department to assist the department in its annual report to the legislature as required under RCW 61.24.163(~~(15))~~ (18). The information provided to the department by the housing counselors should include outcomes of foreclosures and be similar to the information requested in the national foreclosure mortgage counseling client level foreclosure outcomes report form.

**Sec. 6.** RCW 61.24.163 and 2011 2nd sp.s. c 4 s 1 are each amended to read as follows:

(1) The foreclosure mediation program established in this section applies only to borrowers who have been referred to mediation by a housing counselor or attorney. The referral to mediation may be made any time after a notice of default has been issued but no later than twenty days after the date a notice of sale has been recorded. The mediation program under this section is not governed by chapter 7.07 RCW and does not preclude mediation required by a court or other provision of law.

(2) A housing counselor or attorney referring a borrower to mediation shall send a notice to the borrower and the department, stating that mediation is appropriate.

(3) Within ten days of receiving the notice, the department shall:

(a) Send a notice to the beneficiary, the borrower, the housing counselor or attorney who referred the borrower, and the trustee stating that the parties have been referred to mediation. The notice must include the statements and list of documents and information described in subsections (4) and (5)~~((b)(i) through (iv)))~~ of this section and a statement explaining each party's responsibility to pay the mediator's fee; and

(b) Select a mediator and notify the parties of the selection.

(4) Within ~~((forty five))~~ twenty-three days of the department's notice that the parties have been referred to mediation, the borrower shall transmit the documents required for mediation to the mediator and the beneficiary. The required documents include an initial Making Home Affordable Application (HAMP) package or such other equivalent homeowner financial information worksheet as required by the department. In the event the department is required to create a worksheet, the worksheet must include, at a minimum, the following information:

- (a) The borrower's current and future income;
- (b) Debts and obligations;
- (c) Assets;
- (d) Expenses;
- (e) Tax returns for the previous two years;
- (f) Hardship information;

(g) Other applicable information commonly required by any applicable federal mortgage relief program.

(5) Within twenty days of the beneficiary's receipt of the borrower's documents, the beneficiary shall transmit the documents required for mediation to the mediator and the borrower. The

required documents include:

(a) An accurate statement containing the balance of the loan within thirty days of the date on which the beneficiary's documents are due to the parties;

(b) Copies of the note and deed of trust;

(c) Proof that the entity claiming to be the beneficiary is the owner of any promissory note or obligation secured by the deed of trust. Sufficient proof may be a copy of the declaration described in RCW 61.24.030(7)(a);

(d) The best estimate of any arrearage and an itemized statement of the arrearages;

(e) An itemized list of the best estimate of fees and charges outstanding;

(f) The payment history and schedule for the preceding twelve months, or since default, whichever is longer, including a breakdown of all fees and charges claimed;

(g) All borrower-related and mortgage-related input data used in any net present values analysis. If no net present values analysis is required by the applicable federal mortgage relief program, then the input data required under the federal deposit insurance corporation and published in the federal deposit insurance corporation loan modification program guide, or if that calculation becomes unavailable, substantially similar input data as determined by the department;

(h) An explanation regarding any denial for a loan modification, forbearance, or other alternative to foreclosure in sufficient detail for a reasonable person to understand why the decision was made;

(i) Appraisal or other broker price opinion most recently relied upon by the beneficiary not more than ninety days old at the time of the scheduled mediation; and

(j) The portion or excerpt of the pooling and servicing agreement that prohibits the beneficiary from implementing a modification, if the beneficiary claims it cannot implement a modification due solely to limitations in a pooling and servicing agreement, and documentation or a statement detailing the efforts of the beneficiary to obtain a waiver of the pooling and servicing agreement provisions.

(6) Within seventy days of receiving the referral from the department, the mediator shall convene a mediation session in the county where the borrower resides, unless the parties agree on another location. The parties may agree ~~((in writing))~~ to extend the time in which to schedule the mediation session. If the parties agree to extend the time, the beneficiary shall notify the trustee of the extension and the date the mediator is expected to issue the mediator's certification.

~~((5))~~ (7)(a) The mediator may schedule phone conferences, consultations with the parties individually, and other communications to ensure that the parties have all the necessary information and documents to engage in a productive mediation.

(b) The mediator must send written notice of the time, date, and location of the mediation session to the borrower, the beneficiary, and the department at least ~~((fifteen))~~ thirty days prior to the mediation session. At a minimum, the notice must contain:

(i) A statement that the borrower may be represented in the mediation session by an attorney or other advocate;

(ii) A statement that a person with authority to agree to a resolution, including a proposed settlement, loan modification, or dismissal or continuation of the foreclosure proceeding, must be present either in person or on the telephone or video conference during the mediation session; and

(iii) ~~((A complete list of documents and information required by this section that the parties must provide to the mediator and the deadlines for providing the documents and information; and~~

~~(iv)))~~ A statement that the parties have a duty to mediate in good faith and that failure to mediate in good faith may impair the

beneficiary's ability to foreclose on the property or the borrower's ability to modify the loan or take advantage of other alternatives to foreclosure.

~~((6))~~ (8)(a) The borrower, the beneficiary or authorized agent, and the mediator must meet in person for the mediation session. However, a person with authority to agree to a resolution on behalf of the beneficiary may be present over the telephone or video conference during the mediation session.

~~((7))~~ (b) After the mediation session commences, the mediator may continue the mediation session once, and any further continuances must be with the consent of the parties.

(9) The participants in mediation must address the issues of foreclosure that may enable the borrower and the beneficiary to reach a resolution, including but not limited to reinstatement, modification of the loan, restructuring of the debt, or some other workout plan. To assist the parties in addressing issues of foreclosure, the mediator ~~((must))~~ may require the participants to consider the following:

(a) The borrower's current and future economic circumstances, including the borrower's current and future income, debts, and obligations for the previous sixty days or greater time period as determined by the mediator;

(b) The net present value of receiving payments pursuant to a modified mortgage loan as compared to the anticipated net recovery following foreclosure;

(c) Any affordable loan modification calculation and net present value calculation when required under any federal mortgage relief program, including the home affordable modification program (HAMP) as applicable to government-sponsored enterprise and nongovernment-sponsored enterprise loans and any HAMP-related modification program applicable to loans insured by the federal housing administration, the veterans administration, and the rural housing service. If such a calculation is not provided or required, then the beneficiary must ~~((use the current calculations, assumptions, and forms that are))~~ provide the net present value data inputs established by the federal deposit insurance corporation and published in the federal deposit insurance corporation loan modification program guide or other net present value data inputs as designated by the department. The mediator may run the calculation in order for a productive mediation to occur and to comply with the mediator certification requirement; and

(d) Any other loss mitigation guidelines to loans insured by the federal housing administration, the veterans administration, and the rural housing service, if applicable.

~~((8))~~ (10) A violation of the duty to mediate in good faith as required under this section may include:

(a) Failure to timely participate in mediation without good cause;

(b) Failure of the borrower or the beneficiary to provide the ~~((following documentation to the borrower and mediator at least ten days before the mediation or pursuant to the mediator's instructions:~~

(i) An accurate statement containing the balance of the loan as of the first day of the month in which the mediation occurs;

(ii) Copies of the note and deed of trust;

(iii) Proof that the entity claiming to be the beneficiary is the owner of any promissory note or obligation secured by the deed of trust. Sufficient proof may be a copy of the declaration described in RCW 61.24.030(7)(a);

(iv) The best estimate of any arrearage and an itemized statement of the arrearages;

(v) An itemized list of the best estimate of fees and charges outstanding;

(vi) The payment history and schedule for the preceding twelve months, or since default, whichever is longer, including a breakdown of all fees and charges claimed;

(vii) All borrower-related and mortgage-related input data used in any net present value analysis;

(viii) An explanation regarding any denial for a loan modification, forbearance, or other alternative to foreclosure in sufficient detail for a reasonable person to understand why the decision was made;

(ix) The most recently available appraisal or other broker price opinion most recently relied upon by the beneficiary; and

(x) The portion or excerpt of the pooling and servicing agreement that prohibits the beneficiary from implementing a modification, if the beneficiary claims it cannot implement a modification due solely to limitations in a pooling and servicing agreement, and documentation or a statement detailing the efforts of the beneficiary to obtain a waiver of the pooling and servicing agreement provisions;

(c) Failure of the borrower to provide documentation to the beneficiary and mediator, at least ten days before the mediation or pursuant to the mediator's instruction, showing the borrower's current and future income, debts and obligations, and tax returns for the past two years;

(d) Failure of either party to pay the respective portion of the mediation fee in advance of the mediation as required under this section;

~~((e))~~ documentation required before mediation or pursuant to the mediator's instructions;

~~((c))~~ Failure of a party to designate representatives with adequate authority to fully settle, compromise, or otherwise reach resolution with the borrower in mediation; and

~~((f))~~ (d) A request by a beneficiary that the borrower waive future claims he or she may have in connection with the deed of trust, as a condition of agreeing to a modification, except for rescission claims under the federal truth in lending act. Nothing in this section precludes a beneficiary from requesting that a borrower dismiss with prejudice any pending claims against the beneficiary, its agents, loan servicer, or trustee, arising from the underlying deed of trust, as a condition of modification.

~~((9))~~ (11) If the mediator reasonably believes a borrower will not attend a mediation session based on the borrower's conduct, such as the lack of response to the mediator's communications, the mediator may cancel a scheduled mediation session and send a written cancellation to the department and the trustee and send copies to the parties. The beneficiary may proceed with the foreclosure after receipt of the mediator's written confirmation of cancellation.

(12) Within seven business days after the conclusion of the mediation session, the mediator must send a written certification to the department and the trustee and send copies to the parties of:

(a) The date, time, and location of the mediation session;

(b) The names of all persons attending in person and by telephone or video conference, at the mediation session;

(c) Whether a resolution was reached by the parties, including whether the default was cured by reinstatement, modification, or restructuring of the debt, or some other alternative to foreclosure was agreed upon by the parties;

(d) Whether the parties participated in the mediation in good faith; and

~~((e))~~ If a written agreement was not reached, a description of ~~((the))~~ any net present value test used, along with a copy of the inputs, including the result of ~~((the))~~ any net present value test expressed in a dollar amount.

~~((10))~~ (13) If the parties are unable to reach ~~((any agreement and the mediator certifies that the parties acted in good faith, the beneficiary may proceed with the foreclosure.~~

~~((11))~~ an agreement, the beneficiary may proceed with the foreclosure after receipt of the mediator's written certification.

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(14)(a) The mediator's certification that the beneficiary failed to act in good faith in mediation constitutes a defense to the nonjudicial foreclosure action that was the basis for initiating the mediation. In any action to enjoin the foreclosure, the beneficiary ((shall be)) is entitled to rebut the allegation that it failed to act in good faith.

(b) The mediator's certification that the beneficiary failed to act in good faith during mediation does not constitute a defense to a judicial foreclosure or a future nonjudicial foreclosure action if a modification of the loan is agreed upon and the borrower subsequently defaults.

(c) If an affordable loan modification is not offered in the mediation or a written agreement was not reached and the mediator's certification shows that the net present value of the modified loan exceeds the anticipated net recovery at foreclosure, that showing in the certification ((shall)) constitutes a basis for the borrower to enjoin the foreclosure.

((12)) (15) The mediator's certification that the borrower failed to act in good faith in mediation authorizes the beneficiary to proceed with the foreclosure.

((13)) (16)(a) If a borrower has been referred to mediation before a notice of trustee sale has been recorded, a trustee may not record the notice of sale until the trustee receives the mediator's certification stating that the mediation has been completed. ((14)) If the trustee does not receive the mediator's certification, the trustee may record the notice of sale after ten days from the date the certification to the trustee was due. If ((the)), after a notice of sale is recorded under this subsection ((13)(b) and) (16)(a), the mediator subsequently issues a certification ((alleging)) finding that the beneficiary violated the duty of good faith, ((the trustee may not proceed with the sale.

((14)) the certification constitutes a basis for the borrower to enjoin the foreclosure.

(b) If a borrower has been referred to mediation after the notice of sale was recorded, the sale may not occur until the trustee receives the mediator's certification stating that the mediation has been completed.

(17) A mediator may charge reasonable fees as authorized by this subsection and by the department. Unless the fee is waived or the parties agree otherwise, a foreclosure mediator's fee may not exceed four hundred dollars for preparing, scheduling, and conducting a mediation session lasting between one hour and three hours. For a mediation session exceeding three hours, the foreclosure mediator may charge a reasonable fee, as authorized by the department. The mediator must provide an estimated fee before the mediation, and payment of the mediator's fee must be divided equally between the beneficiary and the borrower. The beneficiary and the borrower must tender the loan mediator's fee ((seven)) within thirty calendar days ((before the commencement of the)) from receipt of the department's letter referring the parties to mediation or pursuant to the mediator's instructions.

((15)) (18) Beginning December 1, 2012, and every year thereafter, the department shall report annually to the legislature on:

(a) The performance of the program, including the numbers of borrowers who are referred to mediation by a housing counselor or attorney;

(b) The results of the mediation program, including the number of mediations requested by housing counselors and attorneys, the number of certifications of good faith issued, the number of borrowers and beneficiaries who failed to mediate in good faith, and the reasons for the failure to mediate in good faith, if known, the numbers of loans restructured or modified, the change in the borrower's monthly payment for principal and interest and the number of principal write-downs and interest rate reductions, and, to the extent practical, the number of borrowers who report a default within a year of restructuring or modification;

(c) The information received by housing counselors regarding outcomes of foreclosures; and

(d) Any recommendations for changes to the statutes regarding the mediation program.

**Sec. 7.** RCW 61.24.169 and 2011 2nd sp.s. c 4 s 2 are each amended to read as follows:

(1) For the purposes of RCW 61.24.163, the department must maintain a list of approved foreclosure mediators. The department may approve the following persons to serve as foreclosure mediators under this section if the person has completed ten mediations and either a forty- hour mediation course and sixty hours of mediating or has two hundred hours experience mediating:

(a) Attorneys who are active members of the Washington state bar association;

(b) Employees of United States department of housing and urban development-approved housing counseling agencies or approved by the Washington state housing finance commission;

(c) Employees or volunteers of dispute resolution centers under chapter 7.75 RCW; ((and))

(d) Retired judges of Washington courts; and

(e) Other experienced mediators.

(2) The department may establish a required training program for foreclosure mediators and may require mediators to acquire training before being approved. The mediators must be familiar with relevant aspects of the law, have knowledge of community-based resources and mortgage assistance programs, and refer borrowers to these programs where appropriate.

(3) The department may remove any mediator from the approved list of mediators.

(4)(a) A mediator under this section ((who is an employee or volunteer of a dispute resolution center under chapter 7.75 RCW)) is immune from suit in any civil action based on any proceedings or other official acts performed in his or her capacity as a foreclosure mediator, except in cases of willful or wanton misconduct.

(b) A mediator is not subject to discovery or compulsory process to testify in any litigation pertaining to a foreclosure action between the parties. However, the mediator's certification and all information and material presented as part of the mediation process may be deemed admissible evidence, subject to court rules, in any litigation pertaining to a foreclosure action between the parties.

**Sec. 8.** RCW 61.24.174 and 2011 1st sp.s. c 24 s 1 are each amended to read as follows:

(1) Except as provided in subsection ((4)) (5) of this section, beginning October 1, 2011, and every quarter thereafter, every beneficiary issuing notices of default, or directing that a trustee or authorized agent issue the notice of default, on owner-occupied residential real property under this chapter must:

(a) Report to the department the number of owner-occupied residential real properties for which the beneficiary has issued a notice of default during the previous quarter; ((and))

(b) Remit the amount required under subsection (2) of this section; and

(c) Report and update beneficiary contact information for the person and work group responsible for the beneficiary's compliance with the requirements of the foreclosure fairness act created in this chapter.

(2) For each owner-occupied residential real property for which a notice of default has been issued, the beneficiary issuing the notice of default, or directing that a trustee or authorized agent issue the notice of default, shall remit two hundred fifty dollars to the department to be deposited, as provided under RCW 61.24.172, into the foreclosure fairness account. The two hundred fifty dollar payment is required per property and not per notice of default. The beneficiary shall remit the total amount required in a lump sum each quarter.

(3) Reporting and payments under subsections (1) and (2) of this section are due within forty-five days of the end of each quarter.

(4) No later than thirty days after April 14, 2011, the beneficiaries required to report and remit to the department under this section shall determine the number of owner-occupied residential real properties for which notices of default were issued during the three months prior to April 14, 2011. The beneficiary shall remit to the department a one-time sum of two hundred fifty dollars multiplied by the number of properties. In addition, by July 31, 2011, the beneficiaries required to report and remit to the department under this section shall remit to the department another one-time sum of two hundred fifty dollars multiplied by the number of owner-occupied residential real properties for which notices of default were issued from April 14, 2011, through June 30, 2011. The department shall deposit the funds into the foreclosure fairness account as provided under RCW 61.24.172.

~~((4))~~ (5) This section does not apply to any beneficiary or loan servicer that is a federally insured depository institution, as defined in 12 U.S.C. Sec. 461(b)(1)(A), and that certifies under penalty of perjury that it has issued, or has directed a trustee or authorized agent to issue, fewer than two hundred fifty notices of default in the preceding year.

~~((5))~~ (6) This section does not apply to association beneficiaries subject to chapter 64.32, 64.34, or 64.38 RCW.

**Sec. 9.** RCW 61.24.030 and 2011 c 58 s 4 are each amended to read as follows:

It shall be requisite to a trustee's sale:

(1) That the deed of trust contains a power of sale;

(2) That the deed of trust contains a statement that the real property conveyed is not used principally for agricultural purposes; provided, if the statement is false on the date the deed of trust was granted or amended to include that statement, and false on the date of the trustee's sale, then the deed of trust must be foreclosed judicially. Real property is used for agricultural purposes if it is used in an operation that produces crops, livestock, or aquatic goods;

(3) That a default has occurred in the obligation secured or a covenant of the grantor, which by the terms of the deed of trust makes operative the power to sell;

(4) That no action commenced by the beneficiary of the deed of trust is now pending to seek satisfaction of an obligation secured by the deed of trust in any court by reason of the grantor's default on the obligation secured: PROVIDED, That (a) the seeking of the appointment of a receiver shall not constitute an action for purposes of this chapter; and (b) if a receiver is appointed, the grantor shall be entitled to any rents or profits derived from property subject to a homestead as defined in RCW 6.13.010. If the deed of trust was granted to secure a commercial loan, this subsection shall not apply to actions brought to enforce any other lien or security interest granted to secure the obligation secured by the deed of trust being foreclosed;

(5) That the deed of trust has been recorded in each county in which the land or some part thereof is situated;

(6) That prior to the date of the notice of trustee's sale and continuing thereafter through the date of the trustee's sale, the trustee must maintain a street address in this state where personal service of process may be made, and the trustee must maintain a physical presence and have telephone service at such address;

(7)(a) That, for residential real property, before the notice of trustee's sale is recorded, transmitted, or served, the trustee shall have proof that the beneficiary is the owner of any promissory note or other obligation secured by the deed of trust. A declaration by the beneficiary made under the penalty of perjury stating that the beneficiary is the actual holder of the promissory note or other

obligation secured by the deed of trust shall be sufficient proof as required under this subsection.

(b) Unless the trustee has violated his or her duty under RCW 61.24.010(4), the trustee is entitled to rely on the beneficiary's declaration as evidence of proof required under this subsection.

(c) This subsection (7) does not apply to association beneficiaries subject to chapter 64.32, 64.34, or 64.38 RCW;

(8) That at least thirty days before notice of sale shall be recorded, transmitted or served, written notice of default shall be transmitted by the beneficiary or trustee to the borrower and grantor at their last known addresses by both first-class and either registered or certified mail, return receipt requested, and the beneficiary or trustee shall cause to be posted in a conspicuous place on the premises, a copy of the notice, or personally served on the borrower and grantor. This notice shall contain the following information:

(a) A description of the property which is then subject to the deed of trust;

(b) A statement identifying each county in which the deed of trust is recorded and the document number given to the deed of trust upon recording by each county auditor or recording officer;

(c) A statement that the beneficiary has declared the borrower or grantor to be in default, and a concise statement of the default alleged;

(d) An itemized account of the amount or amounts in arrears if the default alleged is failure to make payments;

(e) An itemized account of all other specific charges, costs, or fees that the borrower, grantor, or any guarantor is or may be obliged to pay to reinstate the deed of trust before the recording of the notice of sale;

(f) A statement showing the total of (d) and (e) of this subsection, designated clearly and conspicuously as the amount necessary to reinstate the note and deed of trust before the recording of the notice of sale;

(g) A statement that failure to cure the alleged default within thirty days of the date of mailing of the notice, or if personally served, within thirty days of the date of personal service thereof, may lead to recordation, transmittal, and publication of a notice of sale, and that the property described in (a) of this subsection may be sold at public auction at a date no less than one hundred twenty days in the future, or no less than one hundred fifty days in the future if the borrower received a letter under RCW 61.24.031;

(h) A statement that the effect of the recordation, transmittal, and publication of a notice of sale will be to (i) increase the costs and fees and (ii) publicize the default and advertise the grantor's property for sale;

(i) A statement that the effect of the sale of the grantor's property by the trustee will be to deprive the grantor of all their interest in the property described in (a) of this subsection;

(j) A statement that the borrower, grantor, and any guarantor has recourse to the courts pursuant to RCW 61.24.130 to contest the alleged default on any proper ground;

(k) In the event the property secured by the deed of trust is owner-occupied residential real property, a statement, prominently set out at the beginning of the notice, which shall state as follows:

("You should take care to protect your interest in your home. This notice of default (your failure to pay) is the first step in a process that could result in you losing your home. You should carefully review your options. For example:

Can you pay and stop the foreclosure process?

Do you dispute the failure to pay?

Can you sell your property to preserve your equity?

Are you able to refinance this loan or obligation with a new loan or obligation from another lender with payments, terms, and fees that are more affordable?

Do you qualify for any government or private homeowner

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assistance programs?

Do you know if filing for bankruptcy is an option? What are the pros and cons of doing so?

Do not ignore this notice; because if you do nothing, you could lose your home at a foreclosure sale. (No foreclosure sale can be held any sooner than ninety days after a notice of sale is issued and a notice of sale cannot be issued until thirty days after this notice.) Also, if you do nothing to pay what you owe, be careful of people who claim they can help you. There are many individuals and businesses that watch for the notices of sale in order to unfairly profit as a result of borrowers' distress.

You may feel you need help understanding what to do. There are a number of professional resources available, including home loan counselors and attorneys, who may assist you. Many legal services are lower-cost or even free, depending on your ability to pay. If you desire legal help in understanding your options or handling this default, you may obtain a referral (at no charge) by contacting the county bar association in the county where your home is located. These legal referral services also provide information about lower-cost or free legal services for those who qualify. You may contact the Department of Financial Institutions or the statewide civil legal aid hotline for possible assistance or referrals")

"THIS NOTICE IS ONE STEP IN A PROCESS THAT COULD RESULT IN YOUR LOSING YOUR HOME.

You may be eligible for mediation in front of a neutral third party to help save your home.

**CONTACT A HOUSING COUNSELOR OR AN ATTORNEY LICENSED IN WASHINGTON NOW** to assess your situation and refer you to mediation if you might benefit. Mediation **MUST** be requested between the time you receive the Notice of Default and no later than twenty days after the Notice of Trustee Sale is recorded.

**DO NOT DELAY.** If you do nothing, a notice of sale may be issued as soon as 30 days from the date of this notice of default. The notice of sale will provide a minimum of 120 days' notice of the date of the actual foreclosure sale.

**BE CAREFUL** of people who claim they can help you. There are many individuals and businesses that prey upon borrowers in distress.

**REFER TO THE CONTACTS BELOW** for sources of assistance.

SEEKING ASSISTANCE

Housing counselors and legal assistance may be available at little or no cost to you. If you would like assistance in determining your rights and opportunities to keep your house, you may contact the following:

The statewide foreclosure hotline for assistance and referral to housing counselors recommended by the Housing Finance Commission

Telephone: . . . . . Web site: . . . . .

The United States Department of Housing and Urban Development  
Telephone: . . . . . Web site: . . . . .

The statewide civil legal aid hotline for assistance and referrals to other housing counselors and attorneys

Telephone: . . . . . Web site: . . . . ."

The beneficiary or trustee shall obtain the toll-free numbers and web site information from the department for inclusion in the notice; and

(l) In the event the property secured by the deed of trust is residential real property, the name and address of the owner of any promissory notes or other obligations secured by the deed of trust and the name, address, and telephone number of a party acting as a servicer of the obligations secured by the deed of trust; and

(9) That, for owner-occupied residential real property, before the notice of the trustee's sale is recorded, transmitted, or served, the beneficiary has complied with RCW 61.24.031 and, if applicable, RCW 61.24.163.

**Sec. 10.** RCW 61.24.040 and 2009 c 292 s 9 are each amended to read as follows:

A deed of trust foreclosed under this chapter shall be foreclosed as follows:

(1) At least ninety days before the sale, or if a letter under RCW 61.24.031 is required, at least one hundred twenty days before the sale, the trustee shall:

(a) Record a notice in the form described in (f) of this subsection in the office of the auditor in each county in which the deed of trust is recorded;

(b) To the extent the trustee elects to foreclose its lien or interest, or the beneficiary elects to preserve its right to seek a deficiency judgment against a borrower or grantor under RCW 61.24.100(3)(a), and if their addresses are stated in a recorded instrument evidencing their interest, lien, or claim of lien, or an amendment thereto, or are otherwise known to the trustee, cause a copy of the notice of sale described in (f) of this subsection to be transmitted by both first-class and either certified or registered mail, return receipt requested, to the following persons or their legal representatives, if any, at such address:

(i) The borrower and grantor;

(ii) The beneficiary of any deed of trust or mortgagee of any mortgage, or any person who has a lien or claim of lien against the property, that was recorded subsequent to the recordation of the deed of trust being foreclosed and before the recordation of the notice of sale;

(iii) The vendee in any real estate contract, the lessee in any lease, or the holder of any conveyances of any interest or estate in any portion or all of the property described in such notice, if that contract, lease, or conveyance of such interest or estate, or a memorandum or other notice thereof, was recorded after the recordation of the deed of trust being foreclosed and before the recordation of the notice of sale;

(iv) The last holder of record of any other lien against or interest in the property that is subject to a subordination to the deed of trust being foreclosed that was recorded before the recordation of the notice of sale;

(v) The last holder of record of the lien of any judgment subordinate to the deed of trust being foreclosed; and

(vi) The occupants of property consisting solely of a single-family residence, or a condominium, cooperative, or other dwelling unit in a multiplex or other building containing fewer than five residential units, whether or not the occupant's rental agreement is recorded, which notice may be a single notice addressed to "occupants" for each unit known to the trustee or beneficiary;

(c) Cause a copy of the notice of sale described in (f) of this subsection to be transmitted by both first-class and either certified or registered mail, return receipt requested, to the plaintiff or the plaintiff's attorney of record, in any court action to foreclose a lien or other encumbrance on all or any part of the property, provided a court action is pending and a lis pendens in connection therewith is recorded in the office of the auditor of any county in which all or part of the property is located on the date the notice is recorded;

(d) Cause a copy of the notice of sale described in (f) of this subsection to be transmitted by both first-class and either certified or registered mail, return receipt requested, to any person who has



recorded a request for notice in accordance with RCW 61.24.045, at the address specified in such person's most recently recorded request for notice;

(e) Cause a copy of the notice of sale described in (f) of this subsection to be posted in a conspicuous place on the property, or in lieu of posting, cause a copy of said notice to be served upon any occupant of the property;

(f) The notice shall be in substantially the following form:

NOTICE OF TRUSTEE'S SALE

I.

NOTICE IS HEREBY GIVEN that the undersigned Trustee will on the . . . . day of . . . . ., . . . ., at the hour of . . . . o'clock . . . . M. at . . . . . [street address and location if inside a building] in the City of . . . . ., State of Washington, sell at public auction to the highest and best bidder, payable at the time of sale, the following described real property, situated in the County(ies) of . . . . ., State of Washington, to-wit:

[If any personal property is to be included in the trustee's sale, include a description that reasonably identifies such personal property]

which is subject to that certain Deed of Trust dated . . . . ., . . . ., recorded . . . . ., . . . ., under Auditor's File No. . . . ., records of . . . . . County, Washington, from . . . . ., as Grantor, to . . . . ., as Trustee, to secure an obligation in favor of . . . . ., as Beneficiary, the beneficial interest in which was assigned by . . . . ., under an Assignment recorded under Auditor's File No. . . . . [Include recording information for all counties if the Deed of Trust is recorded in more than one county.]

II.

No action commenced by the Beneficiary of the Deed of Trust is now pending to seek satisfaction of the obligation in any Court by reason of the Borrower's or Grantor's default on the obligation secured by the Deed of Trust.

[If there is another action pending to foreclose other security for all or part of the same debt, qualify the statement and identify the action.]

III.

The default(s) for which this foreclosure is made is/are as follows:

[If default is for other than payment of money, set forth the particulars]

Failure to pay when due the following amounts which are now in arrears:

IV.

The sum owing on the obligation secured by the Deed of Trust is: Principal \$ . . . . ., together with interest as provided in the note or other instrument secured from the . . . . day of . . . . ., . . . ., and such other costs and fees as are due under the note or other instrument secured, and as are provided by statute.

V.

The above-described real property will be sold to satisfy the expense of sale and the obligation secured by the Deed of Trust as provided by statute. The sale will be made without warranty, express or implied, regarding title, possession, or encumbrances on the . . . . day of . . . . ., . . . . The default(s) referred to in paragraph III must be cured by the . . . . day of . . . . ., . . . . (11 days before the sale date), to cause a discontinuance of the sale. The sale will be discontinued and terminated if at any time on or before the . . . . day of . . . . ., . . . . (11 days before the sale date), the default(s) as set forth in paragraph III is/are cured and the Trustee's fees and costs are paid. The sale may be terminated any time after the . . . . day of . . . . ., . . . . (11 days before the sale date), and before the sale by the Borrower, Grantor, any Guarantor, or the holder of any recorded junior lien or encumbrance paying the entire principal and interest secured by the Deed of Trust, plus costs, fees, and advances, if any, made pursuant to the terms of the obligation and/or Deed of Trust, and curing all other defaults.

VI.

A written notice of default was transmitted by the Beneficiary or Trustee to the Borrower and Grantor at the following addresses:

.....  
.....  
.....

by both first-class and certified mail on the . . . . day of . . . . ., . . . ., proof of which is in the possession of the Trustee; and the Borrower and Grantor were personally served on the . . . . day of . . . . ., . . . ., with said written notice of default or the written notice of default was posted in a conspicuous place on the real property described in paragraph I above, and the Trustee has possession of proof of such service or posting.

VII.

The Trustee whose name and address are set forth below will provide in writing to anyone requesting it, a statement of all costs and fees due at any time prior to the sale.

VIII.

The effect of the sale will be to deprive the Grantor and all those who hold by, through or under the Grantor of all their interest in the above-described property.

IX.

Anyone having any objection to the sale on any grounds whatsoever will be afforded an opportunity to be heard as to those objections if they bring a lawsuit to restrain the sale pursuant to RCW 61.24.130.

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Failure to bring such a lawsuit may result in a waiver of any proper grounds for invalidating the Trustee's sale.

[Add Part X to this notice if applicable under RCW 61.24.040(9)]

The attached Notice of Trustee's Sale is a consequence of default(s) in the obligation to . . . . ., the Beneficiary of your Deed of Trust and owner of the obligation secured thereby. Unless the default(s) is/are cured, your property will be sold at auction on the . . . . day of . . . . ., . . .

To cure the default(s), you must bring the payments current, cure any other defaults, and pay accrued late charges and other costs, advances, and attorneys' fees as set forth below by the . . . day of . . . . ., . . . [11 days before the sale date]. To date, these arrears and costs are as follows:

.....  
....., Trustee  
.....  
.....  
.....  
.....  
..... } Phone

	Estimated amount
Currently due	that will be due
to reinstate	to reinstate
on . . . . .	on . . . . .
. . . . .	. . . . .

[Acknowledgment]

(g) If the borrower received a letter under RCW 61.24.031, the notice specified in subsection (1)(f) of this section shall also include the following additional language:

"THIS NOTICE IS THE FINAL STEP BEFORE THE FORECLOSURE SALE OF YOUR HOME.

You have only 20 DAYS from the recording date on this notice to pursue mediation.

**DO NOT DELAY. CONTACT A HOUSING COUNSELOR OR AN ATTORNEY LICENSED IN WASHINGTON NOW** to assess your situation and refer you to mediation if you are eligible and it may help you save your home. See below for safe sources of help.

SEEKING ASSISTANCE

Housing counselors and legal assistance may be available at little or no cost to you. If you would like assistance in determining your rights and opportunities to keep your house, you may contact the following:

The statewide foreclosure hotline for assistance and referral to housing counselors recommended by the Housing Finance Commission

Telephone: . . . . . Web site: . . . . .

The United States Department of Housing and Urban Development

Telephone: . . . . . Web site: . . . . .

The statewide civil legal aid hotline for assistance and referrals to other housing counselors and attorneys

Telephone: . . . . . Web site: . . . . ."

The beneficiary or trustee shall obtain the toll-free numbers and web site information from the department for inclusion in the notice.

(2) In addition to providing the borrower and grantor the notice of sale described in subsection (1)(f) of this section, the trustee shall include with the copy of the notice which is mailed to the grantor, a statement to the grantor in substantially the following form:

NOTICE OF FORECLOSURE

Pursuant to the Revised Code of Washington,

Chapter 61.24 RCW

Delinquent payments

from . . . . .,

. . . ., in the

amount of

\$ . . . /mo.:

Late charges in

the total

amount of:

Attorneys' fees:

Trustee's fee:

Trustee's expenses:

(Itemization)

Title report

Recording fees

Service/Posting of Notices

Postage/Copying expense

Publication

\$ . . .

\$ . . .

\$ . . .

\$ . . .

\$ . . .

\$ . . .

\$ . . .

\$ . . .

\$ . . .

\$ . . .

\$ . . .

\$ . . .

\$ . . .

\$ . . .

\$ . . .

\$ . . .

\$ . . .

\$ . . .

Estimated amount

that will be due

to reinstate

on . . . . .

. . . . .

(11 days before

the date set

for sale)

Telephone charges	\$ . . . .	\$ . . . .
Inspection fees	\$ . . . .	\$ . . . .
.....	\$ . . . .	\$ . . . .
.....	\$ . . . .	\$ . . . .
<b>TOTALS</b>	<b>\$ . . . .</b>	<b>\$ . . . .</b>

To pay off the entire obligation secured by your Deed of Trust as of the . . . . . day of . . . . . you must pay a total of \$ . . . . in principal, \$ . . . . in interest, plus other costs and advances estimated to date in the amount of \$ . . . . . From and after the date of this notice you must submit a written request to the Trustee to obtain the total amount to pay off the entire obligation secured by your Deed of Trust as of the payoff date.

As to the defaults which do not involve payment of money to the Beneficiary of your Deed of Trust, you must cure each such default. Listed below are the defaults which do not involve payment of money to the Beneficiary of your Deed of Trust. Opposite each such listed default is a brief description of the action necessary to cure the default and a description of the documentation necessary to show that the default has been cured.

Default	Description of Action Required to Cure and Documentation Necessary to Show Cure
.....	.....
.....	.....
.....	.....
.....	.....
.....	.....
.....	.....

You may reinstate your Deed of Trust and the obligation secured thereby at any time up to and including the . . . . day of . . . . . [11 days before the sale date], by paying the amount set forth or estimated above and by curing any other defaults described above. Of course, as time passes other payments may become due, and any further payments coming due and any additional late charges must be added to your reinstating payment. Any new defaults not involving payment of money that occur after the date of this notice must also be cured in order to effect reinstatement. In addition, because some of the charges can only be estimated at this time, and because the amount necessary to reinstate or to pay off the entire indebtedness may include presently unknown expenditures required to preserve the property or to comply with state or local law, it will be necessary for you to contact the Trustee before the time you tender reinstatement or the payoff amount so that you may be advised of the exact amount you will be required to pay. Tender of payment or performance must be made to: . . . . ., whose address is . . . . ., telephone ( ) . . . . . **AFTER THE . . . . DAY OF . . . . ., YOU MAY NOT REINSTATE YOUR DEED OF TRUST BY PAYING THE BACK PAYMENTS AND COSTS AND FEES AND CURING THE OTHER DEFAULTS AS OUTLINED ABOVE.** The Trustee will respond to any written request for current payoff or reinstatement amounts within ten days

of receipt of your written request. In such a case, you will only be able to stop the sale by paying, before the sale, the total principal balance (\$ . . . . .) plus accrued interest, costs and advances, if any, made pursuant to the terms of the documents and by curing the other defaults as outlined above.

You may contest this default by initiating court action in the Superior Court of the county in which the sale is to be held. In such action, you may raise any legitimate defenses you have to this default. A copy of your Deed of Trust and documents evidencing the obligation secured thereby are enclosed. You may wish to consult a lawyer. Legal action on your part may prevent or restrain the sale, but only if you persuade the court of the merits of your defense. You may contact the Department of Financial Institutions or the statewide civil legal aid hotline for possible assistance or referrals.

The court may grant a restraining order or injunction to restrain a trustee's sale pursuant to RCW 61.24.130 upon five days notice to the trustee of the time when, place where, and the judge before whom the application for the restraining order or injunction is to be made. This notice shall include copies of all pleadings and related documents to be given to the judge. Notice and other process may be served on the trustee at:

NAME: .....

ADDRESS: .....

TELEPHONE NUMBER: .....

If you do not reinstate the secured obligation and your Deed of Trust in the manner set forth above, or if you do not succeed in restraining the sale by court action, your property will be sold. The effect of such sale will be to deprive you and all those who hold by, through or under you of all interest in the property;

(3) In addition, the trustee shall cause a copy of the notice of sale described in subsection (1)(f) of this section (excluding the acknowledgment) to be published in a legal newspaper in each county in which the property or any part thereof is situated, once on or between the thirty-fifth and twenty-eighth day before the date of sale, and once on or between the fourteenth and seventh day before the date of sale;

(4) On the date and at the time designated in the notice of sale, the trustee or its authorized agent shall sell the property at public auction to the highest bidder. The trustee may sell the property in gross or in parcels as the trustee shall deem most advantageous;

(5) The place of sale shall be at any designated public place within the county where the property is located and if the property is in more than one county, the sale may be in any of the counties where the property is located. The sale shall be on Friday, or if Friday is a legal holiday on the following Monday, and during the hours set by statute for the conduct of sales of real estate at execution;

(6) The trustee has no obligation to, but may, for any cause the trustee deems advantageous, continue the sale for a period or periods not exceeding a total of one hundred twenty days by (a) a public proclamation at the time and place fixed for sale in the notice of sale and if the continuance is beyond the date of sale, by giving notice of the new time and place of the sale by both first class and either certified or registered mail, return receipt requested, to the persons specified in subsection (1)(b)(i) and (ii) of this section to be deposited in the mail (i) not less than four days before the new date fixed for the sale if the sale is continued for up to seven days; or (ii) not more than three days after the date of the continuance by oral

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proclamation if the sale is continued for more than seven days, or, alternatively, (b) by giving notice of the time and place of the postponed sale in the manner and to the persons specified in subsection (1)(b), (c), (d), and (e) of this section and publishing a copy of such notice once in the newspaper(s) described in subsection (3) of this section, more than seven days before the date fixed for sale in the notice of sale. No other notice of the postponed sale need be given;

(7) The purchaser shall forthwith pay the price bid and on payment the trustee shall execute to the purchaser its deed; the deed shall recite the facts showing that the sale was conducted in compliance with all of the requirements of this chapter and of the deed of trust, which recital shall be prima facie evidence of such compliance and conclusive evidence thereof in favor of bona fide purchasers and encumbrancers for value, except that these recitals shall not affect the lien or interest of any person entitled to notice under subsection (1) of this section, if the trustee fails to give the required notice to such person. In such case, the lien or interest of such omitted person shall not be affected by the sale and such omitted person shall be treated as if such person was the holder of the same lien or interest and was omitted as a party defendant in a judicial foreclosure proceeding;

(8) The sale as authorized under this chapter shall not take place less than one hundred ninety days from the date of default in any of the obligations secured;

(9) If the trustee elects to foreclose the interest of any occupant or tenant of property comprised solely of a single-family residence, or a condominium, cooperative, or other dwelling unit in a multiplex or other building containing fewer than five residential units, the following notice shall be included as Part X of the Notice of Trustee's Sale:

X. NOTICE TO OCCUPANTS OR TENANTS

The purchaser at the trustee's sale is entitled to possession of the property on the 20th day following the sale, as against the grantor under the deed of trust (the owner) and anyone having an interest junior to the deed of trust, including occupants who are not tenants. After the 20th day following the sale the purchaser has the right to evict occupants who are not tenants by summary proceedings under chapter 59.12 RCW. For tenant-occupied property, the purchaser shall provide a tenant with written notice in accordance with RCW 61.24.060;

(10) Only one copy of all notices required by this chapter need be given to a person who is both the borrower and the grantor. All notices required by this chapter that are given to a general partnership are deemed given to each of its general partners, unless otherwise agreed by the parties.

**NEW SECTION. Sec. 11.** A new section is added to chapter 61.24 RCW to read as follows:

(1) A borrower who has been referred to mediation before the effective date of this section may continue through the mediation process and does not lose his or her right to mediation.

(2) A borrower who has not been referred to mediation as of the effective date of this section may only be referred to mediation after a notice of default has been issued but no later than twenty days from the date a notice of sale is recorded.

(3) A borrower who has not been referred to mediation as of the effective date of this section and who has had a notice of sale recorded may only be referred to mediation if the referral is made before twenty days have passed from the date the notice of sale was recorded.

**Sec. 12.** RCW 61.24.172 and 2011 c 58 s 11 are each amended to read as follows:

The foreclosure fairness account is created in the custody of the state treasurer. All receipts received under RCW 61.24.174 must be deposited into the account. Only the director of the department of commerce or the director's designee may authorize expenditures from the account. Funding to agencies and organizations under this section must be provided by the department through an interagency agreement or other applicable contract instrument. The account is subject to allotment procedures under chapter 43.88 RCW, but an appropriation is not required for expenditures. Expenditures from the account must be used as follows: (1) No less than ~~((eighty))~~ seventy-six percent must be used for the purposes of providing housing ~~((counselors for))~~ counseling activities to benefit borrowers, except that this amount may be less than ~~((eighty))~~ seventy-six percent only if necessary to meet the funding level specified for the office of the attorney general under subsection (2) of this section and the department under subsection (4) of this section; (2) up to six percent, or six hundred fifty-five thousand dollars per biennium, whichever amount is greater, to the office of the attorney general to be used by the consumer protection division to enforce this chapter; (3) up to two percent to the office of civil legal aid to be used for the purpose of contracting with qualified legal aid programs for legal representation of homeowners in matters relating to foreclosure. Funds provided under this subsection (3) must be used to supplement, not supplant, other federal, state, and local funds; (4) up to ~~((nine))~~ thirteen percent, or ~~((four hundred fifty one))~~ five hundred ninety thousand dollars per biennium, whichever amount is greater, to the department to be used for implementation and operation of the foreclosure fairness act; and (5) up to three percent to the department of financial institutions to conduct homeowner prepurchase and postpurchase outreach and education programs as defined in RCW 43.320.150.

The department shall enter into interagency agreements to contract with the Washington state housing finance commission and other appropriate entities to implement the foreclosure fairness act.

**Sec. 13.** RCW 61.24.010 and 2009 c 292 s 7 are each amended to read as follows:

(1) The trustee of a deed of trust under this chapter shall be:

(a) Any domestic corporation or domestic limited liability corporation incorporated under Title 23B, 25, 30, 31, 32, or 33 RCW of which at least one officer is a Washington resident; or

(b) Any title insurance company authorized to insure title to real property under the laws of this state, or any title insurance agent licensed under chapter 48.17 RCW; or

(c) Any attorney who is an active member of the Washington state bar association at the time the attorney is named trustee; or

(d) Any professional corporation incorporated under chapter 18.100 RCW, any professional limited liability company formed under chapter 25.15 RCW, any general partnership, including limited liability partnerships, formed under chapter 25.04 RCW, all of whose shareholders, members, or partners, respectively, are either licensed attorneys or entities, provided all of the owners of those entities are licensed attorneys, or any domestic corporation wholly owned by any of the entities under this subsection (1)(d); or

(e) Any agency or instrumentality of the United States government; or

(f) Any national bank, savings bank, or savings and loan association chartered under the laws of the United States.

(2) The trustee may resign at its own election or be replaced by the beneficiary. The trustee shall give prompt written notice of its resignation to the beneficiary. The resignation of the trustee shall become effective upon the recording of the notice of resignation in each county in which the deed of trust is recorded. If a trustee is not appointed in the deed of trust, or upon the resignation, incapacity, disability, absence, or death of the trustee, or the election of the beneficiary to replace the trustee, the beneficiary shall appoint a

trustee or a successor trustee. Only upon recording the appointment of a successor trustee in each county in which the deed of trust is recorded, the successor trustee shall be vested with all powers of an original trustee.

(3) The trustee or successor trustee shall have no fiduciary duty or fiduciary obligation to the grantor or other persons having an interest in the property subject to the deed of trust.

(4) The trustee or successor trustee has a duty of good faith to the borrower, beneficiary, and grantor.

**Sec. 14.** RCW 61.24.050 and 1998 c 295 s 7 are each amended to read as follows:

~~(When delivered)~~ (1) Upon physical delivery of the trustee's deed to the purchaser, or a different grantee as designated by the purchaser following the trustee's sale, the trustee's deed shall convey all of the right, title, and interest in the real and personal property sold at the trustee's sale which the grantor had or had the power to convey at the time of the execution of the deed of trust, and such as the grantor may have thereafter acquired. Except as provided in subsection (2) of this section, if the trustee accepts a bid, then the trustee's sale is final as of the date and time of such acceptance if the trustee's deed is recorded within fifteen days thereafter. After a trustee's sale, no person shall have any right, by statute or otherwise, to redeem the property sold at the trustee's sale.

(2)(a) Up to the eleventh day following the trustee's sale, the trustee, beneficiary, or authorized agent for the beneficiary may declare the trustee's sale and trustee's deed void for the following reasons:

(i) The trustee, beneficiary, or authorized agent for the beneficiary assert that there was an error with the trustee foreclosure sale process including, but not limited to, an erroneous opening bid amount made by or on behalf of the foreclosing beneficiary at the trustee's sale;

(ii) The borrower and beneficiary, or authorized agent for the beneficiary, had agreed prior to the trustee's sale to a loan modification agreement, forbearance plan, shared appreciation mortgage, or other loss mitigation agreement to postpone or discontinue the trustee's sale; or

(iii) The beneficiary or authorized agent for the beneficiary had accepted funds that fully reinstated or satisfied the loan even if the beneficiary or authorized agent for the beneficiary had no legal duty to do so.

(b) This subsection does not impose a duty upon the trustee any different than the obligations set forth under RCW 61.24.010 (3) and (4).

(3) The trustee must refund the bid amount to the purchaser no later than the third day following the postmarked mailing of the rescission notice described under subsection (4) of this section.

(4) No later than fifteen days following the voided trustee's sale date, the trustee shall send a notice in substantially the following form by first-class mail and certified mail, return receipt requested, to all parties entitled to notice under RCW 61.24.040(l) (b) through (e):

**NOTICE OF RESCISSION OF TRUSTEE'S SALE**

NOTICE IS HEREBY GIVEN that the trustee's sale that occurred on (trustee's sale date) is rescinded and declared void because (insert the applicable reason(s) permitted under RCW 61.24.050(2)(a)).

The trustee's sale occurred pursuant to that certain Notice of Trustee's Sale dated . . . . ., recorded . . . . ., under Auditor's File No. . . . ., records of . . . . . County, Washington, and that certain Deed of Trust dated . . . . ., recorded . . . . ., under Auditor's File No. . . . ., records of . . . . . County, Washington, from . . . . ., as Grantor, to . . . . ., as . . . . ., as original Beneficiary, concerning the following described property, situated in the County(ies) of . . . . ., State of Washington, to wit:

(Legal description)

Commonly known as (common property address)

(5) If the reason for the rescission stems from subsection (2)(a) (i) or (ii) of this section, the trustee may set a new sale date not less than forty-five days following the mailing of the notice of rescission of trustee's sale. The trustee shall:

(a) Comply with the requirements of RCW 61.24.040(1) (a) through (f) at least thirty days before the new sale date; and

(b) Cause a copy of the notice of trustee's sale as provided in RCW 61.24.040(1)(f) to be published in a legal newspaper in each county in which the property or any part of the property is situated, once between the thirty-fifth and twenty-eighth day before the sale and once between the fourteenth and seventh day before the sale.

**NEW SECTION. Sec. 15.** Section 12 of this act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

Senators Hobbs and Benton spoke in favor of adoption of the striking amendment.

The President declared the question before the Senate to be the adoption of the striking amendment by Senator Hobbs and others to Engrossed Substitute House Bill No. 2614.

The motion by Senator Hobbs carried and the striking amendment was adopted by voice vote.

**MOTION**

There being no objection, the following title amendment was adopted:

On page 1, line 1 of the title, after "Relating to" strike the remainder of the title and insert "assisting homeowners in crisis by providing alternatives, remedies, and assistance; amending RCW 18.86.120, 4.16.040, 61.24.031, 61.24.160, 61.24.163, 61.24.169, 61.24.174, 61.24.030, 61.24.040, 61.24.172, 61.24.010, and 61.24.050; adding a new section to chapter 64.04 RCW; adding a new section to chapter 61.24 RCW; and declaring an emergency."

**MOTION**

On motion of Senator Hobbs, the rules were suspended, Engrossed Substitute House Bill No. 2614 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 2614 as amended by the Senate.

**ROLL CALL**

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 2614 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 47; Nays, 1; Absent, 0; Excused, 1.

Voting yea: Senators Baumgartner, Becker, Benton, Brown, Carrell, Chase, Conway, Delvin, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Hatfield, Haugen, Hewitt, Hill, Hobbs, Honeyford, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles, Litzow, McAuliffe, Morton, Murray, Nelson, Padden, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rolfes, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Voting nay: Senator Holmquist Newbry

Excused: Senator Harper

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2614 as amended by the Senate, having received the constitutional

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majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

March 1, 2012

MR. PRESIDENT:

The House passed SUBSTITUTE SENATE BILL NO. 6135 with the following amendment(s): 6135-S AMH ENGR H4459.E

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 7.84.030 and 2011 c 320 s 14 are each amended to read as follows:

(1) An infraction proceeding is initiated by the issuance and service of a printed notice of infraction and filing of a printed or electronic copy of the notice of infraction.

(2)(a) A notice of infraction may be issued by a person authorized to enforce the provisions of the title or chapter in which the infraction is established, or by a person authorized by an interlocal agreement entered into under RCW 7.84.140, when the infraction occurs in that person's presence.

(b) A person who is a peace officer as defined in chapter 10.93 RCW may detain the person receiving the infraction for a reasonable period of time necessary to identify the person, check for outstanding warrants, and complete and issue a notice of infraction under RCW 7.84.050. A person who is to receive a notice of infraction is required to identify himself or herself to the peace officer by giving the person's name, address, and date of birth. Upon request, the person shall produce reasonable identification, which may include a driver's license or identicard. Any person who fails to comply with the requirement to identify himself or herself and give the person's current address may be found to have committed an infraction.

(3) A court may issue a notice of infraction if a person authorized to enforce the provisions of the title or chapter in which the infraction is established, or by a person authorized by an interlocal agreement entered into under RCW 7.84.140, files with the court a written statement that the infraction was committed in that person's presence or that the officer has reason to believe an infraction was committed.

(4) Service of a notice of infraction issued under subsection (2) or (3) of this section shall be as provided by court rule.

(5) A notice of infraction shall be filed with a court having jurisdiction within five days of issuance, excluding Saturdays, Sundays, and holidays.

Sec. 2. RCW 7.84.020 and 2003 c 39 s 3 are each amended to read as follows:

~~((Unless the context clearly requires otherwise,))~~ The definition in this section applies throughout this chapter unless the context clearly requires otherwise.

"Infraction" means an offense which, by the terms of Title 76, 77, 79, or 79A RCW or ~~((chapter 43.30 RCW))~~ RCW 7.84.030(2)(b) and rules adopted under these titles and ~~((chapters))~~ section, is declared not to be a criminal offense and is subject to the provisions of this chapter.

Sec. 3. RCW 9.94A.515 and 2010 c 289 s 11 and 2010 c 227 s 9 are each reenacted and amended to read as follows:

TABLE 2

CRIMES INCLUDED WITHIN EACH SERIOUSNESS LEVEL

XVI Aggravated Murder 1 (RCW 10.95.020)

- XV Homicide by abuse (RCW 9A.32.055)
- Malicious explosion 1 (RCW 70.74.280(1))
- Murder 1 (RCW 9A.32.030)
- XIV Murder 2 (RCW 9A.32.050)
- Trafficking 1 (RCW 9A.40.100(1))
- XIII Malicious explosion 2 (RCW 70.74.280(2))
- Malicious placement of an explosive 1 (RCW 70.74.270(1))
- XII Assault 1 (RCW 9A.36.011)
- Assault of a Child 1 (RCW 9A.36.120)
- Malicious placement of an imitation device 1 (RCW 70.74.272(1)(a))
- Promoting Commercial Sexual Abuse of a Minor (RCW 9.68A.101)
- Rape 1 (RCW 9A.44.040)
- Rape of a Child 1 (RCW 9A.44.073)
- Trafficking 2 (RCW 9A.40.100(2))
- XI Manslaughter 1 (RCW 9A.32.060)
- Rape 2 (RCW 9A.44.050)
- Rape of a Child 2 (RCW 9A.44.076)
- X Child Molestation 1 (RCW 9A.44.083)
- Criminal Mistreatment 1 (RCW 9A.42.020)
- Indecent Liberties (with forcible compulsion) (RCW 9A.44.100(1)(a))
- Kidnapping 1 (RCW 9A.40.020)
- Leading Organized Crime (RCW 9A.82.060(1)(a))
- Malicious explosion 3 (RCW 70.74.280(3))
- Sexually Violent Predator Escape (RCW 9A.76.115)
- IX Abandonment of Dependent Person 1 (RCW 9A.42.060)
- Assault of a Child 2 (RCW 9A.36.130)
- Explosive devices prohibited (RCW 70.74.180)
- Hit and Run--Death (RCW 46.52.020(4)(a))
- Homicide by Watercraft, by being under the influence of intoxicating liquor or any drug (RCW 79A.60.050)
- Inciting Criminal Profiteering (RCW 9A.82.060(1)(b))
- Malicious placement of an explosive 2 (RCW 70.74.270(2))

	Robbery 1 (RCW 9A.56.200)	Intimidating a Judge (RCW 9A.72.160)
	Sexual Exploitation (RCW 9.68A.040)	Intimidating a Juror/Witness (RCW 9A.72.110, 9A.72.130)
	Vehicle Homicide, by being under the influence of intoxicating liquor or any drug (RCW 46.61.520)	Malicious placement of an imitation device 2 (RCW 70.74.272(1)(b))
VIII	Arson 1 (RCW 9A.48.020)	Possession of Depictions of a Minor Engaged in Sexually Explicit Conduct 1 (RCW 9.68A.070(1))
	Commercial Sexual Abuse of a Minor (RCW 9.68A.100)	Rape of a Child 3 (RCW 9A.44.079)
	Homicide by Watercraft, by the operation of any vessel in a reckless manner (RCW 79A.60.050)	Theft of a Firearm (RCW 9A.56.300)
	Manslaughter 2 (RCW 9A.32.070)	Unlawful Storage of Ammonia (RCW 69.55.020)
	Promoting Prostitution 1 (RCW 9A.88.070)	V Abandonment of Dependent Person 2 (RCW 9A.42.070)
	Theft of Ammonia (RCW 69.55.010)	Advancing money or property for extortionate extension of credit (RCW 9A.82.030)
	Vehicle Homicide, by the operation of any vehicle in a reckless manner (RCW 46.61.520)	Bail Jumping with class A Felony (RCW 9A.76.170(3)(b))
VII	Burglary 1 (RCW 9A.52.020)	Child Molestation 3 (RCW 9A.44.089)
	Child Molestation 2 (RCW 9A.44.086)	Criminal Mistreatment 2 (RCW 9A.42.030)
	Civil Disorder Training (RCW 9A.48.120)	Custodial Sexual Misconduct 1 (RCW 9A.44.160)
	Dealing in depictions of minor engaged in sexually explicit conduct 1 (RCW 9.68A.050(1))	Dealing in Depictions of Minor Engaged in Sexually Explicit Conduct 2 (RCW 9.68A.050(2))
	Drive-by Shooting (RCW 9A.36.045)	Domestic Violence Court Order Violation (RCW 10.99.040, 10.99.050, 26.09.300, 26.10.220, 26.26.138, 26.50.110, 26.52.070, or 74.34.145)
	Homicide by Watercraft, by disregard for the safety of others (RCW 79A.60.050)	Driving While Under the Influence (RCW 46.61.502(6))
	Indecent Liberties (without forcible compulsion) (RCW 9A.44.100(1)(b) and (c))	Extortion 1 (RCW 9A.56.120)
	Introducing Contraband 1 (RCW 9A.76.140)	Extortionate Extension of Credit (RCW 9A.82.020)
	Malicious placement of an explosive 3 (RCW 70.74.270(3))	Extortionate Means to Collect Extensions of Credit (RCW 9A.82.040)
	Negligently Causing Death By Use of a Signal Preemption Device (RCW 46.37.675)	Incest 2 (RCW 9A.64.020(2))
	Sending, bringing into state depictions of minor engaged in sexually explicit conduct 1 (RCW 9.68A.060(1))	Kidnapping 2 (RCW 9A.40.030)
	Unlawful Possession of a Firearm in the first degree (RCW 9A.41.040(1))	Perjury 1 (RCW 9A.72.020)
	Use of a Machine Gun in Commission of a Felony (RCW 9A.41.225)	Persistent prison misbehavior (RCW 9.94.070)
	Vehicle Homicide, by disregard for the safety of others (RCW 46.61.520)	Physical Control of a Vehicle While Under the Influence (RCW 46.61.504(6))
VI	Bail Jumping with Murder 1 (RCW 9A.76.170(3)(a))	Possession of a Stolen Firearm (RCW 9A.56.310)
	Bribery (RCW 9A.68.010)	Rape 3 (RCW 9A.44.060)
	Incest 1 (RCW 9A.64.020(1))	Rendering Criminal Assistance 1 (RCW 9A.76.070)
		Sending, Bringing into State Depictions of Minor Engaged in Sexually Explicit Conduct 2 (RCW

9.68A.060(2))

Sexual Misconduct with a Minor 1  
(RCW 9A.44.093)

Sexually Violating Human Remains  
(RCW 9A.44.105)

Stalking (RCW 9A.46.110)

Taking Motor Vehicle Without  
Permission 1 (RCW 9A.56.070)

IV Arson 2 (RCW 9A.48.030)

Assault 2 (RCW 9A.36.021)

Assault 3 (of a Peace Officer with a  
Projectile Stun Gun) (RCW  
9A.36.031(1)(h))

Assault by Watercraft (RCW  
79A.60.060)

Bribing a Witness/Bribe Received by  
Witness (RCW 9A.72.090,  
9A.72.100)

Cheating 1 (RCW 9.46.1961)

Commercial Bribery (RCW 9A.68.060)

Counterfeiting (RCW 9.16.035(4))

Endangerment with a Controlled  
Substance (RCW 9A.42.100)

Escape 1 (RCW 9A.76.110)

Hit and Run--Injury (RCW  
46.52.020(4)(b))

Hit and Run with Vessel--Injury  
Accident (RCW 79A.60.200(3))

Identity Theft 1 (RCW 9.35.020(2))

Indecent Exposure to Person Under  
Age Fourteen (subsequent sex  
offense) (RCW 9A.88.010)

Influencing Outcome of Sporting Event  
(RCW 9A.82.070)

Malicious Harassment (RCW  
9A.36.080)

Possession of Depictions of a Minor  
Engaged in Sexually Explicit  
Conduct 2 (RCW 9.68(~~1A~~))

A.070(2))

Residential Burglary (RCW  
9A.52.025)

Robbery 2 (RCW 9A.56.210)

Theft of Livestock 1 (RCW 9A.56.080)

Threats to Bomb (RCW 9.61.160)

Trafficking in Stolen Property 1 (RCW  
9A.82.050)

Unlawful factoring of a credit card or  
payment card transaction (RCW  
9A.56.290(4)(b))

Unlawful transaction of health  
coverage as a health care service  
contractor (RCW 48.44.016(3))

Unlawful transaction of health  
coverage as a health maintenance  
organization (RCW 48.46.033(3))

Unlawful transaction of insurance  
business (RCW 48.15.023(3))

Unlicensed practice as an insurance  
professional (RCW 48.17.063(2))

Use of Proceeds of Criminal  
Profiteering (RCW 9A.82.080 (1)  
and (2))

Vehicular Assault, by being under the  
influence of intoxicating liquor or  
any drug, or by the operation or  
driving of a vehicle in a reckless  
manner (RCW 46.61.522)

Viewing of Depictions of a Minor  
Engaged in Sexually Explicit  
Conduct 1 (RCW 9.68A.075(1))

Willful Failure to Return from  
Furlough (RCW 72.66.060)

III Animal Cruelty 1 (Sexual Conduct or  
Contact) (RCW 16.52.205(3))

Assault 3 (Except Assault 3 of a Peace  
Officer With a Projectile Stun  
Gun) (RCW 9A.36.031 except  
subsection (1)(h))

Assault of a Child 3 (RCW 9A.36.140)

Bail Jumping with class B or C Felony  
(RCW 9A.76.170(3)(c))

Burglary 2 (RCW 9A.52.030)

Communication with a Minor for  
Immoral Purposes (RCW  
9.68A.090)

Criminal Gang Intimidation (RCW  
9A.46.120)

Custodial Assault (RCW 9A.36.100)

Cyberstalking (subsequent conviction  
or threat of death) (RCW  
9.61.260(3))

Escape 2 (RCW 9A.76.120)

Extortion 2 (RCW 9A.56.130)

Harassment (RCW 9A.46.020)

Intimidating a Public Servant (RCW  
9A.76.180)

Introducing Contraband 2 (RCW  
9A.76.150)

Malicious Injury to Railroad Property  
(RCW 81.60.070)

Mortgage Fraud (RCW 19.144.080)

Negligently Causing Substantial Bodily  
Harm By Use of a Signal  
Preemption Device (RCW  
46.37.674)

Organized Retail Theft 1 (RCW  
9A.56.350(2))

Perjury 2 (RCW 9A.72.030)



- Possession of Incendiary Device (RCW 9.40.120)
- Possession of Machine Gun or Short-Barreled Shotgun or Rifle (RCW 9.41.190)
- Promoting Prostitution 2 (RCW 9A.88.080)
- Retail Theft with Extenuating Circumstances 1 (RCW 9A.56.360(2))
- Securities Act violation (RCW 21.20.400)
- Tampering with a Witness (RCW 9A.72.120)
- Telephone Harassment (subsequent conviction or threat of death) (RCW 9.61.230(2))
- Theft of Livestock 2 (RCW 9A.56.083)
- Theft with the Intent to Resell 1 (RCW 9A.56.340(2))
- Trafficking in Stolen Property 2 (RCW 9A.82.055)
- Unlawful Hunting of Big Game 1  
(RCW 77.15.410(3)(b))
- Unlawful Imprisonment (RCW 9A.40.040)
- Unlawful possession of firearm in the second degree (RCW 9.41.040(2))
- Unlawful Taking of Endangered Fish or Wildlife 1 (RCW 77.15.120(3)(b))
- Unlawful Trafficking in Fish, Shellfish, or Wildlife 1 (RCW 77.15.260(3)(b))
- Unlawful Use of a Nondesigned Vessel (RCW 77.15.530(4))
- Vehicular Assault, by the operation or driving of a vehicle with disregard for the safety of others (RCW 46.61.522)
- Willful Failure to Return from Work Release (RCW 72.65.070)
- II Commercial Fishing Without a License 1 (RCW 77.15.500(3)(b))
- Computer Trespass 1 (RCW 9A.52.110)
- Counterfeiting (RCW 9.16.035(3))
- Engaging in Fish Dealing Activity Unlicensed 1 (RCW 77.15.620(3))
- Escape from Community Custody (RCW 72.09.310)
- Failure to Register as a Sex Offender (second or subsequent offense) ((RCW 9A.44.130(1)(a))) (RCW 9A.44.132(1)(b))
- Health Care False Claims (RCW 48.80.030)
- Identity Theft 2 (RCW 9.35.020(3))
- Improperly Obtaining Financial Information (RCW 9.35.010)
- Malicious Mischief 1 (RCW 9A.48.070)
- Organized Retail Theft 2 (RCW 9A.56.350(3))
- Possession of Stolen Property 1 (RCW 9A.56.150)
- Possession of a Stolen Vehicle (RCW 9A.56.068)
- Retail Theft with Extenuating Circumstances 2 (RCW 9A.56.360(3))
- Theft 1 (RCW 9A.56.030)
- Theft of a Motor Vehicle (RCW 9A.56.065)
- Theft of Rental, Leased, or Lease-purchased Property (valued at one thousand five hundred dollars or more) (RCW 9A.56.096(5)(a))
- Theft with the Intent to Resell 2 (RCW 9A.56.340(3))
- Trafficking in Insurance Claims (RCW 48.30A.015)
- Unlawful factoring of a credit card or payment card transaction (RCW 9A.56.290(4)(a))
- Unlawful Participation of Non-Indians in Indian Fishery (RCW 77.15.570(2))
- Unlawful Practice of Law (RCW 2.48.180)
- Unlicensed Practice of a Profession or Business (RCW 18.130.190(7))
- Unlawful Purchase or Use of a License (RCW 77.15.650(3)(b))
- Unlawful Trafficking in Fish, Shellfish, or Wildlife 2 (RCW 77.15.260(3)(a))
- Voyeurism (RCW 9A.44.115)
- I Attempting to Elude a Pursuing Police Vehicle (RCW 46.61.024)
- False Verification for Welfare (RCW 74.08.055)
- Forgery (RCW 9A.60.020)
- Fraudulent Creation or Revocation of a Mental Health Advance Directive (RCW 9A.60.060)
- Malicious Mischief 2 (RCW 9A.48.080)
- Mineral Trespass (RCW 78.44.330)
- Possession of Stolen Property 2 (RCW 9A.56.160)
- Reckless Burning 1 (RCW 9A.48.040)
- Spotlighting Big Game 1 (RCW 77.15.450(3)(b))
- Suspension of Department Privileges 1 (RCW 77.15.670(3)(b))
- Taking Motor Vehicle Without Permission 2 (RCW 9A.56.075)
- Theft 2 (RCW 9A.56.040)
- Theft of Rental, Leased, or Lease-purchased Property (valued at two

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hundred fifty dollars or more but less than one thousand five hundred dollars) (RCW 9A.56.096(5)(b))

Transaction of insurance business beyond the scope of licensure (RCW 48.17.063)

Unlawful Fish and Shellfish Catch

Accounting (RCW 77.15.630(3)(b))

Unlawful Issuance of Checks or Drafts (RCW 9A.56.060)

Unlawful Possession of Fictitious Identification (RCW 9A.56.320)

Unlawful Possession of Instruments of Financial Fraud (RCW 9A.56.320)

Unlawful Possession of Payment Instruments (RCW 9A.56.320)

Unlawful Possession of a Personal Identification Device (RCW 9A.56.320)

Unlawful Production of Payment Instruments (RCW 9A.56.320)

Unlawful Release of Deleterious Exotic Wildlife (RCW 77.15.250(2)(b))

Unlawful Trafficking in Food Stamps (RCW 9.91.142)

Unlawful Use of Food Stamps (RCW 9.91.144)

Unlawful Use of Net to Take Fish 1 (RCW 77.15.580(3)(b))

Unlawful Use of Prohibited Aquatic Animal Species (RCW 77.15.253(3))

Vehicle Prowl 1 (RCW 9A.52.095)

Violating Commercial Fishing Area or Time 1 (RCW 77.15.550(3)(b))

**Sec. 4.** RCW 77.08.010 and 2011 c 324 s 3 are each reenacted and amended to read as follows:

The definitions in this section apply throughout this title or rules adopted under this title unless the context clearly requires otherwise.

(1) "Angling gear" means a line attached to a rod and reel capable of being held in hand while landing the fish or a hand-held line operated without rod or reel.

(2) "Aquatic invasive species" means any invasive, prohibited, regulated, unregulated, or unlisted aquatic animal or plant species as defined under subsections (3), (28), (40), (44), (60), and (61) of this section, aquatic noxious weeds as defined under RCW 17.26.020(5)(c), and aquatic nuisance species as defined under RCW 77.60.130(1).

(3) "Aquatic plant species" means an emergent, submersed, partially submersed, free-floating, or floating-leaving plant species that grows in or near a body of water or wetland.

(4) "Bag limit" means the maximum number of game animals, game birds, or game fish which may be taken, caught, killed, or possessed by a person, as specified by rule of the commission for a particular period of time, or as to size, sex, or species.

(5) "Closed area" means a place where the hunting of some or all species of wild animals or wild birds is prohibited.

(6) "Closed season" means all times, manners of taking, and places or waters other than those established by rule of the commission as an open season. "Closed season" also means all hunting, fishing, taking, or possession of game animals, game birds, game fish, food fish, or shellfish that do not conform to the special

restrictions or physical descriptions established by rule of the commission as an open season or that have not otherwise been deemed legal to hunt, fish, take, harvest, or possess by rule of the commission as an open season.

(7) "Closed waters" means all or part of a lake, river, stream, or other body of water, where fishing or harvesting is prohibited.

(8) "Commercial" means related to or connected with buying, selling, or bartering.

(9) "Commission" means the state fish and wildlife commission.

(10) "Concurrent waters of the Columbia river" means those waters of the Columbia river that coincide with the Washington-Oregon state boundary.

(11) "Contraband" means any property that is unlawful to produce or possess.

(12) "Deleterious exotic wildlife" means species of the animal kingdom not native to Washington and designated as dangerous to the environment or wildlife of the state.

(13) "Department" means the department of fish and wildlife.

(14) "Director" means the director of fish and wildlife.

(15) "Endangered species" means wildlife designated by the commission as seriously threatened with extinction.

(16) "Ex officio fish and wildlife officer" means ((a commissioned officer of a municipal, county, state, or federal agency having as its primary function the enforcement of criminal laws in general, while the officer is in the appropriate jurisdiction. The term "ex officio fish and wildlife officer" includes special agents of the national marine fisheries service, state parks commissioned officers, United States fish and wildlife special agents, department of natural resources enforcement officers, and United States forest service officers, while the agents and officers are within their respective jurisdictions));

(a) A commissioned officer of a municipal, county, or state agency having as its primary function the enforcement of criminal laws in general, while the officer is acting in the respective jurisdiction of that agency;

(b) An officer or special agent commissioned by one of the following: The national marine fisheries service; the Washington state parks and recreation commission; the United States fish and wildlife service; the Washington state department of natural resources; the United States forest service; or the United States parks service, if the agent or officer is in the respective jurisdiction of the primary commissioning agency and is acting under a mutual law enforcement assistance agreement between the department and the primary commissioning agency;

(c) A commissioned fish and wildlife peace officer from another state who meets the training standards set by the Washington state criminal justice training commission pursuant to RCW 10.93.090, 43.101.080, and 43.101.200, and who is acting under a mutual law enforcement assistance agreement between the department and the primary commissioning agency; or

(d) A Washington state tribal police officer who successfully completes the requirements set forth under RCW 43.101.157, is employed by a tribal nation that has complied with RCW 10.92.020(2) (a) and (b), and is acting under a mutual law enforcement assistance agreement between the department and the tribal government.

(17) "Fish" includes all species classified as game fish or food fish by statute or rule, as well as all fin fish not currently classified as food fish or game fish if such species exist in state waters. The term "fish" includes all stages of development and the bodily parts of fish species.

(18) "Fish and wildlife officer" means a person appointed and commissioned by the director, with authority to enforce this title and rules adopted pursuant to this title, and other statutes as prescribed

by the legislature. Fish and wildlife officer includes a person commissioned before June 11, 1998, as a wildlife agent or a fisheries patrol officer.

(19) "Fish broker" means a person whose business it is to bring a seller of fish and shellfish and a purchaser of those fish and shellfish together.

(20) "Fishery" means the taking of one or more particular species of fish or shellfish with particular gear in a particular geographical area.

(21) "Freshwater" means all waters not defined as saltwater including, but not limited to, rivers upstream of the river mouth, lakes, ponds, and reservoirs.

(22) "Fur-bearing animals" means game animals that shall not be trapped except as authorized by the commission.

(23) "Game animals" means wild animals that shall not be hunted except as authorized by the commission.

(24) "Game birds" means wild birds that shall not be hunted except as authorized by the commission.

(25) "Game farm" means property on which wildlife is held ~~((or))~~, confined, propagated, hatched, fed, or otherwise raised for commercial purposes, trade, or gift. The term "game farm" does not include publicly owned facilities.

(26) "Game reserve" means a closed area where hunting for all wild animals and wild birds is prohibited.

(27) "Illegal items" means those items unlawful to be possessed.

(28) "Invasive species" means a plant species or a nonnative animal species that either:

(a) Causes or may cause displacement of, or otherwise threatens, native species in their natural communities;

(b) Threatens or may threaten natural resources or their use in the state;

(c) Causes or may cause economic damage to commercial or recreational activities that are dependent upon state waters; or

(d) Threatens or harms human health.

(29) "License year" means the period of time for which a recreational license is valid. The license year begins April 1st, and ends March 31st.

(30) "Limited-entry license" means a license subject to a license limitation program established in chapter 77.70 RCW.

(31) "Money" means all currency, script, personal checks, money orders, or other negotiable instruments.

(32) "Nonresident" means a person who has not fulfilled the qualifications of a resident.

(33) "Offshore waters" means marine waters of the Pacific Ocean outside the territorial boundaries of the state, including the marine waters of other states and countries.

(34) "Open season" means those times, manners of taking, and places or waters established by rule of the commission for the lawful hunting, fishing, taking, or possession of game animals, game birds, game fish, food fish, or shellfish that conform to the special restrictions or physical descriptions established by rule of the commission or that have otherwise been deemed legal to hunt, fish, take, harvest, or possess by rule of the commission. "Open season" includes the first and last days of the established time.

(35) "Owner" means the person in whom is vested the ownership dominion, or title of the property.

(36) "Person" means and includes an individual; a corporation; a public or private entity or organization; a local, state, or federal agency; all business organizations, including corporations and partnerships; or a group of two or more individuals acting with a common purpose whether acting in an individual, representative, or official capacity.

(37) "Personal property" or "property" includes both corporeal and incorporeal personal property and includes, among other property, contraband and money.

(38) "Personal use" means for the private use of the individual taking the fish or shellfish and not for sale or barter.

(39) "Predatory birds" means wild birds that may be hunted throughout the year as authorized by the commission.

(40) "Prohibited aquatic animal species" means an invasive species of the animal kingdom that has been classified as a prohibited aquatic animal species by the commission.

(41) "Protected wildlife" means wildlife designated by the commission that shall not be hunted or fished.

(42) "Raffle" means an activity in which tickets bearing an individual number are sold for not more than twenty-five dollars each and in which a permit or permits are awarded to hunt or for access to hunt big game animals or wild turkeys on the basis of a drawing from the tickets by the person or persons conducting the raffle.

(43) "Recreational and commercial watercraft" includes the boat, as well as equipment used to transport the boat, and any auxiliary equipment such as attached or detached outboard motors.

(44) "Regulated aquatic animal species" means a potentially invasive species of the animal kingdom that has been classified as a regulated aquatic animal species by the commission.

(45) "Resident" ((means:

(a) A person who has maintained a permanent place of abode within the state for at least ninety days immediately preceding an application for a license, has established by formal evidence an intent to continue residing within the state, and who is not licensed to hunt or fish as a resident in another state; and

(b) A person age eighteen or younger who does not qualify as a resident under (a) of this subsection, but who has a parent that qualifies as a resident under (a) of this subsection)) has the same meaning as defined in section 5 of this act.

(46) "Retail-eligible species" means commercially harvested salmon, crab, and sturgeon.

(47) "Saltwater" means those marine waters seaward of river mouths.

(48) "Seaweed" means marine aquatic plant species that are dependent upon the marine aquatic or tidal environment, and exist in either an attached or free floating form, and includes but is not limited to marine aquatic plants in the classes Chlorophyta, Phaeophyta, and Rhodophyta.

(49) "Senior" means a person seventy years old or older.

(50) "Shark fin" means a raw, dried, or otherwise processed detached fin or tail of a shark.

(51)(a) "Shark fin derivative product" means any product intended for use by humans or animals that is derived in whole or in part from shark fins or shark fin cartilage.

(b) "Shark fin derivative product" does not include a drug approved by the United States food and drug administration and available by prescription only or medical device or vaccine approved by the United States food and drug administration.

(52) "Shellfish" means those species of marine and freshwater invertebrates that have been classified and that shall not be taken except as authorized by rule of the commission. The term "shellfish" includes all stages of development and the bodily parts of shellfish species.

(53) "State waters" means all marine waters and fresh waters within ordinary high water lines and within the territorial boundaries of the state.

(54) "To fish," "to harvest," and "to take," and their derivatives means an effort to kill, injure, harass, or catch a fish or shellfish.

(55) "To hunt" and its derivatives means an effort to kill, injure, capture, or harass a wild animal or wild bird.

(56) "To process" and its derivatives mean preparing or preserving fish, wildlife, or shellfish.

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(57) "To trap" and its derivatives means a method of hunting using devices to capture wild animals or wild birds.

(58) "Trafficking" means offering, attempting to engage, or engaging in sale, barter, or purchase of fish, shellfish, wildlife, or deleterious exotic wildlife.

(59) "Unclaimed" means that no owner of the property has been identified or has requested, in writing, the release of the property to themselves nor has the owner of the property designated an individual to receive the property or paid the required postage to effect delivery of the property.

(60) "Unlisted aquatic animal species" means a nonnative animal species that has not been classified as a prohibited aquatic animal species, a regulated aquatic animal species, or an unregulated aquatic animal species by the commission.

(61) "Unregulated aquatic animal species" means a nonnative animal species that has been classified as an unregulated aquatic animal species by the commission.

(62) "Wholesale fish dealer" means a person who, acting for commercial purposes, takes possession or ownership of fish or shellfish and sells, barter, or exchanges or attempts to sell, barter, or exchange fish or shellfish that have been landed into the state of Washington or entered the state of Washington in interstate or foreign commerce.

(63) "Wild animals" means those species of the class Mammalia whose members exist in Washington in a wild state (~~and the species *Rana catesbeiana* (bullfrog)~~). The term "wild animal" does not include feral domestic mammals or old world rats and mice of the family Muridae of the order Rodentia.

(64) "Wild birds" means those species of the class Aves whose members exist in Washington in a wild state.

(65) "Wildlife" means all species of the animal kingdom whose members exist in Washington in a wild state. This includes but is not limited to mammals, birds, reptiles, amphibians, fish, and invertebrates. The term "wildlife" does not include feral domestic mammals, old world rats and mice of the family Muridae of the order Rodentia, or those fish, shellfish, and marine invertebrates classified as food fish or shellfish by the director. The term "wildlife" includes all stages of development and the bodily parts of wildlife members.

(66) "Youth" means a person fifteen years old for fishing and under sixteen years old for hunting.

(67) "Anadromous game fish buyer" means a person who purchases or sells steelhead trout and other anadromous game fish harvested by Indian fishers lawfully exercising fishing rights reserved by federal statute, treaty, or executive order, under conditions prescribed by rule of the director.

(68) "Building" means a private domicile, garage, barn, or public or commercial building.

(69) "Fish buyer" means a person engaged by a wholesale fish dealer to purchase food fish or shellfish from a licensed commercial fisher.

(70) "Food, food waste, or other substance" includes human and pet food or other waste or garbage that could attract large wild carnivores.

(71) "Fur dealer" means a person who purchases, receives, or resells raw furs for commercial purposes.

(72)(a) "Intentionally feed, attempt to feed, or attract" means to purposefully or knowingly provide, leave, or place in, on, or about any land or building any food, food waste, or other substance that attracts or could attract large wild carnivores to that land or building.

(b) "Intentionally feed, attempt to feed, or attract" does not include keeping food, food waste, or other substance in an enclosed garbage receptacle or other enclosed container unless specifically directed by a fish and wildlife officer or animal control authority to secure the receptacle or container in another manner.

(73) "Large wild carnivore" includes wild bear, cougar, and wolf.

(74) "Natural person" means a human being.

(75)(a) "Negligently feed, attempt to feed, or attract" means to provide, leave, or place in, on, or about any land or building any food, food waste, or other substance that attracts or could attract large wild carnivores to that land or building, without the awareness that a reasonable person in the same situation would have with regard to the likelihood that the food, food waste, or other substance could attract large wild carnivores to the land or building.

(b) "Negligently feed, attempt to feed, or attract" does not include keeping food, food waste, or other substance in an enclosed garbage receptacle or other enclosed container unless specifically directed by a fish and wildlife officer or animal control authority to secure the receptacle or container in another manner.

(76) "Taxidermist" means a person who, for commercial purposes, creates lifelike representations of fish and wildlife using fish and wildlife parts and various supporting structures.

(77) "Wildlife meat cutter" means a person who packs, cuts, processes, or stores wildlife for consumption for another for commercial purposes.

NEW SECTION. **Sec. 5.** A new section is added to chapter 77.08 RCW to read as follows:

For the purposes of this title or rules adopted under this title, "resident" means:

(1) A natural person who has maintained a permanent place of abode within the state for at least ninety days immediately preceding an application for a license, has established by formal evidence an intent to continue residing within the state, is not licensed to hunt or fish as a resident in another state or country, and is not receiving resident benefits of another state or country.

(a) For purposes of this section, "permanent place of abode" means a residence in this state that a person maintains for personal use.

(b) A natural person can demonstrate that the person has maintained a permanent place of abode in Washington by showing that the person:

(i) Uses a Washington state address for federal income tax or state tax purposes;

(ii) Designates this state as the person's residence for obtaining eligibility to hold a public office or for judicial actions;

(iii) Is a registered voter in the state of Washington; or

(iv) Is a custodial parent with a child attending prekindergarten, kindergarten, elementary school, middle school, or high school in this state.

(c) A natural person can demonstrate the intent to continue residing within the state by showing that he or she:

(i) Has a valid Washington state driver's license; or

(ii) Has a valid Washington state identification card, if the person is not eligible for a Washington state driver's license; and

(iii) Has registered the person's vehicle or vehicles in Washington state.

(2) The spouse of a member of the United States armed forces if the member qualifies as a resident under subsection (1), (3), or (4) of this section, or a natural person age eighteen or younger who does not qualify as a resident under subsection (1) of this section, but who has a parent or legal guardian who qualifies as a resident under subsection (1), (3), or (4) of this section.

(3) A member of the United States armed forces temporarily stationed in Washington state on predeployment orders. A copy of the person's military orders is required to meet this condition.

(4) A member of the United States armed forces who is permanently stationed in Washington state or who designates Washington state on their military "state of legal residence certificate" or enlistment or re-enlistment documents. A copy of

the person's "state of legal residence certificate" or enlistment or re-enlistment documents is required to meet the conditions of this subsection.

**Sec. 6.** RCW 77.95.320 and 2009 c 340 s 2 are each amended to read as follows:

(1) The department shall establish a program that utilizes department-partner agreements for the resumption or continued operation and management of state-owned salmonid hatcheries (~~((now closed or scheduled for closure during the 2009-2011 biennium))~~). To implement the program, the department shall accept and review applications to determine the appropriateness of the partner to manage and operate selected salmonid hatcheries. The department shall accelerate the application process relating to any hatchery currently in operation to avoid cessation of ongoing salmon production.

(2)(a) To select a partner, the department shall develop and apply criteria identifying the appropriateness of a potential partner. The criteria must seek to ensure that the partner has a long-range business plan, which may include the sale of hatchery surplus salmon, including eggs and carcasses, to ensure the long-range future solvency of the partnership. The business plan may also allow the partner to harvest hatchery chum salmon in a designated area through persons under contract with the partner as provided under a permit from the department or by rule of the commission. All chum salmon harvested must be sold at prices commensurate with the current market and all funds must be utilized by the partner to operate the hatchery.

(b) Partners under this section must be:

(i) Qualified under section 501(c)(3) of the internal revenue code;

(ii) A for-profit private entity; or

(iii) A federally recognized tribe.

(3) The department shall place a higher priority on applications from partners that provide for the maximum resumption or continuation of existing hatchery production in a manner consistent with the mandate contained in RCW 77.04.012 to maintain the economic well-being and stability of the fishing industry.

(4) Agreements entered into with partners under this section must be consistent with existing state laws, agency rules, collective bargaining agreements, hatchery management policy involving species listed under the federal endangered species act, or, in the case of a tribal partner, any applicable tribal hatchery management policy or recreational and commercial harvest policy. Agreements under this section must also require that partners conducting hatchery operations maintain staff with comparable qualifications to those identified in the class specifications for the department's fish hatchery personnel.

(5) All partnership agreements entered into under this section must contain a provision that requires the partner to hold harmless the department and the state for any civil liability arising from the partner's participation in the agreement or activities at the subject hatchery or hatcheries.

(6) All partnership agreements entered into under this section must identify any maintenance or improvements to be made to the hatchery facility, and the source of funding for such maintenance or improvements. If funding for the maintenance or improvements is to come from state funds or revenue sources previously received by the department, the work must be performed either by employees in the classified service or in compliance with the contracting procedures set forth in RCW 41.06.142.

(7) If deemed necessary and appropriate by the director, department enforcement officers may conduct background checks on potential partners described by subsection (2)(b)(i) and (ii) of this section prior to the department executing a partnership agreement.

**Sec. 7.** RCW 77.15.030 and 1999 c 258 s 1 are each amended to read as follows:

Except as provided in RCW 77.15.260(2)(b), where it is unlawful to hunt, take, fish, possess, or traffic in big game or protected or endangered fish or wildlife, then each individual animal unlawfully taken or possessed is a separate offense.

**Sec. 8.** RCW 77.15.050 and 2009 c 333 s 1 are each amended to read as follows:

(1) Unless the context clearly requires otherwise, as used in this chapter, "conviction" means(~~(:~~

~~(a)) a final conviction in a state or municipal court((:~~

~~(b) A failure to appear at a hearing to contest an infraction or criminal citation; or~~

~~(c) An unvacated forfeiture of bail paid as a final disposition for an offense)).~~

(2) A plea of guilty(~~(:~~) or a finding of guilt for a violation of this title or department rule (~~(of the commission or director))~~) constitutes a conviction regardless of whether the imposition of sentence is deferred or the penalty is suspended.

**Sec. 9.** RCW 77.15.075 and 2009 c 204 s 1 are each amended to read as follows:

(1) Fish and wildlife officers ((and ex officio fish and wildlife officers shall enforce this title, rules of the department, and other statutes as prescribed by the legislature. Fish and wildlife officers who are not ex officio officers)) shall have and exercise, throughout the state, such police powers and duties as are vested in sheriffs and peace officers generally. Fish and wildlife officers are general authority Washington peace officers.

(2) An applicant for a fish and wildlife officer position must be a citizen of the United States of America who can read and write the English language. ((All fish and wildlife officers employed after June 13, 2002, must successfully complete the basic law enforcement academy course, known as the basic course, sponsored by the criminal justice training commission, or the basic law enforcement equivalency certification, known as the equivalency course, provided by the criminal justice training commission. All officers employed on June 13, 2002, must have successfully completed the basic course, the equivalency course, or the supplemental course in criminal law enforcement, known as the supplemental course, offered under chapter 155, Laws of 1985. Any officer who has not successfully completed the basic course, the equivalency course, or the supplemental course must complete the basic course or the equivalency course within fifteen months of June 13, 2002.

(2) Fish and wildlife officers are peace officers)) Before a person may be appointed to act as a fish and wildlife officer, the person shall meet the minimum standards for employment with the department, including successful completion of a psychological examination and polygraph examination or similar assessment procedure administered in accordance with the requirements of RCW 43.101.095(2).

(3) Any liability or claim of liability under chapter 4.92 RCW that arises out of the exercise or alleged exercise of authority by a fish and wildlife officer rests with the department unless the fish and wildlife officer acts under the direction and control of another agency or unless the liability is otherwise assumed under an agreement between the department and another agency.

(4) ~~((Fish and wildlife officers may serve and execute warrants and processes issued by the courts.~~

~~(5))~~ The department may utilize the services of a volunteer chaplain as provided under chapter 41.22 RCW.

**Sec. 10.** RCW 77.15.080 and 2002 c 281 s 8 are each amended to read as follows:

(1) Based upon articulable facts that a person is engaged in fishing, harvesting, or hunting activities, fish and wildlife officers

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and ex officio fish and wildlife officers have the authority to temporarily stop the person and check for valid licenses, tags, permits, stamps, or catch record cards, and to inspect all fish, shellfish, seaweed, and wildlife in possession as well as the equipment being used to ensure compliance with the requirements of this title~~((, and))~~. Fish and wildlife officers and ex officio fish and wildlife officers also may request that the person ((the)) write his or her signature for comparison with the signature on ((the)) his or her fishing, harvesting, or hunting license. Failure to comply with the request is prima facie evidence that the person is not the person named on the license. ~~((For licenses purchased over the internet or telephone,))~~ Fish and wildlife officers may require the person, if age ~~((eighteen))~~ sixteen or older, to exhibit a driver's license or other photo identification.

(2) Based upon articulable facts that a person is transporting a prohibited aquatic animal species or any aquatic plant, fish and wildlife officers and ex officio fish and wildlife officers have the authority to temporarily stop the person and inspect the watercraft to ensure that the watercraft and associated equipment are not transporting prohibited aquatic animal species or aquatic plants.

**Sec. 11.** RCW 77.15.100 and 2009 c 333 s 39 are each amended to read as follows:

(1) ~~((Unless otherwise provided in this title,))~~ Fish, shellfish, ((or wildlife unlawfully taken or possessed, or involved in a violation shall be forfeited to the state upon conviction. Unless already held by, sold, destroyed, or disposed of by the department, the court shall order such fish or wildlife to be delivered to the department. Where delay will cause loss to the value of the property and a ready wholesale buying market exists, the department may sell property to a wholesale buyer at a fair market value.

(2) When seized property is forfeited to the department, the department may retain it for official use unless the property is required to be destroyed, or upon application by any law enforcement agency of the state, release the property to the agency for the use of enforcing this title, or sell such property and deposit the proceeds into the fish and wildlife enforcement reward account established under RCW 77.15.425. Any sale of other property shall be at public auction or after public advertisement reasonably designed to obtain the highest price. The time, place, and manner of holding the sale shall be determined by the director. The director may contract for the sale to be through the department of general administration as state surplus property, or, except where not justifiable by the value of the property, the director shall publish notice of the sale once a week for at least two consecutive weeks before the sale in at least one newspaper of general circulation in the county in which the sale is to be held) and wildlife are property of the state under RCW 77.04.012. Fish and wildlife officers may sell seized, commercially harvested fish and shellfish to a wholesale buyer and deposit the proceeds into the fish and wildlife enforcement reward account under RCW 77.15.425. Seized, recreationally harvested fish, shellfish, and wildlife may be donated to nonprofit charitable organizations. The charitable organization must qualify for tax-exempt status under 26 U.S.C. Sec. 501(c)(3) of the federal internal revenue code.

(2) Unless otherwise provided in this title, fish, shellfish, or wildlife taken, possessed, or harvested in violation of this title or department rule shall be forfeited to the state upon conviction or any outcome in criminal court whereby a person voluntarily enters into a disposition that continues or defers the case for dismissal upon the successful completion of specific terms or conditions. For criminal cases resulting in other types of dispositions, the fish, shellfish, or wildlife may be returned, or its equivalent value paid, if the fish, shellfish, or wildlife have already been donated or sold.

**NEW SECTION. Sec. 12.** A new section is added to chapter 77.15 RCW to read as follows:

(1) A person is guilty of unlawfully hunting on, or retrieving hunted wildlife from, the property of another if the person knowingly enters or remains unlawfully in or on the premises of another for the purpose of hunting for wildlife or retrieving hunted wildlife.

(2) In any prosecution under this section, it is a defense that:

(a) The premises were at the time open to members of the public for the purpose of hunting, and the actor complied with all lawful conditions imposed on access to or remaining on the premises;

(b) The actor reasonably believed that the owner of the premises, or other person empowered to license access thereto, would have licensed him or her to enter or remain on the premises for the purpose of hunting or retrieving hunted wildlife;

(c) The actor reasonably believed that the premises were not privately owned; or

(d) The actor, after making all reasonable attempts to contact the owner of the premises, retrieved the hunted wildlife for the sole purpose of avoiding a violation of the prohibition on the waste of fish and wildlife as provided in RCW 77.15.170. The defense in this subsection only applies to the retrieval of hunted wildlife and not to the actual act of hunting itself.

(3) Unlawfully hunting on or retrieving hunted wildlife from the property of another is a misdemeanor.

(4) If a person unlawfully hunts and kills wildlife, or retrieves hunted wildlife that he or she has killed, on the property of another, then, upon conviction of unlawfully hunting on, or retrieving hunted wildlife from, the property of another, the department shall revoke all hunting licenses and tags and order a suspension of the person's hunting privileges for two years.

(5) Any wildlife that is unlawfully hunted on or retrieved from the property of another must be seized by fish and wildlife officers. Forfeiture and disposition of the wildlife is pursuant to RCW 77.15.100.

**NEW SECTION. Sec. 13.** A new section is added to chapter 77.15 RCW to read as follows:

When seized property, other than fish, shellfish, and wildlife, is judicially forfeited to the department, the department may: (1) Retain it for official use unless the property is required to be destroyed; (2) upon application by any law enforcement agency of the state, release the property to the agency for use in enforcing this title; (3) donate the property as provided under RCW 77.130.060; or (4) sell the property and deposit the proceeds into the fish and wildlife enforcement reward account created in RCW 77.15.425. Any sale of the property must be done in accordance with RCW 77.130.010(1) and 77.130.020. However, the requirement in those sections for notice to owners does not apply.

**Sec. 14.** RCW 77.15.110 and 2002 c 127 s 2 are each amended to read as follows:

(1) For purposes of this chapter, a person acts for commercial purposes if the person engages in conduct that relates to commerce in fish, seaweed, shellfish, or wildlife or any parts thereof. Commercial conduct may include taking, delivering, selling, buying, or trading fish, seaweed, shellfish, or wildlife where there is present or future exchange of money, goods, or any valuable consideration. Evidence that a person acts for commercial purposes includes, but is not limited to, the following conduct:

(a) Using gear typical of that used in commercial fisheries;

(b) Exceeding the bag or possession limits for personal use by taking or possessing more than three times the amount of fish, seaweed, shellfish, or wildlife allowed;

(c) Delivering or attempting to deliver fish, seaweed, shellfish, or wildlife to a person who sells or resells fish, seaweed, shellfish, or wildlife including any licensed or unlicensed wholesaler;

(d) Taking fish or shellfish using a vessel designated on a commercial fishery license or using gear not authorized in a personal use fishery;

(e) Using a commercial fishery license;

(f) Selling or dealing in raw furs for a fee or in exchange for goods or services; ~~(or)~~

(g) Performing taxidermy service on fish, shellfish, or wildlife belonging to another person for a fee or receipt of goods or services; or

(h) Packs, cuts, processes, or stores the meat of wildlife for consumption, for a fee or in exchange for goods or services.

(2) For purposes of this chapter, the value of any fish, seaweed, shellfish, or wildlife may be proved based on evidence of legal or illegal sales involving the person charged or any other person, of offers to sell or solicitation of offers to sell by the person charged or by any other person, or of any market price for the fish, seaweed, shellfish, or wildlife including market price for farm-raised game animals. The value assigned to specific fish, seaweed, shellfish, or wildlife by RCW 77.15.420 may be presumed to be the value of such fish, seaweed, shellfish, or wildlife. It is not relevant to proof of value that the person charged misrepresented that the fish, seaweed, shellfish, or wildlife was taken in compliance with law if the fish, seaweed, shellfish, or wildlife was unlawfully taken and had no lawful market value.

**Sec. 15.** RCW 77.15.130 and 1998 c 190 s 14 are each amended to read as follows:

(1) A person is guilty of unlawful taking of protected fish or wildlife if:

(a) The person hunts, fishes, possesses, or maliciously kills protected fish or wildlife, or the person possesses or maliciously destroys the eggs or nests of protected fish or wildlife, and the taking has not been authorized by rule of the commission; or

(b) The person violates any rule of the commission regarding the taking, harming, harassment, possession, or transport of protected fish or wildlife.

(2) Unlawful taking of protected fish or wildlife is a misdemeanor.

(3) In addition to the penalties set forth in subsection (2) of this section, if a person is convicted of violating this section and the violation results in the death of protected wildlife listed in this subsection, the court shall require payment of the following amounts for each animal killed or possessed. This is a criminal wildlife penalty assessment that must be paid to the clerk of the court and distributed each month to the state treasurer for deposit in the fish and wildlife enforcement reward account created in RCW 77.15.425:

(a) Ferruginous hawk, two thousand dollars;

(b) Common loon, two thousand dollars;

(c) Bald eagle, two thousand dollars;

(d) Golden eagle, two thousand dollars; and

(e) Peregrine falcon, two thousand dollars.

(4) If two or more persons are convicted under subsection (1) of this section, and subsection (3) of this section is applicable, the criminal wildlife penalty assessment must be imposed against the persons jointly and separately.

(5)(a) The criminal wildlife penalty assessment under subsection (3) of this section must be imposed regardless of and in addition to any sentence, fines, or costs otherwise provided for violating any provision of this section. The criminal wildlife penalty assessment must be included by the court in any pronouncement of sentence and may not be suspended, waived, modified, or deferred in any respect.

(b) This subsection may not be construed to abridge or alter alternative rights of action or remedies in equity or under common law or statutory law, criminal or civil.

(6) A defaulted criminal wildlife penalty assessment authorized under subsection (3) of this section may be collected by any means authorized by law for the enforcement of orders of the court or collection of a fine or costs, including but not limited to vacation of a deferral of sentencing or vacation of a suspension of sentence.

(7) The department shall revoke the hunting license and suspend the hunting privileges of a person assessed a criminal wildlife penalty assessment under this section until the penalty assessment is paid through the registry of the court in which the penalty assessment was assessed.

(8) The criminal wildlife penalty assessments provided in subsection (3) of this section must be doubled in the following instances:

(a) When a person commits a violation that requires payment of a criminal wildlife penalty assessment within five years of a prior gross misdemeanor or felony conviction under this title; or

(b) When the person killed the protected wildlife in question with the intent of bartering, selling, or otherwise deriving economic profit from the wildlife or wildlife parts.

**Sec. 16.** RCW 77.15.160 and 2000 c 107 s 237 are each amended to read as follows:

~~(A person is guilty of an infraction, which shall)~~ The following acts are infractions and must be cited and punished as provided under chapter 7.84 RCW~~(-if the person))~~:

(1) ~~((Fails to immediately record a catch of fish or shellfish on a catch record card required by RCW 77.32.430, or required by rule of the commission under this title; or~~

~~(2) Fishes for personal use using barbed hooks in violation of any rule; or~~

~~(3) Violates any other rule of the commission or director that is designated by rule as an infraction))~~ Fishing and shellfishing infractions:

(a) Barbed hooks: Fishing for personal use with barbed hooks in violation of any department rule.

(b) Catch recording: Failing to immediately record a catch of fish or shellfish on a catch record card as required by RCW 77.32.430 or department rule.

(c) Catch reporting: Failing to return a catch record card to the department for other than Puget Sound Dungeness crab, as required by department rule.

(d) Recreational fishing: Fishing for fish or shellfish and, without yet possessing fish or shellfish, the person:

(i) Owns, but fails to have in the person's possession the license or the catch record card required by chapter 77.32 RCW for such an activity; or

(ii) Violates any department rule regarding seasons, closed areas, closed times, or any other rule addressing the manner or method of fishing for fish or shellfish. This subsection does not apply to use of a net to take fish under RCW 77.15.580 or the unlawful use of shellfish gear for personal use under RCW 77.15.382.

(e) Seaweed: Taking, possessing, or harvesting less than two times the daily possession limit of seaweed:

(i) While owning, but not having in the person's possession, the license required by chapter 77.32 RCW; or

(ii) In violation of any rule of the department or the department of natural resources regarding seasons, closed areas, closed times, or any other rule addressing the manner or method of taking, possessing, or harvesting of seaweed.

(f) Unclassified fish or shellfish: Taking unclassified fish or shellfish in violation of any department rule by killing, fishing, taking, holding, possessing, or maliciously injuring or harming fish or shellfish that is not classified as game fish, food fish, shellfish, protected fish, or endangered fish.

(g) Wasting fish or shellfish: Killing, taking, or possessing fish

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or shellfish having a value of less than two hundred fifty dollars and allowing the fish or shellfish to be wasted.

(2) Hunting infractions:

(a) Eggs or nests: Maliciously, and without permit authorization, destroying, taking, or harming the eggs or active nests of a wild bird not classified as endangered or protected. For purposes of this subsection, "active nests" means nests that contain eggs or fledglings.

(b) Unclassified wildlife: Taking unclassified wildlife in violation of any department rule by killing, hunting, taking, holding, possessing, or maliciously injuring or harming wildlife that is not classified as big game, game animals, game birds, protected wildlife, or endangered wildlife.

(c) Wasting wildlife: Killing, taking, or possessing wildlife that is not classified as big game and has a value of less than two hundred fifty dollars, and allowing the wildlife to be wasted.

(d) Wild animals: Hunting for wild animals not classified as big game and, without yet possessing the wild animals, the person owns, but fails to have in the person's possession, all licenses, tags, or permits required by this title.

(e) Wild birds: Hunting for and, without yet possessing a wild bird or birds, the person:

(i) Owns, but fails to have in the person's possession, all licenses, tags, stamps, and permits required under this title; or

(ii) Violates any department rule regarding seasons, closed areas, closed times, or any other rule addressing the manner or method of hunting wild birds.

(3) Trapping, taxidermy, fur dealing, and wildlife meat cutting infractions:

(a) Recordkeeping and reporting: If a person is a taxidermist, fur dealer, or wildlife meat cutter who is processing, holding, or storing wildlife for commercial purposes, failing to:

(i) Maintain records as required by department rule; or

(ii) Report information from these records as required by department rule.

(b) Trapper's report: Failing to report trapping activity as required by department rule.

(4) Other infractions:

(a) Contests: Conducting, holding, or sponsoring a hunting contest, a fishing contest involving game fish, or a competitive field trial using live wildlife.

(b) Other rules: Violating any other department rule that is designated by rule as an infraction.

(c) Posting signs: Posting signs preventing hunting or fishing on any land not owned or leased by the person doing the posting, or without the permission of the person who owns, leases, or controls the land posted.

(d) Scientific permits: Using a scientific permit issued by the director for fish, shellfish, or wildlife, but not including big game or big game parts, and the person:

(i) Violates any terms or conditions of the scientific permit; or

(ii) Violates any department rule applicable to the issuance or use of scientific permits.

(e) Transporting aquatic plants: Transporting aquatic plants on any state or public road, including forest roads. However:

(i) This subsection does not apply to plants that are:

(A) Being transported to the department or to another destination designated by the director, in a manner designated by the department, for purposes of identifying a species or reporting the presence of a species;

(B) Legally obtained for aquarium use, wetland or lakeshore restoration, or ornamental purposes;

(C) Located within or on a commercial aquatic plant harvester that is being transported to a suitable location to remove aquatic plants;

(D) Being transported in a manner that prevents their unintentional dispersal, to a suitable location for disposal, research, or educational purposes; or

(E) Being transported in such a way as the commission may otherwise prescribe; and

(ii) This subsection does not apply to a person who:

(A) Is stopped at an aquatic invasive species check station and possesses a recreational or commercial watercraft that is contaminated with an aquatic invasive plant species if that person complies with all department directives for the proper decontamination of the watercraft and equipment; or

(B) Has voluntarily submitted a recreational or commercial watercraft for inspection by the department or its designee and has received a receipt verifying that the watercraft has not been contaminated since its last use.

Sec. 17. RCW 77.15.170 and 1999 c 258 s 5 are each amended to read as follows:

(1) A person is guilty of waste of fish and wildlife (~~in the second degree~~) if:

(a) ((The person kills, takes, or possesses fish, shellfish, or wildlife and the value of the fish, shellfish, or wildlife is greater than twenty dollars but less than two hundred fifty dollars; and

(b) The person recklessly allows such fish, shellfish, or wildlife to be wasted.

(2) A person is guilty of waste of fish and wildlife in the first degree if:

(a)) The person kills, takes, or possesses fish, shellfish, or wildlife having a value of two hundred fifty dollars or more or wildlife classified as big game; and

(b) The person recklessly allows such fish, shellfish, or wildlife to be wasted.

~~((3)(a) Waste of fish and wildlife in the second degree is a misdemeanor.~~

~~(b))~~ (2) Waste of fish and wildlife (~~in the first degree~~) is a gross misdemeanor. Upon conviction, the department shall revoke any license or tag used in the crime and shall order suspension of the person's privileges to engage in the activity in which the person committed waste of fish and wildlife (~~in the first degree~~) for a period of one year.

~~((4))~~ (3) It is prima facie evidence of waste if:

(a) A processor purchases or engages a quantity of food fish, shellfish, or game fish that cannot be processed within sixty hours after the food fish, game fish, or shellfish are taken from the water, unless the food fish, game fish, or shellfish are preserved in good marketable condition; or

(b) A person brings a big game animal to a wildlife meat cutter and then abandons the animal. For purposes of this subsection (3)(b), a big game animal is deemed to be abandoned when its carcass is placed in the custody of a wildlife meat cutter for butchering and processing and:

(i) Having been placed in such custody for an unspecified period of time, the meat is not removed within thirty days after the wildlife meat cutter gives notice to the person who brought in the carcass or, having been so notified, the person who brought in the carcass refuses or fails to pay the agreed upon or reasonable charges for the butchering or processing of the carcass; or

(ii) Having been placed in such custody for a specified period of time, the meat is not removed at the end of the specified period or the person who brought in the carcass refuses to pay the agreed upon or reasonable charges for the butchering or processing of the carcass.

Sec. 18. RCW 77.15.190 and 1999 c 258 s 9 are each amended to read as follows:

(1) A person is guilty of unlawful trapping if the person:



(a) Sets out traps that are capable of taking wild animals, game animals, or furbearing mammals and does not possess all licenses, tags, or permits required under this title;

(b) Violates any department rule (~~(of the commission or director)~~) regarding seasons, bag or possession limits, closed areas including game reserves, closed times, or any other rule governing the trapping of wild animals, with the exception of reporting rules; or

(c) Fails to identify the owner of the traps or devices by neither (i) attaching a metal tag with the owner's department-assigned identification number or the name and address of the trapper legibly written in numbers or letters not less than one-eighth inch in height nor (ii) inscribing into the metal of the trap such number or name and address.

(2) Unlawful trapping is a misdemeanor.

**Sec. 19.** RCW 77.15.240 and 1998 c 190 s 30 are each amended to read as follows:

(1) A person is guilty of unlawful use of dogs if the person:

(a) Negligently fails to prevent a dog under the person's control from pursuing, harassing, attacking, or (~~(injuring)~~) killing deer, elk, moose, caribou, mountain sheep, or (~~(an)~~) animals classified as endangered under this title; or

(b) Uses the dog to hunt deer or elk(; or

(c) During the closed season for a species of game animal or game bird, negligently fails to prevent the dog from pursuing such animal or destroying the nest of a game bird)).

(2) For purposes of this section, a dog is "under a person's control" if the dog is owned or possessed by, or in the custody of, a person.

(3) Unlawful use of dogs is a misdemeanor. (~~(A dog that is the basis for a violation of this section may be declared a public nuisance.)~~)

(4)(a) Based on a reasonable belief that a dog is pursuing, harassing, attacking, or killing a snow bound deer, elk, moose, caribou, mountain sheep, or animals classified as protected or endangered under this title, fish and wildlife officers and ex officio fish and wildlife officers may:

(i) Lawfully take a dog into custody; or

(ii) If necessary to avoid repeated harassment, injury, or death of wildlife under this section, destroy the dog.

(b) Fish and wildlife officers and ex officio fish and wildlife officers who destroy a dog pursuant to this section are immune from civil or criminal liability arising from their actions.

**Sec. 20.** RCW 77.15.260 and 2001 c 253 s 33 are each amended to read as follows:

(1) A person is guilty of unlawful trafficking in fish, shellfish, or wildlife in the second degree if the person traffics in fish, shellfish, or wildlife with a wholesale value of less than two hundred fifty dollars and:

(a) The fish or wildlife is classified as game, food fish, shellfish, game fish, or protected wildlife and the trafficking is not authorized by statute or department rule (~~(of the department)~~); or

(b) The fish, shellfish, or wildlife is unclassified and the trafficking violates any department rule (~~(of the department)~~).

(2)(a) A person is guilty of unlawful trafficking in fish, shellfish, or wildlife in the first degree if the person commits the act described by subsection (1) of this section and:

~~((a))~~ (i) The fish, shellfish, or wildlife has a value of two hundred fifty dollars or more; or

~~((b))~~ (ii) The fish, shellfish, or wildlife is designated as an endangered species or deleterious exotic wildlife and such trafficking is not authorized by any statute or department rule (~~(of the department)~~).

(b) For purposes of this subsection (2), whenever any series of transactions that constitute unlawful trafficking would, when

considered separately, constitute unlawful trafficking in the second degree due to the value of the fish, shellfish, or wildlife, and the series of transactions are part of a common scheme or plan, then the transactions may be aggregated in one count and the sum of the value of all the transactions considered when determining the degree of unlawful trafficking involved.

(3)(a) Unlawful trafficking in fish, shellfish, or wildlife in the second degree is a (~~(gross misdemeanor)~~) class C felony.

(b) Unlawful trafficking in fish, shellfish, or wildlife in the first degree is a class (~~(C)~~) B felony.

**Sec. 21.** RCW 77.15.280 and 2008 c 244 s 2 are each amended to read as follows:

(1) A person is guilty of violating rules requiring reporting of fish or wildlife harvest if the person:

(a) Fails to make a harvest log report of a commercial fish or shellfish catch in violation of any department rule (~~(of the commission or the director)~~); or

(b) (~~(Fails to maintain a trapper's report or taxidermist ledger in violation of any rule of the commission or the director;~~

(c)) Fails to submit any portion of a big game animal for ((a required)) an inspection as required by department rule ((of the commission or the director; or

(d) Fails to return a catch record card to the department as required by rule of the commission or director, except for catch record cards officially endorsed for Puget Sound Dungeness crab)).

(2) Violating rules requiring reporting of fish or wildlife harvest is a misdemeanor.

**Sec. 22.** RCW 77.15.290 and 2007 c 350 s 6 are each amended to read as follows:

(1) A person is guilty of unlawful transportation of fish or wildlife in the second degree if the person:

(a) Knowingly imports, moves within the state, or exports fish, shellfish, or wildlife in violation of any department rule (~~(of the commission or the director)~~) governing the transportation or movement of fish, shellfish, or wildlife and the transportation does not involve big game, endangered fish or wildlife, deleterious exotic wildlife, or fish, shellfish, or wildlife having a value greater than two hundred fifty dollars; or

(b) Possesses but fails to affix or notch a big game transport tag as required by department rule (~~(of the commission or director)~~).

(2) A person is guilty of unlawful transportation of fish or wildlife in the first degree if the person:

(a) Knowingly imports, moves within the state, or exports fish, shellfish, or wildlife in violation of any department rule (~~(of the commission or the director)~~) governing the transportation or movement of fish, shellfish, or wildlife and the transportation involves big game, endangered fish or wildlife, deleterious exotic wildlife, or fish, shellfish, or wildlife with a value of two hundred fifty dollars or more; or

(b) Knowingly transports shellfish, shellstock, or equipment used in commercial culturing, taking, handling, or processing shellfish without a permit required by authority of this title.

(3)(a) Unlawful transportation of fish or wildlife in the second degree is a misdemeanor.

(b) Unlawful transportation of fish or wildlife in the first degree is a gross misdemeanor.

(4) ((A person is guilty of unlawful transport of aquatic plants if the person transports aquatic plants on any state or public road, including forest roads, except as provided in this section.

(5) Unless otherwise prohibited by law, a person may transport aquatic plants:

(a) To the department, or to another destination designated by the director, in a manner designated by the department, for purposes of identifying a species or reporting the presence of a species;

(b) When legally obtained for aquarium use, wetland or

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lakeshore restoration, or ornamental purposes;

(c) When transporting a commercial aquatic plant harvester to a suitable location for purposes of removing aquatic plants;

(d) In a manner that prevents their unintentional dispersal, to a suitable location for disposal, research, or educational purposes; or

(e) As the commission may otherwise prescribe.

(6) Unlawful transport of aquatic plants is a misdemeanor.

(7)) This section does not apply to: (a) Any person stopped at an aquatic invasive species check station who possesses a recreational or commercial watercraft that is contaminated with an aquatic invasive species if that person complies with all department directives for the proper decontamination of the watercraft and equipment; or (b) any person who has voluntarily submitted a recreational or commercial watercraft for inspection by the department or its designee and has received a receipt verifying that the watercraft has not been contaminated since its last use.

**Sec. 23.** RCW 77.15.370 and 2009 c 333 s 17 are each amended to read as follows:

(1) A person is guilty of unlawful recreational fishing in the first degree if:

(a) The person takes, possesses, or retains two times or more than the bag limit or possession limit of fish or shellfish allowed by any rule of the director or commission setting the amount of food fish, game fish, or shellfish that can be taken, possessed, or retained for noncommercial use;

(b) The person fishes in a fishway;

(c) The person shoots, gaffs, snags, snares, spears, dipnets, or stones fish or shellfish in state waters, or possesses fish or shellfish taken by such means, unless such means are authorized by express department rule (~~(of the commission or director)~~);

(d) The person fishes for or possesses a fish listed as threatened or endangered in 50 C.F.R. Sec. ~~((17.11(2002)))~~ 223.102 (2006) or Sec. 224.101 (2010), unless fishing for or possession of such fish is specifically allowed under federal or state law; ~~((or))~~

(e) The person possesses a sturgeon measuring in excess of the maximum size limit as established by rules adopted by the department; or

(f) The person possesses a salmon or steelhead during a season closed for that species.

(2) Unlawful recreational fishing in the first degree is a gross misdemeanor.

**Sec. 24.** RCW 77.15.380 and 2010 c 193 s 5 are each amended to read as follows:

(1) A person is guilty of unlawful recreational fishing in the second degree if the person fishes for ~~(r)~~ fish or shellfish and, whether or not the person possesses fish or shellfish, the person has not purchased the appropriate fishing or shellfishing license and catch record card issued to Washington residents or nonresidents under chapter 77.32 RCW.

(2) A person is guilty of unlawful recreational fishing in the second degree if the person takes, possesses, or harvests fish or shellfish and:

(a) The person owns, but does not have ~~((and possess))~~ in the person's possession, the license or the catch record card required by chapter 77.32 RCW for such activity; or

(b) The action violates any department rule (~~(of the commission or the director)~~) regarding seasons, bag or possession limits but less than two times the bag or possession limit, closed areas, closed times, or any other rule addressing the manner or method of fishing or possession of fish ~~((except for))~~. This section does not apply to use of a net to take fish (as provided for in) under RCW 77.15.580 ((and) or the unlawful use of shellfish gear for personal use ((as provided in)) under RCW 77.15.382.

~~((2))~~ (3) Unlawful recreational fishing in the second degree is a misdemeanor.

**Sec. 25.** RCW 77.15.390 and 2001 c 253 s 40 are each amended to read as follows:

(1) A person is guilty of unlawful taking of seaweed if the person takes, possesses, or harvests seaweed and:

(a) The person ~~((does not have and possess the license required by chapter 77.32 RCW for taking seaweed))~~ has not purchased a personal use shellfish and seaweed license issued to Washington residents or nonresidents under chapter 77.32 RCW; or

(b) The ~~((action violates any rule of the department or the department of natural resources regarding seasons, possession limits, closed areas, closed times, or any other rule addressing the manner or method of taking, possessing, or harvesting))~~ person takes, possesses, or harvests seaweed in an amount that is two times or more of the daily possession limit of seaweed.

(2) Unlawful taking of seaweed is a misdemeanor. This does not affect rights of the state to recover civilly for trespass, conversion, or theft of state-owned valuable materials.

**Sec. 26.** RCW 77.15.400 and 2006 c 148 s 1 are each amended to read as follows:

(1) A person is guilty of unlawful hunting of wild birds in the second degree if the person hunts for wild birds and, whether or not the person possesses wild birds, the person has not purchased the appropriate hunting license issued to Washington residents or nonresidents under chapter 77.32 RCW.

(2) A person is guilty of unlawful hunting of wild birds in the second degree if the person takes or possesses less than two times the bag or possession limit of wild birds and the person:

(a) ~~((Hunts for, takes, or possesses a wild bird and the person does not have and possess))~~ Owns, but does not have in the person's possession, all licenses, tags, stamps, and permits required under this title; or

(b) ~~((Maliciously destroys, takes, or harms the eggs or nests of a wild bird except when authorized by permit;~~

(c)) ~~((Violates any department rule ((of the commission or director)) regarding seasons, bag or possession limits ((but less than two times the bag or possession limit)), closed areas, closed times, or ((other rule addressing)) the manner or method of hunting or possession of wild birds((; or~~

(d) ~~((Possesses a wild bird taken during a closed season for that wild bird or taken from a closed area for that wild bird)).~~

~~((2))~~ (3) A person is guilty of unlawful hunting of wild birds in the first degree if the person takes or possesses two times or more than the possession or bag limit for wild birds allowed by department rule (~~(of the commission or director)~~).

~~((3))~~ (4)(a) Unlawful hunting of wild birds in the second degree is a misdemeanor.

(b) Unlawful hunting of wild birds in the first degree is a gross misdemeanor.

~~((4))~~ (5) In addition to the penalties set forth in this section, if a person, other than a youth as defined in RCW 77.08.010 for hunting purposes, violates a department rule (~~((adopted by the commission under the authority of this title))~~) that requires the use of nontoxic shot, upon conviction:

(a) The court shall require a payment of one thousand dollars as a criminal wildlife penalty assessment that must be paid to the clerk of the court and distributed to the state treasurer for deposit in the fish and wildlife enforcement reward account created in RCW 77.15.425. The criminal wildlife penalty assessment must be imposed regardless of and in addition to any sentence, fine, or costs imposed for violating this section. The criminal wildlife penalty assessment must be included by the court in any pronouncement of sentence and may not be suspended, waived, modified, or deferred in any respect; and

(b) The department shall revoke the hunting license of the person and order a suspension of small game hunting privileges for two years.

**Sec. 27.** RCW 77.15.410 and 2011 c 133 s 1 are each amended to read as follows:

(1) A person is guilty of unlawful hunting of big game in the second degree if the person:

(a) Hunts for, takes, or possesses big game and the person does not have and possess all licenses, tags, or permits required under this title; or

(b) Violates any department rule ~~((of the commission or director))~~ regarding seasons, bag or possession limits, closed areas including game reserves, closed times, or any other rule governing the hunting, taking, or possession of big game ~~((or~~

~~((e) Possesses big game taken during a closed season for that big game or taken from a closed area for that big game)).~~

(2) A person is guilty of unlawful hunting of big game in the first degree if the person commits the act described in subsection (1) of this section and:

(a) The person hunts for, takes, or possesses three or more big game animals within the same course of events; or

(b) The act occurs within five years of the date of a prior conviction under this title involving unlawful hunting, killing, possessing, or taking big game.

(3)(a) Unlawful hunting of big game in the second degree is a gross misdemeanor. Upon conviction of an offense involving killing or possession of big game taken during a closed season, closed area, ~~((or taken))~~ without the proper license, tag, or permit using an unlawful method, or in excess of the bag or possession limit, the department shall revoke all of the person's hunting licenses and tags and order a suspension of the person's hunting privileges for two years.

(b) Unlawful hunting of big game in the first degree is a class C felony. Upon conviction, the department shall revoke all of the person's hunting licenses or tags and order the person's hunting privileges suspended for ten years.

(4) For the purposes of this section, "same course of events" means within one twenty-four hour period, or a pattern of conduct composed of a series of acts that are unlawful under subsection (1) of this section, over a period of time evidencing a continuity of purpose.

**Sec. 28.** RCW 77.15.430 and 1999 c 258 s 4 are each amended to read as follows:

(1) A person is guilty of unlawful hunting of wild animals in the second degree if the person hunts for wild animals not classified as big game and, whether or not the person possesses the wild animals, the person has not purchased the appropriate hunting license issued to Washington residents or nonresidents under chapter 77.32 RCW.

(2) A person is guilty of unlawful hunting of wild animals in the second degree if the person:

(a) ~~((Hunts for,))~~ Takes ~~((;))~~ or possesses a wild animal that is not classified as big game, and owns, but does not have ~~((and possess))~~ in the person's possession, all licenses, tags, or permits required by this title; or

(b) Violates any department rule ~~((of the commission or director))~~ regarding seasons, bag or possession limits but less than two times the bag or possession limit, closed areas including game reserves, closed times, or any other rule addressing the manner or method of hunting or possession of wild animals not classified as big game ~~((; or~~

~~((e) Possesses a wild animal that is not classified as big game taken during a closed season for that wild animal or from a closed area for that wild animal)).~~

~~((2))~~ (3) A person is guilty of unlawful hunting of wild animals in the first degree if the person takes or possesses two times

or more than the possession or bag limit for wild animals that are not classified as big game animals as allowed by department rule ~~((of the commission or director)).~~

~~((3))~~ (4)(a) Unlawful hunting of wild animals in the second degree is a misdemeanor.

(b) Unlawful hunting of wild animals in the first degree is a gross misdemeanor.

**Sec. 29.** RCW 77.15.460 and 1999 c 258 s 7 are each amended to read as follows:

(1) A person is guilty of unlawful possession of a loaded ~~((firearm in a motor vehicle))~~ rifle or shotgun in a motor vehicle, as defined in RCW 46.04.320, or upon an off-road vehicle, as defined in RCW 46.04.365, if:

(a) The person carries, transports, conveys, possesses, or controls a rifle or shotgun in ~~((or on))~~ a motor vehicle, or upon an off-road vehicle, except as allowed by department rule; and

(b) The rifle or shotgun contains shells or cartridges in the magazine or chamber, or is a muzzle-loading firearm that is loaded and capped or primed.

(2) A person is guilty of unlawful use of a loaded firearm if:

(a) The person negligently ~~((shoots))~~ discharges a firearm from, across, or along the maintained portion of a public highway; or

(b) The person discharges a firearm from within a moving motor vehicle or from upon a moving off-road vehicle.

(3) Unlawful possession of a loaded ~~((firearm in))~~ rifle or shotgun in a motor vehicle or upon an off-road vehicle, and unlawful use of a loaded firearm ~~((is a))~~ are misdemeanors.

(4) This section does not apply if the person:

(a) Is a law enforcement officer who is authorized to carry a firearm and is on duty within the officer's respective jurisdiction;

(b) Possesses a disabled hunter's permit as provided by RCW 77.32.237 and complies with all rules of the department concerning hunting by persons with disabilities; or

(c) Discharges the rifle or shotgun from upon a nonmoving motor vehicle or a nonmoving off-road vehicle, as long as the engine is turned off and the motor vehicle or off-road vehicle is not parked on or beside the maintained portion of a public road, except as authorized by the commission by rule.

(5) For purposes of subsection (1) of this section, a ~~((firearm))~~ rifle or shotgun shall not be considered loaded if the detachable clip or magazine is not inserted in or attached to the ~~((firearm))~~ rifle or shotgun.

**Sec. 30.** RCW 77.15.610 and 2009 c 333 s 5 are each amended to read as follows:

(1) A person who holds a fur ~~((buyer's))~~ dealer's license or taxidermy license is guilty of unlawful use of a commercial wildlife license if the person ~~((;~~

~~((a))~~ fails to purchase and have in the ~~((license in))~~ person's possession the required license while engaged in fur buying or practicing taxidermy for commercial purposes ~~((; or~~

~~((b) Violates any rule of the department regarding reporting requirements or the use, possession, display, or presentation of the taxidermy or fur buyer's license)).~~

(2) Unlawful use of a commercial wildlife license is a misdemeanor.

**Sec. 31.** RCW 77.15.620 and 2009 c 333 s 20 are each amended to read as follows:

(1) A person is guilty of engaging in fish dealing activity without a license in the second degree if the person:

(a) Engages in the commercial processing of fish or shellfish, including custom canning or processing of personal use fish or shellfish and does not hold a wholesale dealer's license required by RCW 77.65.280(1) or 77.65.480 for anadromous game fish, or a direct retail endorsement under RCW 77.65.510;

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(b) Engages in the wholesale selling, buying, or brokering of food fish or shellfish and does not hold a wholesale dealer's or buying license required by RCW 77.65.280(2) or 77.65.480 for anadromous game fish;

(c) Is a fisher who lands and sells his or her catch or harvest in the state to anyone other than a licensed wholesale dealer within or outside the state and does not hold a direct retail endorsement required by RCW 77.65.510; or

(d) Engages in the commercial manufacture or preparation of fertilizer, oil, meal, caviar, fish bait, or other by-products from food fish or shellfish and does not hold a wholesale dealer's license required by RCW 77.65.280(4) or 77.65.480 for anadromous game fish.

(2) ~~((Engaging in fish dealing activity without a license in the second degree is a gross misdemeanor.~~

~~(3)) A person is guilty of engaging in fish dealing activity without a license in the first degree if the person commits the act described by subsection (1) of this section and the violation involves ~~((a)) fish or shellfish worth two hundred fifty dollars or more ~~((b) a failure to document such fish or shellfish with a fish receiving ticket or other documentation required by statute or rule of the department; or (c) violates [a violation of] any other rule of the department regarding wholesale fish buying and dealing).~~~~~~

(3)(a) Engaging in fish dealing activity without a license in the second degree is a gross misdemeanor.

(b) Engaging in fish dealing activity without a license in the first degree is a class C felony.

**Sec. 32.** RCW 77.15.630 and 2000 c 107 s 254 are each amended to read as follows:

(1) A person who ~~((holds a fish dealer's license required by RCW 77.65.280, an anadromous game fish buyer's license required by RCW 77.65.480, or a fish buyer's license required by RCW 77.65.340 is guilty of unlawful use of fish buying and dealing licenses))~~ acts in the capacity of a wholesale fish dealer, anadromous game fish buyer, or a fish buyer is guilty of unlawful fish and shellfish catch accounting in the second degree if the person:

(a) Possesses or receives fish or shellfish for commercial purposes worth less than two hundred fifty dollars; and

(b) Fails to document such fish or shellfish with a fish-receiving ticket or other documentation required by statute or department rule ~~((of the department)); or~~

(c) Fails to sign the fish receiving ticket or other required documentation, fails to provide all of the information required by statute or department rule on the fish receiving ticket or other documentation, or both.

(2) A person is guilty of unlawful ~~((use of fish buying and dealing licenses))~~ fish and shellfish catch accounting in the first degree if the person commits the act described by subsection (1) of this section and:

(a) The violation involves fish or shellfish worth two hundred fifty dollars or more;

(b) The person acted with knowledge that the fish or shellfish were taken from a closed area, at a closed time, or by a person not licensed to take such fish or shellfish for commercial purposes; or

(c) The person acted with knowledge that the fish or shellfish were taken in violation of any tribal law.

(3)(a) Unlawful ~~((use of fish buying and dealing licenses))~~ fish and shellfish catch accounting in the second degree is a gross misdemeanor.

(b) Unlawful ~~((use of fish buying and dealing licenses))~~ fish and shellfish catch accounting in the first degree is a class C felony. Upon conviction, the department shall suspend all privileges to engage in fish buying or dealing for two years.

**Sec. 33.** RCW 77.15.640 and 2002 c 301 s 8 are each amended to read as follows:

(1) A person who holds a wholesale fish dealer's license required by RCW 77.65.280, an anadromous game fish buyer's license required by RCW 77.65.480, a fish buyer's license required by RCW 77.65.340, or a direct retail endorsement under RCW 77.65.510 is guilty of ~~((violating rules governing))~~ unlawful wholesale fish buying and dealing if the person:

(a) Fails to possess or display his or her license when engaged in any act requiring the license; or

(b) Fails to display or uses the license in violation of any department rule ~~((of the department;~~

(c) Files a signed fish-receiving ticket but fails to provide all information required by rule of the department; or

(d) Violates any other rule of the department regarding wholesale fish buying and dealing)).

(2) ~~((Violating rules governing))~~ Unlawful wholesale fish buying and dealing is a gross misdemeanor.

**Sec. 34.** RCW 77.15.650 and 2008 c 10 s 2 are each amended to read as follows:

(1) A person is guilty of unlawful purchase or use of a license in the second degree if the person buys, holds, uses, displays, transfers, or obtains any license, tag, permit, or approval required by this title and the person:

(a) Uses false information to buy, hold, use, display, or obtain a license, permit, tag, or approval;

(b) Acquires, holds, or buys in excess of one license, permit, or tag for a license year if only one license, permit, or tag is allowed per license year;

(c) Except as authorized under RCW 77.32.565, uses or displays a license, permit, tag, or approval that was issued to another person;

(d) Except as authorized under RCW 77.32.565, permits or allows a license, permit, tag, or approval to be used or displayed by another person not named on the license, permit, tag, or approval;

(e) Acquires or holds a license while privileges for the license are revoked or suspended;

(f) Holds a resident license from another state or country. This subsection (1)(f) only applies if the Washington license, tag, permit, or approval that the person buys, holds, uses, displays, transfers, or obtains is a resident license. It is prima facie evidence of a violation of this section if any person who has a resident license from another state or country purchases a resident license, tag, permit, or approval in Washington. This subsection does not apply to individuals who meet the definition of "resident" in section 5(2), (3), and (4) of this act.

(2) A person is guilty of unlawful purchase or use of a license in the first degree if the person commits the act described by subsection (1) of this section and the person was acting with intent that the license, permit, tag, or approval be used for any commercial purpose. A person is presumed to be acting with such intent if the violation involved obtaining, holding, displaying, or using a license or permit for participation in any commercial fishery issued under this title or a license authorizing fish or wildlife buying, trafficking, or wholesaling.

(3)(a) Unlawful purchase or use of a license in the second degree is a gross misdemeanor. Upon conviction, the department shall revoke any unlawfully used or held licenses and order a two-year suspension of participation in the activities for which the person unlawfully obtained, held, or used a license, permit, tag, or approval.

(b) Unlawful purchase or use of a license in the first degree is a class C felony. Upon conviction, the department shall revoke any unlawfully used or held licenses and order a five-year suspension of participation in any activities for which the person unlawfully obtained, held, or used a license, permit, tag, or approval.

(4) For purposes of this section, a person "uses" a license, permit, tag, or approval if the person engages in any activity authorized by the license, permit, tag, or approval held or possessed by the person. Such uses include but are not limited to fishing, hunting, taking, trapping, delivery or landing fish or wildlife, and selling, buying, or wholesaling of fish or wildlife.

(5) Any license obtained in violation of this section is void upon issuance and is of no legal effect.

**Sec. 35.** RCW 77.15.660 and 1998 c 190 s 55 are each amended to read as follows:

(1) A person is guilty of unlawful use of a scientific permit if the permit issued by the director is for big game or big game parts, and the person:

(a) Violates any terms or conditions of ~~((a))~~ the scientific permit ~~((issued by the director));~~

(b) Buys or sells ~~((fish or wildlife taken))~~ big game or big game parts that were taken or acquired with a scientific permit; or

(c) Violates any department rule ~~((of the commission or the director))~~ applicable to the issuance or use of scientific permits.

(2) Unlawful use of a scientific permit is a gross misdemeanor.

**Sec. 36.** RCW 77.15.700 and 2009 c 333 s 2 are each amended to read as follows:

(1) The department shall ~~((impose revocation and suspension of))~~ revoke a person's recreational license or licenses and suspend a person's recreational license privileges in the following circumstances:

(a) Upon conviction, if directed by statute for an offense.

(b) Upon conviction ~~((of a violation not involving commercial fishing)),~~ failure to appear at a hearing to contest an infraction or criminal charge, or an unvacated payment of a fine or a finding of committed as a final disposition for any infraction, if the department finds that actions of the defendant demonstrated a willful or wanton disregard for conservation of fish or wildlife. Suspension of privileges under this subsection may be permanent.

(c) If a person is convicted, fails to appear at a hearing to contest an infraction or criminal citation, or has an unvacated payment of a fine or a finding of committed as a final disposition for any infraction, twice within ten years for a violation involving unlawful hunting, killing, or possessing big game. Revocation and suspension under this subsection must be ordered for all hunting privileges for two years.

(d) If a person violates, three times or more in a ten-year period, recreational hunting or fishing laws or rules for which the person: (i) Is convicted of an offense; (ii) has an ~~((uncontested notice of))~~ unvacated payment of a fine or a finding of committed as a final disposition for any infraction; or (iii) fails to appear at a hearing to contest ~~((a fish and wildlife infraction; or (iv) is found to have committed))~~ an infraction or a criminal citation. Revocation and suspension under this subsection must be ordered for all recreational hunting and fishing privileges for two years.

(2)(a) A violation punishable as an infraction counts towards the revocation and suspension of recreational hunting and fishing privileges under this section if that violation is:

(i) Punishable as a crime on July 24, 2005, and is subsequently decriminalized; or

(ii) One of the following violations, as they exist on July 24, 2005: RCW 77.15.160; WAC 220-56-116; WAC 220-56-315(11); or WAC 220-56-355 (1) through (4).

(b) The commission may, by rule, designate infractions that do not count towards the revocation and suspension of recreational hunting and fishing privileges.

(3) If either the deferred education licensee or the required nondeferred accompanying person, hunting under the authority of RCW 77.32.155(2), is convicted of a violation of this title, fails to appear at a hearing to contest a fish and wildlife infraction or a

criminal citation, or has an unvacated payment of a fine or a finding of committed as a final disposition for any fish and wildlife infraction, except for a violation of RCW 77.15.400 (1) through ~~((3))~~ (4), the department may revoke all hunting licenses and tags and may order a suspension of either or both the deferred education licensee's and the nondeferred accompanying person's hunting privileges for one year.

(4) A person who has a recreational license revoked and privileges suspended under this section may file an appeal with the department pursuant to chapter 34.05 RCW. An appeal must be filed within twenty days of notice of license revocation and privilege suspension. If an appeal is filed, the revocation and suspension issued by the department do not take effect until twenty-one days after the department has delivered an opinion. If no appeal is filed within twenty days of notice of license revocation and suspension, the right to an appeal is waived, and the revocation and suspension take effect twenty-one days following the notice of revocation and suspension.

(5) A recreational license revoked and privilege suspended under this section is in addition to the statutory penalties assigned to the underlying violation.

**Sec. 37.** RCW 77.15.720 and 2000 c 107 s 258 are each amended to read as follows:

(1)(a) If a person ~~((shoots))~~ discharges a firearm, bow, or crossbow while hunting and in a manner that injures, or that a reasonable person would believe is likely to injure, another person ~~((or domestic livestock while hunting)),~~ the director shall revoke all of the shooter's hunting licenses and suspend all hunting privileges for three years. If the shooting ~~((of another person or livestock is the result of criminal negligence or reckless or intentional conduct, then the person's))~~ kills or results in the death of another person, then the director shall revoke all of the shooter's hunting licenses and suspend all of the person's hunting privileges ~~((shall be suspended))~~ for ten years. ~~((The))~~

(b) If a person, with malice, discharges a firearm, bow, or crossbow while hunting and in a manner that kills or causes substantial bodily harm to livestock belonging to another person, the director shall revoke all of the shooter's hunting licenses and suspend all hunting privileges for three years. For the purposes of this subsection (1)(b), "malice" has the same meaning as provided in RCW 9A.04.110 but applies to acts against livestock.

(2) A suspension under subsection (1) of this section shall be continued beyond ~~((these))~~ the applicable periods if damages owed to the victim or livestock owner have not been paid by the suspended person. ~~((A))~~ In such a case, no hunting license shall ~~((not))~~ be reissued to the suspended person unless authorized by the director.

~~((2))~~ Within twenty days of service of an order suspending privileges or imposing conditions under this section or RCW 77.15.710, a person may petition for administrative review under chapter 34.05 RCW by serving the director with a petition for review. The order is final and unappealable if there is no timely petition for administrative review. ~~((3))~~ A person who is notified of a license revocation under this section may request an appeal hearing under chapter 34.05 RCW.

~~((3))~~ (4) The commission may by rule authorize petitions for reinstatement of administrative suspensions and define circumstances under which such a reinstatement will be allowed.

**Sec. 38.** RCW 77.15.740 and 2008 c 225 s 2 are each amended to read as follows:

(1) Except as provided in subsection (2) of this section, it is unlawful to:

(a) ~~((Approach, by any means, within three hundred feet of a southern resident orca whale (*Orcinus orca*);~~

(b) Cause a vessel or other object to approach within three

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hundred feet of a southern resident orca whale;

(c) Intercept a southern resident orca whale. A person intercepts a southern resident orca whale when that person places a vessel or allows a vessel to remain in the path of a whale and the whale approaches within three hundred feet of that vessel;

(d) Fail to disengage the transmission of a vessel that is within three hundred feet of a southern resident orca whale, for which the vessel operator is strictly liable; or

(e) Feed a southern resident orca whale, for which any person feeding a southern resident orca whale is strictly liable.

(2) A person is exempt from subsection (1) of this section where:

(a) A reasonably prudent person in that person's position would determine that compliance with the requirements of subsection (1) of this section will threaten the safety of the vessel, the vessel's crew or passengers, or is not feasible due to vessel design limitations, or because the vessel is restricted in its ability to maneuver due to wind, current, tide, or weather;

(b) That person is lawfully participating in a commercial fishery and is engaged in actively setting, retrieving, or closely tending commercial fishing gear;

(c) That person is acting in the course of official duty for a state, federal, tribal, or local government agency; or

(d) That person is acting pursuant to and consistent with authorization from a state or federal government agency.

(3) Nothing in this section is intended to conflict with existing rules regarding safe operation of a vessel or vessel navigation rules.

(4)) Cause a vessel or other object to approach, in any manner, within two hundred yards of a southern resident orca whale;

(b) Position a vessel to be in the path of a southern resident orca whale at any point located within four hundred yards of the whale. This includes intercepting a southern resident orca whale by positioning a vessel so that the prevailing wind or water current carries the vessel into the path of the whale at any point located within four hundred yards of the whale;

(c) Fail to disengage the transmission of a vessel that is within two hundred yards of a southern resident orca whale; or

(d) Feed a southern resident orca whale.

(2) A person is exempt from subsection (1) of this section if that person is:

(a) Operating a federal government vessel in the course of his or her official duties, or operating a state, tribal, or local government vessel when engaged in official duties involving law enforcement, search and rescue, or public safety;

(b) Operating a vessel in conjunction with a vessel traffic service established under 33 C.F.R. and following a traffic separation scheme, or complying with a vessel traffic service measure of direction. This also includes support vessels escorting ships in the traffic lanes, such as tug boats;

(c) Engaging in an activity, including scientific research, pursuant to a permit or other authorization from the national marine fisheries service and the department;

(d) Lawfully engaging in a treaty Indian or commercial fishery that is actively setting, retrieving, or closely tending fishing gear;

(e) Conducting vessel operations necessary to avoid an imminent and serious threat to a person, vessel, or the environment, including when necessary for overall safety of navigation and to comply with state and federal navigation requirements; or

(f) Engaging in rescue or clean-up efforts of a beached southern resident orca whale overseen, coordinated, or authorized by a volunteer stranding network.

(3) For the purpose of this section, "vessel" includes aircraft, canoes, fishing vessels, kayaks, personal watercraft, rafts, recreational vessels, tour boats, whale watching boats, vessels

engaged in whale watching activities, or other small craft including power boats and sailboats.

~~((5))~~ (4)(a) A violation of this section is a natural resource infraction punishable under chapter 7.84 RCW.

(b) A person who qualifies for an exemption under subsection (2) of this section may offer that exemption as an affirmative defense, which that person must prove by a preponderance of the evidence.

NEW SECTION. Sec. 39. A new section is added to chapter 77.15 RCW to read as follows:

(1) A person may not negligently feed or attempt to feed large wild carnivores or negligently attract large wild carnivores to land or a building.

(2) If a fish and wildlife officer, ex officio fish and wildlife officer, or animal control authority, as defined in RCW 16.30.010, has probable cause to believe that a person is negligently feeding, attempting to feed, or attracting large wild carnivores to land or a building by placing or locating food, food waste, or other substance in, on, or about any land or building, and the food, food waste, or other substance poses a risk to the safety of any person, livestock, or pet because it is attracting or could attract large wild carnivores to the land or building, that person commits an infraction under chapter 7.84 RCW.

(3) Subsection (2) of this section does not apply to:

(a) A person who is engaging in forest practices in accordance with chapter 76.09 RCW or in hunting or trapping wildlife in accordance with all other applicable provisions of this title or rules of the commission or the director;

(b) A person who is engaging in a farming or ranching operation that is using generally accepted farming or ranching practices consistent with Titles 15 and 16 RCW;

(c) Waste disposal facilities that are operating in accordance with applicable federal, state, and municipal laws;

(d) Entities listed in RCW 16.30.020(1) (a) through (j) and scientific collection permit holders; or

(e) A fish and wildlife officer or employee or agent of the department operating under the authority of or upon request from an officer conducting authorized wildlife capture activities to address a threat to human safety or a wildlife interaction as defined in RCW 77.36.010.

(4) For persons and entities listed in subsection (3) of this section, a fish and wildlife officer, ex officio fish and wildlife officer, or animal control authority, as defined in RCW 16.30.010, may issue a written warning to the person or entity if:

(a) The officer or animal control authority can articulate facts to support that the person or entity has placed or is responsible for placing food, food waste, or other substance in, on, or about the person's or entity's land or buildings; and

(b) The food, food waste, or other substance poses a risk to the safety of any person, livestock, or pet because the food, food waste, or other substance is attracting or could attract large wild carnivores to the land or buildings.

(5)(a) Any written warning issued under subsection (4) of this section requires the person or entity placing or otherwise responsible for placing the food, food waste, or other substance to contain, move, or remove that food, food waste, or other substance within two days.

(b) If a person who is issued a written warning under (a) of this subsection fails to contain, move, or remove the food, food waste, or other substance as directed, the person commits an infraction under chapter 7.84 RCW.

NEW SECTION. Sec. 40. A new section is added to chapter 77.15 RCW to read as follows:

(1) A person may not intentionally feed or attempt to feed large wild carnivores or intentionally attract large wild carnivores to land or a building.

(2) A person who intentionally feeds, attempts to feed, or attracts large wild carnivores to land or a building is guilty of a misdemeanor.

(3) A person who is issued an infraction under section 39 of this act for negligently feeding, attempting to feed, or attracting large wild carnivores to land or a building, and who fails to contain, move, or remove the food, food waste, or other substance within twenty-four hours of being issued the infraction, is guilty of a misdemeanor.

**NEW SECTION. Sec. 41.** The following acts or parts of acts are each repealed:

(1) RCW 77.12.315 (Dogs harassing deer and elk--Declaration of emergency--Taking dogs into custody or destroying--Immunity) and 2000 c 107 s 221, 1987 c 506 s 40, 1980 c 78 s 49, & 1971 ex.s. c 183 s 1;

(2) RCW 77.15.140 (Unclassified fish or wildlife--Unlawful taking--Penalty) and 1998 c 190 s 15;

(3) RCW 77.15.220 (Unlawful posting--Penalty) and 1998 c 190 s 25; and

(4) RCW 77.15.330 (Unlawful hunting or fishing contests--Penalty) and 2001 c 253 s 36 & 1998 c 190 s 56.

**NEW SECTION. Sec. 42.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

Correct the title.

and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

#### MOTION

Senator Ranker moved that the Senate refuse to concur in the House amendment(s) to Substitute Senate Bill No. 6135 and ask the House to recede therefrom.

The President declared the question before the Senate to be the motion by Senator Ranker that the Senate refuse to concur in the House amendment(s) to Substitute Senate Bill No. 6135 and ask the House to recede therefrom.

The motion by Senator Ranker carried and the Senate refused to concur in the House amendment(s) to Substitute Senate Bill No. 6135 and asked the House to recede therefrom by voice vote.

#### MESSAGE FROM THE HOUSE

March 1, 2012

MR. PRESIDENT:

The House passed ENGROSSED SUBSTITUTE SENATE BILL NO. 6555 with the following amendment(s): 6555-S.E AMH ENGR H4436.E

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 26.44.020 and 2010 c 176 s 1 are each reenacted and amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Abuse or neglect" means sexual abuse, sexual exploitation, or injury of a child by any person under circumstances which cause harm to the child's health, welfare, or safety, excluding conduct permitted under RCW 9A.16.100; or the negligent treatment or maltreatment of a child by a person responsible for or providing care to the child. An abused child is a child who has been subjected to child abuse or neglect as defined in this section.

(2) "Child" or "children" means any person under the age of eighteen years of age.

(3) "Child protective services" means those services provided by the department designed to protect children from child abuse and neglect and safeguard such children from future abuse and neglect, and conduct investigations of child abuse and neglect reports. Investigations may be conducted regardless of the location of the alleged abuse or neglect. Child protective services includes referral to services to ameliorate conditions that endanger the welfare of children, the coordination of necessary programs and services relevant to the prevention, intervention, and treatment of child abuse and neglect, and services to children to ensure that each child has a permanent home. In determining whether protective services should be provided, the department shall not decline to provide such services solely because of the child's unwillingness or developmental inability to describe the nature and severity of the abuse or neglect.

(4) "Child protective services section" means the child protective services section of the department.

(5) "Children's advocacy center" means a child-focused facility in good standing with the state chapter for children's advocacy centers and that coordinates a multidisciplinary process for the investigation, prosecution, and treatment of sexual and other types of child abuse. Children's advocacy centers provide a location for forensic interviews and coordinate access to services such as, but not limited to, medical evaluations, advocacy, therapy, and case review by multidisciplinary teams within the context of county protocols as defined in RCW 26.44.180 and 26.44.185.

(6) "Clergy" means any regularly licensed or ordained minister, priest, or rabbi of any church or religious denomination, whether acting in an individual capacity or as an employee or agent of any public or private organization or institution.

(7) "Court" means the superior court of the state of Washington, juvenile department.

(8) "Department" means the state department of social and health services.

(9) "Family assessment" means a comprehensive assessment of child safety, risk of subsequent child abuse or neglect, and family strengths and needs that is applied to a child abuse or neglect report. Family assessment does not include a determination as to whether child abuse or neglect occurred, but does determine the need for services to address the safety of the child and the risk of subsequent maltreatment.

(10) "Family assessment response" means a way of responding to certain reports of child abuse or neglect made under this chapter using a differential response approach to child protective services. The family assessment response shall focus on the safety of the child, the integrity and preservation of the family, and shall assess the status of the child and the family in terms of risk of abuse and neglect including the parent's or guardian's or other caretaker's capacity and willingness to protect the child and, if necessary, plan and arrange the provision of services to reduce the risk and otherwise support the family. No one is named as a perpetrator, and no investigative finding is entered in the record as a result of a family assessment.

(11) "Founded" means the determination following an investigation by the department that, based on available information, it is more likely than not that child abuse or neglect did occur.

~~((10))~~ (12) "Inconclusive" means the determination following an investigation by the department, prior to October 1, 2008, that based on available information a decision cannot be made that more likely than not, child abuse or neglect did or did not occur.

~~((11))~~ (13) "Institution" means a private or public hospital or any other facility providing medical diagnosis, treatment, or care.

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~~((12))~~ (14) "Law enforcement agency" means the police department, the prosecuting attorney, the state patrol, the director of public safety, or the office of the sheriff.

~~((13))~~ (15) "Malice" or "maliciously" means an intent, wish, or design to intimidate, annoy, or injure another person. Such malice may be inferred from an act done in willful disregard of the rights of another, or an act wrongfully done without just cause or excuse, or an act or omission of duty betraying a willful disregard of social duty.

~~((14))~~ (16) "Negligent treatment or maltreatment" means an act or a failure to act, or the cumulative effects of a pattern of conduct, behavior, or inaction, that evidences a serious disregard of consequences of such magnitude as to constitute a clear and present danger to a child's health, welfare, or safety, including but not limited to conduct prohibited under RCW 9A.42.100. When considering whether a clear and present danger exists, evidence of a parent's substance abuse as a contributing factor to negligent treatment or maltreatment shall be given great weight. The fact that siblings share a bedroom is not, in and of itself, negligent treatment or maltreatment. Poverty, homelessness, or exposure to domestic violence as defined in RCW 26.50.010 that is perpetrated against someone other than the child does not constitute negligent treatment or maltreatment in and of itself.

~~((15))~~ (17) "Pharmacist" means any registered pharmacist under chapter 18.64 RCW, whether acting in an individual capacity or as an employee or agent of any public or private organization or institution.

~~((16))~~ (18) "Practitioner of the healing arts" or "practitioner" means a person licensed by this state to practice podiatric medicine and surgery, optometry, chiropractic, nursing, dentistry, osteopathic medicine and surgery, or medicine and surgery or to provide other health services. The term "practitioner" includes a duly accredited Christian Science practitioner. A person who is being furnished Christian Science treatment by a duly accredited Christian Science practitioner will not be considered, for that reason alone, a neglected person for the purposes of this chapter.

~~((17))~~ (19) "Professional school personnel" include, but are not limited to, teachers, counselors, administrators, child care facility personnel, and school nurses.

~~((18))~~ (20) "Psychologist" means any person licensed to practice psychology under chapter 18.83 RCW, whether acting in an individual capacity or as an employee or agent of any public or private organization or institution.

~~((19))~~ (21) "Screened-out report" means a report of alleged child abuse or neglect that the department has determined does not rise to the level of a credible report of abuse or neglect and is not referred for investigation.

~~((20))~~ (22) "Sexual exploitation" includes: (a) Allowing, permitting, or encouraging a child to engage in prostitution by any person; or (b) allowing, permitting, encouraging, or engaging in the obscene or pornographic photographing, filming, or depicting of a child by any person.

~~((21))~~ (23) "Sexually aggressive youth" means a child who is defined in RCW 74.13.075(1)(b) as being a sexually aggressive youth.

~~((22))~~ (24) "Social service counselor" means anyone engaged in a professional capacity during the regular course of employment in encouraging or promoting the health, welfare, support, or education of children, or providing social services to adults or families, including mental health, drug and alcohol treatment, and domestic violence programs, whether in an individual capacity, or as an employee or agent of any public or private organization or institution.

~~((23))~~ (25) "Supervising agency" means an agency licensed by the state under RCW 74.15.090 or an Indian tribe under RCW

74.15.190 that has entered into a performance-based contract with the department to provide child welfare services.

~~((24))~~ (26) "Unfounded" means the determination following an investigation by the department that available information indicates that, more likely than not, child abuse or neglect did not occur, or that there is insufficient evidence for the department to determine whether the alleged child abuse did or did not occur.

NEW SECTION. **Sec. 2.** A new section is added to chapter 26.44 RCW to read as follows:

(1) No later than December 1, 2013, the department shall implement the family assessment response. The department may implement the family assessment response on a phased-in basis, by geographical area.

(2) The department shall develop an implementation plan in consultation with stakeholders, including tribes. The department shall submit a report of the implementation plan to the appropriate committees of the legislature by December 31, 2012. At a minimum, the following must be developed before implementation and included in the report to the legislature:

(a) Description of the family assessment response practice model;

(b) Identification of possible additional noninvestigative responses or pathways;

(c) Development of an intake screening tool and a family assessment tool specifically to be used in the family assessment response. The family assessment tool must, at minimum, evaluate the safety of the child and determine services needed by the family to improve or restore family well-being;

(d) Delineation of staff training requirements;

(e) Development of strategies to reduce disproportionality;

(f) Development of strategies to assist and connect families with the appropriate private or public housing support agencies, for those parents whose inability to obtain or maintain safe housing creates a risk of harm to the child, risk of out-of-home placement of the child, or a barrier to reunification;

(g) Identification of methods to involve local community partners in the development of community-based resources to meet families' needs. Local community partners may include, but are not limited to: Alumni of the foster care system and veteran parents, local private service delivery agencies, schools, local health departments and other health care providers, juvenile court, law enforcement, office of public defense social workers or local defense attorneys, domestic violence victims advocates, and other available community-based entities;

(h) Delineation of procedures to assure continuous quality assurance;

(i) Identification of current departmental expenditures for services appropriate for the family assessment response, to the greatest practicable extent;

(j) Identification of philanthropic funding and other private funding available to supplement public resources in response to identified family needs;

(k) Development of effective mechanisms which assure and maximize, to the greatest extent practicable, that family assessment response for Native American Indian children will be completed in a timely manner by a worker from the child's tribe or by a worker approved by the child's tribe;

(l) A potential phase-in schedule if proposed; and

(m) Recommendations for legislative action required to implement the plan.

**Sec. 3.** RCW 26.44.030 and 2009 c 480 s 1 are each amended to read as follows:

(1)(a) When any practitioner, county coroner or medical examiner, law enforcement officer, professional school personnel, registered or licensed nurse, social service counselor, psychologist,



pharmacist, employee of the department of early learning, licensed or certified child care providers or their employees, employee of the department, juvenile probation officer, placement and liaison specialist, responsible living skills program staff, HOPE center staff, or state family and children's ombudsman or any volunteer in the ombudsman's office has reasonable cause to believe that a child has suffered abuse or neglect, he or she shall report such incident, or cause a report to be made, to the proper law enforcement agency or to the department as provided in RCW 26.44.040.

(b) When any person, in his or her official supervisory capacity with a nonprofit or for-profit organization, has reasonable cause to believe that a child has suffered abuse or neglect caused by a person over whom he or she regularly exercises supervisory authority, he or she shall report such incident, or cause a report to be made, to the proper law enforcement agency, provided that the person alleged to have caused the abuse or neglect is employed by, contracted by, or volunteers with the organization and coaches, trains, educates, or counsels a child or children or regularly has unsupervised access to a child or children as part of the employment, contract, or voluntary service. No one shall be required to report under this section when he or she obtains the information solely as a result of a privileged communication as provided in RCW 5.60.060.

Nothing in this subsection (1)(b) shall limit a person's duty to report under (a) of this subsection.

For the purposes of this subsection, the following definitions apply:

(i) "Official supervisory capacity" means a position, status, or role created, recognized, or designated by any nonprofit or for-profit organization, either for financial gain or without financial gain, whose scope includes, but is not limited to, overseeing, directing, or managing another person who is employed by, contracted by, or volunteers with the nonprofit or for-profit organization.

(ii) "Regularly exercises supervisory authority" means to act in his or her official supervisory capacity on an ongoing or continuing basis with regards to a particular person.

(c) The reporting requirement also applies to department of corrections personnel who, in the course of their employment, observe offenders or the children with whom the offenders are in contact. If, as a result of observations or information received in the course of his or her employment, any department of corrections personnel has reasonable cause to believe that a child has suffered abuse or neglect, he or she shall report the incident, or cause a report to be made, to the proper law enforcement agency or to the department as provided in RCW 26.44.040.

(d) The reporting requirement shall also apply to any adult who has reasonable cause to believe that a child who resides with them, has suffered severe abuse, and is able or capable of making a report. For the purposes of this subsection, "severe abuse" means any of the following: Any single act of abuse that causes physical trauma of sufficient severity that, if left untreated, could cause death; any single act of sexual abuse that causes significant bleeding, deep bruising, or significant external or internal swelling; or more than one act of physical abuse, each of which causes bleeding, deep bruising, significant external or internal swelling, bone fracture, or unconsciousness.

(e) The reporting requirement also applies to guardians ad litem, including court-appointed special advocates, appointed under Titles 11, 13, and 26 RCW, who in the course of their representation of children in these actions have reasonable cause to believe a child has been abused or neglected.

(f) The report must be made at the first opportunity, but in no case longer than forty-eight hours after there is reasonable cause to believe that the child has suffered abuse or neglect. The report must include the identity of the accused if known.

(2) The reporting requirement of subsection (1) of this section does not apply to the discovery of abuse or neglect that occurred during childhood if it is discovered after the child has become an adult. However, if there is reasonable cause to believe other children are or may be at risk of abuse or neglect by the accused, the reporting requirement of subsection (1) of this section does apply.

(3) Any other person who has reasonable cause to believe that a child has suffered abuse or neglect may report such incident to the proper law enforcement agency or to the department of social and health services as provided in RCW 26.44.040.

(4) The department, upon receiving a report of an incident of alleged abuse or neglect pursuant to this chapter, involving a child who has died or has had physical injury or injuries inflicted upon him or her other than by accidental means or who has been subjected to alleged sexual abuse, shall report such incident to the proper law enforcement agency. In emergency cases, where the child's welfare is endangered, the department shall notify the proper law enforcement agency within twenty-four hours after a report is received by the department. In all other cases, the department shall notify the law enforcement agency within seventy-two hours after a report is received by the department. If the department makes an oral report, a written report must also be made to the proper law enforcement agency within five days thereafter.

(5) Any law enforcement agency receiving a report of an incident of alleged abuse or neglect pursuant to this chapter, involving a child who has died or has had physical injury or injuries inflicted upon him or her other than by accidental means, or who has been subjected to alleged sexual abuse, shall report such incident in writing as provided in RCW 26.44.040 to the proper county prosecutor or city attorney for appropriate action whenever the law enforcement agency's investigation reveals that a crime may have been committed. The law enforcement agency shall also notify the department of all reports received and the law enforcement agency's disposition of them. In emergency cases, where the child's welfare is endangered, the law enforcement agency shall notify the department within twenty-four hours. In all other cases, the law enforcement agency shall notify the department within seventy-two hours after a report is received by the law enforcement agency.

(6) Any county prosecutor or city attorney receiving a report under subsection (5) of this section shall notify the victim, any persons the victim requests, and the local office of the department, of the decision to charge or decline to charge a crime, within five days of making the decision.

(7) The department may conduct ongoing case planning and consultation with those persons or agencies required to report under this section, with consultants designated by the department, and with designated representatives of Washington Indian tribes if the client information exchanged is pertinent to cases currently receiving child protective services. Upon request, the department shall conduct such planning and consultation with those persons required to report under this section if the department determines it is in the best interests of the child. Information considered privileged by statute and not directly related to reports required by this section must not be divulged without a valid written waiver of the privilege.

(8) Any case referred to the department by a physician licensed under chapter 18.57 or 18.71 RCW on the basis of an expert medical opinion that child abuse, neglect, or sexual assault has occurred and that the child's safety will be seriously endangered if returned home, the department shall file a dependency petition unless a second licensed physician of the parents' choice believes that such expert medical opinion is incorrect. If the parents fail to designate a second physician, the department may make the selection. If a physician finds that a child has suffered abuse or neglect but that such abuse or neglect does not constitute imminent danger to the

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child's health or safety, and the department agrees with the physician's assessment, the child may be left in the parents' home while the department proceeds with reasonable efforts to remedy parenting deficiencies.

(9) Persons or agencies exchanging information under subsection (7) of this section shall not further disseminate or release the information except as authorized by state or federal statute. Violation of this subsection is a misdemeanor.

(10) Upon receiving a report of alleged abuse or neglect, the department shall make reasonable efforts to learn the name, address, and telephone number of each person making a report of abuse or neglect under this section. The department shall provide assurances of appropriate confidentiality of the identification of persons reporting under this section. If the department is unable to learn the information required under this subsection, the department shall only investigate cases in which:

(a) The department believes there is a serious threat of substantial harm to the child;

(b) The report indicates conduct involving a criminal offense that has, or is about to occur, in which the child is the victim; or

(c) The department has a prior founded report of abuse or neglect with regard to a member of the household that is within three years of receipt of the referral.

(11)(a) Upon receiving a report of alleged abuse or neglect, the department shall use one of the following discrete responses to reports of child abuse or neglect that are screened in and accepted for departmental response:

(i) Investigation; or

(ii) Family assessment.

(b) In making the response in (a) of this subsection the department shall:

(i) Use a method by which to assign cases to investigation or family assessment which are based on an array of factors that may include the presence of: Imminent danger, level of risk, number of previous child abuse or neglect reports, or other presenting case characteristics, such as the type of alleged maltreatment and the age of the alleged victim. Age of the alleged victim shall not be used as the sole criterion for determining case assignment;

(ii) Allow for a change in response assignment based on new information that alters risk or safety level;

(iii) Allow families assigned to family assessment to choose to receive an investigation rather than a family assessment;

(iv) Provide a full investigation if a family refuses the initial family assessment;

(v) Provide voluntary services to families based on the results of the initial family assessment. If a family refuses voluntary services, and the department cannot identify specific facts related to risk or safety that warrant assignment to investigation under this chapter, and there is not a history of reports of child abuse or neglect related to the family, then the department must close the family assessment response case. However, if at any time the department identifies risk or safety factors that warrant an investigation under this chapter, then the family assessment response case must be reassigned to investigation;

(vi) Conduct an investigation, and not a family assessment, in response to an allegation that, the department determines based on the intake assessment:

(A) Poses a risk of "imminent harm" consistent with the definition provided in RCW 13.34.050, which includes, but is not limited to, sexual abuse and sexual exploitation as defined in this chapter;

(B) Poses a serious threat of substantial harm to a child;

(C) Constitutes conduct involving a criminal offense that has, or is about to occur, in which the child is the victim;

(D) The child is an abandoned child as defined in RCW

13.34.030;

(E) The child is an adjudicated dependent child as defined in RCW 13.34.030, or the child is in a facility that is licensed, operated, or certified for care of children by the department under chapter 74.15 RCW, or by the department of early learning.

(c) The department may not be held civilly liable for the decision to respond to an allegation of child abuse or neglect by using the family assessment response under this section unless the state or its officers, agents, or employees acted with reckless disregard.

(12)(a) For reports of alleged abuse or neglect that are accepted for investigation by the department, the investigation shall be conducted within time frames established by the department in rule. In no case shall the investigation extend longer than ninety days from the date the report is received, unless the investigation is being conducted under a written protocol pursuant to RCW 26.44.180 and a law enforcement agency or prosecuting attorney has determined that a longer investigation period is necessary. At the completion of the investigation, the department shall make a finding that the report of child abuse or neglect is founded or unfounded.

(b) If a court in a civil or criminal proceeding, considering the same facts or circumstances as are contained in the report being investigated by the department, makes a judicial finding by a preponderance of the evidence or higher that the subject of the pending investigation has abused or neglected the child, the department shall adopt the finding in its investigation.

~~((42))~~ (13) For reports of alleged abuse or neglect that are responded to through family assessment response, the department shall:

(a) Provide the family with a written explanation of the procedure for assessment of the child and the family and its purposes;

(b) Collaborate with the family to identify family strengths, resources, and service needs, and develop a service plan with the goal of reducing risk of harm to the child and improving or restoring family well-being;

(c) Complete the family assessment response within forty-five days of receiving the report; however, upon parental agreement, the family assessment response period may be extended up to ninety days;

(d) Offer services to the family in a manner that makes it clear that acceptance of the services is voluntary;

(e) Implement the family assessment response in a consistent and cooperative manner;

(f) Have the parent or guardian sign an agreement to participate in services before services are initiated that informs the parents of their rights under family assessment response, all of their options, and the options the department has if the parents do not sign the consent form.

(14) In conducting an investigation or family assessment of alleged abuse or neglect, the department or law enforcement agency:

(a) May interview children. If the department determines that the response to the allegation will be family assessment response, the preferred practice is to request a parent's, guardian's, or custodian's permission to interview the child before conducting the child interview unless doing so would compromise the safety of the child or the integrity of the assessment. The interviews may be conducted on school premises, at day-care facilities, at the child's home, or at other suitable locations outside of the presence of parents. If the allegation is investigated, parental notification of the interview must occur at the earliest possible point in the investigation that will not jeopardize the safety or protection of the child or the course of the investigation. Prior to commencing the interview the department or law enforcement agency shall

determine whether the child wishes a third party to be present for the interview and, if so, shall make reasonable efforts to accommodate the child's wishes. Unless the child objects, the department or law enforcement agency shall make reasonable efforts to include a third party in any interview so long as the presence of the third party will not jeopardize the course of the investigation; and

(b) Shall have access to all relevant records of the child in the possession of mandated reporters and their employees.

~~((15))~~ (15) If a report of alleged abuse or neglect is founded and constitutes the third founded report received by the department within the last twelve months involving the same child or family, the department shall promptly notify the office of the family and children's ombudsman of the contents of the report. The department shall also notify the ombudsman of the disposition of the report.

~~((16))~~ (16) In investigating and responding to allegations of child abuse and neglect, the department may conduct background checks as authorized by state and federal law.

~~((17))~~ (17)(a) The department shall maintain investigation records and conduct timely and periodic reviews of all founded cases of abuse and neglect. The department shall maintain a log of screened-out nonabusive cases.

(b) In the family assessment response, the department shall not make a finding as to whether child abuse or neglect occurred. No one shall be named as a perpetrator and no investigative finding shall be entered in the department's child abuse or neglect database.

~~((18))~~ (18) The department shall use a risk assessment process when investigating alleged child abuse and neglect referrals. The department shall present the risk factors at all hearings in which the placement of a dependent child is an issue. Substance abuse must be a risk factor. ~~((The department shall, within funds appropriated for this purpose, offer enhanced community based services to persons who are determined not to require further state intervention.~~

~~((17))~~ (19) Upon receipt of a report of alleged abuse or neglect the law enforcement agency may arrange to interview the person making the report and any collateral sources to determine if any malice is involved in the reporting.

~~((18))~~ (20) Upon receiving a report of alleged abuse or neglect involving a child under the court's jurisdiction under chapter 13.34 RCW, the department shall promptly notify the child's guardian ad litem of the report's contents. The department shall also notify the guardian ad litem of the disposition of the report. For purposes of this subsection, "guardian ad litem" has the meaning provided in RCW 13.34.030.

**Sec. 4.** RCW 26.44.031 and 2007 c 220 s 3 are each amended to read as follows:

(1) To protect the privacy in reporting and the maintenance of reports of nonaccidental injury, neglect, death, sexual abuse, and cruelty to children by their parents, and to safeguard against arbitrary, malicious, or erroneous information or actions, the department shall not disclose or maintain information related to reports of child abuse or neglect except as provided in this section or as otherwise required by state and federal law.

(2) The department shall destroy all of its records concerning:

(a) A screened-out report, within three years from the receipt of the report; and

(b) An unfounded or inconclusive report, within six years of completion of the investigation, unless a prior or subsequent founded report has been received regarding the child who is the subject of the report, a sibling or half-sibling of the child, or a parent, guardian, or legal custodian of the child, before the records are destroyed.

(3) The department may keep records concerning founded reports of child abuse or neglect as the department determines by rule.

(4) ~~((A))~~ No unfounded, screened-out, or inconclusive report or information about a family's participation or nonparticipation in the family assessment response may ~~((not))~~ be disclosed to a child-placing agency, private adoption agency, or any other provider licensed under chapter 74.15 RCW without the consent of the individual who is the subject of the report or family assessment, unless:

(a) The individual seeks to become a licensed foster parent or adoptive parent; or

(b) The individual is the parent or legal custodian of a child being served by one of the agencies referenced in this subsection.

(5)(a) If the department fails to comply with this section, an individual who is the subject of a report may institute proceedings for injunctive or other appropriate relief for enforcement of the requirement to purge information. These proceedings may be instituted in the superior court for the county in which the person resides or, if the person is not then a resident of this state, in the superior court for Thurston county.

(b) If the department fails to comply with subsection (4) of this section and an individual who is the subject of the report or family assessment response information is harmed by the disclosure of information, in addition to the relief provided in (a) of this subsection, the court may award a penalty of up to one thousand dollars and reasonable attorneys' fees and court costs to the petitioner.

(c) A proceeding under this subsection does not preclude other methods of enforcement provided for by law.

(6) Nothing in this section shall prevent the department from retaining general, nonidentifying information which is required for state and federal reporting and management purposes.

**Sec. 5.** RCW 26.44.050 and 1999 c 176 s 33 are each amended to read as follows:

Except as provided in RCW 26.44.030(11), upon the receipt of a report concerning the possible occurrence of abuse or neglect, the law enforcement agency or the department of social and health services must investigate and provide the protective services section with a report in accordance with chapter 74.13 RCW, and where necessary to refer such report to the court.

A law enforcement officer may take, or cause to be taken, a child into custody without a court order if there is probable cause to believe that the child is abused or neglected and that the child would be injured or could not be taken into custody if it were necessary to first obtain a court order pursuant to RCW 13.34.050. The law enforcement agency or the department of social and health services investigating such a report is hereby authorized to photograph such a child for the purpose of providing documentary evidence of the physical condition of the child.

**NEW SECTION. Sec. 6.** A new section is added to chapter 26.44 RCW to read as follows:

(1) Within ten days of the conclusion of the family assessment, the department must meet with the child's parent or guardian to discuss the recommendation for services to address child safety concerns or significant risk of subsequent child maltreatment.

(2) If the parent or guardian disagrees with the department's recommendation regarding the provision of services, the department shall convene a family team decision-making meeting to discuss the recommendations and objections. The caseworker's supervisor and area administrator shall attend the meeting.

(3) If the department determines, based on the results of the family assessment, that services are not recommended then the department shall close the family assessment response case.

**Sec. 7.** RCW 74.13.020 and 2011 c 330 s 4 are each reenacted and amended to read as follows:

For purposes of this chapter:

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(1) "Case management" means the management of services delivered to children and families in the child welfare system, including permanency services, caseworker-child visits, family visits, the convening of family group conferences, the development and revision of the case plan, the coordination and monitoring of services needed by the child and family, and the assumption of court-related duties, excluding legal representation, including preparing court reports, attending judicial hearings and permanency hearings, and ensuring that the child is progressing toward permanency within state and federal mandates, including the Indian child welfare act.

(2) "Child" means:

(a) A person less than eighteen years of age; or

(b) A person age eighteen to twenty-one years who is eligible to receive the extended foster care services authorized under RCW 74.13.031.

(3) "Child protective services" has the same meaning as in RCW 26.44.020.

(4) "Child welfare services" means social services including voluntary and in-home services, out-of-home care, case management, and adoption services which strengthen, supplement, or substitute for, parental care and supervision for the purpose of:

(a) Preventing or remedying, or assisting in the solution of problems which may result in families in conflict, or the neglect, abuse, exploitation, or criminal behavior of children;

(b) Protecting and caring for dependent, abused, or neglected children;

(c) Assisting children who are in conflict with their parents, and assisting parents who are in conflict with their children, with services designed to resolve such conflicts;

(d) Protecting and promoting the welfare of children, including the strengthening of their own homes where possible, or, where needed;

(e) Providing adequate care of children away from their homes in foster family homes or day care or other child care agencies or facilities.

"Child welfare services" does not include child protection services.

(5) "Committee" means the child welfare transformation design committee.

(6) "Department" means the department of social and health services.

(7) "Extended foster care services" means residential and other support services the department is authorized to provide to foster children. These services include, but are not limited to, placement in licensed, relative, or otherwise approved care, or supervised independent living settings; assistance in meeting basic needs; independent living services; medical assistance; and counseling or treatment.

(8) "Family assessment" means a comprehensive assessment of child safety, risk of subsequent child abuse or neglect, and family strengths and needs that is applied to a child abuse or neglect report. Family assessment does not include a determination as to whether child abuse or neglect occurred, but does determine the need for services to address the safety of the child and the risk of subsequent maltreatment.

(9) "Measurable effects" means a statistically significant change which occurs as a result of the service or services a supervising agency is assigned in a performance-based contract, in time periods established in the contract.

~~((9))~~ (10) "Out-of-home care services" means services provided after the shelter care hearing to or for children in out-of-home care, as that term is defined in RCW 13.34.030, and their families, including the recruitment, training, and management of foster parents, the recruitment of adoptive families, and the

facilitation of the adoption process, family reunification, independent living, emergency shelter, residential group care, and foster care, including relative placement.

~~((10))~~ (11) "Performance-based contracting" means the structuring of all aspects of the procurement of services around the purpose of the work to be performed and the desired results with the contract requirements set forth in clear, specific, and objective terms with measurable outcomes. Contracts shall also include provisions that link the performance of the contractor to the level and timing of reimbursement.

~~((11))~~ (12) "Permanency services" means long-term services provided to secure a child's safety, permanency, and well-being, including foster care services, family reunification services, adoption services, and preparation for independent living services.

~~((12))~~ (13) "Primary prevention services" means services which are designed and delivered for the primary purpose of enhancing child and family well-being and are shown, by analysis of outcomes, to reduce the risk to the likelihood of the initial need for child welfare services.

~~((13))~~ (14) "Supervising agency" means an agency licensed by the state under RCW 74.15.090, or licensed by a federally recognized Indian tribe located in this state under RCW 74.15.190, that has entered into a performance-based contract with the department to provide case management for the delivery and documentation of child welfare services, as defined in this section.

**Sec. 8.** RCW 74.13.031 and 2011 c 330 s 5 and 2011 c 160 s 2 are each reenacted and amended to read as follows:

(1) The department and supervising agencies shall develop, administer, supervise, and monitor a coordinated and comprehensive plan that establishes, aids, and strengthens services for the protection and care of runaway, dependent, or neglected children.

(2) Within available resources, the department and supervising agencies shall recruit an adequate number of prospective adoptive and foster homes, both regular and specialized, i.e. homes for children of ethnic minority, including Indian homes for Indian children, sibling groups, handicapped and emotionally disturbed, teens, pregnant and parenting teens, and the department shall annually report to the governor and the legislature concerning the department's and supervising agency's success in: (a) Meeting the need for adoptive and foster home placements; (b) reducing the foster parent turnover rate; (c) completing home studies for legally free children; and (d) implementing and operating the passport program required by RCW 74.13.285. The report shall include a section entitled "Foster Home Turn-Over, Causes and Recommendations."

(3) The department shall investigate complaints of any recent act or failure to act on the part of a parent or caretaker that results in death, serious physical or emotional harm, or sexual abuse or exploitation, or that presents an imminent risk of serious harm, and on the basis of the findings of such investigation, offer child welfare services in relation to the problem to such parents, legal custodians, or persons serving in loco parentis, and/or bring the situation to the attention of an appropriate court, or another community agency. An investigation is not required of nonaccidental injuries which are clearly not the result of a lack of care or supervision by the child's parents, legal custodians, or persons serving in loco parentis. If the investigation reveals that a crime against a child may have been committed, the department shall notify the appropriate law enforcement agency.

(4) As provided in RCW 26.44.030(11), the department may respond to a report of child abuse or neglect by using the family assessment response.

(5) The department or supervising agencies shall offer, on a

voluntary basis, family reconciliation services to families who are in conflict.

~~((5))~~ (6) The department or supervising agencies shall monitor placements of children in out-of-home care and in-home dependencies to assure the safety, well-being, and quality of care being provided is within the scope of the intent of the legislature as defined in RCW 74.13.010 and 74.15.010. Under this section children in out-of-home care and in-home dependencies and their caregivers shall receive a private and individual face-to-face visit each month. The department and the supervising agencies shall randomly select no less than ten percent of the caregivers currently providing care to receive one unannounced face-to-face visit in the caregiver's home per year. No caregiver will receive an unannounced visit through the random selection process for two consecutive years. If the caseworker makes a good faith effort to conduct the unannounced visit to a caregiver and is unable to do so, that month's visit to that caregiver need not be unannounced. The department and supervising agencies are encouraged to group monthly visits to caregivers by geographic area so that in the event an unannounced visit cannot be completed, the caseworker may complete other required monthly visits. The department shall use a method of random selection that does not cause a fiscal impact to the department.

The department or supervising agencies shall conduct the monthly visits with children and caregivers to whom it is providing child welfare services.

~~((6))~~ (7) The department and supervising agencies shall have authority to accept custody of children from parents and to accept custody of children from juvenile courts, where authorized to do so under law, to provide child welfare services including placement for adoption, to provide for the routine and necessary medical, dental, and mental health care, or necessary emergency care of the children, and to provide for the physical care of such children and make payment of maintenance costs if needed. Except where required by Public Law 95-608 (25 U.S.C. Sec. 1915), no private adoption agency which receives children for adoption from the department shall discriminate on the basis of race, creed, or color when considering applications in their placement for adoption.

~~((7))~~ (8) The department and supervising agency shall have authority to provide temporary shelter to children who have run away from home and who are admitted to crisis residential centers.

~~((8))~~ (9) The department and supervising agency shall have authority to purchase care for children.

~~((9))~~ (10) The department shall establish a children's services advisory committee with sufficient members representing supervising agencies which shall assist the secretary in the development of a partnership plan for utilizing resources of the public and private sectors, and advise on all matters pertaining to child welfare, licensing of child care agencies, adoption, and services related thereto. At least one member shall represent the adoption community.

~~((10))~~ (11) The department and supervising agencies shall have authority to provide continued extended foster care services to youth ages eighteen to twenty-one years to participate in or complete a secondary education program or a secondary education equivalency program.

~~((11))~~ (12) The department ~~(has)~~ shall have authority to provide adoption support benefits, or relative guardianship subsidies on behalf of youth ages eighteen to twenty-one years who achieved permanency through adoption or a relative guardianship at age sixteen or older and who meet the criteria described in subsection ~~((10))~~ (11) of this section.

~~((12))~~ (13) The department shall refer cases to the division of child support whenever state or federal funds are expended for the care and maintenance of a child, including a child with a

developmental disability who is placed as a result of an action under chapter 13.34 RCW, unless the department finds that there is good cause not to pursue collection of child support against the parent or parents of the child. Cases involving individuals age eighteen through twenty shall not be referred to the division of child support unless required by federal law.

~~((13))~~ (14) The department and supervising agencies shall have authority within funds appropriated for foster care services to purchase care for Indian children who are in the custody of a federally recognized Indian tribe or tribally licensed child-placing agency pursuant to parental consent, tribal court order, or state juvenile court order; and the purchase of such care shall be subject to the same eligibility standards and rates of support applicable to other children for whom the department purchases care.

Notwithstanding any other provision of RCW 13.32A.170 through 13.32A.200 and 74.13.032 through 74.13.036, or of this section all services to be provided by the department under subsections (4), ~~((6), and)~~ (7), and (8) of this section, subject to the limitations of these subsections, may be provided by any program offering such services funded pursuant to Titles II and III of the federal juvenile justice and delinquency prevention act of 1974.

~~((14))~~ (15) Within amounts appropriated for this specific purpose, the supervising agency or department shall provide preventive services to families with children that prevent or shorten the duration of an out-of-home placement.

~~((15))~~ (16) The department and supervising agencies shall have authority to provide independent living services to youths, including individuals who have attained eighteen years of age, and have not attained twenty-one years of age who are or have been in foster care.

~~((16))~~ (17) The department and supervising agencies shall consult at least quarterly with foster parents, including members of the foster parent association of Washington state, for the purpose of receiving information and comment regarding how the department and supervising agencies are performing the duties and meeting the obligations specified in this section and RCW 74.13.250 and 74.13.320 regarding the recruitment of foster homes, reducing foster parent turnover rates, providing effective training for foster parents, and administering a coordinated and comprehensive plan that strengthens services for the protection of children. Consultation shall occur at the regional and statewide levels.

(18)(a) The department shall, within current funding levels, place on its public web site a document listing the duties and responsibilities the department has to a child subject to a dependency petition including, but not limited to, the following:

(i) Reasonable efforts, including the provision of services, toward reunification of the child with his or her family;

(ii) Sibling visits subject to the restrictions in RCW 13.34.136(2)(b)(ii);

(iii) Parent-child visits;

(iv) Statutory preference for placement with a relative or other suitable person, if appropriate; and

(v) Statutory preference for an out-of-home placement that allows the child to remain in the same school or school district, if practical and in the child's best interests.

(b) The document must be prepared in conjunction with a community-based organization and must be updated as needed.

**NEW SECTION. Sec. 9.** The Washington state institute for public policy shall conduct an evaluation of the implementation of the family assessment response. The institute shall define the data to be gathered and maintained. At a minimum, the evaluations must address child safety measures, out-of-home placement rates, re-referral rates, and caseload sizes and demographics. The institute shall deliver its first report no later than December 1, 2014, and its final report by December 1, 2016.

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NEW SECTION. Sec. 10. The department of social and health services shall conduct two client satisfaction surveys of families that have been placed in the family assessment response. The first survey results shall be reported no later than December 1, 2014. The second survey results shall be reported no later than December 1, 2016.

Sec. 11. RCW 26.44.125 and 1998 c 314 s 9 are each amended to read as follows:

(1) A person who is named as an alleged perpetrator after October 1, 1998, in a founded report of child abuse or neglect has the right to seek review and amendment of the finding as provided in this section.

(2) Within ~~((twenty))~~ thirty calendar days after ~~((receiving written notice from the department))~~ the department has notified the alleged perpetrator under RCW 26.44.100 that ~~((a))~~ the person is named as an alleged perpetrator in a founded report of child abuse or neglect, he or she may request that the department review the finding. The request must be made in writing. The written notice provided by the department must contain at least the following information in plain language:

(a) Information about the department's investigative finding as it relates to the alleged perpetrator;

(b) Sufficient factual information to apprise the alleged perpetrator of the date and nature of the founded reports;

(c) That the alleged perpetrator has the right to submit to child protective services a written response regarding the child protective services finding which, if received, shall be filed in the department's records;

(d) That information in the department's records, including information about this founded report, may be considered in a later investigation or proceeding related to a different allegation of child abuse or neglect or child custody;

(e) That founded allegations of child abuse or neglect may be used by the department in determining:

(i) If a perpetrator is qualified to be licensed or approved to care for children or vulnerable adults; or

(ii) If a perpetrator is qualified to be employed by the department in a position having unsupervised access to children or vulnerable adults;

(f) That the alleged perpetrator has a right to challenge a founded allegation of child abuse or neglect.

(3) If a request for review is not made as provided in this subsection, the alleged perpetrator may not further challenge the finding and shall have no right to agency review or to an adjudicative hearing or judicial review of the finding, unless he or she can show that the department did not comply with the notice requirements of RCW 26.44.100.

~~((3))~~ (4) Upon receipt of a written request for review, the department shall review and, if appropriate, may amend the finding. Management level staff within the children's administration designated by the secretary shall be responsible for the review. The review must be completed within thirty days after receiving the written request for review. The review must be conducted in accordance with procedures the department establishes by rule. Upon completion of the review, the department shall notify the alleged perpetrator in writing of the agency's determination. The notification must be sent by certified mail, return receipt requested, to the person's last known address.

~~((4))~~ (5) If, following agency review, the report remains founded, the person named as the alleged perpetrator in the report may request an adjudicative hearing to contest the finding. The adjudicative proceeding is governed by chapter 34.05 RCW and this section. The request for an adjudicative proceeding must be filed within thirty calendar days after receiving notice of the agency review determination. If a request for an adjudicative proceeding is

not made as provided in this subsection, the alleged perpetrator may not further challenge the finding and shall have no right to agency review or to an adjudicative hearing or judicial review of the finding.

~~((5))~~ (6) Reviews and hearings conducted under this section are confidential and shall not be open to the public. Information about reports, reviews, and hearings may be disclosed only in accordance with federal and state laws pertaining to child welfare records and child protective services reports.

~~((6))~~ (7) The department may adopt rules to implement this section.

NEW SECTION. Sec. 12. Sections 1 through 11 of this act take effect December 1, 2013."

Correct the title.  
and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

Senator Hargrove moved that the Senate refuse to concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 6555 and ask the House to recede therefrom.

The President declared the question before the Senate to be the motion by Senator Hargrove that the Senate refuse to concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 6555 and ask the House to recede therefrom.

The motion by Senator Hargrove carried and the Senate refused to concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 6555 and asked the House to recede therefrom by voice vote.

MOTION

At 6:23 p.m., on motion of Senator Eide, the Senate adjourned until 9:30 a.m. Tuesday, March 6, 2012.

BRAD OWEN, President of the Senate

THOMAS HOEMANN, Secretary of the Senate

## FIFTY EIGHTH DAY

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MORNING SESSION

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Senate Chamber, Olympia, Tuesday, March 6, 2012

The Senate was called to order at 9:30 a.m. by President Owen. The Secretary called the roll and announced to the President that all Senators were present with the exception of Senators Pflug, Roach and Zarelli.

The Sergeant at Arms Color Guard consisting of Pages John Kalfreider and Brianna Nasman, presented the Colors. Pastor John Rosenberg of Lutheran Church of the Good Shepherd of Olympia offered the prayer.

## MOTION

On motion of Senator Eide, the reading of the Journal of the previous day was dispensed with and it was approved.

## MOTION

On motion of Senator Eide, the Senate advanced to the fourth order of business.

## MESSAGE FROM THE HOUSE

March 5, 2012

MR. PRESIDENT:

The House has passed:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2190,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2799.

and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

## MOTION

On motion of Senator Eide, the Senate advanced to the sixth order of business.

## MOTION

On motion of Senator Ericksen, Senators Pflug, Roach and Zarelli were excused.

SECOND READING  
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

## MOTION

Senator Kline moved that Gubernatorial Appointment No. 9259, Ted Willhite, as a member of the Recreation and Conservation Funding Board, be confirmed.

Senator Kline spoke in favor of the motion.

## MOTION

On motion of Senator Ericksen, Senators Baumgartner and Benton were excused.

## MOTION

On motion of Senator Harper, Senators Brown, Kilmer and Prentice were excused.

## APPOINTMENT OF TED WILLHITE

The President declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9259, Ted Willhite as a member of the Recreation and Conservation Funding Board.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9259, Ted Willhite as a member of the Recreation and Conservation Funding Board and the appointment was confirmed by the following vote: Yeas, 45; Nays, 1; Absent, 0; Excused, 3.

Voting yea: Senators Baumgartner, Becker, Benton, Brown, Carrell, Chase, Conway, Delvin, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hatfield, Haugen, Hewitt, Hill, Hobbs, Holmquist Newbry, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles, Litzow, McAuliffe, Morton, Murray, Nelson, Padden, Parlette, Prentice, Pridemore, Ranker, Regala, Rolfes, Schoesler, Sheldon, Shin, Stevens, Swecker and Tom

Voting nay: Senator Honeyford

Excused: Senators Pflug, Roach and Zarelli

Gubernatorial Appointment No. 9259, Ted Willhite, having received the constitutional majority was declared confirmed as a member of the Recreation and Conservation Funding Board.

SECOND READING  
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

## MOTION

Senator Frockt moved that Gubernatorial Appointment No. 9184, Larry Brown, as a member of the State Board for Community and Technical Colleges, be confirmed.

Senator Frockt spoke in favor of the motion.

## APPOINTMENT OF LARRY BROWN

The President declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9184, Larry Brown as a member of the State Board for Community and Technical Colleges.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9184, Larry Brown as a member of the State Board for Community and Technical Colleges and the appointment was confirmed by the following vote: Yeas, 44; Nays, 1; Absent, 1; Excused, 3.

Voting yea: Senators Becker, Benton, Carrell, Chase, Conway, Delvin, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hatfield, Haugen, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles, Litzow, McAuliffe, Morton, Murray, Nelson, Padden, Parlette, Prentice, Pridemore, Ranker, Regala, Rolfes, Schoesler, Sheldon, Shin, Stevens, Swecker and Tom

Voting nay: Senator Baumgartner

Absent: Senator Brown

Excused: Senators Pflug, Roach and Zarelli

Gubernatorial Appointment No. 9184, Larry Brown, having received the constitutional majority was declared confirmed as a

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member of the State Board for Community and Technical Colleges.

SECOND READING  
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Prentice moved that Gubernatorial Appointment No. 9188, Jorge Carrasco, as a member of the Board of Trustees, Seattle, South Seattle, and North Seattle Community Colleges District No. 6, be confirmed.

Senator Prentice spoke in favor of the motion.

MOTION

On motion of Senator Harper, Senator Brown was excused.

APPOINTMENT OF JORGE CARRASCO

The President declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9188, Jorge Carrasco as a member of the Board of Trustees, Seattle, South Seattle, and North Seattle Community Colleges District No. 6.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9188, Jorge Carrasco as a member of the Board of Trustees, Seattle, South Seattle, and North Seattle Community Colleges District No. 6 and the appointment was confirmed by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Baumgartner, Becker, Benton, Carrell, Chase, Conway, Delvin, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hatfield, Haugen, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles, Litzow, McAuliffe, Morton, Murray, Nelson, Padden, Parlette, Prentice, Pridemore, Ranker, Regala, Rolfes, Schoesler, Sheldon, Shin, Stevens, Swecker and Tom

Excused: Senators Brown, Pflug, Roach and Zarelli

Gubernatorial Appointment No. 9188, Jorge Carrasco, having received the constitutional majority was declared confirmed as a member of the Board of Trustees, Seattle, South Seattle, and North Seattle Community Colleges District No. 6.

REMARKS BY THE PRESIDENT

President Owen: "Ladies and Gentlemen of the Senate: The President wants to remind members that you do not approach the rostrum or the bar of the Senate until the gavel is actually dropped. We have, at times, people coming in at the last minute asking to call and we really don't want any disruption up here during the time the roll call is being taken. Thank you very much."

MOTION

On motion of Senator Eide, the Senate reverted to the fifth order of business.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

ESHB 2190 by House Committee on Transportation (originally sponsored by Representatives Clibborn, Armstrong, Billig and Hargrove)

AN ACT Relating to transportation funding and appropriations; amending RCW 43.19.642, 46.12.630, and 46.44.0915; amending 2011 c 367 ss 101, 103, 105, 106, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 401, 402, 403, 404, 405, 406, 407, 502, 503, 505, 603, and 608 (uncodified); adding a new section to chapter 47.76 RCW; adding a new section to chapter 72.09 RCW; adding new sections to 2011 c 367 (uncodified); creating new sections; repealing 2011 1st sp.s. c 50 ss 718, 719, 720, and 721 (uncodified); making appropriations and authorizing expenditures for capital improvements; providing effective dates; and declaring an emergency.

ESHB 2799 by House Committee on Education (originally sponsored by Representatives Sullivan, Santos, Maxwell, Darneille, Hunt, Carlyle, Haigh, Pollet and Kenney)

AN ACT Relating to authorizing a five-year pilot project for up to six collaborative schools for innovation and success operated by school districts in partnership with colleges of education; amending RCW 28A.305.140, 28A.655.180, and 28A.657.050; adding new sections to chapter 28A.630 RCW; adding a new section to chapter 28A.410 RCW; adding a new section to chapter 28A.660 RCW; creating a new section; and providing an expiration date.

MOTION

On motion of Senator Eide, the rules were suspended and Engrossed Substitute House Bill No. 2190 and Engrossed Substitute House Bill No. 2799 were placed on the second reading calendar under suspension of the rules.

MOTION

On motion of Senator Eide, the Senate reverted to the fourth order of business.

MESSAGE FROM THE HOUSE

February 29, 2012

MR. PRESIDENT:

The House passed SUBSTITUTE SENATE BILL NO. 6044 with the following amendment(s): 6044-S AMH MCCO CALL 066

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 54.16 RCW to read as follows:

(1) Notwithstanding any other provision of this chapter to the contrary, a qualifying public utility district may supply any water, if authorized by a previously perfected water right under its control, to be used in a pumped storage generating facility to any entity that sells electric energy or water either directly or indirectly to the public.

(2) To qualify for the authority under this section, the public utility district must have satisfied all of the following requirements prior to the effective date of this act:

- (a) Border the Columbia river;
- (b) Have obtained a water right from an industrial user; and
- (c) Hold a water right for which power generation is an authorized purpose.

(3) Water supplied to an entity under this section must be supplied consistent with a contract that contains the terms and



conditions deemed appropriate by the commission of the qualifying public utility district. Contracts under this section must be made pursuant to a resolution of the commission that is introduced at a meeting of the commission at least ten days prior to the date of the adoption of the resolution. However, the commission shall first make adequate provision for the needs of the public utility district, both actual and prospective." and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

Senator Honeyford moved that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 6044. Senator Honeyford spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Honeyford that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 6044.

The motion by Senator Honeyford carried and the Senate concurred in the House amendment(s) to Substitute Senate Bill No. 6044 by voice vote.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6044, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6044, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Baumgartner, Becker, Benton, Brown, Carrell, Chase, Conway, Delvin, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hatfield, Haugen, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles, Litzow, McAuliffe, Morton, Murray, Nelson, Padden, Parlette, Prentice, Pridemore, Ranker, Regala, Roach, Rolfes, Schoesler, Sheldon, Shin, Stevens, Swecker and Tom

Excused: Senators Pflug and Zarelli

SUBSTITUTE SENATE BILL NO. 6044, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

March 2, 2012

MR. PRESIDENT:

The House passed SECOND SUBSTITUTE SENATE BILL NO. 5343 with the following amendment(s): 5343-S2 AMH ENGR H4457.E

Strike everything after the enacting clause and insert the following:

"**NEW SECTION. Sec. 1.** A new section is added to chapter 70.94 RCW to read as follows:

(1) A generator operating at an electric generating project with an installed generator capacity of at least seven hundred fifty kilowatts but not exceeding one thousand kilowatts, that is in operation on the effective date of this act and began operating after 2008, and that is located on agricultural lands of long-term commercial significance pursuant to chapter 36.70A RCW, is granted an extended compliance period for permit provisions related

to the emissions limit for sulfur established by the department or a local air authority until December 31, 2016, if it is fueled by biogas that is produced by an anaerobic digester that qualifies for the solid waste permitting exemption specified in RCW 70.95.330.

(2) A generator that meets the requirements in subsection (1) of this section may not be located in a federally designated nonattainment or maintenance area.

(3) Upon request, the department or a local air authority must provide technical assistance to a generator meeting the requirements in subsection (1) of this section to assist the generator in reducing its emissions in order to meet the requirements in this chapter.

(4) The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

(a) "Anaerobic digester" means a vessel that processes organic material into biogas and digestate using microorganisms in a decomposition process within a closed, oxygen-free container.

(b) "Generator" means an internal combustion engine that converts biogas into electricity, and includes any back-up combustion device to burn biogas when an engine is idled for maintenance.

**NEW SECTION. Sec. 2.** (1) By December 1, 2012, the department of ecology must submit a report to the appropriate standing committees of the legislature containing information regarding the degree to which current state air quality regulations consider different feed sources for anaerobic digesters and strategies to address the different feed sources used in anaerobic digesters. The department of ecology must consult with interested parties in drafting the report.

(2) The definitions in section 1(4) of this act apply throughout this section.

**NEW SECTION. Sec. 3.** If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2012, in the omnibus appropriations act, this act is null and void."

Correct the title.

and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

Senator Hatfield moved that the Senate concur in the House amendment(s) to Second Substitute Senate Bill No. 5343.

Senator Hatfield spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Hatfield that the Senate concur in the House amendment(s) to Second Substitute Senate Bill No. 5343.

The motion by Senator Hatfield carried and the Senate concurred in the House amendment(s) to Second Substitute Senate Bill No. 5343 by voice vote.

The President declared the question before the Senate to be the final passage of Second Substitute Senate Bill No. 5343, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 5343, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 45; Nays, 2; Absent, 0; Excused, 2.

Voting yea: Senators Baumgartner, Becker, Benton, Brown, Carrell, Chase, Conway, Delvin, Eide, Ericksen, Fain, Hargrove, Harper, Hatfield, Haugen, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Kastama, Keiser, Kilmer, King, Kline,

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being no objection, the title of the bill was ordered to stand as the title of the act.

Voting nay: Senators Fraser and Frockt

MESSAGE FROM THE HOUSE

Excused: Senators Pflug and Zarelli

March 1, 2012

SECOND SUBSTITUTE SENATE BILL NO. 5343, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

March 2, 2012

MR. PRESIDENT:

The House passed SENATE BILL NO. 6082 with the following amendment(s): 6082 AMH ENGR H4355.E

On page 2, beginning on line 9, after "(3)" strike all material through "RCW." on line 36 and insert "By December 31, 2013, the department of ecology shall conduct rulemaking to review and consider whether the current environmental checklist form in WAC 197-11-960 ensures consideration of potential impacts to agricultural lands of long-term commercial significance, as that term is used in chapter 36.70A RCW. The review and update shall ensure that the checklist is adequate to allow for consideration of impacts on adjacent agricultural properties, drainage patterns, agricultural soils, and normal agricultural operations." and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

Senator Hatfield moved that the Senate concur in the House amendment(s) to Senate Bill No. 6082.

Senator Hatfield spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Hatfield that the Senate concur in the House amendment(s) to Senate Bill No. 6082.

The motion by Senator Hatfield carried and the Senate concurred in the House amendment(s) to Senate Bill No. 6082 by voice vote.

The President declared the question before the Senate to be the final passage of Senate Bill No. 6082, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6082, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 35; Nays, 12; Absent, 0; Excused, 2.

Voting yea: Senators Benton, Brown, Chase, Conway, Eide, Fain, Fraser, Frockt, Hargrove, Harper, Hatfield, Haugen, Hobbs, Honeyford, Kastama, Keiser, Kilmer, Kline, Kohl-Welles, Litzow, McAuliffe, Morton, Murray, Nelson, Parlette, Prentice, Pridemore, Ranker, Regala, Rolfes, Schoesler, Sheldon, Shin, Swecker and Tom

Voting nay: Senators Baumgartner, Becker, Carrell, Delvin, Ericksen, Hewitt, Hill, Holmquist Newbry, King, Padden, Roach and Stevens

Excused: Senators Pflug and Zarelli

SENATE BILL NO. 6082, as amended by the House, having received the constitutional majority, was declared passed. There

MR. PRESIDENT:

The House passed ENGROSSED SUBSTITUTE SENATE BILL NO. 6103 with the following amendment(s): 6103-S.E AMH HCW H4364.4

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that protecting the public health and safety from the harms of human trafficking has become more difficult and complex, with severe consequences for the victims and the public. The purpose of this legislation is to provide additional tools so that the regulatory agency has authority to make reasonable inspections of the premises in which services subject to this chapter are being provided in order to determine whether the services are being provided in compliance with this chapter and to support state investigations of human trafficking and other illicit activity.

Sec. 2. RCW 18.108.005 and 1997 c 297 s 1 are each amended to read as follows:

(1) The legislature finds it necessary to license the practice of massage and massage therapy and certify persons practicing reflexology in order to protect the public health and safety. It is the legislature's intent that only individuals who meet and maintain minimum standards of competence and conduct may provide services to the public.

(2) This chapter shall not be construed to:

(a) Require ~~((or prohibit))~~ individual or group policies or contracts of ~~((an insurance carrier, health care service contractor, or health maintenance organization))~~ a health carrier to provide, or prohibit such policies or contracts from providing, benefits or coverage for services and supplies provided by a person licensed under this chapter; or

(b) Require that a health carrier contract with a person certified under this chapter.

Sec. 3. RCW 18.108.010 and 2007 c 272 s 1 are each amended to read as follows:

In this chapter, unless the context otherwise requires, the following meanings shall apply:

(1) "Board" means the Washington state board of massage.

(2) "Massage" and "massage therapy" mean a health care service involving the external manipulation or pressure of soft tissue for therapeutic purposes. Massage therapy includes techniques such as tapping, compressions, friction, reflexology, Swedish gymnastics or movements, gliding, kneading, shaking, and fascial or connective tissue stretching, with or without the aids of superficial heat, cold, water, lubricants, or salts. Massage therapy does not include diagnosis or attempts to adjust or manipulate any articulations of the body or spine or mobilization of these articulations by the use of a thrusting force, nor does it include genital manipulation.

(3) "Massage practitioner" means an individual licensed under this chapter.

(4) "Secretary" means the secretary of health or the secretary's designee.

(5) "Massage business" means the operation of a business where massages are given.

(6) "Animal massage practitioner" means an individual with a license to practice massage therapy in this state with additional training in animal therapy.

(7) "Intraoral massage" means the manipulation or pressure of soft tissue inside the mouth or oral cavity for therapeutic purposes.

(8) "Health carrier" means the same as the definition in RCW 48.43.005.

(9) "Certified reflexologist" means an individual who is certified under this chapter.

(10) "Reflexology" means a health care service that is limited to applying alternating pressure with thumb and finger techniques to reflexive areas of the lower one-third of the extremities, feet, hands, and outer ears based on reflex maps. Reflexology does not include the diagnosis of or treatment for specific diseases, or joint manipulations.

(11) "Reflexology business" means the operation of a business where reflexology services are provided.

**Sec. 4.** RCW 18.108.025 and 2008 c 25 s 1 are each amended to read as follows:

(1) In addition to any other authority provided by law, the board of massage may:

((4)) (a) Adopt rules in accordance with chapter 34.05 RCW necessary to implement massage practitioner licensure under this chapter, subject to the approval of the secretary;

((2)) (b) Define, evaluate, approve, and designate those massage schools, massage programs, and massage apprenticeship programs including all current and proposed curriculum, faculty, and health, sanitation, and facility standards from which graduation will be accepted as proof of an applicant's eligibility to take the massage licensing examination;

((3)) (c) Review approved massage schools and programs periodically;

((4)) (d) Prepare, grade, administer, and supervise the grading and administration of, examinations for applicants for massage licensure;

((5)) (e) Establish and administer requirements for continuing education, which shall be a prerequisite to renewing a massage practitioner license under this chapter; and

((6)) (f) Determine which states have educational and licensing requirements for massage practitioners equivalent to those of this state.

(2) The board shall establish by rule the standards and procedures for approving courses of study in massage therapy and may contract with individuals or organizations having expertise in the profession or in education to assist in evaluating courses of study. The standards and procedures set shall apply equally to schools and training within the United States of America and those in foreign jurisdictions.

**Sec. 5.** RCW 18.108.030 and 1995 c 198 s 15 are each amended to read as follows:

(1)(a) No person may practice or represent himself or herself as a massage practitioner without first applying for and receiving from the department a license to practice. However, this subsection does not prohibit a certified reflexologist from practicing reflexology.

((2)) (b) A person represents himself or herself as a massage practitioner when the person adopts or uses any title or any description of services that incorporates one or more of the following terms or designations: Massage, massage practitioner, massage therapist, massage therapy, therapeutic massage, massage technician, massage technology, massagist, masseur, masseuse, myotherapist or myotherapy, touch therapist, reflexologist except when used by a certified reflexologist, acupressurist, body therapy or body therapist, or any derivation of those terms that implies a massage technique or method.

(2)(a) No person may practice reflexology or represent himself or herself as a reflexologist by use of any title without first being certified as a reflexologist or licensed as a massage practitioner by the department.

(b) A person represents himself or herself as a reflexologist when the person adopts or uses any title in any description of services that incorporates one or more of the following terms or designations: Reflexologist, reflexology, foot pressure therapy, foot reflex therapy, or any derivation of those terms that implies a reflexology technique or method. However, this subsection does not prohibit a licensed massage practitioner from using any of these terms as a description of services.

(c) A person may not use the term "certified reflexologist" without first being certified by the department.

**Sec. 6.** RCW 18.108.040 and 2011 c 223 s 1 are each amended to read as follows:

(1)(a) It shall be unlawful to advertise the practice of massage using the term massage or any other term that implies a massage technique or method in any public or private publication or communication by a person not licensed by the secretary as a massage practitioner. However, this subsection does not prohibit a certified reflexologist from using the term reflexology or derivations of the term, subject to subsection (2)(b) of this section.

((2)) (b) Any person who holds a license to practice as a massage practitioner in this state may use the title "licensed massage practitioner" and the abbreviation "L.M.P.". No other persons may assume such title or use such abbreviation or any other word, letters, signs, or figures to indicate that the person using the title is a licensed massage practitioner.

((3)) (c) A massage practitioner's name and license number must conspicuously appear on all of the massage practitioner's advertisements.

(2)(a) It is unlawful to advertise the practice of reflexology or use any other term that implies reflexology technique or method in any public or private publication or communication by a person not certified by the secretary as a reflexologist or licensed as a massage practitioner.

(b) A person certified as a reflexologist may not adopt or use any title or description of services, including for purposes of advertising, that incorporates one or more of the following terms or designations: Massage, masseuse, massager, massagist, masseur, myotherapist or myotherapy, touch therapist, body therapy or therapist, or any derivation of those terms that implies a massage technique or therapy unless the person is also licensed under this chapter as a massage practitioner.

(c) A reflexologist's name and certification number must conspicuously appear on all of the reflexologist's advertisements.

**Sec. 7.** RCW 18.108.045 and 2011 c 223 s 2 are each amended to read as follows:

A massage practitioner licensed under this chapter or a reflexologist certified under this chapter must conspicuously display his or her ((license)) credential in his or her principal place of business. If the licensed massage practitioner or certified reflexologist does not have a principal place of business or conducts business in any other location, he or she must have a copy of his or her ((license)) credential available for inspection while performing ((any activities related to massage therapy)) services within his or her authorized scope of practice.

**Sec. 8.** RCW 18.108.050 and 2002 c 277 s 2 are each amended to read as follows:

This chapter does not apply to:

(1) An individual giving massage or reflexology to members of his or her immediate family;

(2) The practice of a profession by individuals who are licensed, certified, or registered under other laws of this state and who are performing services within their authorized scope of practice;

(3) Massage or reflexology practiced at the athletic department of;

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(a) Any institution maintained by the public funds of the state, or any of its political subdivisions;

~~((4) Massage practiced at the athletic department of)~~ (b) Any primary or secondary school or institution of higher education;

(c) Any school or college approved by the department of health by rule using recognized national professional standards; or

(d) Any nonprofit organization licensed under RCW 66.24.400 and 66.24.450;

~~((5))~~ (4) Students enrolled in an approved massage school, approved program, or approved apprenticeship program, practicing massage techniques, incidental to the massage school or program and supervised by the approved school or program. Students must identify themselves as a student when performing massage services on members of the public. Students may not be compensated for the massage services they provide;

~~((6))~~ (5) Students enrolled in an approved reflexology school, approved program, or approved apprenticeship program, practicing reflexology techniques, incidental to the reflexologist school or program and supervised by the approved school or program. Students must identify themselves as a student when performing reflexology services on members of the public. Students may not be compensated for the reflexology services they provide; or

(6) Individuals who have completed a somatic education training program approved by the secretary;

~~(7) Persons who limit their practice to reflexology. For purposes of this chapter, the practice of reflexology is limited to the hands, feet, and outer ears. The services provided by those who limit their practice to reflexology are not designated or implied to be massage or massage therapy).~~

**Sec. 9.** RCW 18.108.060 and 1996 c 191 s 81 are each amended to read as follows:

Each applicant and license or certificate holder shall comply with administrative procedures, administrative requirements, and fees set by the secretary under RCW 43.70.250 and 43.70.280.

**Sec. 10.** RCW 18.108.070 and 1991 c 3 s 257 are each amended to read as follows:

(1) The secretary shall issue a massage practitioner's license to an applicant who demonstrates to the secretary's satisfaction that the following requirements have been met:

~~((1))~~ (a) Effective June 1, 1988, successful completion of a course of study in an approved massage program or approved apprenticeship program;

~~((2))~~ (b) Successful completion of an examination administered or approved by the board; and

~~((3))~~ (c) Be eighteen years of age or older.

~~(In addition, applicants shall be subject to the grounds for denial or issuance of a conditional license under chapter 18.130 RCW.)~~

(2) Beginning July 1, 2013, the secretary shall issue a reflexologist certification to an applicant who completes an application form that identifies the name and address of the applicant and the certification request, and demonstrates to the secretary's satisfaction that the following requirements have been met:

(a) Successful completion of a course of study in reflexologist program approved by the secretary;

(b) Successful completion of an examination administered or approved by the secretary; and

(c) Be eighteen years of age or older.

(3) Applicants for a massage practitioner's license or for certification as a reflexologist shall be subject to the grounds for denial or issuance of a conditional credential under chapter 18.130 RCW.

(4) The secretary may require any information and documentation that reasonably relates to the need to determine whether the massage practitioner or reflexologist applicant meets

the criteria for licensure provided for in this chapter and chapter 18.130 RCW. The secretary shall establish by rule what constitutes adequate proof of meeting the criteria. ~~((The board shall give an appropriate alternate form of examination for persons who cannot read or speak English to determine equivalent competency.))~~

**Sec. 11.** RCW 18.108.073 and 1995 c 198 s 17 are each amended to read as follows:

~~(1) ((The date and location of the examination shall be established by the secretary.)) Applicants ((who)) for the massage practitioner license examination must demonstrate to the secretary's satisfaction that the following requirements have been met ((shall be scheduled for the next examination following the filing of the application)):~~

~~(a)(i) Effective June 1, 1988, successful completion of a course of study in an approved massage program; or~~

~~((b)) (ii) Effective June 1, 1988, successful completion of an apprenticeship program established by the board; and~~

~~((c)) (b) Be eighteen years of age or older.~~

~~((In addition, the secretary shall establish a deadline for receipt of completed and approved applications.))~~

(2) The board or its designee shall examine each massage practitioner applicant in a written examination determined most effective on subjects appropriate to the massage scope of practice. The subjects may include anatomy, kinesiology, physiology, pathology, principles of human behavior, massage theory and practice, hydrotherapy, hygiene, first aid, Washington law pertaining to the practice of massage, and such other subjects as the board may deem useful to test applicant's fitness to practice massage therapy. Such examinations shall be limited in purpose to determining whether the applicant possesses the minimum skill and knowledge necessary to practice competently.

(3) All records of a massage practitioner candidate's performance shall be preserved for a period of not less than one year after the board has made and published decisions thereupon. All examinations shall be conducted by the board under fair and impartial methods as determined by the secretary.

(4) ~~((A))~~ A massage practitioner applicant who fails to make the required grade in the first examination is entitled to take up to two additional examinations upon the payment of a fee for each subsequent examination determined by the secretary as provided in RCW 43.70.250. Upon failure of three examinations, the secretary may invalidate the original application and require such remedial education as is required by the board before admission to future examinations.

(5) The board may approve an examination prepared or administered, or both, by a private testing agency or association of licensing boards for use by ~~((an))~~ a massage practitioner applicant in meeting the licensing requirement.

**NEW SECTION. Sec. 12.** A new section is added to chapter 18.108 RCW to read as follows:

(1) Beginning July 1, 2013, applicants for the reflexology certification examination must demonstrate to the secretary's satisfaction that the following requirements have been met:

(a)(i) Successful completion of a course of study in an approved reflexology program; or

(ii) Successful completion of an apprenticeship program approved by the secretary; and

(b) Be eighteen years of age or older.

(2) The secretary or his or her designee shall examine each reflexology applicant in a written examination determined most effective on subjects appropriate to the reflexology scope of practice. The subjects may include those that the secretary deems useful to test applicant's fitness to practice reflexology. Such examinations shall be limited in purpose to determining whether the

applicant possesses the minimum skill and knowledge necessary to practice reflexology competently.

(3) All records of a reflexology candidate's performance shall be preserved for a period of not less than one year after the secretary has made and published decisions thereupon. All examinations shall be conducted under fair and impartial methods as determined by the secretary.

(4) A reflexology applicant who fails to make the required grade in the first examination is entitled to take up to two additional examinations upon the payment of a fee for each subsequent examination determined by the secretary as provided in RCW 43.70.250. Upon failure of three examinations, the secretary may invalidate the original application and require such remedial education as is required by the secretary before admission to future examinations.

(5) The secretary may approve an examination prepared or administered, or both, by a private testing agency or association of licensing boards for use by a reflexology applicant in meeting the certification requirement.

**Sec. 13.** RCW 18.108.095 and 1987 c 443 s 12 are each amended to read as follows:

~~(Am)~~ A massage practitioner applicant holding a license in another state or foreign jurisdiction may be granted a Washington license without examination, if, in the opinion of the board, the other state's or foreign jurisdiction's examination and educational requirements are substantially equivalent to Washington's (~~is~~ **PROVIDED, That**)). However, the applicant must demonstrate ~~(s)~~ to the satisfaction of the board a working knowledge of Washington law pertaining to the practice of massage. The applicant shall provide proof in a manner approved by the department that the examination and requirements are equivalent to Washington's.

**Sec. 14.** RCW 18.108.085 and 1996 c 154 s 1 are each amended to read as follows:

(1) In addition to any other authority provided by law, the secretary may:

(a) Adopt rules, in accordance with chapter 34.05 RCW necessary to implement this chapter;

(b) Set all license, certification, examination, and renewal fees in accordance with RCW 43.70.250;

(c) Establish forms and procedures necessary to administer this chapter;

(d) Issue a massage practitioner's license to any applicant who has met the education, training, and examination requirements for licensure and deny licensure to applicants who do not meet the requirements of this chapter; (~~and~~)

(e) Issue a reflexology certification to any applicant who has met the requirements for certification and deny certification to applicants who do not meet the requirements of this chapter; and

(f) Hire clerical, administrative, and investigative staff as necessary to implement this chapter (~~, and hire individuals licensed under this chapter to serve as examiners for any practical examinations~~).

(2) The Uniform Disciplinary Act, chapter 18.130 RCW, governs unlicensed and uncertified practice, the issuance and denial of licenses and certifications, and the disciplining of persons under this chapter. The secretary shall be the disciplining authority under this chapter.

(3) Any license or certification issued under this chapter to a person who is or has been convicted of violating RCW 9A.88.030, 9A.88.070, 9A.88.080, or 9A.88.090 or equivalent local ordinances shall automatically be revoked by the secretary upon receipt of a certified copy of the court documents reflecting such conviction. No further hearing or procedure is required, and the secretary has no discretion with regard to the revocation of the license or

certification. The revocation shall be effective even though such conviction may be under appeal, or the time period for such appeal has not elapsed. However, upon presentation of a final appellate decision overturning such conviction, the license or certification shall be reinstated, unless grounds for disciplinary action have been found under chapter 18.130 RCW. No license or certification may be granted under this chapter to any person who has been convicted of violating RCW 9A.88.030, 9A.88.070, 9A.88.080, or 9A.88.090 or equivalent local ordinances within the eight years immediately preceding the date of application. For purposes of this subsection, "convicted" does not include a conviction that has been the subject of a pardon, annulment, or other equivalent procedure based on a finding of innocence, but does include convictions for offenses for which the defendant received a deferred or suspended sentence, unless the record has been expunged according to law.

(4) The secretary shall keep an official record of all proceedings under this chapter, a part of which record shall consist of a register of all applicants for licensure or certification under this chapter, with the result of each application.

**NEW SECTION. Sec. 15.** A new section is added to chapter 18.108 RCW to read as follows:

(1) The secretary may certify an applicant as a reflexologist without examination if the applicant:

(a) Has practiced reflexology as a licensed massage practitioner for at least five years prior to the effective date of this section or provides evidence satisfactory to the secretary that he or she has, prior to the effective date of this section, successfully completed a course of study in a reflexology program approved by the secretary; and

(b) Applies for certification by one year after the effective date of this section.

(2) An applicant holding a reflexology credential in another state or a territory of the United States may be certified to practice in this state without examination if the secretary determines that the other jurisdiction's credentialing standards are substantially equivalent to the standards in this state.

**NEW SECTION. Sec. 16.** A new section is added to chapter 18.108 RCW to read as follows:

(1) For the purposes of ascertaining violations of this chapter and chapter 18.130 RCW, the secretary or authorized representative has the authority to inspect, within reasonable limits and in a reasonable manner, the premises of any massage or reflexology business establishment during hours such business is open. If the secretary is denied access to any premises or establishment the secretary may apply to any court of competent jurisdiction for a warrant authorizing access to such premises or establishment for such purposes. The court may, upon such application, issue a warrant for the purpose requested.

(2) This section does not require advance notice of an inspection.

**NEW SECTION. Sec. 17.** The following acts or parts of acts are each repealed:

(1) RCW 18.108.076 (Application of uniform disciplinary act) and 1987 c 150 s 60 & 1986 c 259 s 146; and

(2) RCW 18.108.130 (Exemptions) and 1975 1st ex.s. c 280 s 14.

**Sec. 18.** RCW 18.120.020 and 2010 c 286 s 14 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Applicant group" includes any health professional group or organization, any individual, or any other interested party which proposes that any health professional group not presently regulated be regulated or which proposes to substantially increase the scope of practice of the profession.

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(2) "Certificate" and "certification" mean a voluntary process by which a statutory regulatory entity grants recognition to an individual who (a) has met certain prerequisite qualifications specified by that regulatory entity, and (b) may assume or use "certified" in the title or designation to perform prescribed health professional tasks.

(3) "Grandfather clause" means a provision in a regulatory statute applicable to practitioners actively engaged in the regulated health profession prior to the effective date of the regulatory statute which exempts the practitioners from meeting the prerequisite qualifications set forth in the regulatory statute to perform prescribed occupational tasks.

(4) "Health professions" means and includes the following health and health-related licensed or regulated professions and occupations: Podiatric medicine and surgery under chapter 18.22 RCW; chiropractic under chapter 18.25 RCW; dental hygiene under chapter 18.29 RCW; dentistry under chapter 18.32 RCW; denturism under chapter 18.30 RCW; dispensing opticians under chapter 18.34 RCW; hearing instruments under chapter 18.35 RCW; naturopaths under chapter 18.36A RCW; embalming and funeral directing under chapter 18.39 RCW; midwifery under chapter 18.50 RCW; nursing home administration under chapter 18.52 RCW; optometry under chapters 18.53 and 18.54 RCW; ocularists under chapter 18.55 RCW; osteopathic medicine and surgery under chapters 18.57 and 18.57A RCW; pharmacy under chapters 18.64 and 18.64A RCW; medicine under chapters 18.71 and 18.71A RCW; emergency medicine under chapter 18.73 RCW; physical therapy under chapter 18.74 RCW; practical nurses under chapter 18.79 RCW; psychologists under chapter 18.83 RCW; registered nurses under chapter 18.79 RCW; occupational therapists licensed under chapter 18.59 RCW; respiratory care practitioners licensed under chapter 18.89 RCW; veterinarians and veterinary technicians under chapter 18.92 RCW; health care assistants under chapter 18.135 RCW; massage practitioners under chapter 18.108 RCW; East Asian medicine practitioners licensed under chapter 18.06 RCW; persons registered under chapter 18.19 RCW; persons licensed as mental health counselors, marriage and family therapists, and social workers under chapter 18.225 RCW; dietitians and nutritionists certified by chapter 18.138 RCW; radiologic technicians under chapter 18.84 RCW; ~~(and)~~ nursing assistants registered or certified under chapter 18.88A RCW; and reflexologists certified under chapter 18.108 RCW.

(5) "Inspection" means the periodic examination of practitioners by a state agency in order to ascertain whether the practitioners' occupation is being carried out in a fashion consistent with the public health, safety, and welfare.

(6) "Legislative committees of reference" means the standing legislative committees designated by the respective rules committees of the senate and house of representatives to consider proposed legislation to regulate health professions not previously regulated.

(7) "License," "licensing," and "licensure" mean permission to engage in a health profession which would otherwise be unlawful in the state in the absence of the permission. A license is granted to those individuals who meet prerequisite qualifications to perform prescribed health professional tasks and for the use of a particular title.

(8) "Professional license" means an individual, nontransferable authorization to carry on a health activity based on qualifications which include: (a) Graduation from an accredited or approved program, and (b) acceptable performance on a qualifying examination or series of examinations.

(9) "Practitioner" means an individual who (a) has achieved knowledge and skill by practice, and (b) is actively engaged in a specified health profession.

(10) "Public member" means an individual who is not, and never was, a member of the health profession being regulated or the spouse of a member, or an individual who does not have and never has had a material financial interest in either the rendering of the health professional service being regulated or an activity directly related to the profession being regulated.

(11) "Registration" means the formal notification which, prior to rendering services, a practitioner shall submit to a state agency setting forth the name and address of the practitioner; the location, nature and operation of the health activity to be practiced; and, if required by the regulatory entity, a description of the service to be provided.

(12) "Regulatory entity" means any board, commission, agency, division, or other unit or subunit of state government which regulates one or more professions, occupations, industries, businesses, or other endeavors in this state.

(13) "State agency" includes every state office, department, board, commission, regulatory entity, and agency of the state, and, where provided by law, programs and activities involving less than the full responsibility of a state agency.

**Sec. 19.** RCW 18.130.040 and 2011 c 41 s 11 are each amended to read as follows:

(1) This chapter applies only to the secretary and the boards and commissions having jurisdiction in relation to the professions licensed under the chapters specified in this section. This chapter does not apply to any business or profession not licensed under the chapters specified in this section.

(2)(a) The secretary has authority under this chapter in relation to the following professions:

(i) Dispensing opticians licensed and designated apprentices under chapter 18.34 RCW;

(ii) Midwives licensed under chapter 18.50 RCW;

(iii) Ocularists licensed under chapter 18.55 RCW;

(iv) Massage ~~((operator))~~ practitioners and businesses licensed under chapter 18.108 RCW;

(v) Dental hygienists licensed under chapter 18.29 RCW;

(vi) East Asian medicine practitioners licensed under chapter 18.06 RCW;

(vii) Radiologic technologists certified and X-ray technicians registered under chapter 18.84 RCW;

(viii) Respiratory care practitioners licensed under chapter 18.89 RCW;

(ix) Hypnotherapists and agency affiliated counselors registered and advisors and counselors certified under chapter 18.19 RCW;

(x) Persons licensed as mental health counselors, mental health counselor associates, marriage and family therapists, marriage and family therapist associates, social workers, social work associates--advanced, and social work associates--independent clinical under chapter 18.225 RCW;

(xi) Persons registered as nursing pool operators under chapter 18.52C RCW;

(xii) Nursing assistants registered or certified under chapter 18.88A RCW;

(xiii) Health care assistants certified under chapter 18.135 RCW;

(xiv) Dietitians and nutritionists certified under chapter 18.138 RCW;

(xv) Chemical dependency professionals and chemical dependency professional trainees certified under chapter 18.205 RCW;

(xvi) Sex offender treatment providers and certified affiliate sex offender treatment providers certified under chapter 18.155 RCW;

(xvii) Persons licensed and certified under chapter 18.73 RCW or RCW 18.71.205;

(xviii) Denturists licensed under chapter 18.30 RCW;

(xix) Orthotists and prosthetists licensed under chapter 18.200 RCW;

(xx) Surgical technologists registered under chapter 18.215 RCW;

(xxi) Recreational therapists (~~(under chapter 18.230 RCW)~~) under chapter 18.230 RCW;

(xxii) Animal massage practitioners certified under chapter 18.240 RCW;

(xxiii) Athletic trainers licensed under chapter 18.250 RCW;

(xxiv) Home care aides certified under chapter 18.88B RCW;

~~(and)~~

(xxv) Genetic counselors licensed under chapter 18.290 RCW; and

(xxvi) Reflexologists certified under chapter 18.108 RCW.

(b) The boards and commissions having authority under this chapter are as follows:

(i) The podiatric medical board as established in chapter 18.22 RCW;

(ii) The chiropractic quality assurance commission as established in chapter 18.25 RCW;

(iii) The dental quality assurance commission as established in chapter 18.32 RCW governing licenses issued under chapter 18.32 RCW and licenses and registrations issued under chapter 18.260 RCW;

(iv) The board of hearing and speech as established in chapter 18.35 RCW;

(v) The board of examiners for nursing home administrators as established in chapter 18.52 RCW;

(vi) The optometry board as established in chapter 18.54 RCW governing licenses issued under chapter 18.53 RCW;

(vii) The board of osteopathic medicine and surgery as established in chapter 18.57 RCW governing licenses issued under chapters 18.57 and 18.57A RCW;

(viii) The board of pharmacy as established in chapter 18.64 RCW governing licenses issued under chapters 18.64 and 18.64A RCW;

(ix) The medical quality assurance commission as established in chapter 18.71 RCW governing licenses and registrations issued under chapters 18.71 and 18.71A RCW;

(x) The board of physical therapy as established in chapter 18.74 RCW;

(xi) The board of occupational therapy practice as established in chapter 18.59 RCW;

(xii) The nursing care quality assurance commission as established in chapter 18.79 RCW governing licenses and registrations issued under that chapter;

(xiii) The examining board of psychology and its disciplinary committee as established in chapter 18.83 RCW;

(xiv) The veterinary board of governors as established in chapter 18.92 RCW; and

(xv) The board of naturopathy established in chapter 18.36A RCW.

(3) In addition to the authority to discipline license holders, the disciplining authority has the authority to grant or deny licenses. The disciplining authority may also grant a license subject to conditions.

(4) All disciplining authorities shall adopt procedures to ensure substantially consistent application of this chapter, the Uniform Disciplinary Act, among the disciplining authorities listed in subsection (2) of this section.

**NEW SECTION. Sec. 20.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

**NEW SECTION. Sec. 21.** The department of health shall adopt any rules necessary to implement this act.

**NEW SECTION. Sec. 22.** Sections 1 through 19 of this act take effect July 1, 2013."

Correct the title.

and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

#### MOTION

Senator Keiser moved that the Senate concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 6103.

Senators Keiser and Becker spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Keiser that the Senate concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 6103.

The motion by Senator Keiser carried and the Senate concurred in the House amendment(s) to Engrossed Substitute Senate Bill No. 6103 by voice vote.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 6103, as amended by the House.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6103, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 36; Nays, 11; Absent, 0; Excused, 2.

Voting yea: Senators Baumgartner, Becker, Benton, Brown, Chase, Conway, Delvin, Eide, Fain, Fraser, Frockt, Hargrove, Harper, Haugen, Hewitt, Hobbs, Kastama, Keiser, Kilmer, Kline, Kohl-Welles, Litzow, McAuliffe, Murray, Nelson, Parlette, Prentice, Pridemore, Ranker, Regala, Roach, Rolfes, Schoesler, Shin, Swecker and Tom

Voting nay: Senators Carrell, Ericksen, Hatfield, Hill, Holmquist Newbry, Honeyford, King, Morton, Padden, Sheldon and Stevens

Excused: Senators Pflug and Zarelli

ENGROSSED SUBSTITUTE SENATE BILL NO. 6103, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MOTION

On motion of Senator Eide, the Senate advanced to the sixth order of business.

#### SECOND READING

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2373, by House Committee on Ways & Means (originally sponsored by Representatives Van De Wege and Tharinger)

Concerning the state's management of its recreational resources.

The measure was read the second time.

#### MOTION

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Senator Ericksen moved that the following amendment by Senators Ericksen, Delvin and Hatfield be adopted:

Beginning on page 19, line 1, strike all of sections 19 through 21. Renumber the remaining section consecutively and correct any internal references accordingly.

On page 1, line 4 of the title, after "46.17.375," strike all material through "35.101.100" and insert "and 79A.05.065" and on line 6 of the title, after "RCW;" strike "adding a new section to chapter 82.32 RCW;"

#### WITHDRAWAL OF AMENDMENT

On motion of Senator Ericksen, the amendment by Senators Ericksen, Delvin and Hatfield on page 19, line 1 to Engrossed Second Substitute House Bill No. 2373 was withdrawn.

#### MOTION

Senator Ranker moved that the following striking amendment by Senators Ranker and Schoesler be adopted:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 79A.80.010 and 2011 c 320 s 2 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Agency" or "agencies" means the department of fish and wildlife, the department of natural resources, and the parks and recreation commission.

(2) "Annual natural investment permit" means the annual permit issued by the parks and recreation commission for the purpose of launching boats from the designated state parks boat launch sites.

(3) "Camper registration" means proof of payment of a camping fee on recreational lands managed by the parks and recreation commission.

(4) "Day-use permit" means the permit created in RCW 79A.80.030.

(5) "Discover pass" means the annual pass created in RCW 79A.80.020.

(6) "Motor vehicle" has the same meaning as defined in RCW 46.04.320 and which are required to be registered under chapter 46.16A RCW. "Motor vehicle" does not include those motor vehicles exempt from registration under RCW 46.16A.080 and state and publicly owned motor vehicles as provided in RCW 46.16A.170.

(7) "Recreation site or lands" means a state park ~~((or)), state lands and state forest lands as those terms are defined in RCW 79.02.010, natural resources conservation areas as that term is defined in RCW 79.71.030, natural area preserves as that term is defined in RCW 79.70.020, and~~ fish and wildlife conservation sites including water access areas, boat ramps, wildlife areas, parking areas, roads, and trailheads ~~((, or department of natural resources developed or designated recreation areas, sites, trailheads, and parking areas)).~~

(8) "Sno-park seasonal permit" means the seasonal permit issued by the parks and recreation commission for providing access to winter recreational facilities for the period of November 1st through March 31st.

(9) "Vehicle access pass" means the pass created in RCW 79A.80.040.

**Sec. 2.** RCW 79A.80.020 and 2011 c 320 s 3 are each amended to read as follows:

(1) Except as otherwise provided in RCW 79A.80.050, 79A.80.060, and 79A.80.070, a discover pass is required for any motor vehicle to park or operate on any recreation site or lands,

except for short-term parking as may be authorized under RCW 79A.80.070.

(2) The cost of ~~((the)) a~~ discover pass is thirty dollars ~~((per motor vehicle))~~. Every four years the office of financial management must review the cost of the discover pass and, if necessary, recommend to the legislature an adjustment to the cost of the discover pass to account for inflation.

(3) ~~((The)) A~~ discover pass is valid for one year ~~((from the date of issuance)) beginning from the date that the discover pass is marked for activation. The activation date may differ from the purchase date pursuant to any policies developed by the agencies.~~

(4) ~~((The discover pass must be made available for purchase throughout the year through the department of fish and wildlife's automated licensing system consistent with RCW 77.32.050.~~

~~((5)) The sales of discover (pass) passes must be (made available for purchase through the department of licensing as provided in RCW 46.16A.090. The department of licensing, county auditor, or other agent or subagent appointed by the director, is not responsible for delivering a purchased discover pass to a motor vehicle owner. The agencies must deliver the purchased discover pass to a motor vehicle owner.~~

~~((6)) The state parks and recreation commission may make the discover pass available for purchase through its reservation system and other outlets authorized by law to sell licenses, permits, or passes) consistent with section 4 of this act.~~

~~((7)) (5) The discover pass must contain space for ((the)) two motor vehicle license plate numbers. A discover pass is valid only for those vehicle license plate numbers written on the pass. However, the agencies may offer for sale a family discover pass that is fully transferable among vehicles and does not require the placement of a license plate number on the pass to be valid. The agencies must collectively set a price for the sale of a family discover pass that is no more than fifty dollars. A discover pass is valid only for use with one motor vehicle at any one time.~~

~~((8)) A) (6) One complimentary discover pass must be provided to a volunteer who performed twenty-four hours of service on agency- sanctioned volunteer projects in a year. The agency must provide vouchers to volunteers identifying the number of volunteer hours they have provided for each project. The vouchers may be brought to an agency to be redeemed for a discover pass.~~

**Sec. 3.** RCW 79A.80.030 and 2011 c 320 s 4 are each amended to read as follows:

(1) A person may purchase a day-use permit to meet the requirements of RCW 79A.80.080. ~~((The)) A~~ day-use permit is ten dollars per day and must be available for purchase from each agency. ~~((The)) A~~ day-use permit is valid for one calendar day.

(2) The agencies may provide short-term parking under RCW 79A.80.070 where ~~((the)) a~~ day-use permit is not required.

(3) Every four years the office of financial management must review the cost of the day-use permit and, if necessary, recommend to the legislature an adjustment to the cost of the day-use permit to account for inflation.

(4) Sales of day-use permits must be consistent with section 4 of this act.

NEW SECTION. Sec. 4. A new section is added to chapter 79A.80 RCW to read as follows:

(1) Discover passes and day-use permits may be made available for purchase:

(a) Through vendors under contract with one or more of the agencies. The agencies may provide vendors with discover passes and day-use permits at the sales price established under RCW 79A.80.020 and 79A.80.030 to sell at retail;

(b) Directly from the state parks and recreation commission, both through that agency's parks reservation system, directly from



agency employees or volunteers at staffed state parks, or as otherwise provided in RCW 79A.05.070;

(c) From the department of licensing as provided in RCW 46.16A.090 and section 11 of this act;

(d) From other outlets authorized by law to sell state licenses, permits, or passes; and

(e) Consistent with RCW 77.32.050, through the department of fish and wildlife's automated licensing system.

(2) The agencies must maintain a policy to address conditions related to return, replacements, and for providing the full year of recreational lands access that the discover pass provides to individuals who are required by the department of licensing to change license plate numbers during the effective dates of a discover pass tied to the affected vehicle.

(3) For discover passes and day-use permits purchased through the department of licensing, county auditors, or other agents or subagents appointed by the director of the department of licensing, the selling entity is not responsible for delivering the purchased discover pass to the purchaser. The responsibility for delivering the discover pass belongs to the agencies.

**Sec. 5.** RCW 79A.80.040 and 2011 c 320 s 5 are each amended to read as follows:

(1) The vehicle access pass is created solely for access to the department of fish and wildlife recreation sites or lands. The vehicle access pass is only available to a person who purchases a current valid: Big game hunting license issued under RCW 77.32.450; small game hunting license issued under RCW 77.32.460; western Washington pheasant permit issued under RCW 77.32.575; trapping license issued under RCW 77.65.450; watchable wildlife decal issued under RCW 77.32.560; or combination, saltwater, or freshwater personal use fishing license issued under RCW 77.32.470.

(2) One vehicle access pass must be issued per purchase pursuant to subsection (1) of this section.

(3) The vehicle access pass is valid for the license year of the license it is purchased with.

(4) The vehicle access pass must contain space for two motor vehicle license plate numbers. A vehicle access pass is only valid for those vehicle license plate numbers written on the pass.

**Sec. 6.** RCW 79A.80.050 and 2011 c 320 s 6 are each amended to read as follows:

(1) ~~((The))~~ A discover pass or ~~((the))~~ a day-use permit are not required within a state park for persons who have a valid camper registration, or annual natural investment permit, issued by the state parks and recreation commission.

(2) The state parks and recreation commission ~~((may))~~ must provide up to twelve days a year where entry to ~~((the))~~ state parks is free. At least three of those days must be on weekends. When practicable, the free access days should be timed to correspond with any similar free access days planned by the national park service for national parks located in the general region of high volume state parks.

**Sec. 7.** RCW 79A.80.080 and 2011 c 320 s 9 are each amended to read as follows:

(1) ~~((The))~~ A discover pass, ~~((the))~~ vehicle access pass, or ~~((the))~~ day-use permit must be visibly displayed in the front windshield of any motor vehicle or otherwise in a prominent location for vehicles without a windshield:

(a) Operating on a recreation site or lands; or

(b) Parking at a recreation site or lands.

(2) The discover pass, the vehicle access pass, or the day-use permit is not required on private lands, state-owned aquatic lands other than water access areas, or at agency offices, hatcheries, or other facilities where public business is conducted.

~~((a))~~ The discover pass, the vehicle access pass, or the day-use permit is not required for:

(a) Persons who use, possess, or enter lands owned or managed by the agencies for nonrecreational purposes consistent with a written authorization from the agency, including but not limited to leases, contracts, and easements

~~((b) The discover pass or the day-use permit is not required); or~~

(b) On department of fish and wildlife lands only, for persons possessing a current vehicle access pass pursuant to RCW 79A.80.040.

(4)(a) An agency may waive the requirements of this section for any person who has secured the ability to access specific recreational land through the provision of monetary consideration to the agency or for any person attending an event or function that required the provision of monetary compensation to the agency.

(b) Special events and group activities are core recreational activities and major public service opportunities within state parks. When waiving the requirements of this section for special events, the state parks and recreation commission must consider the direct and indirect costs and benefits to the state, local market rental rates, the public service functions of the event sponsor, and other public interest factors when setting appropriate fees for each event or activity.

(5) Failure to comply with subsection (1) of this section is a natural resource infraction under chapter 7.84 RCW. An agency is authorized to issue a notice of infraction to any person who fails to comply with subsection (1)(a) of this section or to any motor vehicle that fails to comply with subsection (1)(b) of this section.

~~((5))~~ (6) The penalty for failure to comply with the requirements of this section is ninety-nine dollars. This penalty ~~((is))~~ must be reduced to fifty-nine dollars if an individual provides proof of purchase of ~~((the))~~ a discover pass to the court within fifteen days after the issuance of the notice of violation.

**Sec. 8.** RCW 79A.05.070 and 2011 c 320 s 24 are each amended to read as follows:

The commission may:

(1) Make rules and regulations for the proper administration of its duties;

(2) Accept any grants of funds made with or without a matching requirement by the United States, or any agency thereof, for purposes in keeping with the purposes of this chapter; accept gifts, bequests, devises and endowments for purposes in keeping with such purposes; enter into cooperative agreements with and provide for private nonprofit groups to use state park property and facilities to raise money to contribute gifts, grants, and support to the commission for the purposes of this chapter. The commission may assist the nonprofit group in a cooperative effort by providing necessary agency personnel and services, if available. However, none of the moneys raised may inure to the benefit of the nonprofit group, except in furtherance of its purposes to benefit the commission as provided in this chapter. The agency and the private nonprofit group ~~((shall))~~ must agree on the nature of any project to be supported by such gift or grant prior to the use of any agency property or facilities for raising money. Any such gifts may be in the form of recreational facilities developed or built in part or in whole for public use on agency property, provided that the facility is consistent with the purposes of the agency;

(3) Require certification by the commission of all parks and recreation workers employed in state aided or state controlled programs;

(4) Act jointly, when advisable, with the United States, any other state agencies, institutions, departments, boards, or commissions in order to carry out the objectives and responsibilities of this chapter;

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(5) Grant franchises and easements for any legitimate purpose on parks or parkways, for such terms and subject to such conditions and considerations as the commission shall specify;

(6) Charge ~~((such))~~ fees for services, utilities, and use of facilities as the commission shall deem proper. The commission may utilize unstaffed collection stations to collect any fees or distribute any permits necessary for access to state parks, including discover passes and day-use permits as those terms are defined in RCW 79A.80.010;

(7) Enter into agreements whereby individuals or companies may rent undeveloped parks or parkway land for grazing, agricultural, or mineral development purposes upon such terms and conditions as the commission shall deem proper, for a term not to exceed forty years;

(8) Determine the qualifications of and employ a director of parks and recreation who ~~((shall))~~ must receive a salary as fixed by the governor in accordance with the provisions of RCW 43.03.040 and determine the qualifications and salary of and employ such other persons as may be needed to carry out the provisions hereof; and

(9) ~~((Without being limited to the powers hereinbefore enumerated, the commission shall have))~~ Utilize such other powers as in the judgment of a majority of its members are deemed necessary to effectuate the purposes of this chapter ~~((PROVIDED, That))~~. However, the commission ~~((shall))~~ does not have power to supervise directly any local park or recreation district, and no funds shall be made available for such purpose.

**Sec. 9.** RCW 46.16A.090 and 2011 c 320 s 12 are each amended to read as follows:

(1) The department, county auditor or other agent, or subagent appointed by the director ~~((shall))~~ must provide an opportunity for a vehicle owner to make a voluntary donation as provided in this section when applying for an initial or renewal vehicle registration.

(2)(a) A vehicle owner who registers a vehicle under this chapter may donate one dollar or more to the organ and tissue donation awareness account to promote the donation of organs and tissues under the uniform anatomical gift act as described in chapter 68.64 RCW. The donation of one or more dollars is voluntary and may be refused by the vehicle owner.

(b) The department, county auditor or other agent, or subagent appointed by the director ~~((shall))~~ must:

(i) Ask a vehicle owner applying for a vehicle registration if the owner would like to donate one dollar or more;

(ii) Inform a vehicle owner of the option for organ and tissue donations as required under RCW 46.20.113; and

(iii) Make information booklets or other informational material available regarding the importance of organ and tissue donations to vehicle owners.

(c) All reasonable costs associated with the creation of the donation program created under this section must be paid proportionally or by another agreement by a participating Washington state organ procurement organization established for organ and tissue donation awareness purposes by the Washington state organ procurement organizations. For the purposes of this section, "reasonable costs" and "Washington state organ procurement organization" have the same meaning as in RCW 68.64.010.

(3) The department shall collect from a vehicle owner who pays a vehicle license fee under RCW 46.17.350(1) (a), (d), (e), (g), (h), (j), (n), (o), or (q) or who registers a vehicle under RCW 46.16A.455 with a declared gross weight of ten thousand pounds or less a voluntary donation of five dollars. The donation may not be collected from any vehicle owner actively opting not to participate in the donation program. The department ~~((shall))~~ must ensure that the opt-out donation under this section is clear, visible, and

prominently displayed in both paper and online vehicle registration renewals. Notification of intent to not participate in the donation program must be provided annually at the time of vehicle registration renewal. The donation must be deposited in the state parks renewal and stewardship account established in RCW 79A.05.215 to be used for the operation and maintenance of state parks.

(4) ~~((Beginning with vehicle license fees that are due or will become due on or after October 1, 2011,))~~ A vehicle owner who registers a vehicle under this chapter may purchase a discover pass for ~~((a fee of thirty dollars, as may be adjusted for inflation under))~~ the price amount established in RCW 79A.80.020. Purchase of ~~((the))~~ a discover pass is voluntary by the vehicle owner. The discover pass fee must be deposited in the recreation access pass account created in RCW 79A.80.090. The department, county auditor, or other agent or subagent appointed by the director is not responsible for delivering a purchased discover pass to a motor vehicle owner. The agencies, as defined in RCW 79A.80.010, must deliver the purchased discover pass to a motor vehicle owner.

**Sec. 10.** RCW 46.01.140 and 2011 c 171 s 11 are each amended to read as follows:

(1) **County auditor/agent duties.** A county auditor or other agent appointed by the director ~~((shall))~~ must:

(a) Enter into a standard contract provided by the director;

(b) Provide all services authorized by the director for vehicle certificates of title and vehicle registration applications and issuance under the direction and supervision of the director including, but not limited to:

(i) Processing reports of sale;

(ii) Processing transitional ownership transactions;

(iii) Processing mail-in vehicle registration renewals until directed otherwise by legislative authority;

(iv) Issuing registrations and temporary ORV use permits for off-road vehicles as required under chapter 46.09 RCW;

(v) Issuing registrations for snowmobiles as required under chapter 46.10 RCW; and

(vi) Collecting fees and taxes as required;

(c) If authorized by the director, offer for sale discover passes as provided in chapter 79A.80 RCW.

(2) **County auditor/agent assistants and subagents.** A county auditor or other agent appointed by the director may, with approval of the director:

(a) Appoint assistants as special deputies to accept applications for vehicle certificates of title and to issue vehicle registrations; and

(b) Recommend and request that the director appoint subagencies within the county to accept applications for vehicle certificates of title and vehicle registration application issuance.

(3) **Appointing subagents.** A county auditor or other agent appointed by the director who requests a subagency ~~((shall))~~ must, with approval of the director:

(a) Use an open competitive process including, but not limited to, a written business proposal and oral interview to determine the qualifications of all interested applicants; and

(b) Submit all proposals to the director with a recommendation for appointment of one or more subagents who have applied through the open competitive process. If a qualified successor who is an existing subagent's sibling, spouse, or child, or a subagency employee has applied, the county auditor ~~((shall))~~ must provide the name of the qualified successor and the name of one other applicant who is qualified and was chosen through the open competitive process.

(4) **Subagent duties.** A subagent appointed by the director ~~((shall))~~ must:

(a) Enter into a standard contract with the county auditor or agent provided by the director; ~~((and))~~

(b) Provide all services authorized by the director for vehicle certificates of title and vehicle registration applications and issuance under the direction and supervision of the county auditor or agent and the director including, but not limited to:

(i) Processing reports of sale;

(ii) Processing transitional ownership transactions;

(iii) Mailing out vehicle registrations and replacement plates to internet payment option customers until directed otherwise by legislative authority;

(iv) Issuing registrations and temporary ORV use permits for off-road vehicles as required under chapter 46.09 RCW;

(v) Issuing registrations for snowmobiles as required under chapter 46.10 RCW; and

(vi) Collecting fees and taxes as required; and

(c) If authorized by the director, offer for sale discover passes as provided in chapter 79A.80 RCW.

(5) **Subagent successorship.** A subagent appointed by the director who no longer wants his or her appointment may recommend a successor who is the subagent's sibling, spouse, or child, or a subagency employee. The recommended successor must participate in the open competitive process used to select an applicant. In making successor recommendations and appointment determinations, the following provisions apply:

(a) If a subagency is held by a partnership or corporate entity, the nomination must be submitted on behalf of, and agreed to by, all partners or corporate officers;

(b) A subagent may not receive any direct or indirect compensation or remuneration from any party or entity in recognition of a successor nomination. A subagent may not receive any financial benefit from the transfer or termination of an appointment; and

(c) The appointment of a successor is intended to assist in the efficient transfer of appointments to minimize public inconvenience. The appointment of a successor does not create a proprietary or property interest in the appointment.

(6) **Standard contracts.** The standard contracts provided by the director in this section may include provisions that the director deems necessary to ensure that readily accessible and acceptable service is provided to the citizens of the state, including the full collection of fees and taxes. The standard contracts must include provisions that:

(a) Describe responsibilities and liabilities of each party related to service expectations and levels;

(b) Describe the equipment to be supplied by the department and equipment maintenance;

(c) Require specific types of insurance or bonds, or both, to protect the state against any loss of collected revenue or loss of equipment;

(d) Specify the amount of training that will be provided by each of the parties;

(e) Describe allowable costs that may be charged for vehicle registration activities as described in subsection (7) of this section; and

(f) Describe causes and procedures for termination of the contract, which may include mediation and binding arbitration.

(7) **County auditor/agent cost reimbursement.** A county auditor or other agent appointed by the director who does not cover expenses for services provided by the standard contract may submit to the department a request for cost-coverage moneys. The request must be submitted on a form developed by the department. The department (~~shall~~) must develop procedures to standardize and identify allowable costs and to verify whether a request is reasonable. Payment must be made on those requests found to be allowable from the licensing services account.

(8) **County auditor/agent revenue disbursement.** County revenues that exceed the cost of providing services described in the standard contract, calculated in accordance with the procedures in subsection (7) of this section, must be expended as determined by the county legislative authority during the process established by law for adoption of county budgets.

(9) **Appointment authority.** The director has final appointment authority for county auditors or other agents or subagents.

(10) **Rules.** The director may adopt rules to implement this section.

NEW SECTION. Sec. 11. A new section is added to chapter 46.01 RCW to read as follows:

The department may, in coordination with the state parks and recreation commission, offer for sale and distribute discover passes and day-use permits, as provided in chapter 79A.80 RCW, at the department's drivers' licenses offices. Any amounts collected by the department through the sales of discover passes and day-use permits must be deposited in the recreation access pass account created in RCW 79A.80.090.

NEW SECTION. Sec. 12. (1) A state agency may not refund money for a discover pass or vehicle access pass issued prior to the effective date of this section.

(2) Each discover pass or vehicle access pass issued prior to the effective date of this section is valid for two license plate numbers written on the pass.

(3) For the purposes of this section, the terms "discover pass" and "vehicle access pass" have the same meanings provided under RCW 79A.80.010.

(4) This section expires December 31, 2013.

NEW SECTION. Sec. 13. (1) By December 31, 2013, the agencies responsible for implementing the discover pass requirements of chapter 79A.80 RCW must prepare a report to the legislature, delivered consistent with RCW 43.01.036, that identifies opportunities for simplifying the administration and use of the discover pass and creating consistent recreational access policies across all lands that require a discover pass for lawful recreational access. The report must specifically address options for consistent boat launch policies among the agencies and, more generally, address how consistency can be developed for other inconsistent interagency access policies.

(2) To the degree the agencies have the authority to address inconsistent recreational access policies administratively, progress towards this end should be included in the required report. If inconsistent recreational access policies are a result of statutory limits, then the report should identify those barriers to consist recreational access policies.

(3) This section expires July 30, 2014.

NEW SECTION. Sec. 14. A new section is added to chapter 82.32 RCW to read as follows:

(1) By September 1, 2012, and by September 1st of every year thereafter, the department must estimate the amount of revenue collected for the prior fiscal year under RCW 67.28.180, 67.28.181, and 35.101.050 by a city, town, or county from sales of lodging services within any state park. The department must provide the estimate to the state treasurer.

(2) By October 1, 2012, and by October 1st of every year thereafter, the state treasurer must transfer the estimated amount provided by the department under subsection (1) of this section from the local sales and use tax account, and local tourism promotion account if applicable, to the state parks renewal and stewardship account created under RCW 79A.05.215. Money placed into the state parks renewal and stewardship account under this section may be used only for the maintenance and operation of state parks.

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(3) The next scheduled distribution under RCW 82.14.060 or 35.101.100 to any city or county included within the estimate under subsection (1) of this section must be reduced by the amount of the estimate. The reduction in local sales and use tax distributions under this subsection (3) may be implemented over several months, but not to exceed six, at the request of the jurisdiction.

**Sec. 15.** RCW 82.14.060 and 2009 c 469 s 108 are each amended to read as follows:

(1)(a) Monthly, the state treasurer must distribute from the local sales and use tax account to the counties, cities, transportation authorities, public facilities districts, and transportation benefit districts the amount of tax collected on behalf of each taxing authority, less:

(i) The deduction provided for in RCW 82.14.050; ~~((and))~~

(ii) The amount of any refunds of local sales and use taxes exempted under RCW 82.08.962 and 82.12.962, which must be made without appropriation; and

(iii) Any reduction required under section 14 of this act.

(b) The state treasurer ~~((shall))~~ may make the distribution under this section without appropriation.

(2) In the event that any ordinance or resolution imposes a sales and use tax at a rate in excess of the applicable limits contained herein, such ordinance or resolution ~~((shall))~~ may not be considered void in toto, but only with respect to that portion of the rate which is in excess of the applicable limits contained herein.

**Sec. 16.** RCW 35.101.100 and 2003 c 148 s 10 are each amended to read as follows:

The local tourism promotion account is created in the custody of the state treasurer. Except for reductions required under section 14 of this act, all receipts from the charges for tourism promotion must be deposited into this account. Expenditures from the account may only be used for tourism promotion. The state treasurer ~~((shall))~~ must distribute the money in the account on a monthly basis to the legislative authority on whose behalf the money was collected.

**NEW SECTION. Sec. 17.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

Senator Ranker spoke in favor of adoption of the striking amendment.

#### MOTION

Senator Harper moved that the following amendment by Senator Harper to the striking amendment be adopted:

On page 8, beginning on line 33 of the amendment, after "(3)" strike all material through "dollars" on line 37 and insert "The department ~~((shall))~~ must collect from a vehicle owner who pays a vehicle license fee under RCW 46.17.350(1) (a), (d) through (l), ((e), (g), (h), (j), (k), (l), (m), (n), (o), or (q)) (n), (o), or (q) or who registers a vehicle under RCW 46.16A.455 with a declared gross weight of ~~((ten))~~ twelve thousand pounds or less a voluntary donation of five dollars"

Senator Harper spoke in favor of adoption of the amendment to the striking amendment.

Senator Schoesler spoke against adoption of the amendment to the striking amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Harper on page 8, line 33 to the striking amendment to Engrossed Second Substitute House Bill No. 2373.

The motion by Senator Harper carried and the amendment to the striking amendment was adopted by a rising vote.

#### MOTION

Senator Ericksen moved that the following amendment by Senators Ericksen and Hatfield to the striking amendment be adopted:

Beginning on page 13, line 28 of the amendment, strike all of sections 14 through 16

Renumber the remaining section consecutively and correct any internal references accordingly.

Senator Ericksen spoke in favor of adoption of the amendment to the striking amendment.

#### POINT OF INQUIRY

Senator Hargrove: "Would the previous speaker yield to a question? Senator Ericksen, I have two amendments here that appear to do something similar, 206 and 267. We're on 267. There is no effect statement on either one. Is this the one that allows the hotel/motel tax to stay with the local jurisdictions and, if so, what does the other one do?"

Senator Ericksen: "Thank you, there are three amendments. One is out of order. We withdrew one amendment that was drawn to the original bill not to the striker so that amendment was withdrawn. So the amendment that is in front of us right now, 267 is the one that deals with the hotel/motel tax."

Senators Hatfield, Chase and Haugen spoke in favor of adoption of the amendment to the striking amendment.

Senators Schoesler and Ranker spoke against adoption of the amendment to the striking amendment

#### PERSONAL PRIVILEGE

Senator Roach: "Well, I wanted to mention to the President and to the body that the amendments that are coming around, I think it was previously mentioned, don't have any effect statements on it. So, you know I could pull out my book and try to figure out all these things out but it says things like this 'on page 15 beginning on line 13 of the title amendment after 46.16A.090 strike all the material through' and you know it's just that kind of thing. There's hardly time to go looking into the floor books here to see. In other words, I think that these amendments, since we have at least one of them with an effect statement, seem to be lacking and I think the members and I think this one would like to see a little more specific, reciting all the sections and so forth, but there's no real explanation of what these amendments do and I want to point out that I think there should be an effect statement on these amendments. Thank you."

Senators Padden and Keiser spoke in favor of adoption of the amendment to the striking amendment

The President declared the question before the Senate to be the adoption of the amendment by Senators Ericksen and Hatfield on page 13, line 28 to the striking amendment to Engrossed Second Substitute House Bill No. 2373.

The motion by Senator Ericksen carried and the amendment to the striking amendment was adopted by voice vote.

#### MOTION

Senator Ericksen moved that the following amendment by Senators Ericksen and Hatfield to the striking amendment be adopted:

On page 14, after line 14 of the amendment, insert the following: "(4) This section expires July 1, 2015."

## WITHDRAWAL OF AMENDMENT

On motion of Senator Ericksen, the amendment by Senators Ericksen and Hatfield on page 14, line 14 to Engrossed Second Substitute House Bill No. 2373 was withdrawn.

The President declared the question before the Senate to be the adoption of the striking amendment by Senators Ranker and Schoesler to Engrossed Second Substitute House Bill No. 2373 as amended.

The motion by Senator Ranker carried and the striking amendment as amended was adopted by voice vote.

## MOTION

There being no objection, the following title amendments were adopted:

On page 1, line 2 of the title, after "resources;" strike the remainder of the title and insert "amending RCW 79A.80.010, 79A.80.020, 79A.80.030, 79A.80.040, 79A.80.050, 79A.80.080, 79A.05.070, 46.16A.090, 46.01.140, 82.14.060, and 35.101.100; adding a new section to chapter 79A.80 RCW; adding a new section to chapter 46.01 RCW; adding a new section to chapter 82.32 RCW; creating new sections; providing expiration dates; and declaring an emergency."

On page 15, beginning on line 13 of the title amendment, after "46.16A.090," strike all material through "35.101.100" on line 14 and insert "and 46.01.140" and beginning on line 15 of the title amendment, after "46.01 RCW;" strike all material through "82.32 RCW;" on line 16

## MOTION

On motion of Senator Ranker, the rules were suspended, Engrossed Second Substitute House Bill No. 2373 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Ranker and Haugen spoke in favor of passage of the bill.

Senators Schoesler, Becker and Morton spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Second Substitute House Bill No. 2373 as amended by the Senate.

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute House Bill No. 2373 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 30; Nays, 17; Absent, 0; Excused, 2.

Voting yea: Senators Brown, Chase, Conway, Eide, Fain, Fraser, Frockt, Hargrove, Harper, Hatfield, Haugen, Hewitt, Hill, Hobbs, Keiser, Kilmer, Kline, Kohl-Welles, Litzow, McAuliffe, Murray, Nelson, Prentice, Pridemore, Ranker, Regala, Rolfes, Shin, Swecker and Tom

Voting nay: Senators Baumgartner, Becker, Benton, Carrell, Delvin, Ericksen, Holmquist Newbry, Honeyford, Kastama, King, Morton, Padden, Parlette, Roach, Schoesler, Sheldon and Stevens

Excused: Senators Pflug and Zarelli

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2373 as amended by the Senate, having received the constitutional majority, was declared passed. There being no

objection, the title of the bill was ordered to stand as the title of the act.

## MOTION

At 10:53 a.m., on motion of Senator Eide, the Senate was declared to be at ease subject to the call of the President.

AFTERNOON SESSION

The Senate was called to order at 2:06 p.m. by President Owen.

## MOTION

On motion of Senator Eide, the Senate reverted to the fourth order of business.

## MESSAGE FROM THE HOUSE

March 6, 2012

MR. PRESIDENT:

The House has passed:

SENATE BILL NO. 6223.

and the same is herewith transmitted.

BARBARA BAKER, Chief Clerk

## MESSAGE FROM THE HOUSE

March 6, 2012

MR. PRESIDENT:

The House has passed:

SENATE BILL NO. 6545.

and the same is herewith transmitted.

BARBARA BAKER, Chief Clerk

## MESSAGE FROM THE HOUSE

March 6, 2012

MR. PRESIDENT:

The House has passed:

HOUSE BILL NO. 2803.

and the same is herewith transmitted.

BARBARA BAKER, Chief Clerk

## MOTION

On motion of Senator Eide, the Senate advanced to the eighth order of business.

## MOTION

Senator Carrell moved adoption of the following resolution:

## SENATE RESOLUTION

8705

By Senators Carrell and Kohl-Welles

FIFTY EIGHTH DAY, MARCH 6, 2012

2012 REGULAR SESSION

WHEREAS, At age 17, Douglas C. Elms enlisted in the United States Army on August 23, 1938, in Tacoma, Washington, to assist in the fight against Nazi aggression during World War II; and

WHEREAS, Douglas C. Elms, Private First Class in the anti-tank company of the 424th Regiment of the 106th Infantry Division, set out to defend the French against the Nazis on September 16, 1940, epitomizing what would later be recorded as one of the greatest strategic Allied successes of the war in Europe; and

WHEREAS, Douglas C. Elms battled relentlessly to save the lives of 25 men of the 112th Regiment during the Battle of the Bulge; and

WHEREAS, Douglas C. Elms fought valiantly day and night alongside his company for almost forty consecutive days without sufficient food, shelter, or manpower, to defend against the Nazi onslaught; and

WHEREAS, Douglas C. Elms and his company triumphed over the Nazis at the Battle of the Bulge on January 25, 1945, in a conquest that will forever be etched in world history; and

WHEREAS, Douglas C. Elms was honorably discharged as a Corporal on October 15, 1945, receiving - among other awards - the Belgian Fourragere and the Bronze Star for his meritorious achievement and gallant heroism during active ground combat at the Battle of the Bulge; and

WHEREAS, Douglas C. Elms eventually settled back in his hometown of Tacoma, Washington, after serving in the European, African, and Middle Eastern Theaters; and

WHEREAS, Douglas C. Elms was appointed Chevalier of the Legion of Honor (created by Napoleon in 1802) by French President Nicolas Sarkozy on December 7, 2011, out of gratitude for his selfless service in securing France's independence from Nazi Germany;

NOW, THEREFORE, BE IT RESOLVED, That U.S. Army Veteran Douglas C. Elms, World War II hero and honored citizen of the State of Washington, be recognized by the Washington State Senate for his courage, heroism, and sacrifice, as well as his unending devotion and loyalty to the United States of America.

Senator Carrell spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8705.

The motion by Senator Carrell carried and the resolution was adopted by voice vote.

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced Mr. Douglas Elms who was seated at the rostrum along with his daughters, Mrs. Liz Erb and Victoria.

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced U. S. Air Force Master Sergeant (retired) Bob Rudolf and his wife Pat; U. S. Army Lieutenant Colonel (retired) Morris Clinton Cannon; and Mr. Grant Erb who were present in the gallery.

MOTION

On motion of Senator Eide, the Senate reverted to the fourth order of business.

MESSAGE FROM THE HOUSE

March 2, 2012

MR. PRESIDENT:

The House passed SUBSTITUTE SENATE BILL NO. 6138 with the following amendment(s): 6138-S AMH HASE H4598.1

On page 1, line 8, after "of" strike "forty-six" and insert "forty"

On page 1, line 9, after "vehicle," strike "or"

On page 1, beginning on line 9, after "(2)" strike "~~((auto stage, private carrier bus, school bus, or motor home with an overall length not to exceed forty six feet, or (3)))~~" and insert "auto stage, private carrier bus, school bus, or motor home with an overall length not to exceed forty-six feet, ((~~or~~)) (3)"

On page 1, line 12, after "feet" insert ", or (4) an auto recycling carrier up to forty-two feet in length manufactured prior to 2005" and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

Senator Haugen moved that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 6138.

Senator Haugen spoke in favor of the motion.

MOTION

On motion of Senator Holmquist Newbry, Senators Baumgartner, Becker and Benton were excused.

The President declared the question before the Senate to be the motion by Senator Haugen that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 6138.

The motion by Senator Haugen carried and the Senate concurred in the House amendment(s) to Substitute Senate Bill No. 6138 by voice vote.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6138, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6138, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Baumgartner, Benton, Brown, Carrell, Chase, Conway, Delvin, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hatfield, Haugen, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles, Litzow, McAuliffe, Morton, Murray, Nelson, Padden, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rolfes, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Excused: Senator Becker

SUBSTITUTE SENATE BILL NO. 6138, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

March 2, 2012

MR. PRESIDENT:

The House passed SUBSTITUTE SENATE BILL NO. 6240 with the following amendment(s): 6240-S AMH ENGR H4442.E

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 13.40.127 and 2009 c 236 s 1 are each amended to read as follows:

(1) A juvenile is eligible for deferred disposition unless he or she:

- (a) Is charged with a sex or violent offense;
- (b) Has a criminal history which includes any felony;
- (c) Has a prior deferred disposition or deferred adjudication; or
- (d) Has two or more adjudications.

(2) The juvenile court may, upon motion at least fourteen days before commencement of trial and, after consulting the juvenile's custodial parent or parents or guardian and with the consent of the juvenile, continue the case for disposition for a period not to exceed one year from the date the juvenile is found guilty. The court shall consider whether the offender and the community will benefit from a deferred disposition before deferring the disposition. The court may waive the fourteen-day period anytime before the commencement of trial for good cause.

(3) Any juvenile who agrees to a deferral of disposition shall:

- (a) Stipulate to the admissibility of the facts contained in the written police report;
- (b) Acknowledge that the report will be entered and used to support a finding of guilt and to impose a disposition if the juvenile fails to comply with terms of supervision; ~~(and)~~
- (c) Waive the following rights to: (i) A speedy disposition; and (ii) call and confront witnesses; and
- (d) Acknowledge the direct consequences of being found guilty and the direct consequences that will happen if an order of disposition is entered.

The adjudicatory hearing shall be limited to a reading of the court's record.

(4) Following the stipulation, acknowledgment, waiver, and entry of a finding or plea of guilt, the court shall defer entry of an order of disposition of the juvenile.

(5) Any juvenile granted a deferral of disposition under this section shall be placed under community supervision. The court may impose any conditions of supervision that it deems appropriate including posting a probation bond. Payment of restitution under RCW 13.40.190 shall be a condition of community supervision under this section.

The court may require a juvenile offender convicted of animal cruelty in the first degree to submit to a mental health evaluation to determine if the offender would benefit from treatment and such intervention would promote the safety of the community. After consideration of the results of the evaluation, as a condition of community supervision, the court may order the offender to attend treatment to address issues pertinent to the offense.

(6) A parent who signed for a probation bond has the right to notify the counselor if the juvenile fails to comply with the bond or conditions of supervision. The counselor shall notify the court and surety of any failure to comply. A surety shall notify the court of the juvenile's failure to comply with the probation bond. The state shall bear the burden to prove, by a preponderance of the evidence, that the juvenile has failed to comply with the terms of community supervision.

~~(7) (A juvenile's lack of compliance shall be determined by the judge upon written motion by the prosecutor or the juvenile's juvenile court community supervision counselor. If a juvenile fails to comply with terms of supervision, the court shall enter an order of disposition.)~~ (a) Anytime prior to the conclusion of the period of supervision, the prosecutor or the juvenile's juvenile court community supervision counselor may file a motion with the court requesting the court revoke the deferred disposition based on the juvenile's lack of compliance or treat the juvenile's lack of compliance as a violation pursuant to RCW 13.40.200.

(b) If the court finds the juvenile failed to comply with the terms

of the deferred disposition, the court may:

(i) Revoke the deferred disposition and enter an order of disposition; or

(ii) Impose sanctions for the violation pursuant to RCW 13.40.200.

(8) At any time following deferral of disposition the court may, following a hearing, continue ~~((the case))~~ supervision for an additional one-year period for good cause.

~~(9)(a) At the conclusion of the period ((set forth in the order of deferral and upon a finding by the court of full compliance with conditions of supervision and payment of full restitution)) of supervision, the court shall determine whether the juvenile is entitled to dismissal of the deferred disposition only when the court finds:~~

(i) The deferred disposition has not been previously revoked;

(ii) The juvenile has completed the terms of supervision;

(iii) There are no pending motions concerning lack of compliance pursuant to subsection (7) of this section; and

(iv) The juvenile has either paid the full amount of restitution, or, made a good faith effort to pay the full amount of restitution during the period of supervision.

(b) If the court finds the juvenile is entitled to dismissal of the deferred disposition pursuant to (a) of this subsection, the ((respondent's)) juvenile's conviction shall be vacated and the court shall dismiss the case with prejudice, except that a conviction under RCW 16.52.205 shall not be vacated. Whenever a case is dismissed with restitution still owing, the court shall enter a restitution order pursuant to RCW 13.40.190 for any unpaid restitution. Jurisdiction to enforce payment and modify terms of the restitution order shall be the same as those set forth in RCW 13.40.190.

(c) If the court finds the juvenile is not entitled to dismissal of the deferred disposition pursuant to (a) of this subsection, the court shall revoke the deferred disposition and enter an order of disposition. A deferred disposition shall remain a conviction unless the case is dismissed and the conviction is vacated pursuant to (b) of this subsection or sealed pursuant to RCW 13.50.050.

~~(10)(a) ((Records of deferred disposition cases vacated under subsection (9) of this section shall be sealed no later than thirty days after the juvenile's eighteenth birthday provided that the juvenile does not have any charges pending at that time. If a juvenile has already reached his or her eighteenth birthday before July 26, 2009, and does not have any charges pending, he or she may request that the court issue an order sealing the records of his or her deferred disposition cases vacated under subsection (9) of this section, and this request shall be granted.))~~ (i) Any time the court vacates a conviction pursuant to subsection (9) of this section, if the juvenile is eighteen years of age or older and the full amount of restitution ordered has been paid, the court shall enter a written order sealing the case.

(ii) Any time the court vacates a conviction pursuant to subsection (9) of this section, if the juvenile is not eighteen years of age or older and full restitution ordered has been paid, the court shall schedule an administrative sealing hearing to take place no later than thirty days after the respondent's eighteenth birthday, at which time the court shall enter a written order sealing the case. The respondent's presence at the administrative sealing hearing is not required.

(iii) Any deferred disposition vacated prior to the effective date of this section is not subject to sealing under this subsection.

(b) Nothing in this subsection shall preclude a juvenile from petitioning the court to have the records of his or her deferred dispositions sealed under RCW 13.50.050 (11) and (12).

~~((b))~~ (c) Records sealed under this provision shall have the same legal status as records sealed under RCW 13.50.050.

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**Sec. 2.** RCW 13.50.050 and 2011 c 338 s 4 and 2011 c 333 s 4 are each reenacted and amended to read as follows:

(1) This section governs records relating to the commission of juvenile offenses, including records relating to diversions.

(2) The official juvenile court file of any alleged or proven juvenile offender shall be open to public inspection, unless sealed pursuant to subsection (12) of this section.

(3) All records other than the official juvenile court file are confidential and may be released only as provided in this section, RCW 13.50.010, 13.40.215, and 4.24.550.

(4) Except as otherwise provided in this section and RCW 13.50.010, records retained or produced by any juvenile justice or care agency may be released to other participants in the juvenile justice or care system only when an investigation or case involving the juvenile in question is being pursued by the other participant or when that other participant is assigned the responsibility for supervising the juvenile.

(5) Except as provided in RCW 4.24.550, information not in an official juvenile court file concerning a juvenile or a juvenile's family may be released to the public only when that information could not reasonably be expected to identify the juvenile or the juvenile's family.

(6) Notwithstanding any other provision of this chapter, the release, to the juvenile or his or her attorney, of law enforcement and prosecuting attorneys' records pertaining to investigation, diversion, and prosecution of juvenile offenses shall be governed by the rules of discovery and other rules of law applicable in adult criminal investigations and prosecutions.

(7) Upon the decision to arrest or the arrest, law enforcement and prosecuting attorneys may cooperate with schools in releasing information to a school pertaining to the investigation, diversion, and prosecution of a juvenile attending the school. Upon the decision to arrest or the arrest, incident reports may be released unless releasing the records would jeopardize the investigation or prosecution or endanger witnesses. If release of incident reports would jeopardize the investigation or prosecution or endanger witnesses, law enforcement and prosecuting attorneys may release information to the maximum extent possible to assist schools in protecting other students, staff, and school property.

(8) The juvenile court and the prosecutor may set up and maintain a central recordkeeping system which may receive information on all alleged juvenile offenders against whom a complaint has been filed pursuant to RCW 13.40.070 whether or not their cases are currently pending before the court. The central recordkeeping system may be computerized. If a complaint has been referred to a diversion unit, the diversion unit shall promptly report to the juvenile court or the prosecuting attorney when the juvenile has agreed to diversion. An offense shall not be reported as criminal history in any central recordkeeping system without notification by the diversion unit of the date on which the offender agreed to diversion.

(9) Upon request of the victim of a crime or the victim's immediate family, the identity of an alleged or proven juvenile offender alleged or found to have committed a crime against the victim and the identity of the alleged or proven juvenile offender's parent, guardian, or custodian and the circumstance of the alleged or proven crime shall be released to the victim of the crime or the victim's immediate family.

(10) Subject to the rules of discovery applicable in adult criminal prosecutions, the juvenile offense records of an adult criminal defendant or witness in an adult criminal proceeding shall be released upon request to prosecution and defense counsel after a charge has actually been filed. The juvenile offense records of any adult convicted of a crime and placed under the supervision of the

adult corrections system shall be released upon request to the adult corrections system.

(11) In any case in which an information has been filed pursuant to RCW 13.40.100 or a complaint has been filed with the prosecutor and referred for diversion pursuant to RCW 13.40.070, the person the subject of the information or complaint may file a motion with the court to have the court vacate its order and findings, if any, and, subject to subsection (23) of this section, order the sealing of the official juvenile court file, the social file, and records of the court and of any other agency in the case.

(12)(a) The court shall not grant any motion to seal records for class A offenses made pursuant to subsection (11) of this section that is filed on or after July 1, 1997, unless:

(i) Since the last date of release from confinement, including full-time residential treatment, if any, or entry of disposition, the person has spent five consecutive years in the community without committing any offense or crime that subsequently results in an adjudication or conviction;

(ii) No proceeding is pending against the moving party seeking the conviction of a juvenile offense or a criminal offense;

(iii) No proceeding is pending seeking the formation of a diversion agreement with that person;

(iv) The person is no longer required to register as a sex offender under RCW 9A.44.130 or has been relieved of the duty to register under RCW 9A.44.143 if the person was convicted of a sex offense;

(v) The person has not been convicted of rape in the first degree, rape in the second degree, or indecent liberties that was actually committed with forcible compulsion; and

(vi) Full restitution has been paid.

(b) The court shall not grant any motion to seal records for class B, C, gross misdemeanor and misdemeanor offenses and diversions made under subsection (11) of this section unless:

(i) Since the date of last release from confinement, including full-time residential treatment, if any, entry of disposition, or completion of the diversion agreement, the person has spent two consecutive years in the community without being convicted of any offense or crime;

(ii) No proceeding is pending against the moving party seeking the conviction of a juvenile offense or a criminal offense;

(iii) No proceeding is pending seeking the formation of a diversion agreement with that person;

(iv) The person is no longer required to register as a sex offender under RCW 9A.44.130 or has been relieved of the duty to register under RCW 9A.44.143 if the person was convicted of a sex offense; and

(v) Full restitution has been paid.

(c) Notwithstanding the requirements in (a) or (b) of this subsection, the court shall grant any motion to seal records of any deferred disposition vacated under RCW 13.40.127(9) prior to the effective date of this section if restitution has been paid and the person is eighteen years of age or older at the time of the motion.

(13) The person making a motion pursuant to subsection (11) of this section shall give reasonable notice of the motion to the prosecution and to any person or agency whose files are sought to be sealed.

(14)(a) If the court grants the motion to seal made pursuant to subsection (11) of this section, it shall, subject to subsection (23) of this section, order sealed the official juvenile court file, the social file, and other records relating to the case as are named in the order. Thereafter, the proceedings in the case shall be treated as if they never occurred, and the subject of the records may reply accordingly to any inquiry about the events, records of which are sealed. Any agency shall reply to any inquiry concerning confidential or sealed records that records are confidential, and no information can be



given about the existence or nonexistence of records concerning an individual.

(b) In the event the subject of the juvenile records receives a full and unconditional pardon, the proceedings in the matter upon which the pardon has been granted shall be treated as if they never occurred, and the subject of the records may reply accordingly to any inquiry about the events upon which the pardon was received. Any agency shall reply to any inquiry concerning the records pertaining to the events for which the subject received a pardon that records are confidential, and no information can be given about the existence or nonexistence of records concerning an individual.

(15) Inspection of the files and records included in the order to seal may thereafter be permitted only by order of the court upon motion made by the person who is the subject of the information or complaint, except as otherwise provided in RCW 13.50.010(8) and subsection (23) of this section.

(16) Any adjudication of a juvenile offense or a crime subsequent to sealing has the effect of nullifying the sealing order. Any charging of an adult felony subsequent to the sealing has the effect of nullifying the sealing order for the purposes of chapter 9.94A RCW. The administrative office of the courts shall ensure that the superior court judicial information system provides prosecutors access to information on the existence of sealed juvenile records.

(17)(a)(i) Subject to subsection (23) of this section, all records maintained by any court or law enforcement agency, including the juvenile court, local law enforcement, the Washington state patrol, and the prosecutor's office, shall be automatically destroyed within ninety days of becoming eligible for destruction. Juvenile records are eligible for destruction when:

(A) The person who is the subject of the information or complaint is at least eighteen years of age;

(B) His or her criminal history consists entirely of one diversion agreement or counsel and release entered on or after June 12, 2008;

(C) Two years have elapsed since completion of the agreement or counsel and release;

(D) No proceeding is pending against the person seeking the conviction of a criminal offense; and

(E) There is no restitution owing in the case.

(ii) No less than quarterly, the administrative office of the courts shall provide a report to the juvenile courts of those individuals whose records may be eligible for destruction. The juvenile court shall verify eligibility and notify the Washington state patrol and the appropriate local law enforcement agency and prosecutor's office of the records to be destroyed. The requirement to destroy records under this subsection is not dependent on a court hearing or the issuance of a court order to destroy records.

(iii) The state and local governments and their officers and employees are not liable for civil damages for the failure to destroy records pursuant to this section.

(b) All records maintained by any court or law enforcement agency, including the juvenile court, local law enforcement, the Washington state patrol, and the prosecutor's office, shall be automatically destroyed within thirty days of being notified by the governor's office that the subject of those records received a full and unconditional pardon by the governor.

(c) A person eighteen years of age or older whose criminal history consists entirely of one diversion agreement or counsel and release entered prior to June 12, 2008, may request that the court order the records in his or her case destroyed. The request shall be granted, subject to subsection (23) of this section, if the court finds that two years have elapsed since completion of the agreement or counsel and release.

(d) A person twenty-three years of age or older whose criminal history consists of only referrals for diversion may request that the

court order the records in those cases destroyed. The request shall be granted, subject to subsection (23) of this section, if the court finds that all diversion agreements have been successfully completed and no proceeding is pending against the person seeking the conviction of a criminal offense.

(18) If the court grants the motion to destroy records made pursuant to subsection (17)(c) or (d) of this section, it shall, subject to subsection (23) of this section, order the official juvenile court file, the social file, and any other records named in the order to be destroyed.

(19) The person making the motion pursuant to subsection (17)(c) or (d) of this section shall give reasonable notice of the motion to the prosecuting attorney and to any agency whose records are sought to be destroyed.

(20) Any juvenile to whom the provisions of this section may apply shall be given written notice of his or her rights under this section at the time of his or her disposition hearing or during the diversion process.

(21) Nothing in this section may be construed to prevent a crime victim or a member of the victim's family from divulging the identity of the alleged or proven juvenile offender or his or her family when necessary in a civil proceeding.

(22) Any juvenile justice or care agency may, subject to the limitations in subsection (23) of this section and (a) and (b) of this subsection, develop procedures for the routine destruction of records relating to juvenile offenses and diversions.

(a) Records may be routinely destroyed only when the person the subject of the information or complaint has attained twenty-three years of age or older or pursuant to subsection (17)(a) of this section.

(b) The court may not routinely destroy the official juvenile court file or recordings or transcripts of any proceedings.

(23) Except for subsection (17)(b) of this section, no identifying information held by the Washington state patrol in accordance with chapter 43.43 RCW is subject to destruction or sealing under this section. For the purposes of this subsection, identifying information includes photographs, fingerprints, palmprints, soleprints, toeprints and any other data that identifies a person by physical characteristics, name, birthdate or address, but does not include information regarding criminal activity, arrest, charging, diversion, conviction or other information about a person's treatment by the criminal justice system or about the person's behavior.

(24) Information identifying child victims under age eighteen who are victims of sexual assaults by juvenile offenders is confidential and not subject to release to the press or public without the permission of the child victim or the child's legal guardian. Identifying information includes the child victim's name, addresses, location, photographs, and in cases in which the child victim is a relative of the alleged perpetrator, identification of the relationship between the child and the alleged perpetrator. Information identifying a child victim of sexual assault may be released to law enforcement, prosecutors, judges, defense attorneys, or private or governmental agencies that provide services to the child victim of sexual assault.

**Sec. 3.** RCW 13.40.180 and 2002 c 175 s 24 are each amended to read as follows:

(1) Where a disposition in a single disposition order is imposed on a youth for two or more offenses, the terms shall run consecutively, subject to the following limitations:

((+)) (a) Where the offenses were committed through a single act or omission, omission, or through an act or omission which in itself constituted one of the offenses and also was an element of the other, the aggregate of all the terms shall not exceed one hundred fifty percent of the term imposed for the most serious offense;

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~~((2))~~ (b) The aggregate of all consecutive terms shall not exceed three hundred percent of the term imposed for the most serious offense; and

~~((3))~~ (c) The aggregate of all consecutive terms of community supervision shall not exceed two years in length, or require payment of more than two hundred dollars in fines or the performance of more than two hundred hours of community restitution.

(2) Where disposition in separate disposition orders is imposed on a youth, the periods of community supervision contained in separate orders, if any, shall run concurrently. All other terms contained in separate disposition orders shall run consecutively.

**Sec. 4.** RCW 13.40.0357 and 2008 c 230 s 3 and 2008 c 158 s 1 are each reenacted and amended to read as follows:

**DESCRIPTION AND OFFENSE CATEGORY**

JUVENILE DISPOSITION OFFENSE CATEGORY	DESCRIPTION (RCW CITATION)	JUVENILE DISPOSITION CATEGORY FOR ATTEMPT, BAILJUMP, CONSPIRACY, OR SOLICITATION
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**Arson and Malicious Mischief**

A	Arson 1 (9A.48.020)	B+
B	Arson 2 (9A.48.030)	C
C	Reckless Burning 1 (9A.48.040)	D
D	Reckless Burning 2 (9A.48.050)	E
B	Malicious Mischief 1 (9A.48.070)	C
C	Malicious Mischief 2 (9A.48.080)	D
D	Malicious Mischief 3 (9A.48.090 <del>((2)-(a) and (e)))</del> )	E
<del>(E)</del>	<del>Malicious Mischief 3 (9A.48.090(2)(b))</del>	<del>E)</del>
E	Tampering with Fire Alarm Apparatus (9.40.100)	E
E	Tampering with Fire Alarm Apparatus with Intent to Commit Arson (9.40.105)	E
A	Possession of Incendiary Device (9.40.120)	B+

**Assault and Other Crimes Involving Physical Harm**

A	Assault 1 (9A.36.011)	B+
B+	Assault 2 (9A.36.021)	C+
C+	Assault 3 (9A.36.031)	D+
D+	Assault 4 (9A.36.041)	E
B+	Drive-By Shooting (9A.36.045)	C+
D+	Reckless Endangerment (9A.36.050)	E
C+	Promoting Suicide Attempt (9A.36.060)	D+
D+	Coercion (9A.36.070)	E
C+	Custodial Assault (9A.36.100)	D+

**Burglary and Trespass**

B+	Burglary 1 (9A.52.020)	C+
B	Residential Burglary (9A.52.025)	C

B	Burglary 2 (9A.52.030)	C
D	Burglary Tools (Possession of) (9A.52.060)	E
D	Criminal Trespass 1 (9A.52.070)	E
E	Criminal Trespass 2 (9A.52.080)	E
C	Mineral Trespass (78.44.330)	C
C	Vehicle Prowling 1 (9A.52.095)	D
D	Vehicle Prowling 2 (9A.52.100)	E

### Drugs

E	Possession/Consumption of Alcohol (66.44.270)	E
C	Illegally Obtaining Legend Drug (69.41.020)	D
C+	Sale, Delivery, Possession of Legend Drug with Intent to Sell (69.41.030(2)(a))	D+
E	Possession of Legend Drug (69.41.030(2)(b))	E
B+	Violation of Uniform Controlled Substances Act - Narcotic, Methamphetamine, or Flunitrazepam Sale (69.50.401(2) (a) or (b))	B+
C	Violation of Uniform Controlled Substances Act - Nonnarcotic Sale (69.50.401(2)(c))	C
E	Possession of Marijuana <40 grams (69.50.4014)	E
C	Fraudulently Obtaining Controlled Substance (69.50.403)	C
C+	Sale of Controlled Substance for Profit (69.50.410)	C+
E	Unlawful Inhalation (9.47A.020)	E
B	Violation of Uniform Controlled Substances Act - Narcotic, Methamphetamine, or Flunitrazepam Counterfeit Substances (69.50.4011(2) (a) or (b))	B
C	Violation of Uniform Controlled Substances Act - Nonnarcotic Counterfeit Substances (69.50.4011(2) (c), (d), or (e))	C
C	Violation of Uniform Controlled Substances Act - Possession of a Controlled Substance (69.50.4013)	C
C	Violation of Uniform Controlled Substances Act - Possession of a Controlled Substance (69.50.4012)	C

### Firearms and Weapons

B	Theft of Firearm (9A.56.300)	C
B	Possession of Stolen Firearm (9A.56.310)	C
E	Carrying Loaded Pistol Without Permit (9.41.050)	E
C	Possession of Firearms by Minor (<18) (9.41.040(2)(a)(iii))	C
D+	Possession of Dangerous Weapon (9.41.250)	E
D	Intimidating Another Person by use of Weapon (9.41.270)	E

**Homicide**

A+	Murder 1 (9A.32.030)	A
A+	Murder 2 (9A.32.050)	B+
B+	Manslaughter 1 (9A.32.060)	C+
C+	Manslaughter 2 (9A.32.070)	D+
B+	Vehicular Homicide (46.61.520)	C+

**Kidnapping**

A	Kidnap 1 (9A.40.020)	B+
B+	Kidnap 2 (9A.40.030)	C+
C+	Unlawful Imprisonment (9A.40.040)	D+

**Obstructing Governmental Operation**

D	Obstructing a Law Enforcement Officer (9A.76.020)	E
E	Resisting Arrest (9A.76.040)	E
B	Introducing Contraband 1 (9A.76.140)	C
C	Introducing Contraband 2 (9A.76.150)	D
E	Introducing Contraband 3 (9A.76.160)	E
B+	Intimidating a Public Servant (9A.76.180)	C+
B+	Intimidating a Witness (9A.72.110)	C+

**Public Disturbance**

C+	Riot with Weapon (9A.84.010(2)(b))	D+
D+	Riot Without Weapon (9A.84.010(2)(a))	E
E	Failure to Disperse (9A.84.020)	E
E	Disorderly Conduct (9A.84.030)	E

**Sex Crimes**

A	Rape 1 (9A.44.040)	B+
A-	Rape 2 (9A.44.050)	B+
C+	Rape 3 (9A.44.060)	D+
A-	Rape of a Child 1 (9A.44.073)	B+
B+	Rape of a Child 2 (9A.44.076)	C+
B	Incest 1 (9A.64.020(1))	C
C	Incest 2 (9A.64.020(2))	D
D+	Indecent Exposure (Victim <14) (9A.88.010)	E

E	Indecent Exposure (Victim 14 or over) (9A.88.010)	E
B+	Promoting Prostitution 1 (9A.88.070)	C+
C+	Promoting Prostitution 2 (9A.88.080)	D+
E	O & A (Prostitution) (9A.88.030)	E
B+	Indecent Liberties (9A.44.100)	C+
A-	Child Molestation 1 (9A.44.083)	B+
B	Child Molestation 2 (9A.44.086)	C+
C	Failure to Register as a Sex Offender (((9A.44.130)) 9A.44.132)	D
<b>Theft, Robbery, Extortion, and Forgery</b>		
B	Theft 1 (9A.56.030)	C
C	Theft 2 (9A.56.040)	D
D	Theft 3 (9A.56.050)	E
B	Theft of Livestock 1 and 2 (9A.56.080 and 9A.56.083)	C
C	Forgery (9A.60.020)	D
A	Robbery 1 (9A.56.200)	B+
B+	Robbery 2 (9A.56.210)	C+
B+	Extortion 1 (9A.56.120)	C+
C+	Extortion 2 (9A.56.130)	D+
C	Identity Theft 1 (9.35.020(2))	D
D	Identity Theft 2 (9.35.020(3))	E
D	Improperly Obtaining Financial Information (9.35.010)	E
B	Possession of a Stolen Vehicle (9A.56.068)	C
B	Possession of Stolen Property 1 (9A.56.150)	C
C	Possession of Stolen Property 2 (9A.56.160)	D
D	Possession of Stolen Property 3 (9A.56.170)	E
B	Taking Motor Vehicle Without Permission 1 (9A.56.070)	C
C	Taking Motor Vehicle Without Permission 2 (9A.56.075)	D
B	Theft of a Motor Vehicle (9A.56.065)	C
<b>Motor Vehicle Related Crimes</b>		
E	Driving Without a License (46.20.005)	E
B+	Hit and Run - Death (46.52.020(4)(a))	C+
C	Hit and Run - Injury (46.52.020(4)(b))	D

D	Hit and Run-Attended (46.52.020(5))	E
E	Hit and Run-Unattended (46.52.010)	E
C	Vehicular Assault (46.61.522)	D
C	Attempting to Elude Pursuing Police Vehicle (46.61.024)	D
E	Reckless Driving (46.61.500)	E
D	Driving While Under the Influence (46.61.502 and 46.61.504)	E
B+	Felony Driving While Under the Influence (46.61.502(6))	B
B+	Felony Physical Control of a Vehicle While Under the Influence (46.61.504(6))	B
<b>Other</b>		
B	Animal Cruelty 1 (16.52.205)	C
B	Bomb Threat (9.61.160)	C
C	Escape 1 <sup>1</sup> (9A.76.110)	C
C	Escape 2 <sup>1</sup> (9A.76.120)	C
D	Escape 3 (9A.76.130)	E
E	Obscene, Harassing, Etc., Phone Calls (9.61.230)	E
A	Other Offense Equivalent to an Adult Class A Felony	B+
B	Other Offense Equivalent to an Adult Class B Felony	C
C	Other Offense Equivalent to an Adult Class C Felony	D
D	Other Offense Equivalent to an Adult Gross Misdemeanor	E
E	Other Offense Equivalent to an Adult Misdemeanor	E
V	Violation of Order of Restitution, Community Supervision, or Confinement (13.40.200) <sup>2</sup>	V

<sup>1</sup>Escape 1 and 2 and Attempted Escape 1 and 2 are classed as C offenses and the standard range is established as follows:

- 1st escape or attempted escape during 12-month period - 4 weeks confinement
- 2nd escape or attempted escape during 12-month period - 8 weeks confinement
- 3rd and subsequent escape or attempted escape during 12-month period - 12 weeks confinement

<sup>2</sup>If the court finds that a respondent has violated terms of an order, it may impose a penalty of up to 30 days of confinement.

**JUVENILE SENTENCING STANDARDS**

This schedule must be used for juvenile offenders. The court may select sentencing option A, B, C, D, or RCW 13.40.167.

~~((OPTION A  
JUVENILE OFFENDER SENTENCING GRID  
STANDARD RANGE~~

<del>A+</del>	<del>180 WEEKS TO AGE 21 YEARS</del>
<del>A</del>	<del>103 WEEKS TO 129 WEEKS</del>

	A-	15-36 WEEKS  EXCEPT 30-40 WEEKS FOR 15-17 YEAR-OLDS	52-65 WEEKS	80-100 WEEKS	103-129 WEEKS		
Current Offense Category	B+	15-36 WEEKS	52-65 WEEKS	80-100 WEEKS	103-129 WEEKS		
	B	LOCAL SANCTIONS (LS)	15-36 WEEKS		52-65 WEEKS		
	C+	LS		15-36 WEEKS			
	C	LS			15-36 WEEKS		
			Local Sanctions: 0 to 30 Days				
	D+	LS	0 to 12 Months Community Supervision 0 to 150 Hours Community Restitution				
	D	LS	\$0 to \$500 Fine				
	E	LS					
			0	1	2	3	4 or more
			PRIOR ADJUDICATIONS))				

OPTION A  
JUVENILE OFFENDER SENTENCING GRID  
STANDARD RANGE

A+ 180 weeks to age 21 for all category A+ offenses

A 103-129 weeks for all category A offenses

	<u>A-</u>	<u>15-36</u> <u>weeks</u>	<u>52-65</u> <u>weeks</u>	<u>80-100</u> <u>weeks</u>	<u>103-129</u> <u>weeks</u>	<u>103-129</u> <u>weeks</u>
		<u>Except</u> <u>30-40</u> <u>weeks</u> <u>for 15</u> <u>to 17</u> <u>year</u> <u>olds</u>				
<u>CURRENT</u>	<u>B+</u>	<u>15-36</u> <u>weeks</u>	<u>15-36</u> <u>weeks</u>	<u>52-65</u> <u>weeks</u>	<u>80-100</u> <u>weeks</u>	<u>103-129</u> <u>weeks</u>
<u>OFFENSE</u>	<u>B</u>	<u>LS</u>	<u>LS</u>	<u>15-36</u> <u>weeks</u>	<u>15-36</u> <u>weeks</u>	<u>52-65</u> <u>weeks</u>
<u>CATEGORY</u>	<u>C+</u>	<u>LS</u>	<u>LS</u>	<u>LS</u>	<u>15-36</u> <u>weeks</u>	<u>15-36</u> <u>weeks</u>
	<u>C</u>	<u>LS</u>	<u>LS</u>	<u>LS</u>	<u>LS</u>	<u>15-36</u> <u>weeks</u>
	<u>D+</u>	<u>LS</u>	<u>LS</u>	<u>LS</u>	<u>LS</u>	<u>LS</u>
	<u>D</u>	<u>LS</u>	<u>LS</u>	<u>LS</u>	<u>LS</u>	<u>LS</u>
	<u>E</u>	<u>LS</u>	<u>LS</u>	<u>LS</u>	<u>LS</u>	<u>LS</u>
		<u>0</u>	<u>1</u>	<u>2</u>	<u>3</u>	<u>4 or</u> <u>more</u>

NOTE: References in the grid to days or weeks mean periods of confinement. "LS" means "local sanctions" as defined in RCW 13.40.020.

(1) The vertical axis of the grid is the current offense category. The current offense category is determined by the offense of adjudication.

(2) The horizontal axis of the grid is the number of prior adjudications included in the juvenile's criminal history. Each prior felony adjudication shall count as one point. Each prior violation, misdemeanor, and gross misdemeanor adjudication shall count as 1/4 point. Fractional points shall be rounded down.

(3) The standard range disposition for each offense is determined by the intersection of the column defined by the prior adjudications and the row defined by the current offense category.

(4) RCW 13.40.180 applies if the offender is being sentenced for more than one offense.

(5) A current offense that is a violation is equivalent to an offense category of E. However, a disposition for a violation shall not include confinement.

**OR**

**OPTION B  
SUSPENDED DISPOSITION ALTERNATIVE**

(1) If the offender is subject to a standard range disposition involving confinement by the department, the court may impose the standard range and suspend the disposition on condition that the offender comply with one or more local sanctions and any educational or treatment requirement. The treatment programs provided to the offender must be either research-based best practice programs as identified by the Washington state institute for public policy or the joint legislative audit and review committee, or for chemical dependency treatment programs or services, they must be evidence-based or research-based best practice programs. For the purposes of this subsection:

(a) "Evidence-based" means a program or practice that has had multiple site random controlled trials across heterogeneous populations demonstrating that the program or practice is effective for the population; and

(b) "Research-based" means a program or practice that has some research demonstrating effectiveness, but that does not yet meet the standard of evidence-based practices.

(2) If the offender fails to comply with the suspended disposition, the court may impose sanctions pursuant to RCW 13.40.200 or may revoke the suspended disposition and order the disposition's execution.

(3) An offender is ineligible for the suspended disposition option under this section if the offender is:

(a) Adjudicated of an A+ offense;

(b) Fourteen years of age or older and is adjudicated of one or more of the following offenses:

(i) A class A offense, or an attempt, conspiracy, or solicitation to commit a class A offense;

(ii) Manslaughter in the first degree (RCW 9A.32.060); or

(iii) Assault in the second degree (RCW 9A.36.021), extortion in the first degree (RCW 9A.56.120), kidnapping in the second degree (RCW 9A.40.030), robbery in the second degree (RCW 9A.56.210), residential burglary (RCW 9A.52.025), burglary in the second degree (RCW 9A.52.030), drive-by shooting (RCW 9A.36.045), vehicular homicide (RCW 46.61.520), hit and run death (RCW 46.52.020(4)(a)), intimidating a witness (RCW 9A.72.110), violation of the uniform controlled substances act (RCW 69.50.401 (2)(a) and (b)), or manslaughter 2 (RCW 9A.32.070), when the offense includes infliction of bodily harm upon another or when during the commission or immediate withdrawal from the offense the respondent was armed with a deadly weapon;

(c) Ordered to serve a disposition for a firearm violation under RCW 13.40.193; or

(d) Adjudicated of a sex offense as defined in RCW 9.94A.030.

**OR**



**OPTION C  
CHEMICAL DEPENDENCY DISPOSITION  
ALTERNATIVE**

If the juvenile offender is subject to a standard range disposition of local sanctions or 15 to 36 weeks of confinement and has not committed an A- or B+ offense, the court may impose a disposition under RCW 13.40.160(4) and 13.40.165.

**OR**

**OPTION D  
MANIFEST INJUSTICE**

If the court determines that a disposition under option A, B, or C would effectuate a manifest injustice, the court shall impose a disposition outside the standard range under RCW 13.40.160(2)."

Correct the title.  
and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

**MOTION**

Senator Regala moved that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 6240.

Senator Regala spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Regala that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 6240.

The motion by Senator Regala carried and the Senate concurred in the House amendment(s) to Substitute Senate Bill No. 6240 by voice vote.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6240, as amended by the House.

**ROLL CALL**

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6240, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Baumgartner, Benton, Brown, Carrell, Chase, Conway, Delvin, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hatfield, Haugen, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles, Litzow, McAuliffe, Morton, Murray, Nelson, Padden, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rolfes, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Excused: Senator Becker

SUBSTITUTE SENATE BILL NO. 6240, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

**SIGNED BY THE PRESIDENT**

The President signed:

SUBSTITUTE SENATE BILL NO. 5217,  
SUBSTITUTE SENATE BILL NO. 5246,

ENGROSSED SENATE BILL NO. 5661,  
SUBSTITUTE SENATE BILL NO. 5982,  
SUBSTITUTE SENATE BILL NO. 5995,  
SUBSTITUTE SENATE BILL NO. 5997,  
SUBSTITUTE SENATE BILL NO. 6105,  
SUBSTITUTE SENATE BILL NO. 6116,  
SENATE BILL NO. 6134,  
SECOND SUBSTITUTE SENATE BILL NO. 6140,  
ENGROSSED SENATE BILL NO. 6155,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 6237,  
SUBSTITUTE SENATE BILL NO. 6242,  
ENGROSSED SENATE BILL NO. 6254,  
SECOND SUBSTITUTE SENATE BILL NO. 6263,  
SUBSTITUTE SENATE BILL NO. 6328,  
SUBSTITUTE SENATE BILL NO. 6354,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 6355,  
SUBSTITUTE SENATE BILL NO. 6359,  
SUBSTITUTE SENATE BILL NO. 6384,  
SUBSTITUTE SENATE BILL NO. 6403,  
SENATE BILL NO. 6412,  
SUBSTITUTE SENATE BILL NO. 6414,  
SUBSTITUTE SENATE BILL NO. 6444,  
SUBSTITUTE SENATE BILL NO. 6508.

**MOTION**

On motion of Senator Eide, the Senate advanced to the sixth order of business.

**SECOND READING**

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2190, by House Committee on Transportation (originally sponsored by Representatives Clibborn, Armstrong, Billig and Hargrove)

Making 2011-2013 supplemental transportation appropriations.

The measure was read the second time.

**MOTION**

Senator Haugen moved that the following striking amendment by Senator Haugen be adopted:

Strike everything after the enacting clause and insert the following:

**"2011-2013 FISCAL BIENNIUM  
GENERAL GOVERNMENT AGENCIES—OPERATING**

**Sec. 101.** 2011 c 367 s 101 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF ARCHAEOLOGY AND  
HISTORIC PRESERVATION**

Motor Vehicle Account--State Appropriation .....((~~\$430,000~~))  
.....\$416,000

The appropriation in this section is subject to the following conditions and limitations: The entire appropriation is provided solely for staffing costs to be dedicated to state transportation activities. Staff hired to support transportation activities must have practical experience with complex construction projects.

**Sec. 102.** 2011 c 367 s 103 (uncodified) is amended to read as follows:

**FOR THE OFFICE OF FINANCIAL MANAGEMENT**

Motor Vehicle Account--State Appropriation .....((~~\$2,216,000~~))  
.....\$1,728,000

FIFTY EIGHTH DAY, MARCH 6, 2012

2012 REGULAR SESSION

Puget Sound Ferry Operations Account--State

Appropriation .....((~~\$4,624,000~~))  
.....\$1,260,000

Multimodal Transportation Account--State

Appropriation ..... \$350,000  
TOTAL APPROPRIATION.....((~~\$6,840,000~~))  
.....\$3,338,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The office of financial management, in consultation with the transportation committees of the legislature, shall conduct a budget evaluation study for the new traffic management center proposed by the department of transportation. The study must consider data resulting from the plan identified in section 604 of this act. The budget evaluation study team approach using value engineering techniques must be utilized by the office of financial management in conducting the study. The office of financial management shall select the budget evaluation study team members, contract for the study, and report the results to the transportation committees of the legislature and the department of transportation in a timely manner following the study. Options reviewed must include use of existing facilities, including the Wheeler building data center in Olympia. Funds allocated for the new traffic management center must be used by the office of financial management through an interagency agreement with the department of transportation to cover the cost of the study.

~~(2) ((\$4,480,000 of the Puget Sound ferry operations account--state appropriation is provided solely for marine insurance. The appropriation is intended to fully fund a two-year policy, and the office of financial management shall increase the deductible to \$10,000,000 and reduce components of the policy in order to keep the total cost of the two-year policy at or below the appropriation in this subsection.~~

~~(5)) \$1,116,000 of the Puget Sound ferry operations account--state appropriation is provided solely for marine insurance. The amount in this subsection as well as the amount in section 103(2) of this act is intended to fully fund a two-year policy. For fiscal year 2012, the office of financial management shall increase the deductible to ten million dollars and reduce components of the policy in order to keep the total cost of the two-year policy at or below the appropriation in this subsection and section 103(2) of this act.~~

(3) \$840,000 of the motor vehicle account--state appropriation is provided out of funds set aside out of statewide fuel taxes distributed to counties according to RCW 46.68.120(3) solely for the office of financial management to contract with the Washington state association of counties to identify, evaluate, and implement performance measures associated with county transportation activities. The performance measures must include, at a minimum, those related to safety, system preservation, mobility, environmental protection, and project completion. A report on the county transportation performance implementation project must be provided to the transportation committees of the legislature by December 31, 2012.

~~((6))~~ (4) \$169,000 of the motor vehicle account--state appropriation is provided solely for the office of regulatory assistance integrated permitting project.

~~((7))~~ (5) \$40,000 of the Puget Sound ferry operations account-- state appropriation is provided solely for the state's share of the marine salary survey.

~~((8))~~ (6) The office of financial management shall study the available data regarding statewide transit, bicycle, and pedestrian trips and recommend additional performance measures that will effectively measure the state's performance in increasing transit ridership and bicycle and pedestrian trips. The office of financial

management shall report its findings and recommendations to the transportation committees of the legislature by November 15, 2011, and integrate the new performance measures into the report prepared by the office of financial management pursuant to RCW 47.04.280 regarding progress towards achieving Washington state's transportation system policy goals.

(7) \$350,000 of the multimodal transportation account--state appropriation is provided solely for the office of financial management to contract with a statewide organization representing Washington cities and a statewide organization representing Washington counties to work with the Washington state governor's office of regulatory assistance to:

(a) Fulfill completion of recent iPRMT enhancements developed to consolidate applications and expedite local, state, and regional transportation and public works maintenance permitting related to (i) general hydraulic project approval permits issued consistent with section 103(3), chapter 247, Laws of 2010 and (ii) section 106 consultations completed under the national historic preservation act;

(b) Work with local, state, and regional transportation and public works maintenance agencies to continue to support development of iPRMT enhancements and customizations based on applicant needs; and

(c) Provide outreach and training to advance the state's interest in continuing to leverage iPRMT web infrastructure to support and accelerate local, regional, and state transportation and public works planning, permitting, and compliance.

NEW SECTION. Sec. 103. A new section is added to 2011 c 367 (uncodified) to read as follows:

**FOR THE DEPARTMENT OF ENTERPRISE SERVICES**

Motor Vehicle Account--State Appropriation .....\$462,000  
Puget Sound Ferry Operations Account--State  
Appropriation .....\$3,360,000  
TOTAL APPROPRIATION.....\$3,822,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$462,000 of the motor vehicle account--state appropriation is provided solely for the transportation executive information system.

(2) \$3,360,000 of the Puget Sound ferry operations account--state appropriation is provided solely for marine insurance. The amount in this subsection as well as the amount in section 102(2) of this act is intended to fully fund a two-year policy. For fiscal year 2013, the department of enterprise services shall increase the deductible to ten million dollars and reduce components of the policy in order to keep the total cost of the two-year policy at or below the appropriation in this subsection and section 102(2) of this act.

NEW SECTION. Sec. 104. A new section is added to 2011 c 367 (uncodified) to read as follows:

**FOR THE PUBLIC EMPLOYMENT RELATIONS COMMISSION**

Puget Sound Ferry Operations Account--State  
Appropriation .....((~~\$95,000~~))  
.....\$75,000

Sec. 105. 2011 c 367 s 105 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF AGRICULTURE**

Motor Vehicle Account--State Appropriation .....((~~\$1,210,000~~))  
.....\$1,185,000

The appropriation in this section is subject to the following conditions and limitations:

(1) \$351,000 of the motor vehicle account--state appropriation is provided solely for costs associated with the motor fuel quality program.

(2) \$686,000 of the motor vehicle account--state appropriation is provided solely to test the quality of biofuel. The department must test fuel quality at the biofuel manufacturer, distributor, and retailer.

Sec. 106. 2011 c 367 s 106 (uncodified) is amended to read as follows:

**FOR THE LEGISLATIVE EVALUATION AND ACCOUNTABILITY PROGRAM COMMITTEE**

Motor Vehicle Account--State Appropriation .....(~~(\$513,000)~~)  
.....\$494,000

**TRANSPORTATION AGENCIES—OPERATING**

Sec. 201. 2011 c 367 s 201 (uncodified) is amended to read as follows:

**FOR THE WASHINGTON TRAFFIC SAFETY COMMISSION**

Highway Safety Account--State Appropriation.....(~~(\$3,003,000)~~)  
.....\$2,983,000  
Highway Safety Account--Federal Appropriation...(~~(\$42,625,000)~~)  
.....\$42,507,000  
Highway Safety Account--Private/Local Appropriation .....\$50,000  
School Zone Safety Account--State Appropriation .....\$3,340,000  
TOTAL APPROPRIATION.....(~~(\$49,018,000)~~)  
.....\$48,880,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$1,673,900 of the highway safety account--federal appropriation is provided solely for the conclusion of the target zero trooper pilot program, which the commission has developed and implemented in collaboration with the Washington state patrol. The pilot program must continue to demonstrate the effectiveness of intense, high visibility, driving under the influence enforcement in Washington. The commission shall continue to apply to the national highway traffic safety administration for federal highway safety grants to cover the cost of the pilot program. State funding is provided in section 207 of this act for the state patrol to continue the target zero trooper program in fiscal year 2013.

(2) The commission may oversee pilot projects implementing the use of automated traffic safety cameras to detect speed violations within cities west of the Cascade mountains that have a population over one hundred ninety-five thousand. For the purposes of pilot projects in this subsection, no more than one automated traffic safety camera may be used to detect speed violations within any one jurisdiction.

(a) The commission shall comply with RCW 46.63.170 in administering the pilot projects.

(b) In order to ensure adequate time in the 2011-2013 fiscal biennium to evaluate the effectiveness of the pilot projects, any projects authorized by the commission must be authorized by December 31, 2011.

(c) By January 1, 2013, the commission shall provide a report to the legislature regarding the use, public acceptance, outcomes, and other relevant issues regarding automated traffic safety cameras demonstrated by the pilot projects.

(3) \$460,000 of the highway safety account--state appropriation is provided solely for the implementation of chapter ... (Engrossed Second Substitute House Bill No. 1789), Laws of 2011 (addressing DUI accountability). If chapter ... (Engrossed Second Substitute House Bill No. 1789), Laws of 2011 is not enacted by June 30, 2011, the amount provided in this subsection lapses.

(4) The commission shall conduct a review of the literature on potential safety benefits realized from drivers using their headlights and windshield wipers simultaneously and shall report to the transportation committees of the legislature by December 1, 2011.

(5) \$22,000,000 of the highway safety account--federal appropriation is provided solely for federal funds that may be obligated to the commission pursuant to 23 U.S.C. Sec. 164 during the 2011-2013 fiscal biennium.

Sec. 202. 2011 c 367 s 202 (uncodified) is amended to read as follows:

**FOR THE COUNTY ROAD ADMINISTRATION BOARD**

Rural Arterial Trust Account--State Appropriation.....(~~(\$948,000)~~)  
.....\$915,000  
Motor Vehicle Account--State Appropriation .....(~~(\$2,161,000)~~)  
.....\$2,088,000  
County Arterial Preservation Account--State  
Appropriation .....(~~(\$1,480,000)~~)  
.....\$1,428,000  
TOTAL APPROPRIATION.....(~~(\$4,589,000)~~)  
.....\$4,431,000

The appropriations in this section are subject to the following conditions and limitations: The county road administration board shall submit a report to the transportation committees of the legislature by December 1, 2011, on the implementation of the recommendations that resulted from the evaluation of efficiencies in the delivery of transportation funding and services to local governments that was required under section 204(8), chapter 247, Laws of 2010. The report must include a description of how recommendations were implemented, what efficiencies were achieved, and an explanation of any recommendations that were not implemented.

Sec. 203. 2011 c 367 s 203 (uncodified) is amended to read as follows:

**FOR THE TRANSPORTATION IMPROVEMENT BOARD**

Transportation Improvement Account--State  
Appropriation .....(~~(\$3,707,000)~~)  
.....\$3,625,000

The appropriation in this section is subject to the following conditions and limitations: The transportation improvement board shall submit a report to the transportation committees of the legislature by December 1, 2011, on the implementation of the recommendations that resulted from the evaluation of efficiencies in the delivery of transportation funding and services to local governments that was required under section 204(8), chapter 247, Laws of 2010. The report must include a description of how recommendations were implemented, what efficiencies were achieved, and an explanation of any recommendations that were not implemented.

Sec. 204. 2011 c 367 s 204 (uncodified) is amended to read as follows:

**FOR THE JOINT TRANSPORTATION COMMITTEE**

Motor Vehicle Account--State Appropriation .....(~~(\$2,060,000)~~)  
.....\$2,028,000

The appropriation in this section is subject to the following conditions and limitations:

(1) \$200,000 of the motor vehicle account--state appropriation is for a study of Washington state ferries fares that recommends the most appropriate fare media for use with the reservation system and the implementation of demand management pricing and interoperability with other payment methods. The study must include direct collaboration with transportation commission members.

(~~(1)~~) (2) \$200,000 of the motor vehicle account--state appropriation is from the cities statewide fuel tax distributions under

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RCW 46.68.110(2) for the joint transportation committee to study and make recommendations on RCW 90.03.525. The study must include: (a) An inventory of state highways subject to the federal clean water act (40 C.F.R. Parts 122 through 124) (national pollutant discharge elimination system) that are within city boundaries; (b) a survey of cities that impose storm water fees or charges to the department of transportation, or otherwise manage storm water runoff from state highways within their jurisdiction; (c) case studies from a representative cross-section of cities on how the department and cities have used RCW 90.03.525; and (d) recommendations on how to achieve efficiencies in the cost and management of state highway storm water runoff within cities under RCW 90.03.525.

~~((4))~~ (3) \$425,000 of the motor vehicle account--state appropriation is for the joint transportation committee to conduct a study to evaluate the potential for financing state transportation projects using public-private partnerships. The study must compare the costs, advantages, and disadvantages of various forms of public-private partnerships with conventional financing. Projects to be evaluated include Interstate 405, state route number 509, state route number 167, the Columbia River crossing, and the Monroe bypass. At a minimum, the study must identify the public interest in the financing and construction of transportation projects, the public interest in the operation of transportation projects, and the provisions in public-private partnership agreements that best protect the public interest. To the extent possible, the study must identify the lowest-cost and best-value model for each project that best protects the public interest. In addition, the study must evaluate whether public-private partnerships serve the defined public interest including, but not limited to, the advantage and disadvantage of risk allocation, the effects of private versus public financing on the state's bonding capacity, the state's ability to retain public ownership of the asset, the process that would allow for the most transparency during the negotiation of terms of a public-private partnership agreement, and the state's ability to oversee the private entity's management of the asset. The study must identify any barriers to the implementation of funding models that best protect the public interest, including statutory and constitutional barriers. The committee shall issue a report of its evaluation to the house of representatives and senate transportation committees by December 16, 2011.

~~((5))~~ (4) \$100,000 of the motor vehicle account--state appropriation is for an investigation of the use of liquid natural gas on existing Washington state ferry vessels as well as the 144-car class vessels and report to the legislature by December 31, 2011.

(5) The joint transportation committee shall convene a study group to evaluate the most appropriate organization for the aviation search and rescue program, currently operating from the department of transportation's aviation division. The joint transportation committee shall invite a representative from the following organizations to participate in meetings in the city of Olympia: The aircraft owners and pilots association; the Washington pilots association; the Washington wing of the civil air patrol; the civil air patrol - United States air force; the Washington department of transportation, aviation division; the emergency management division of the military department; the Washington association of search and rescue; and the Washington state patrol. The committee shall issue a report of its findings to the legislature by December 14, 2012, to include the following information:

(a) Where should aviation search and rescue operations be located to provide the maximum benefit for these searches?

(b) How should the duplication of services and training be addressed?

(c) Is the current structure the best use of state and federal funding?

(d) If aviation search and rescue is relocated, what should be the source of funding?

Sec. 205. 2011 c 367 s 205 (uncodified) is amended to read as follows:

**FOR THE TRANSPORTATION COMMISSION**

Motor Vehicle Account--State Appropriation .....	(\$2,142,000)
.....	\$2,093,000
Multimodal Transportation Account--State Appropriation .....	
.....	\$112,000
TOTAL APPROPRIATION.....	(\$2,254,000)
.....	\$2,205,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Consistent with RCW 43.135.055, 47.60.290, and 47.60.315, during the 2011-2013 fiscal biennium, the legislature authorizes the transportation commission to periodically review and, if necessary, adjust the schedule of fares for the Washington state ferry system only in amounts not greater than those sufficient to generate the amount of revenue required by the biennial transportation budget. When adjusting ferry fares, the commission must consider input from affected ferry users by public hearing and by review with the affected ferry advisory committees, in addition to the data gathered from the current ferry user survey.

(2) Consistent with RCW 43.135.055 and 47.46.100, during the 2011-2013 fiscal biennium, the legislature authorizes the transportation commission to periodically review and, if necessary, adjust the schedule of toll charges applicable to the Tacoma Narrows bridge only in amounts not greater than those sufficient to support (a) any required costs for operating and maintaining the toll bridge, including the cost of insurance, (b) any amount required by law to meet the redemption of bonds and applicable interest payments, and (c) repayment of the motor vehicle fund.

~~((4))~~ (3) Consistent with its authority in RCW 47.56.840, the transportation commission shall consider the need for a citizen advisory group that provides oversight on new tolled facilities.

Sec. 206. 2011 c 367 s 206 (uncodified) is amended to read as follows:

**FOR THE FREIGHT MOBILITY STRATEGIC INVESTMENT BOARD**

Motor Vehicle Account--State Appropriation .....	(\$702,000)
.....	\$681,000

The appropriation in this section is subject to the following conditions and limitations: The freight mobility strategic investment board shall submit a report to the transportation committees of the legislature by December 1, 2011, on the implementation of the recommendations that resulted from the evaluation of efficiencies in the delivery of transportation funding and services to local governments that was required under section 204(8), chapter 247, Laws of 2010. The report must include a description of how recommendations were implemented, what efficiencies were achieved, and an explanation of any recommendations that were not implemented.

Sec. 207. 2011 c 367 s 207 (uncodified) is amended to read as follows:

**FOR THE WASHINGTON STATE PATROL**

<del>(Vehicle Licensing Fraud Account--State Appropriation .....</del>	<del>\$100,000)</del>
.....	
Ignition Interlock Device Revolving Account--	
State Appropriation .....	\$106,000
State Patrol Highway Account--State	
Appropriation .....	(\$349,812,000)
\$350,605,000	
State Patrol Highway Account--Federal	
Appropriation .....	\$10,903,000

State Patrol Highway Account--Private/Local	
Appropriation.....	(\$3,369,000)
	\$3,494,000
Highway Safety Account--State Appropriation.....	\$712,000
TOTAL APPROPRIATION.....	(\$364,184,000)
	\$365,820,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Washington state patrol officers engaged in off-duty uniformed employment providing traffic control services to the department of transportation or other state agencies may use state patrol vehicles for the purpose of that employment, subject to guidelines adopted by the chief of the Washington state patrol. The Washington state patrol must be reimbursed for the use of the vehicle at the prevailing state employee rate for mileage and hours of usage, subject to guidelines developed by the chief of the Washington state patrol. Cessna pilots funded from the state patrol highway account who are certified to fly the King Airs may pilot those aircraft for general fund purposes with the general fund reimbursing the state patrol highway account an hourly rate to cover the costs incurred during the flights since the aviation section is no longer part of the Washington state patrol cost allocation system as of July 1, 2009.

(2) The Washington state patrol shall continue to collaborate with the Washington traffic safety commission on the target zero trooper pilot program referenced in section 201(1) of this act.

(3) \$370,000 of the state patrol highway account--state appropriation is provided solely for costs associated with the pilot program described under section 216(5) of this act. The Washington state patrol may incur costs related only to the assignment of cadets and necessary computer equipment and to the reimbursement of the Washington state department of transportation for contract costs. The appropriation in this subsection must be funded from the portion of the automated traffic safety camera fines deposited into the state patrol highway account; however, if the fines deposited into the state patrol highway account from automated traffic safety camera infractions do not reach three hundred seventy thousand dollars, the department of transportation shall remit funds necessary to the Washington state patrol to ensure the completion of the pilot program. The Washington state patrol may not incur overtime as a result of this pilot program. The Washington state patrol shall not assign troopers to operate or deploy the pilot program equipment used in the roadway construction zones.

(4) ~~(\$12,655,000)~~ \$12,166,000 of the total appropriation is provided solely for automobile fuel in the 2011-2013 fiscal biennium. The Washington state patrol shall analyze their fuel consumption and submit a report to the legislative transportation committees by December 31, 2011, on fuel conservation methods that could be used to minimize costs and ensure that the Washington state patrol is managing fuel consumption effectively.

(5) ~~(\$7,421,000)~~ \$7,672,000 of the total appropriation is provided solely for the purchase of pursuit vehicles.

(6) ~~(\$6,611,000)~~ \$6,689,000 of the total appropriation is provided solely for vehicle repair and maintenance costs of vehicles used for highway purposes.

(7) ~~(\$1,724,000)~~ \$1,730,000 of the total appropriation is provided solely for the purchase of mission vehicles used for highway purposes in the commercial vehicle and traffic investigation sections of the Washington state patrol.

(8) \$1,200,000 of the total appropriation is provided solely for outfitting officers. The Washington state patrol shall prepare a cost-benefit analysis of the standard trooper uniform as compared to a battle dress uniform and uniforms used by other states and jurisdictions. The Washington state patrol shall report the results of

the analysis to the transportation committees of the legislature by December 1, 2011.

(9) The Washington state patrol shall not account for or record locally provided DUI cost reimbursement payments as expenditure credits to the state patrol highway account. The patrol shall report the amount of expected locally provided DUI cost reimbursements to the office of financial management and transportation committees of the legislature by September 30th of each year.

(10) During the 2011-2013 fiscal biennium, the Washington state patrol shall continue to perform traffic accident investigations on Thurston county roads, and shall work with Thurston county to transition the traffic accident investigations on Thurston county roads to Thurston county by July 1, 2013.

(11) ~~(\$100,000 of the vehicle licensing fraud account state appropriation is provided solely to support the transportation portion of the vehicle license fraud program during the 2011-2013 fiscal biennium)~~ \$2,187,000 of the state patrol highway account--state appropriation is provided solely for mobile office platforms.

(12) \$2,731,000 of the state patrol highway account--state appropriation is provided solely for the continuation of the target zero trooper program.

(13) \$712,000 of the highway safety account--state appropriation is provided solely for the implementation of chapter . . . (Second Substitute House Bill No. 2443), Laws of 2012 (DUI accountability). If chapter . . . (Second Substitute House Bill No. 2443), Laws of 2012 is not enacted by June 30, 2012, the amount provided in this subsection lapses. Additionally, the total highway safety account--state appropriation in this section assumes the revenue generated by the fees that the Washington state patrol is authorized to charge manufacturers, technicians, and other providers under Second Substitute House Bill No. 2443. Within the amounts provided in this subsection is funding for three additional troopers to provide oversight of the ignition interlock industry.

**Sec. 208.** 2011 c 367 s 208 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF LICENSING**

Marine Fuel Tax Refund Account--State Appropriation.....	\$32,000
Motorcycle Safety Education Account--State	
Appropriation.....	(\$4,411,000)
	\$4,367,000
Wildlife Account--State Appropriation .....	(\$859,000)
	\$826,000
Highway Safety Account--State Appropriation.....	(\$149,904,000)
	\$148,102,000
Highway Safety Account--Federal Appropriation.....	(\$2,884,000)
	\$4,299,000
Highway Safety Account--Private/Local Appropriation ....	\$200,000
Motor Vehicle Account--State Appropriation .....	(\$78,586,000)
	\$76,605,000
Motor Vehicle Account--Private/Local Appropriation.....	
	(\$1,721,000)
	\$1,714,000
Motor Vehicle Account--Federal Appropriation .....	(\$242,000)
	\$380,000
Department of Licensing Services Account--State	
Appropriation .....	(\$5,815,000)
	\$6,095,000
Ignition Interlock Device Revolving Account--State	
Appropriation .....	\$1,315,000
TOTAL APPROPRIATION.....	(\$245,769,000)
	\$243,935,000

The appropriations in this section are subject to the following conditions and limitations:

(1) ~~(\$62,000 of the motor vehicle account state appropriation is provided solely for the implementation of chapter ... (Engrossed~~

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~~Substitute Senate Bill No. 5251), Laws of 2011 (electric vehicle fee). If chapter ... (Engrossed Substitute Senate Bill No. 5251), Laws of 2011 is not enacted by June 30, 2011, the amount provided in this subsection lapses.~~

~~—(2)) \$231,000 of the motor vehicle account--state appropriation is provided solely for the implementation of chapter ... (Substitute Senate Bill No. 5800), Laws of 2011 (off-road motorcycles). If chapter ... (Substitute Senate Bill No. 5800), Laws of 2011 is not enacted by June 30, 2011, the amount provided in this subsection lapses.~~

~~((3)) (2) \$193,000 of the department of licensing services account--state appropriation is provided solely for a phased implementation of chapter ... (Substitute House Bill No. 1046), Laws of 2011 (vehicle and vessel quick titles). Funding is contingent upon revenues associated with the vehicle and vessel quick title program paying all direct and indirect expenditures associated with the department's implementation of this subsection. If chapter ... (Substitute House Bill No. 1046), Laws of 2011 is not enacted by June 30, 2011, the amount provided in this subsection lapses.~~

~~((4) The department may seek federal funds to implement a driver's license and identicaid biometric matching system pilot program to verify the identity of applicants for, and holders of, drivers' licenses and identicards if applicants are provided the opportunity to opt out of participating in the program, which meets the requirement of RCW 46.20.037 that such a program be voluntary. If funds are received, the department shall report any benefits or problems identified during the course of the pilot program to the transportation committees of the legislature upon the completion of the program.~~

~~—(5) \$1,938,000) (3) \$4,299,000 of the highway safety account--federal appropriation is for federal funds that may be received during the 2011-2013 fiscal biennium. Upon receipt of the funds, the department shall provide a report on the use of the funds to the transportation committees of the legislature and the office of financial management.~~

~~((6)) (4) By December 31, 2011, the department shall submit to the office of financial management and the transportation committees of the legislature draft legislation that rewrites the tow truck statutes (chapter 46.55 RCW) in plain language and is revenue and policy neutral.~~

~~((7)) (5) \$128,000 of the highway safety account--state appropriation is provided solely for the implementation of chapter ... (Engrossed Substitute House Bill No. 1635), Laws of 2011 (driver's license exams). If chapter ... (Engrossed Substitute House Bill No. 1635), Laws of 2011 is not enacted by June 30, 2011, the amount provided in this subsection lapses.~~

~~((8)) (6) \$68,000 of the highway safety account--state appropriation is provided solely for the implementation of chapter ... (Engrossed Second Substitute House Bill No. 1789), Laws of 2011 ((driving under the influence)) (addressing DUI accountability). If chapter ... (Engrossed Second Substitute House Bill No. 1789), Laws of 2011 is not enacted by June 30, 2011, the amount provided in this subsection lapses.~~

~~((9)) (7) \$63,000 of the highway safety account--state appropriation is provided solely for the implementation of chapter ... (Substitute House Bill No. 1237), Laws of 2011 (selective service system). If chapter ... (Substitute House Bill No. 1237), Laws of 2011 is not enacted by June 30, 2011, the amount provided in this subsection lapses.~~

~~((10)) (8) \$340,000 of the motor vehicle account--private/local appropriation is provided solely for the implementation of chapter ... (Engrossed Substitute Senate Bill No. 5457), Laws of 2011 (congestion reduction charge). If chapter ... (Engrossed Substitute~~

~~Senate Bill No. 5457), Laws of 2011 is not enacted by June 30, 2011, the amount provided in this subsection lapses.~~

~~((12)) (9) \$1,738,000 of the department of licensing services account--state appropriation is provided solely for purchasing equipment for field licensing service offices and subagent offices.~~

~~(10) \$2,500,000 of the highway safety account--state appropriation is provided solely for information technology field system modernization.~~

~~(11) \$963,000 of the highway safety account--state appropriation is provided solely for implementation of chapter 374, Laws of 2011 (limousine carriers) and chapter 298, Laws of 2011 (master license service program).~~

~~(12) \$104,000 of the motor vehicle account--state appropriation is provided solely for the implementation of chapter ... (Second Substitute Senate Bill No. 5251), Laws of 2012 (electric vehicle license fee). If chapter ... (Second Substitute Senate Bill No. 5251), Laws of 2012 is not enacted by June 30, 2012, the amount provided in this subsection lapses.~~

~~(13) \$176,000 of the motor vehicle account--state appropriation is provided solely for the implementation of chapter ... (Engrossed Second Substitute Senate Bill No. 5366), Laws of 2012 (four-wheel all-terrain vehicles). If chapter ... (Engrossed Second Substitute Senate Bill No. 5366), Laws of 2012 is not enacted by June 30, 2012, the amount provided in this subsection lapses.~~

~~(14) \$69,000 of the motor vehicle account--state appropriation is provided solely for the implementation of chapter ... (Engrossed Substitute Senate Bill No. 5990), Laws of 2012 (state flower license plate). If chapter ... (Engrossed Substitute Senate Bill No. 5990), Laws of 2012 is not enacted by June 30, 2012, the amount provided in this subsection lapses.~~

~~(15) \$190,000 of the highway safety account--state appropriation is provided solely for the implementation of chapter ... (Substitute Senate Bill No. 6075), Laws of 2012 (vehicle owner information). If chapter ... (Substitute Senate Bill No. 6075), Laws of 2012 is not enacted by June 30, 2012, the amount provided in this subsection lapses. Additionally, the total appropriation in this section assumes the revenue generated by the fee established in Substitute Senate Bill No. 6075. Within the amounts provided in this subsection, the department must improve on the information that the department makes publicly available to victims of domestic violence and sexual assault on how to better protect their personal information, especially their residential addresses. Specifically, the department must provide a link to the secretary of state's address confidentiality program web site. The department also must provide information regarding a person's ability to provide a mailing address in addition to the person's residential address when registering a vehicle with the department.~~

~~(16) \$68,000 of the motor vehicle account--state appropriation is provided solely for the implementation of chapter ... (Substitute Senate Bill No. 6123), Laws of 2012 (NRA license plate). If chapter ... (Substitute Senate Bill No. 6123), Laws of 2012 is not enacted by June 30, 2012, the amount provided in this subsection lapses.~~

~~(17) \$276,000 of the highway safety account--state appropriation is provided solely for the implementation of chapter ... (Engrossed Substitute Senate Bill No. 6150), Laws of 2012 (facial recognition matching system). If chapter ... (Engrossed Substitute Senate Bill No. 6150), Laws of 2012 is not enacted by June 30, 2012, the amount provided in this subsection lapses.~~

~~(18) Consistent with chapter ... (Engrossed Substitute Senate Bill No. 6150), Laws of 2012:~~

~~(a) The department shall post notices in conspicuous locations at all department driver licensing offices, make written information available to all applicants at department driver licensing offices, and provide information on the department's web site regarding the~~

facial recognition matching system. The notices, written information, and information provided on the web site must address how the facial recognition matching system works, all ways in which the department may use results from the facial recognition matching system, how an investigation based on results from the facial recognition matching system would be conducted, and a person's right to appeal any determinations made under this chapter;

(b) The department shall report to the governor and the legislature by October 1, 2012, regarding the number of investigations initiated by the department based on results from the facial recognition matching system and the final outcomes of those investigations, if known; and

(c) The office of the chief information officer shall develop the appropriate security standards for the department's use of the facial recognition matching system, subject to approval and oversight by the technology services board.

(19) \$142,000 of the motor vehicle account--state appropriation is provided solely for the implementation of chapter . . . (Engrossed Substitute Senate Bill No. 6455), Laws of 2012 (transportation revenue). If chapter . . . (Engrossed Substitute Senate Bill No. 6455), Laws of 2012 is not enacted by June 30, 2012, the amount provided in this subsection lapses.

(20) \$323,000 of the motor vehicle account--state appropriation is provided solely for the implementation of chapter . . . (Engrossed Substitute Senate Bill No. 6582), Laws of 2012 (local transportation revenue options). If chapter . . . (Engrossed Substitute Senate Bill No. 6582), Laws of 2012 is not enacted by June 30, 2012, the amount provided in this subsection lapses.

(21) Within the amounts provided in this section, the department must develop a transition plan for moving to a paperless renewal notice. The plan must consider people that do not have access to the internet and must include an opportunity for people to opt-in to a paper renewal notice. Prior to the implementation of a paperless renewal system, the department must consult with the joint transportation committee.

(22) Within existing resources, the department shall develop a plan to transition to a ten-year replacement license plate cycle. At a minimum the plan must include the following provisions: (a) A ten-year replacement cycle for license plates only on vehicles that are subject to annual vehicle registration renewal; (b) a requirement that new license plates and registration, including all fees and taxes due upon annual registration, are required when a vehicle changes ownership, except when a vehicle is sold to a vehicle dealer for resale, in which case they are due only when the dealer sells the vehicle; (c) an original issue license plate fee that is equal to the current license plate replacement fee; and (d) an estimate of the plan's costs to implement and revenues generated. The department shall submit the plan with draft legislation implementing the plan to the transportation committees of the legislature by December 31, 2012.

**Sec. 209.** 2011 c 367 s 209 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION--TOLL OPERATIONS AND MAINTENANCE--PROGRAM B**

High Occupancy Toll Lanes Operations Account--State	Appropriation .....	(\$1,295,000))
	.....	\$1,276,000
Motor Vehicle Account--State Appropriation .....	.....	(\$550,000))
	.....	\$538,000
Tacoma Narrows Toll Bridge Account--State	Appropriation .....	(\$23,429,000))
	.....	\$23,365,000
State Route Number 520 Corridor Account--State	Appropriation .....	\$27,295,000
State Route Number 520 Civil Penalties		

Account--State Appropriation.....	(\$4,622,000))
.....	\$3,622,000
TOTAL APPROPRIATION.....	(\$57,191,000))
.....	\$56,096,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The department shall make detailed quarterly expenditure reports available to the transportation commission and to the public on the department's web site using current department resources. The reports must include a summary of toll revenue by facility on all operating toll facilities and high occupancy toll lane systems, and an itemized depiction of the use of that revenue.

(2) (~~(\$4,622,000))~~ \$3,622,000 of the state route number 520 civil penalties account--state appropriation and \$1,458,000 of the Tacoma Narrows toll bridge account--state appropriation are provided solely for expenditures related to the toll adjudication process. All costs associated with the toll adjudication process are anticipated to be covered by revenue collected from the toll adjudication process. The department shall report quarterly on the civil penalty process to the office of financial management and the house of representatives and senate transportation committees beginning September 30, 2011. The reports must include a summary table for each toll facility that includes: The number of notices of civil penalty issued; the number of recipients who pay before the notice becomes a penalty; the number of recipients who request a hearing and the number who do not respond; workload costs related to hearings; the cost and effectiveness of debt collection activities; and revenues generated from notices of civil penalty.

(3) It is the intent of the legislature that transitioning to a statewide tolling operations center and preparing for all-electronic tolling on certain toll facilities will have no adverse revenue or expenditure impact on the Tacoma Narrows toll bridge account. Any increased costs related to this transition shall not be allocated to the Tacoma Narrows toll bridge account. All costs associated with the toll adjudication process are anticipated to be covered by revenue collected from the toll adjudication process.

(4) The department shall ensure that, at no cost to the Tacoma Narrows toll bridge account, new electronic tolling tag readers are installed on the Tacoma Narrows bridge as soon as practicable that are able to read existing and new electronic tolling tags.

(5) \$17,786,000 of the state route number 520 corridor account-- state appropriation is provided solely for nonvendor costs associated with tolling the state route number 520 bridge. Funds from the state route number 520 corridor account--state appropriation shall not be used to pay for items prohibited by Executive Order No. 1057, including subscriptions to technical publications, employee educational expenses, professional membership dues and fees, employee recognition and safety awards, meeting meals and light refreshments, commute trip reduction incentives, and employee travel.

**Sec. 210.** 2011 c 367 s 210 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION--INFORMATION TECHNOLOGY--PROGRAM C**

Motor Vehicle Account--State Appropriation .....	.....	(\$69,107,000))
	.....	\$67,398,000
Transportation Partnership Account--State	Appropriation .....	\$1,460,000
Multimodal Transportation Account--State	Appropriation .....	\$363,000
Transportation 2003 Account (Nickel Account)--State	Appropriation .....	\$1,460,000
.....	TOTAL APPROPRIATION	(\$72,390,000))

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.....\$70,681,000
The appropriations in this section are subject to the following conditions and limitations:

(1) The department shall consult with the office of financial management and the department of ((information)) enterprise services to: (a) Ensure that the department's current and future system development is consistent with the overall direction of other key state systems; and (b) when possible, use or develop common statewide information systems to encourage coordination and integration of information used by the department and other state agencies and to avoid duplication.

(2) \$1,460,000 of the transportation partnership account--state appropriation and \$1,460,000 of the transportation 2003 account (nickel account)--state appropriation are provided solely for maintaining the department's project management reporting system.

(3) \$210,000 of the motor vehicle account--state appropriation is provided solely for the department's compliance with its national pollution discharge elimination system permit.

((S)) (4) \$502,000 of the motor vehicle account--state appropriation is provided solely to provide support for the transportation executive information system.

Sec. 211. 2011 c 367 s 211 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION--FACILITY MAINTENANCE, OPERATIONS AND CONSTRUCTION--PROGRAM D--OPERATING

Motor Vehicle Account--State Appropriation .....((25,851,000))
.....\$25,466,000

The appropriation in this section is subject to the following conditions and limitations:

(1) The department shall submit a predesign proposal for a new traffic management center to the office of financial management consistent with the process followed by nontransportation capital construction projects. The department shall not award a contract for construction of a new traffic management center until the predesign proposal has been submitted and the office of financial management has completed a budget evaluation study that indicates a new building is the recommended option for accommodating additional traffic management operations.

(2) \$850,000 of the motor vehicle account--state appropriation is provided solely for the department's compliance with its national pollution discharge elimination system permit.

Sec. 212. 2011 c 367 s 212 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION--AVIATION--PROGRAM F

Aeronautics Account--State Appropriation .....((6,066,000))
.....\$6,002,000
Aeronautics Account--Federal Appropriation .....\$2,150,000
TOTAL APPROPRIATION.....((8,216,000))
.....\$8,152,000

The appropriations in this section are subject to the following conditions and limitations: \$200,000 of the aeronautics account--state appropriation is a reappropriation provided solely to complete runway preservation projects.

Sec. 213. 2011 c 367 s 213 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION--PROGRAM DELIVERY MANAGEMENT AND SUPPORT--PROGRAM H

Motor Vehicle Account--State Appropriation .....((47,418,000))
.....\$45,796,000
Motor Vehicle Account--Federal Appropriation .....\$500,000
Multimodal Transportation Account--State

Appropriation .....\$250,000
TOTAL APPROPRIATION.....((48,168,000))
.....\$46,546,000

The appropriations in this section are subject to the following conditions and limitations:

(1) ((The department shall provide updated information on six project milestones for all active projects, funded in part or in whole with 2005 transportation partnership account funds or 2003 nickel account funds, on a quarterly basis in the transportation executive information system. The department shall also provide updated information on six project milestones for projects funded with preexisting funds and that are agreed to by the legislature, office of financial management, and the department, on a quarterly basis.))

---(2)) \$3,754,000 of the motor vehicle account--state appropriation is provided solely for the department's compliance with its national pollution discharge elimination system permit.

((3)) (2) It is the intent of the legislature that ((the real estate services division of the department will recover the cost of its efforts from future sale proceeds)) future surplus property sale proceeds support the efforts of the real estate services division of the department.

((4)) (3) The legislature recognizes that the Dryden pit site (WSDOT Inventory Control (IC) No. 2-04-00103) is unused state-owned real property under the jurisdiction of the department of transportation, and that the public would benefit significantly from the complete enjoyment of the natural scenic beauty and recreational opportunities available at the site. Therefore, pursuant to RCW 47.12.080, the legislature declares that transferring the property to the department of fish and wildlife for recreational use and fish and wildlife restoration efforts is consistent with the public interest in order to preserve the area for the use of the public and the betterment of the natural environment. The department of transportation shall work with the department of fish and wildlife, and shall transfer and convey the Dryden pit site to the department of fish and wildlife as is for an adjusted fair market value reflecting site conditions, the proceeds of which must be deposited in the motor vehicle fund. The department of transportation is not responsible for any costs associated with the cleanup or transfer of this property. By July 1, 2011, and annually thereafter until the entire Dryden pit property has been transferred, the department shall submit a status report regarding the transaction to the chairs of the legislative transportation committees.

(4) Consistent with chapter . . . (Engrossed Second Substitute House Bill No. 2238), Laws of 2012 (wetlands mitigation) and to the extent practicable, the department shall work with the department of ecology and the department of fish and wildlife to determine if the department can utilize the following three programs as opportunities for mitigation of environmental impacts from projects: The forestry riparian easement program; the family forest fish passage program; and the riparian open space program. The department shall provide a report to the legislature by December 31, 2012, on results of this effort. The use of these programs is not intended to be additive to existing compensatory mitigation.

Sec. 214. 2011 c 367 s 214 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION--ECONOMIC PARTNERSHIPS--PROGRAM K

Motor Vehicle Account--State Appropriation .....((622,000))
.....\$602,000
Multimodal Transportation Account--State Appropriation .....\$110,000
TOTAL APPROPRIATION.....((732,000))
.....\$712,000



The appropriations in this section are subject to the following conditions and limitations: The department shall conduct a study on the potential to generate revenue from off-premise outdoor advertising signs that are erected or maintained adjacent and visible to the interstate system highways, primary system highways, or scenic system highways. The study must provide an evaluation of the market for outdoor advertising signs, including an evaluation of the number of potential advertisers and the amount charged by other jurisdictions for sign permits, and must provide a recommendation for a revised fee structure that recognizes the market value for off-premise signs and considers charging differential fees based on the size, type, and location of the sign.

Sec. 215. 2011 c 367 s 215 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION--HIGHWAY MAINTENANCE--PROGRAM M**

Motor Vehicle Account--State Appropriation .....	(\$380,327,000)
.....	\$373,709,000
Motor Vehicle Account--Federal Appropriation .....	\$7,000,000
TOTAL APPROPRIATION.....	(\$387,327,000)
.....	\$380,709,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The department shall request an unanticipated receipt for any federal moneys received for emergency snow and ice removal and shall place an equal amount of the motor vehicle account--state appropriation into unallotted status. This exchange shall not affect the amount of funding available for snow and ice removal.

(2) \$7,000,000 of the motor vehicle account--state appropriation is provided solely for third-party damages to the highway system where the responsible party is known and reimbursement is anticipated. The department shall request additional appropriation authority for any funds received for reimbursements of third-party damages that are in excess of this appropriation.

(3) \$7,000,000 of the motor vehicle account--federal appropriation is for unanticipated federal funds that may be received during the 2011-2013 fiscal biennium. Upon receipt of the funds, the department shall provide a report on the use of the funds to the transportation committees of the legislature and the office of financial management.

(4) The department may work with the department of corrections to utilize corrections crews for the purposes of litter pickup on state highways.

(5) \$4,530,000 of the motor vehicle account--state appropriation is provided solely for the department's compliance with its national pollution discharge elimination system permit.

(6) The department shall continue to report maintenance accountability process (MAP) targets and achievements on an annual basis. The department shall use available funding to target and deliver a minimum MAP grade of C for the activity of roadway striping.

(7) \$6,884,000 of the motor vehicle account--state appropriation is provided solely for the high priority maintenance backlog. Addressing the maintenance backlog must result in increased levels of service. If chapter . . . (Engrossed Substitute Senate Bill No. 5251), Laws of 2011 (electric vehicle fee) is not enacted by June 30, 2011, \$500,000 of the appropriation provided in this subsection lapses.

(8) ~~(\$317,000 of the motor vehicle account--state appropriation is provided solely for maintaining a new active traffic management system on Interstate 5, Interstate 90, and state route number 520.)~~ The department shall track the costs associated with ~~(these)~~ active traffic management systems on a corridor basis and report to the

transportation committees of the legislature on the costs and benefits of the systems by December 1, 2011.

Sec. 216. 2011 c 367 s 216 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION--TRAFFIC OPERATIONS--PROGRAM Q-- OPERATING**

Motor Vehicle Account--State Appropriation .....	(\$50,166,000)
.....	\$48,818,000
Motor Vehicle Account--Federal Appropriation.....	\$2,050,000
Motor Vehicle Account--Private/Local Appropriation .....	(\$127,000)
.....	\$250,000
TOTAL APPROPRIATION.....	(\$52,343,000)
.....	\$51,118,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$6,000,000 of the motor vehicle account--state appropriation is provided solely for low-cost enhancements. Of this amount, \$10,000 of the motor vehicle account--state appropriation is provided solely for the department to install additional farm machinery signs to promote safety in agricultural areas along state highways. The department shall give priority to low-cost enhancement projects that improve safety or provide congestion relief. The department shall prioritize low-cost enhancement projects on a statewide rather than regional basis. By ~~(September)~~ October 1st of each ~~(even)~~ odd-numbered year, the department shall provide a report to the legislature listing all low-cost enhancement projects prioritized on a statewide rather than regional basis completed in the prior year.

(2) \$145,000 of the motor vehicle account--state appropriation is provided solely for the department to continue a pilot tow truck incentive program and to expand the program to other areas of the state. The department may provide incentive payments to towing companies that meet clearance goals on accidents that involve heavy trucks.

(3) During the 2011-2013 fiscal biennium, the department shall implement a pilot program that expands private transportation providers' access to high occupancy vehicle lanes. Under the pilot program, when the department reserves a portion of a highway based on the number of passengers in a vehicle, the following vehicles must be authorized to use the reserved portion of the highway if the vehicle has the capacity to carry eight or more passengers, regardless of the number of passengers in the vehicle: (a) Auto transportation company vehicles regulated under chapter 81.68 RCW; (b) passenger charter carrier vehicles regulated under chapter 81.70 RCW, except marked or unmarked stretch limousines and stretch sport utility vehicles as defined under department of licensing rules; (c) private nonprofit transportation provider vehicles regulated under chapter 81.66 RCW; and (d) private employer transportation service vehicles. For purposes of this subsection, "private employer transportation service" means regularly scheduled, fixed-route transportation service that is offered by an employer for the benefit of its employees. By June 30, 2013, the department shall report to the transportation committees of the legislature on whether private transportation provider use of high occupancy vehicle lanes under the pilot program reduces the speeds of high occupancy vehicle lanes. Nothing in this subsection is intended to authorize the conversion of public infrastructure to private, for-profit purposes or to otherwise create an entitlement or other claim by private users to public infrastructure. If chapter ... (Substitute Senate Bill No. 5836), Laws of 2011 is enacted by June 30, 2011, this subsection is null and void.

(4) \$9,000,000 of the motor vehicle account--state appropriation is provided solely for the department's incident response program.

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(5) The department, in consultation with the Washington state patrol, must continue a pilot program for the patrol to issue infractions based on information from automated traffic safety cameras in roadway construction zones on state highways. The department must report to the joint transportation committee by January 1, 2012, and January 1, 2013, on the status of this pilot program. For the purpose of this pilot program, during the 2011-2013 fiscal biennium, a roadway construction zone includes areas where public employees or private contractors may be present or where a driving condition exists that would make it unsafe to drive at higher speeds, such as, when the department is redirecting or realigning lanes on any public roadway pursuant to ongoing construction. The department shall use the following guidelines to administer the program:

(a) Automated traffic safety cameras may only take pictures of the vehicle and vehicle license plate and only while an infraction is occurring. The picture must not reveal the face of the driver or of passengers in the vehicle;

(b) The department shall plainly mark the locations where the automated traffic safety cameras are used by placing signs on locations that clearly indicate to a driver that he or she is entering a roadway construction zone where traffic laws are enforced by an automated traffic safety camera;

(c) Notices of infractions must be mailed to the registered owner of a vehicle within fourteen days of the infraction occurring;

(d) The owner of the vehicle is not responsible for the violation if the owner of the vehicle, within fourteen days of receiving notification of the violation, mails to the patrol, a declaration under penalty of perjury, stating that the vehicle involved was, at the time, stolen or in the care, custody, or control of some person other than the registered owner, or any other extenuating circumstances;

(e) For purposes of the 2011-2013 fiscal biennium pilot program, infractions detected through the use of automated traffic safety cameras are not part of the registered owner's driving record under RCW 46.52.101 and 46.52.120. Additionally, infractions generated by the use of automated traffic safety cameras must be processed in the same manner as parking infractions for the purposes of RCW 3.50.100, 35.20.220, 46.16A.120, and 46.20.270(3). However, the amount of the fine issued under this subsection (5) for an infraction generated through the use of an automated traffic safety camera is one hundred thirty-seven dollars. The court shall remit thirty-two dollars of the fine to the state treasurer for deposit into the state patrol highway account; and

(f) If a notice of infraction is sent to the registered owner and the registered owner is a rental car business, the infraction must be dismissed against the business if it mails to the patrol, within fourteen days of receiving the notice, a declaration under penalty of perjury of the name and known mailing address of the individual driving or renting the vehicle when the infraction occurred. If the business is unable to determine who was driving or renting the vehicle at the time the infraction occurred, the business must sign a declaration under penalty of perjury to this effect. The declaration must be mailed to the patrol within fourteen days of receiving the notice of traffic infraction. Timely mailing of this declaration to the issuing agency relieves a rental car business of any liability under this section for the notice of infraction. A declaration form suitable for this purpose must be included with each automated traffic infraction notice issued, along with instructions for its completion and use.

(6) The department shall track the costs associated with active traffic management systems on a corridor basis and report to the transportation committees of the legislature on the cost and benefits of the systems by December 1, 2011.

**Sec. 217.** 2011 c 367 s 217 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION--TRANSPORTATION MANAGEMENT AND SUPPORT--PROGRAM S**

Motor Vehicle Account--State Appropriation .....	(\$28,430,000))
.....	<u>\$27,389,000</u>
Motor Vehicle Account--Federal Appropriation .....	\$30,000
Multimodal Transportation Account--State	
Appropriation .....	\$973,000
TOTAL APPROPRIATION .....	(\$29,433,000))
.....	<u>\$28,392,000</u>

The appropriations in this section are subject to the following conditions and limitations: The department shall utilize existing resources and customer service staff to develop and implement new policies and procedures to ensure compliance with new federal passenger vessel Americans with disabilities act requirements.

**Sec. 218.** 2011 c 367 s 218 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION--TRANSPORTATION PLANNING, DATA, AND RESEARCH--PROGRAM T**

Motor Vehicle Account--State Appropriation ...	(\$23,394,000))
.....	<u>\$22,114,000</u>
Motor Vehicle Account--Federal Appropriation .....	\$21,885,000
Multimodal Transportation Account--State	
Appropriation .....	\$662,000
Multimodal Transportation Account--Federal	
Appropriation .....	\$3,559,000
Multimodal Transportation Account--Private/Local	
Appropriationv .....	\$100,000
TOTAL APPROPRIATION .....	(\$49,600,000))
.....	<u>\$48,320,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$70,000 of the motor vehicle account--state appropriation is a reappropriation provided solely for a corridor study of state route number 516 from the eastern border of Maple Valley to state route number 167 to determine whether improvements are needed and the costs of any needed improvements.

(2) \$200,000 of the motor vehicle account--state appropriation is provided solely for extending the freight database pilot project that began in 2009. Global positioning system (GPS) data is intended to help guide freight investment decisions and track highway project effectiveness as it relates to freight traffic.

(3) Within available resources, the department must collaborate with the affected metropolitan planning organizations, regional transportation planning organizations, transit agencies, and private transportation providers to develop a plan to reduce vehicle demand, increase public transportation options, and reduce vehicle miles traveled on corridors affected by growth at Joint Base Lewis-McChord.

(4) As part of their ongoing regional transportation planning, the regional transportation planning organizations across the state shall work together to provide a comprehensive framework for sources and uses of next-stage investments in transportation needed to improve structural conditions and ongoing operations and lay the groundwork for the transportation systems to support the long-term economic vitality of the state. This planning must include all forms of transportation to reflect the state's interests, including: Highways, streets, and roads; ferries; public transportation; systems for freight; and walking and biking systems. The department shall support this planning by providing information on potential state transportation uses and an analysis of potential sources of revenue to implement investments. In carrying out this planning, regional transportation planning organizations must be broadly inclusive of

business, civic, labor, governmental, and environmental interests in regional communities across the state.

(5) The total appropriation provided in this section assumes enactment of chapter . . . (Second Substitute Senate Bill No. 5128), Laws of 2012 (statewide transportation planning) and reflects an accompanying cost savings of at least five hundred thousand dollars.

**Sec. 219.** 2011 c 367 s 219 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION--CHARGES FROM OTHER AGENCIES-- PROGRAM U**

Motor Vehicle Account--State Appropriation .....	(\$85,209,000))
.....	\$74,786,000
Motor Vehicle Account--Federal Appropriation .....	\$400,000
Multimodal Transportation Account--State	
Appropriation .....	(\$3,320,000))
.....	\$1,798,000
TOTAL APPROPRIATION.....	(\$88,929,000))
.....	\$76,984,000

~~((The appropriations in this section are subject to the following conditions and limitations:~~

~~—(1) The office of financial management must provide a detailed accounting of the revenues and expenditures of the self insurance fund to the transportation committees of the legislature on December 31st and June 30th of each year.~~

~~—(2) Payments in this section represent charges from other state agencies to the department of transportation.~~

~~—(a) FOR PAYMENT OF OFFICE OF FINANCIAL MANAGEMENT~~

~~DIVISION OF RISK MANAGEMENT FEES .....~~ \$1,639,000

~~—(b) FOR PAYMENT OF COSTS OF THE OFFICE OF THE STATE AUDITOR.....~~ \$937,000

~~—(c) FOR PAYMENT OF COSTS OF THE DEPARTMENT OF GENERAL ADMINISTRATION .....~~ \$6,060,000

~~—(d) FOR PAYMENT OF COSTS OF THE DEPARTMENT OF PERSONNEL .....~~ \$6,347,000

~~—(e) FOR PAYMENT OF SELF INSURANCE LIABILITY PREMIUMS AND ADMINISTRATION .....~~ \$44,418,000

~~—(f) FOR ARCHIVES AND RECORDS MANAGEMENT.....~~ \$623,000

~~—(g) FOR OFFICE OF MINORITIES AND WOMEN BUSINESS ENTERPRISES .....~~ \$1,008,000

~~—(h) FOR USE OF FINANCIAL AND REPORTING SYSTEMS PROVIDED BY THE OFFICE OF FINANCIAL MANAGEMENT .....~~ \$1,143,000

~~—(i) FOR POLICY AND SYSTEM ASSISTANCE FROM THE DEPARTMENT OF INFORMATION SERVICES.....~~ \$1,980,000

~~—(j) FOR LEGAL SERVICE PROVIDED BY THE ATTORNEY~~

~~GENERAL'S OFFICE .....~~ \$8,526,000

~~—(k) FOR LEGAL SERVICE PROVIDED BY THE ATTORNEY GENERAL'S OFFICE FOR THE SECOND PHASE OF THE BOLDT LITIGATION .....~~ \$672,000))

**Sec. 220.** 2011 c 367 s 220 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION--PUBLIC TRANSPORTATION--PROGRAM V**

State Vehicle Parking Account--State Appropriation.....	\$452,000
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Regional Mobility Grant Program Account--State	
Appropriation .....	\$48,942,000
Multimodal Transportation Account--State	
Appropriation .....	(\$41,706,000))
.....	\$41,471,000
Multimodal Transportation Account--Federal	
Appropriation .....	\$2,582,000
Multimodal Transportation Account--Private/Local	
Appropriation .....	\$1,027,000
Rural Mobility Grant Program Account--State	
Appropriation .....	\$17,000,000
TOTAL APPROPRIATION.....	(\$111,709,000))
.....	\$111,474,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$25,000,000 of the multimodal transportation account--state appropriation is provided solely for a grant program for special needs transportation provided by transit agencies and nonprofit providers of transportation.

(a) \$5,500,000 of the ~~((amount provided in this subsection))~~ multimodal transportation account--state appropriation is provided solely for grants to nonprofit providers of special needs transportation. Grants for nonprofit providers must be based on need, including the availability of other providers of service in the area, efforts to coordinate trips among providers and riders, and the cost effectiveness of trips provided.

(b) \$19,500,000 of the ~~((amount provided in this subsection))~~ multimodal transportation account--state appropriation is provided solely for grants to transit agencies to transport persons with special transportation needs. To receive a grant, the transit agency must have a maintenance of effort for special needs transportation that is no less than the previous year's maintenance of effort for special needs transportation. Grants for transit agencies must be prorated based on the amount expended for demand response service and route deviated service in calendar year 2009 as reported in the "Summary of Public Transportation - 2009" published by the department of transportation. No transit agency may receive more than thirty percent of these distributions.

(2) Funds are provided for the rural mobility grant program as follows:

(a) \$8,500,000 of the rural mobility grant program account--state appropriation is provided solely for grants for those transit systems serving small cities and rural areas as identified in the "Summary of Public Transportation - 2009" published by the department of transportation. Noncompetitive grants must be distributed to the transit systems serving small cities and rural areas in a manner similar to past disparity equalization programs. If the funding provided in this subsection (2)(a) exceeds the amount required for recipient counties to reach eighty percent of the average per capita sales tax, funds in excess of that amount may be used for the competitive grant process established in (b) of this subsection.

(b) \$8,500,000 of the rural mobility grant program account--state appropriation is provided solely to providers of rural mobility service in areas not served or underserved by transit agencies through a competitive grant process.

(3)(a) \$6,000,000 of the multimodal transportation account--state appropriation is provided solely for a vanpool grant program for: (a) Public transit agencies to add vanpools or replace vans; and (b) incentives for employers to increase employee vanpool use. The grant program for public transit agencies will cover capital costs only; operating costs for public transit agencies are not eligible for funding under this grant program. Additional employees may not be hired from the funds provided in this section for the vanpool grant program, and supplanting of transit funds currently funding vanpools is not allowed. The department shall

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encourage grant applicants and recipients to leverage funds other than state funds.

(b) At least \$1,600,000 of the amount provided in this subsection must be used for vanpool grants in congested corridors.

(c) \$520,000 of the amount provided in this subsection is provided solely for the purchase of additional vans for use by vanpools serving soldiers and civilian employees at Joint Base Lewis-McChord.

(4) \$8,942,000 of the regional mobility grant program account--state appropriation is reappropriated and provided solely for the regional mobility grant projects identified in LEAP Transportation Document ((2007 B, as developed April 20, 2007, or LEAP Transportation Document 2009 B, as developed April 24, 2009)) 2012-1 ALL PROJECTS - Public Transportation - Program (V) as developed February 21, 2012. The department shall continue to review all projects receiving grant awards under this program at least semiannually to determine whether the projects are making satisfactory progress. The department shall promptly close out grants when projects have been completed, and any remaining funds must be used only to fund projects identified in((~~the~~) the LEAP Transportation Document ((~~2007 B, as developed April 20, 2007; LEAP Transportation Document 2009 B, as developed April 24, 2009; or LEAP Transportation Document 2011 B, as developed April 19, 2011~~)) referenced in this subsection. It is the intent of the legislature to appropriate funds through the regional mobility grant program only for projects that will be completed on schedule and that all funds in the regional mobility grant program be used as soon as practicable to advance eligible projects.

(5)(a) \$40,000,000 of the regional mobility grant program account-- state appropriation is provided solely for the regional mobility grant projects identified in LEAP Transportation Document ((~~2011 B, as developed April 19, 2011~~)) 2012-1 ALL PROJECTS - Public Transportation - Program (V) as developed February 21, 2012. The department shall review all projects receiving grant awards under this program at least semiannually to determine whether the projects are making satisfactory progress. Any project that has been awarded funds, but does not report activity on the project within one year of the grant award, must be reviewed by the department to determine whether the grant should be terminated. The department shall promptly close out grants when projects have been completed, and any remaining funds must be used only to fund projects identified in the LEAP Transportation Document ((~~2011 B, as developed April 19, 2011~~)) referenced in this subsection. The department shall provide annual status reports on December 15, 2011, and December 15, 2012, to the office of financial management and the transportation committees of the legislature regarding the projects receiving the grants. It is the intent of the legislature to appropriate funds through the regional mobility grant program only for projects that will be completed on schedule.

(b) In order to be eligible to receive a grant under (a) of this subsection during the 2011-2013 fiscal biennium, a transit agency must establish a process for private transportation providers to apply for the use of park and ride facilities. For purposes of this subsection, (i) "private transportation provider" means: An auto transportation company regulated under chapter 81.68 RCW; a passenger charter carrier regulated under chapter 81.70 RCW, except marked or unmarked stretch limousines and stretch sport utility vehicles as defined under department of licensing rules; a private nonprofit transportation provider regulated under chapter 81.66 RCW; or a private employer transportation service provider; and (ii) "private employer transportation service" means regularly scheduled, fixed-route transportation service that is offered by an employer for the benefit of its employees.

(6) \$2,309,000 of the multimodal transportation account--state appropriation is provided solely for the tri-county connection service for Island, Skagit, and Whatcom transit agencies.

(7) \$200,000 of the multimodal transportation account--state appropriation is contingent on the timely development of an annual report summarizing the status of public transportation systems as identified under RCW 35.58.2796.

(8) Funds provided for the commute trip reduction program may also be used for the growth and transportation efficiency center program.

(9) An affected urban growth area that has not previously implemented a commute trip reduction program is exempt from the requirements in RCW 70.94.527 if a solution to address the state highway deficiency that exceeds the person hours of delay threshold has been funded and is in progress during the 2011-2013 fiscal biennium.

**Sec. 221.** 2011 c 367 s 221 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION--MARINE--PROGRAM X**

Puget Sound Ferry Operations Account--State  
Appropriation .....((~~\$467,773,000~~))  
.....\$468,135,000

The appropriation in this section is subject to the following conditions and limitations:

(1) The office of financial management budget instructions require agencies to recast enacted budgets into activities. The Washington state ferries shall include a greater level of detail in its 2011-2013 supplemental and 2013-2015 omnibus transportation appropriations act requests, as determined jointly by the office of financial management, the Washington state ferries, and the transportation committees of the legislature. This level of detail must include the administrative functions in the operating as well as capital programs.

(2) When purchasing uniforms that are required by collective bargaining agreements, the department shall contract with the lowest cost provider.

((~~5~~)) (3) Until a reservation system is operational on the San Juan islands inner-island route, the department shall provide the same priority loading benefits on the San Juan islands inner-island route to home health care workers as are currently provided to patients traveling for purposes of receiving medical treatment.

((~~6~~)) (4) The department shall request from the United States coast guard variable minimum staffing levels on all of its vessels by December 31, 2011.

((~~40~~)) (5) The department shall continue to provide service to Sidney, British Columbia and shall explore the option of purchasing a foreign built vehicle and passenger ferry vessel either with safety of life at sea (SOLAS) certification or the ability to be retrofitted for SOLAS certification to operate solely on the Anacortes to Sidney, British Columbia route currently served by vessels of the Washington state ferries fleet. The vessel should have the capability of carrying at least one hundred standard vehicles and approximately four hundred to five hundred passengers. Further, the department shall explore the possibilities of contracting a commercial company to operate the vessel exclusively on this route so long as the contractor's employees assigned to the vessel are represented by the same employee organizations as the Washington state ferries. The department shall report back to the transportation committees of the legislature regarding: The availability of a vessel; the cost of the vessel, including transport to the Puget Sound region; and the need for any statutory changes for the operation of the Sydney, British Columbia service by a private company.

((~~11~~)) (6) For the 2011-2013 fiscal biennium, the department of transportation may enter into a distributor controlled fuel hedging

program and other methods of hedging approved by the fuel hedging committee.

~~((12))~~ The department shall target service reductions totaling \$4,000,000, such that the shortening of shoulder seasons and eliminations of off-peak runs on all routes are considered. Prior to implementing the reductions, the department shall consult with ferry employees and ferry advisory committees to determine which reductions would impact the fewest number of riders. The reductions must be identified and implementation must begin no later than the fall 2011 schedule.

~~((13))~~ (7) \$135,248,000 of the Puget Sound ferry operations account--state appropriation is provided solely for auto ferry vessel operating fuel in the 2011-2013 fiscal biennium. The amount provided in this appropriation represents the fuel budget for the purposes of calculating any ferry fare fuel surcharge.

~~((14))~~ (8) \$150,000 of the Puget Sound ferry operations account-- state appropriation is provided solely for the department to increase recreation and tourist ridership by entering into agreements for marketing and outreach strategies with local economic development agencies. The department shall identify the number of tourist and recreation riders on the applicable ferry routes both before and after implementation of marketing and outreach strategies developed through the agreements. The department shall report results of the marketing and outreach strategies to the transportation committees of the legislature by October 15, 2012.

~~((15))~~ (9) The Washington state ferries shall participate in the facilities plan included in section 604 of this act and shall include an investigation and identification of less costly relocation options for the Seattle headquarters office. The department shall include relocation options for the Washington state ferries Seattle headquarters office in the facilities plan. Until September 1, 2012, the department may not enter into a lease renewal for the Seattle headquarters office.

~~((16))~~ (10) The department, office of financial management, and transportation committees of the legislature shall make recommendations regarding an appropriate budget structure for the Washington state ferries. The recommendation may include a potential restructuring of the Washington state ferries budget. The recommendation must facilitate transparency in reporting and budgeting as well as provide the opportunity to link revenue sources with expenditures. Findings and recommendations must be reported to the office of financial management and the joint transportation committee by September 1, 2011.

~~((17))~~ (11) Two Kwa-di-tabil class ferry vessels must be placed on the Port Townsend/Coupeville (Keystone) route to provide service at the same levels provided when the steel electric vessels were in service. After the vessels as funded under section 308~~((7))~~ (5) of this act are in service, the two most appropriate of these vessels for the Port Townsend/Coupeville (Keystone) route must be placed on the route. \$100,000 of the Puget Sound ferry operations account--state appropriation is provided solely for the additional staffing required to maintain a reservation system at this route when the second vessel is in service.

~~((19))~~ (12) \$706,000 of the Puget Sound ferry operations account--state appropriation is provided solely for terminal operations to implement new federal passenger vessel Americans with disabilities act requirements.

~~((20))~~ (13) \$152,000 of the Puget Sound ferry operations account--state appropriation is provided solely for the department's compliance with its national pollution discharge elimination system permit.

~~((21))~~ If chapter ... (Substitute House Bill No. 2053), Laws of 2011 (additive transportation funding) is not enacted by June 30, 2011, the \$4,000,000 in service reductions identified in subsection (12) of this section must be restored and an identical amount must be

~~reduced from the amount provided for the second 144-car vessel identified in section 308(8) of this act.)~~

**Sec. 222.** 2011 c 367 s 222 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION--RAIL--PROGRAM Y--OPERATING Multimodal Transportation Account--State**

Appropriation .....	<del>((29,688,000))</del>
.....	\$33,342,000
Multimodal Transportation Account--Federal	
Appropriation .....	<del>((300,000))</del>
.....	\$400,000
TOTAL APPROPRIATION.....	<del>((29,988,000))</del>
.....	\$33,742,000

The appropriations in this section are subject to the following conditions and limitations:

(1) ~~((24,091,000))~~ \$27,816,000 of the multimodal transportation account--state appropriation is provided solely for the Amtrak service contract and Talgo maintenance contract associated with providing and maintaining state-supported passenger rail service. The department is directed to continue to pursue efforts to reduce costs, increase ridership, and review fares or fare schedules. Within thirty days of each annual cost/revenue reconciliation under the Amtrak service contract, the department shall report annual credits to the office of financial management and the legislative transportation committees. Annual credits from Amtrak to the department including, but not limited to, credits for increased revenue due to higher ridership, and fare or fare schedule adjustments, must be used to offset corresponding amounts of the multimodal transportation account--state appropriation, which must be placed in reserve. Upon completion of the rail platform project in the city of Stanwood, the department shall continue to provide daily Amtrak Cascades service to the city.

(2) Amtrak Cascade runs may not be eliminated.

(3) The department shall plan for a third roundtrip Cascades train between Seattle and Vancouver, B.C.

(4) The department shall conduct a pilot program by partnering with the travel industry on the Amtrak Cascades service between Vancouver, British Columbia, and Seattle to test opportunities for increasing ridership, maximizing farebox recovery, and stimulating private investment. The pilot program must run from July 1, 2011, to June 30, 2012. The department shall report on the results of the pilot program to the office of financial management and the legislature by September 30, 2012.

**Sec. 223.** 2011 c 367 s 223 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION--LOCAL PROGRAMS--PROGRAM Z-- OPERATING**

Motor Vehicle Account--State Appropriation .....	<del>((8,853,000))</del>
.....	\$8,518,000
Motor Vehicle Account--Federal Appropriation .....	\$2,567,000
TOTAL APPROPRIATION.....	<del>((11,420,000))</del>
.....	\$11,085,000

The appropriations in this section are subject to the following conditions and limitations: The department shall submit a report to the transportation committees of the legislature by December 1, 2011, on the implementation of the recommendations that resulted from the evaluation of efficiencies in the delivery of transportation funding and services to local governments that was required under section 204(8), chapter 247, Laws of 2010. The report must include a description of how recommendations were implemented, what efficiencies were achieved, and an explanation of any recommendations that were not implemented.

TRANSPORTATION AGENCIES—CAPITAL

Sec. 301. 2011 c 367 s 301 (uncodified) is amended to read as follows:

FOR THE WASHINGTON STATE PATROL

Table with 2 columns: Description and Amount. Includes State Patrol Highway Account--State Appropriation and State Patrol Highway Account--State Appropriation.

The appropriation in this section is subject to the following conditions and limitations:

(1) ~~(\$653,000)~~ \$1,357,000 of the state patrol highway account-- state appropriation is provided solely for the following minor works projects: \$200,000 for emergency infrastructure repairs; \$75,000 for water and sewer upgrades; \$210,000 for emergency backup system replacement; \$85,000 for chiller replacement; ~~(and)~~ \$83,000 for roof replacements; \$128,000 for septic system repairs; and \$576,000 for HVAC replacement and energy upgrades.

(2) ~~(\$3,226,000)~~ \$4,903,000 of the state patrol highway account-- state appropriation is provided solely for the Shelton academy of the Washington state patrol for the new waste water treatment lines, waste water plants, water lines, and water systems. ~~((However, \$2,129,000 of this amount is contingent on the department of corrections receiving funding for its portion of the regional water project in the 2011-2013 omnibus capital appropriations act. If this funding is not provided by June 30, 2011, \$2,129,000 of the appropriation provided in this subsection lapses.))~~

(3) \$421,000 of the state patrol highway account--state appropriation is provided solely for the reappropriation of the Shelton regional water project.

(4) ~~(\$2,187,000 of the total appropriation is provided solely for mobile office platforms.~~

~~(5))~~ It is the intent of the legislature that the omnibus operating appropriations act provide funding for the portion of any applicable debt service payments, resulting from financial contracts identified under section 601 of this act, that are attributable to the general fund as identified in the Washington state patrol's cost allocation model.

Sec. 302. 2011 c 367 s 302 (uncodified) is amended to read as follows:

FOR THE COUNTY ROAD ADMINISTRATION BOARD

Table with 2 columns: Description and Amount. Includes Motor Vehicle Account--State Appropriation, Rural Arterial Trust Account--State Appropriation, County Arterial Preservation Account--State Appropriation, and TOTAL APPROPRIATION.

The appropriations in this section are subject to the following conditions and limitations:

(1) \$874,000 of the motor vehicle account--state appropriation may be used for county ferry projects as developed pursuant to RCW 47.56.725(4).

(2) ~~(\$37,417,000)~~ \$62,510,000 of the rural arterial trust account--state appropriation is provided solely for county road preservation grant projects as approved by the county road administration board. These funds may be used to assist counties recovering from federally declared emergencies by providing capitalization advances and local match for federal emergency funding, and may only be made using existing fund balances. It is the intent of the legislature that the rural arterial trust account be managed based on cash flow. The county road administration board shall specifically identify any of the selected projects and shall include information concerning the selected projects in its next annual report to the legislature.

Sec. 303. 2011 c 367 s 303 (uncodified) is amended to read as follows:

FOR THE TRANSPORTATION IMPROVEMENT BOARD

Table with 2 columns: Description and Amount. Includes Small City Pavement and Sidewalk Account--State Appropriation, Transportation Improvement Account--State Appropriation, and TOTAL APPROPRIATION.

The appropriations in this section are subject to the following conditions and limitations: The transportation improvement account--state appropriation includes up to \$22,143,000 in proceeds from the sale of bonds authorized in RCW 47.26.500.

Sec. 304. 2011 c 367 s 304 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION--FACILITIES--PROGRAM D--(DEPARTMENT OF TRANSPORTATION-ONLY PROJECTS)--CAPITAL

Table with 2 columns: Description and Amount. Includes Motor Vehicle Account--State Appropriation, Transportation Partnership Account--State Appropriation, and TOTAL APPROPRIATION.

The appropriation in this section is subject to the following conditions and limitations:

(1) \$1,364,000 of the motor vehicle account--state appropriation is provided solely for the Olympic region site acquisition debt service payments and administrative costs associated with capital improvement and preservation project and financial management.

(2) ~~(\$3,669,000)~~ \$3,781,000 of the motor vehicle account--state appropriation is provided solely for high priority safety projects that are directly linked to employee safety, environmental risk, or minor works that prevent facility deterioration.

(3) \$400,000 of the motor vehicle account--state appropriation is provided solely for the department's compliance with its national pollution discharge elimination system permit.

(4) \$1,575,000 of the transportation partnership account--state appropriation is provided solely for the traffic management center (100010T).

(5) The department shall make all future requests for the construction of new buildings and facilities within Facilities--Program D--(Department of Transportation-Only Projects)--Capital. Each capital facility construction project must be listed in this program's capital facilities project list submitted by the department as part of its budget submittal. It is the intent of the legislature that the construction of buildings and facilities is not appropriated through the capital highway improvements appropriation.

Sec. 305. 2011 c 367 s 305 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION--IMPROVEMENTS--PROGRAM I

Table with 2 columns: Description and Amount. Includes Multimodal Transportation Account--State Appropriation, Transportation Partnership Account--State Appropriation, Motor Vehicle Account--State Appropriation, and Motor Vehicle Account--Federal Appropriation.

Motor Vehicle Account--Private/Local	
Appropriation .....	<del>(\$50,485,000)</del>
.....	<u>\$128,783,000</u>
Transportation 2003 Account (Nickel Account)--State	
Appropriation .....	<del>(\$436,005,000)</del>
.....	<u>\$416,123,000</u>
State Route Number 520 Corridor Account--State	
Appropriation .....	<del>(\$1,019,460,000)</del>
.....	<u>\$1,779,000,000</u>
<u>Special Category C Account--State Appropriation</u> .....	<u>\$124,000</u>
<u>Tacoma Narrows Toll Bridge Account--State</u>	
Appropriation .....	<u>\$5,791,000</u>
TOTAL APPROPRIATION.....	<del>(\$4,034,328,000)</del>
.....	<u>\$4,888,228,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) Except as provided otherwise in this section, the entire transportation 2003 account (nickel account) appropriation and the entire transportation partnership account appropriation are provided solely for the projects and activities as listed by fund, project, and amount in LEAP Transportation Document (~~(2011-4)~~) 2012-2 as developed (~~(April 19, 2014)~~) February 21, 2012, Program - Highway Improvement Program (I). However, limited transfers of specific line-item project appropriations may occur between projects for those amounts listed subject to the conditions and limitations in section 603 of this act.

~~(2) ((The department shall, on a quarterly basis beginning July 1, 2011, provide to the office of financial management and the legislature reports providing the status on each active project funded in part or whole by the transportation 2003 account (nickel account) or the transportation partnership account. Funding provided at a programmatic level for transportation partnership account and transportation 2003 account (nickel account) projects relating to bridge rail, guard rail, fish passage barrier removal, and roadside safety projects must be reported on a programmatic basis. Projects within this programmatic level funding must be completed on a priority basis and scoped to be completed within the current programmatic budget. Report formatting and elements must be consistent with the October 2009 quarterly project report. The department shall also provide the information required under this subsection on a quarterly basis.~~

~~(3))~~ Within the motor vehicle account--state appropriation and motor vehicle account--federal appropriation, the department may transfer funds between programs I and P, except for funds that are otherwise restricted in this act.

~~((4))~~ (3) The department shall apply for surface transportation program enhancement funds to be expended in lieu of or in addition to state funds for eligible costs of projects in programs I and P including, but not limited to, the state route number 518, state route number 520, Columbia river crossing, and Alaskan Way viaduct projects.

~~((5))~~ (4) The department shall apply for the competitive portion of federal transit administration funds for eligible transit-related costs of the state route number 520 bridge replacement and HOV project and the Columbia river crossing project. The federal funds described in this subsection must not include those federal transit administration funds distributed by formula. The department shall provide a report regarding this effort to the legislature by October 1, 2011.

~~((7))~~ (5) The department shall work with the department of archaeology and historic preservation to ensure that the cultural resources investigation is primarily conducted on all mega-highway projects and large ferry terminal projects. These projects must be conducted with active archaeological management. Additionally, the department shall establish a scientific peer review of

independent archaeologists that are knowledgeable about the region and its cultural resources.

~~((8))~~ (6) For highway construction projects where the department considers agricultural lands of long-term commercial significance, as defined in RCW 36.70A.030, in reviewing and selecting sites to meet environmental mitigation requirements under the national environmental policy act (42 U.S.C. Sec. 4321 et seq.) and the state environmental policy act (chapter 43.21C RCW), the department shall, to the greatest extent possible, consider using public land first. If public lands are not available that meet the required environmental mitigation needs, the department may use other sites while making every effort to avoid any net loss of agricultural lands that have a designation of long-term commercial significance.

~~((9) \$361,000)~~ (7) \$561,000 of the transportation partnership account--state appropriation and ~~(\$1,245,000)~~ \$1,176,000 of the transportation 2003 account (nickel account)--state appropriation are provided solely for project 0BI4ENV, Environmental Mitigation Reserve - Nickel/TPA project, as indicated in the LEAP transportation document referenced in subsection (1) of this section. Funds may be used only for environmental mitigation work that is required by permits that were issued for projects funded by the transportation partnership account or transportation 2003 account (nickel account). ~~(As part of the 2012 budget submittal, the department shall provide a list of all projects and associated amounts that are being charged to project 0BI4ENV during the 2011-2013 fiscal biennium.~~

~~(10))~~ (8) The transportation 2003 account (nickel account)--state appropriation includes up to ~~(\$361,005,000)~~ \$338,751,000 in proceeds from the sale of bonds authorized by RCW 47.10.861.

~~((11))~~ (9) The transportation partnership account--state appropriation includes up to ~~(\$1,427,696,000)~~ \$968,396,000 in proceeds from the sale of bonds authorized in RCW 47.10.873.

~~((12))~~ (10) The motor vehicle account--state appropriation includes up to ~~(\$66,373,000)~~ \$45,870,000 in proceeds from the sale of bonds authorized in RCW 47.10.843.

~~((13))~~ (11) The state route number 520 corridor account--state appropriation includes up to ~~(\$987,717,000)~~ \$1,779,000,000 in proceeds from the sale of bonds authorized in RCW 47.10.879.

~~((14) \$391,000)~~ (12) \$767,000 of the motor vehicle account--state appropriation and ~~(\$4,027,000)~~ \$3,736,000 of the motor vehicle account--federal appropriation are provided solely for the US 2 High Priority Safety project (100224I). Expenditure of these funds is for safety projects on state route number 2 between Monroe and Gold Bar, which may include median rumble strips, traffic cameras, and electronic message signs.

~~((15) \$687,000)~~ (13) \$820,000 of the motor vehicle account--federal appropriation, \$16,308,000 of the motor vehicle account--private/local appropriation, and ~~(\$22,000)~~ \$48,000 of the motor vehicle account--state appropriation are provided solely for the US 2/Bickford Avenue - Intersection Safety Improvements project (100210E).

~~((16) \$435,000)~~ (14) \$595,000 of the motor vehicle account--state appropriation is provided solely for environmental work on the Belfair Bypass project (300344C).

~~((17) \$108,000)~~ (15) \$372,000 of the motor vehicle account--federal appropriation and ~~(\$3,000)~~ \$9,000 of the motor vehicle account--state appropriation are provided solely for the I-5/Vicinity of Joint Base Lewis-McChord - Install Ramp Meters project (300596M).

~~((18) \$253,444,000)~~ (16) \$202,863,000 of the transportation partnership account--state appropriation and ~~(\$66,034,000)~~ \$51,136,000 of the transportation 2003 account (nickel account)--state appropriation are provided solely for the I-5/Tacoma

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HOV Improvements (Nickel/TPA) project (300504A). The use of funds in this subsection to renovate any buildings is subject to the requirements of section 604 of this act. The department shall report to the legislature and the office of financial management on any costs associated with building renovations funded in this subsection.

~~((19))~~ (17)(a) ~~((8,321,000))~~ \$9,343,000 of the transportation partnership account--state appropriation and ~~((31,380,000))~~ \$54,461,000 of the motor vehicle account--federal appropriation are provided solely for the I-5/Columbia River Crossing project (400506A). ~~((Of this amount,)) Of the amounts appropriated in this subsection, \$30,000,000 of the motor vehicle account--federal appropriation must be put into unallotted status and is subject to the review of the office of financial management. This funding may be allotted in five million dollar increments only when the state of Oregon's total share of expenses on the project are within five percent of the state of Washington's expenses, \$200,000 of the transportation partnership account--state appropriation in this subsection is provided solely for the department to work with the department of archaeology and historic preservation to ensure that the cultural resources investigation is properly conducted on the Columbia river crossing project. This project must be conducted with active archaeological management and result in one report that spans the single cultural area in Oregon and Washington. Additionally, the department shall establish a scientific peer review of independent archaeologists that are knowledgeable about the region and its cultural resources. ((No funding from any account may be expended until written confirmation has been received by the department that the state of Oregon is providing an equal amount of additional funding to the project.))~~

(b) Consistent with the draft environmental impact statement and the Columbia river crossing project's independent review panel report, the Columbia river crossing project's financial plan must include recognition of state transportation funding contributions from both Washington and Oregon, federal transportation funding, and a funding contribution from toll bond proceeds. Following the refinement of the finance plan as recommended by the independent review panel, the department may seek authorization from the legislature to collect tolls on the existing Columbia river crossing or on a replacement crossing over Interstate 5.

~~((20))~~ ~~\$107,000~~ (18) \$309,000 of the motor vehicle account--federal appropriation and ~~((27,000))~~ \$78,000 of the motor vehicle account--state appropriation are provided solely for the SR 9/SR 204 Intersection Improvement project (L2000040).

~~((21))~~ ~~\$2,134,000~~ (19) \$3,385,000 of the motor vehicle account-- federal appropriation and ~~((47,000))~~ \$50,000 of the motor vehicle account--state appropriation are provided solely for the US 12/Nine Mile Hill to Woodward Canyon Vic - Build New Highway project (501210T).

~~((22))~~ ~~\$294,000~~ (20) \$5,791,000 of the Tacoma Narrows toll bridge account--state appropriation is provided solely for deferred sales tax expenses on the construction of the new Tacoma Narrows bridge. However, if chapter . . . (Senate Bill No. 6073), Laws of 2012 (sales tax exemption on SR 16 projects) is enacted by June 30, 2012, the amount provided in this subsection lapses.

(21) \$391,000 of the motor vehicle account--federal appropriation and ~~((13,000))~~ \$16,000 of the motor vehicle account--state appropriation are provided solely for the SR 16/Rosedale Street NW Vicinity - Frontage Road project (301639C). The frontage road must be built for driving speeds of no more than thirty-five miles per hour.

~~((23))~~ ~~\$1,000,000~~ (22) \$621,000 of the motor vehicle account-- federal appropriation is provided solely for the SR 20/Race Road to Jacob's Road safety project (L2200042).

~~((24))~~ ~~\$24,002,000~~ (23) \$32,162,000 of the transportation partnership account--state appropriation is provided solely for the

SR 28/ US 2 and US 97 Eastmont Avenue Extension project (202800D).

~~((25))~~ ~~\$569,000~~ (24) \$1,227,000 of the motor vehicle account-- federal appropriation and ~~((9,000))~~ \$38,000 of the motor vehicle account--state appropriation are provided solely for design and right- of-way work on the I-82/Red Mountain Vicinity project (508208M). The department shall continue to work with the local partners in developing transportation solutions necessary for the economic growth in the Red Mountain American viticulture area of Benton county.

~~((26))~~ (25) \$1,500,000 of the motor vehicle account--federal appropriation is provided solely for the I-90 Comprehensive Tolling Study project (100067T).

~~((27))~~ ~~\$9,422,000~~ (26) \$12,149,000 of the motor vehicle account-- federal appropriation and ~~((193,000))~~ \$362,000 of the motor vehicle account--state appropriation are provided solely for the I-90/Sullivan Road to Barker Road - Additional Lanes project (609049N).

~~((28))~~ (27) Up to \$8,000,000 in savings realized on the I-90/Snoqualmie Pass East - Hyak to Keechelus Dam - Corridor project (509009B) may be used for design work on the next two-mile segment of the corridor. Any additional savings on this project must remain on the corridor. ~~((590,000 of the funds appropriated for this project may be used to purchase land currently owned by the state parks department.))~~ Project funds may not be used to build or improve buildings until the plan described in section 604 of this act is complete.

~~((29))~~ ~~\$932,000~~ (28) \$657,000 of the motor vehicle account--federal appropriation is provided solely for the US 97A/North of Wenatchee - Wildlife Fence project (209790B).

~~((30))~~ (29) The department shall reconvene an expert review panel of no more than three members as described under RCW 47.01.400 for the purpose of updating the work that was previously completed by the panel on the Alaskan Way viaduct replacement project and to ensure that an appropriate and viable financial plan is created and regularly reviewed. The expert review panel must be selected cooperatively by the chairs of the senate and house of representatives transportation committees, the secretary of transportation, and the governor. The expert review panel must report findings and recommendations to the transportation committees of the legislature, the governor's Alaskan Way viaduct project oversight committee, and the transportation commission by October 2011, and annually thereafter until the project is operationally complete.

~~((31))~~ (30) It is important that the public and policymakers have accurate and timely access to information related to the Alaskan Way viaduct replacement project as it proceeds to, and during, the construction of all aspects of the project including, but not limited to, information regarding costs, schedules, contracts, project status, and neighborhood impacts. Therefore, it is the intent of the legislature that the state, city, and county departments of transportation establish a single source of accountability for integration, coordination, tracking, and information of all requisite components of the replacement project, which must include, at a minimum:

(a) A master schedule of all subprojects included in the full replacement project or program; and

(b) A single point of contact for the public, media, stakeholders, and other interested parties.

~~((32))~~ (31) Within the amounts provided in this section, \$20,000 of the motor vehicle account--state appropriation and \$980,000 of the motor vehicle account--federal appropriation are provided solely for the department to continue work on a comprehensive tolling study of the state route number 167 corridor (project 316718S). As funding allows, the department shall also



continue work on a comprehensive tolling study of the state route number 509 corridor.

~~((33))~~ (32)(a) ~~((131,303,000))~~ \$137,022,000 of the transportation partnership account--state appropriation(~~(, \$51,410,000))~~ and \$50,623,000 of the transportation 2003 account (nickel account)--state appropriation(~~(, and \$10,000,000 of the motor vehicle account--federal appropriation))~~) are provided solely for the I- 405/Kirkland Vicinity Stage 2 - Widening project (8BI1002). This project must be completed as soon as practicable as a design-build project and must be constructed with a footprint that would accommodate potential future express toll lanes.

(b) As part of the project, the department shall conduct a traffic and revenue analysis and complete a financial plan to provide additional information on the revenues, expenditures, and financing options available for active traffic management and congestion relief in the Interstate 405 and state route number 167 corridors. A report must be provided to the transportation committees of the legislature and the office of financial management by January 2012. However, this subsection ~~((33))~~ (32)(b) is null and void if chapter . . . (Engrossed House Bill No. 1382), Laws of 2011 (I-405 express toll lanes) is enacted by June 30, 2011.

(c) Of the amount appropriated in (a) of this subsection, \$15,000,000 of the transportation partnership account--state appropriation is provided solely for the preliminary design and purchase of rights-of-way on the state route number 167 direct connector. It is the intent of the legislature to fund an additional \$25,000,000 of the transportation partnership account--state appropriation for the preliminary design and purchase of rights-of-way on the state route number 167 direct connector during the 2013-2015 biennium.

~~((34))~~ (33) Funding for a signal at state route number 507 and Yew Street is included in the appropriation for intersection and spot improvements (0BI2002).

~~((35) \$226,809,000)~~ (34) \$224,592,000 of the transportation partnership account--state appropriation and ~~((1,019,460,000))~~ \$898,286,000 of the state route number 520 corridor account--state appropriation are provided solely for the state route number 520 bridge replacement and HOV program (8BI1003). When developing the financial plan for the program, the department shall assume that all maintenance and operation costs for the new facility are to be covered by tolls collected on the toll facility, and not by the motor vehicle account.

~~((36) \$650,000 of the motor vehicle account federal appropriation is provided solely for the SR 522 Improvements/61st Avenue NE and NE 181st Street project (L1000055).~~

~~(37))~~ (35) \$500,000 of the motor vehicle account--state appropriation is provided solely for a multimodal corridor plan on state route number 520 between Interstate 405 and Avondale Road in Redmond (L1000054).

(36) \$300,000 of the motor vehicle account--federal appropriation is provided solely for the SR 523 Corridor study (L1000059).

~~((38))~~ (37) The department shall consider using the city of Mukilteo's off-site mitigation program in the event any projects on state route number 525 or 526 require environmental mitigation.

~~((39))~~ (38) Any savings on projects on the state route number 532 corridor must be used within the corridor to begin work on flood prevention and raising portions of the highway above flood and storm influences.

(39) The total appropriation provided in this section assumes enactment of chapter . . . (Second Substitute Senate Bill No. 5250), Laws of 2012 (design-build procedures) and reflects efficiencies and cost savings generated by this innovative design and contracting tool.

**Sec. 306.** 2011 c 367 s 306 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION--PRESERVATION--PROGRAM P**

Transportation Partnership Account--State	
Appropriation .....	<del>((34,182,000))</del>
.....	\$44,463,000
Motor Vehicle Account--State Appropriation .....	<del>((67,790,000))</del>
.....	\$85,241,000
Motor Vehicle Account--Federal Appropriation.....	<del>((632,489,000))</del>
.....	\$548,306,000
Motor Vehicle Account--Private/Local Appropriation.....	
.....	<del>((19,253,000))</del>
.....	\$21,585,000
<u>Transportation 2003 Account (Nickel Account)--State</u>	
<u>Appropriation .....</u>	<u>\$23,000</u>
<u>TOTAL APPROPRIATION.....</u>	<u><del>((753,714,000))</del></u>
.....	<u>\$699,618,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) Except as provided otherwise in this section, the entire transportation 2003 account (nickel account) appropriation and the entire transportation partnership account appropriation are provided solely for the projects and activities as listed by fund, project, and amount in LEAP Transportation Document ~~((2011-4))~~ 2012-2 as developed ~~((April 19, 2014))~~ February 21, 2012, Program - Highway Preservation Program (P). However, limited transfers of specific line-item project appropriations may occur between projects for those amounts listed subject to the conditions and limitations in section 603 of this act.

~~(2) ((The department shall, on a quarterly basis beginning July 1, 2011, provide to the office of financial management and the legislature reports providing the status on each active project funded in part or whole by the transportation 2003 account (nickel account) or the transportation partnership account. Funding provided at a programmatic level for transportation partnership account projects relating to seismic bridges must be reported on a programmatic basis. Projects within this programmatic level funding must be completed on a priority basis and scoped to be completed within the current programmatic budget. The department shall work with the office of financial management and the transportation committees of the legislature to agree on report formatting and elements. Elements must include, but not be limited to, project scope, schedule, and costs. The department shall also provide the information required under this subsection on a quarterly basis.~~

~~(3))~~ The department of transportation shall continue to implement the lowest life-cycle cost planning approach to pavement management throughout the state to encourage the most effective and efficient use of pavement preservation funds. Emphasis should be placed on increasing the number of roads addressed on time and reducing the number of roads past due.

~~((5))~~ (3) Within the motor vehicle account--state appropriation and motor vehicle account--federal appropriation, the department may transfer funds between programs I and P, except for funds that are otherwise restricted in this act.

~~((6))~~ (4) The department shall apply for surface transportation program enhancement funds to be expended in lieu of or in addition to state funds for eligible costs of projects in programs I and P.

~~((7))~~ (5) The motor vehicle account--state appropriation includes up to \$17,652,000 in proceeds from the sale of bonds authorized in RCW 47.10.843.

~~((8))~~ (6) The department must work with cities and counties to develop a comparison of direct and indirect labor costs, overhead rates, and other costs for high-cost bridge inspections charged by the

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state, counties, and other entities. The comparison is due to the transportation committees of the legislature on September 1, 2011.

~~((9) \$277,000)~~ (7) \$789,000 of the motor vehicle account--federal appropriation and ~~((10,000))~~ \$6,000 of the motor vehicle account-- state appropriation are provided solely for the environmental impact statement and preliminary planning for the replacement of the state route number 9 Snohomish river bridge (project L2000018).

~~((10) \$9,641,000)~~ (8) \$10,843,000 of the motor vehicle account-- federal appropriation, ~~((2,000,000))~~ \$1,992,000 of the motor vehicle account--private/local appropriation, and ~~((361,000))~~ \$390,000 of the motor vehicle account--state appropriation are provided solely for the SR 21/Keller Ferry - Replace Boat project (602110J).

~~((11) \$3,093,000)~~ (9) \$165,000 of the motor vehicle account--federal appropriation is provided solely for the I-90/Ritzville to Tokio - Paving of Outside Lanes project (609041G).

~~((12) \$2,733,000)~~ (10) \$5,565,000 of the motor vehicle account-- federal appropriation and ~~((114,000))~~ \$232,000 of the motor vehicle account--state appropriation are provided solely for the SR 167/Puyallup River Bridge Replacement project (316725A). This project must be completed as a design-build project. The department must work with local jurisdictions and the community during the environmental review process to develop appropriate esthetic design elements, at no additional cost to the department, and traffic management plans pertaining to this project. The department must report to the transportation committees of the legislature on estimated cost and/or time savings realized as a result of using the design-build process.

~~((13) \$295,000)~~ (11) \$507,000 of the motor vehicle account--federal appropriation and ~~((5,000))~~ \$13,000 of the motor vehicle account--state appropriation are provided solely for the SR 906/Travelers Rest - Building Renovation project (090600A).

(12) The department shall submit a renewal and rehabilitation plan for the new state route number 16 Tacoma Narrows bridge as a decision package as part of its 2013-2015 biennial budget submittal.

Sec. 307. 2011 c 367 s 307 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION--TRAFFIC OPERATIONS--PROGRAM Q-- CAPITAL**

Motor Vehicle Account--State Appropriation .....	<del>((6,439,000))</del>
.....	\$8,742,000
Motor Vehicle Account--Federal Appropriation .....	<del>((5,600,000))</del>
.....	\$7,246,000
TOTAL APPROPRIATION .....	<del>((12,039,000))</del>
.....	\$15,988,000

The appropriations in this section are subject to the following conditions and limitations: \$1,000,000 of the motor vehicle account-- state appropriation for project 000005Q is provided solely for state matching funds for federally selected competitive grants or congressional earmark projects. These moneys must be placed into reserve status until such time as federal funds are secured that require a state match.

Sec. 308. 2011 c 367 s 308 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION--WASHINGTON STATE FERRIES CONSTRUCTION--PROGRAM W**

Puget Sound Capital Construction Account--State	
Appropriation .....	<del>((68,013,000))</del>
.....	\$64,878,000
Puget Sound Capital Construction Account--Federal	
Appropriation .....	<del>((41,500,000))</del>

.....	\$56,086,000
<b>Puget Sound Capital Construction Account--Private/Local</b>	
Appropriation .....	\$200,000
Transportation 2003 Account (Nickel Account)--State	
Appropriation .....	<del>((118,027,000))</del>
.....	\$110,928,000
Transportation Partnership Account--State	
Appropriation .....	<del>((12,536,000))</del>
.....	\$12,838,000
Multimodal Transportation Account--State	
Appropriation .....	<del>((43,265,000))</del>
.....	\$38,254,000
TOTAL APPROPRIATION .....	<del>((283,341,000))</del>
.....	\$283,184,000

The appropriations in this section are subject to the following conditions and limitations:

(1) ~~((68,013,000 of the Puget Sound capital construction account state appropriation, \$41,500,000 of the Puget Sound capital construction account federal appropriation, \$12,536,000 of the transportation partnership account state appropriation, \$118,027,000 of the transportation 2003 account (nickel account) state appropriation, and \$43,265,000 of the multimodal transportation account state appropriation are provided solely for ferry projects.))~~ Except as provided otherwise in this section, the entire appropriations in this section are provided solely for the projects and activities as listed in LEAP Transportation Document ~~((2011-2))~~ 2012-1 ALL PROJECTS as developed ~~((April 19, 2011))~~ February 21, 2012, Program - Washington State Ferries Capital Program (W).

(2) The department shall work with the department of archaeology and historic preservation to ensure that the cultural resources investigation is properly conducted on all large ferry terminal projects. These projects must be conducted with active archaeological management.

(3) The multimodal transportation account--state appropriation includes up to ~~((43,265,000))~~ \$38,000,000 in proceeds from the sale of bonds authorized in RCW 47.10.867.

(4) ~~((The transportation 2003 account (nickel account) state appropriation includes up to \$82,143,000 in proceeds from the sale of bonds authorized in RCW 47.10.861.~~

~~---(5))~~ The Puget Sound capital construction account--state appropriation includes up to ~~((52,516,000))~~ \$45,000,000 in proceeds from the sale of bonds authorized in RCW 47.10.843.

~~((7) \$20,906,000)~~ (5) \$17,970,000 of the transportation 2003 account (nickel account)--state appropriation ~~((9,711,000 of the multimodal transportation account state appropriation, and \$1,537,000 of the Puget Sound capital construction account state appropriation are))~~ is provided solely for the acquisition of new Kwa-di-tabil class ferry vessels (project 944470A) subject to the conditions of RCW 47.56.780.

~~((8))~~ (6) \$33,404,000 of the multimodal transportation account-- state appropriation, ~~((2,000,000))~~ \$1,000,000 of the Puget Sound capital construction account--~~((state))~~ federal appropriation, \$11,500,000 of the transportation partnership account--state appropriation, and ~~((81,085,000))~~ \$76,924,000 of the transportation 2003 account (nickel account)--state appropriation are provided solely for the acquisition of ~~((two))~~ one 144-car vessel ~~((s-contingent upon new and sufficient resources. Of these amounts, \$123,828,000 is provided solely for the first 144 car vessel))~~ (project L2200038). The department shall use as much already procured equipment as practicable on the 144-car vessel. The vendor must present to the joint transportation committee and the office of financial management, by August 15, 2011, a list of options that will result in significant cost savings changes in terms of construction or the long-term maintenance and operations of the

vessel. The vendor must allow for exercising the options without a penalty. If neither chapter ... (Engrossed Substitute Senate Bill No. 5742), Laws of 2011 nor chapter ... (House Bill No. 2083), Laws of 2011 is enacted by June 30, 2011, \$75,000,000 of the transportation 2003 account (nickel account)--state appropriation in this subsection lapses.

~~((9) The department shall provide to the office of financial management and the legislature quarterly reports providing the status on each project listed in this section and in the project lists submitted pursuant to this act and on any additional projects for which the department has expended funds during the 2011-2013 fiscal biennium. Elements must include, but not be limited to, project scope, schedule, and costs. The department shall also provide the information required under this subsection via the transportation executive information system. The quarterly report regarding the status of projects identified on the list referenced in subsection (1) of this section must be developed according to an earned value method of project monitoring.~~

~~---~~ ~~((11) \$3,932,000)~~ ~~(7) \$5,749,000~~ of the total appropriation is provided solely for continued permitting work on the Mukilteo ferry terminal (project 952515P). The department shall seek additional federal funding for this project. Prior to beginning terminal improvements, the department shall report to the legislature on the final environmental impact statement by December 31, 2012. The report must include an overview of the costs and benefits of each of the alternatives considered, as well as an identification of costs and a funding plan for the preferred alternative.

~~((13))~~ ~~(8)~~ The department shall review all terminal project cost estimates to identify projects where similar design requirements could result in reduced preliminary engineering or miscellaneous items costs. The department shall report to the legislature by September 1, 2011. The report must use programmatic design and include estimated cost savings by reducing repetitive design costs or miscellaneous costs, or both, applied to projects.

~~((14) \$2,000,000)~~ ~~(9)~~ ~~\$3,000,000~~ of the Puget Sound capital construction account--state appropriation is provided solely for emergency capital repair costs ~~(project 999910K)~~. Funds may be spent only after approval from the office of financial management.

~~((15) \$7,167,000)~~ ~~(10)~~ ~~\$4,851,000~~ of the Puget Sound capital construction account--state appropriation is provided solely for the reservation and communications system projects ~~(L200041 & L200042)~~.

(11) \$641,000 of the Puget Sound capital construction account--state appropriation is provided solely for the department to continue efforts to convert the existing diesel powered Issaquah class fleet to liquid natural gas powered vessels. Of this amount, \$391,000 is solely for the department to work with appropriate agencies of the state and federal government to amend the state's current alternative security plan to account for the use of liquid natural gas as a propulsion fuel in the ferry fleet. Of this amount, \$250,000 is solely for the department to issue a request for proposals for a design-build contract to fully convert the existing diesel powered Issaquah class fleet to be solely powered by liquid natural gas. The successful bidder must be able to offer detailed design services, attain coast guard approval regarding vessel safety and any other requirements pertaining to design, acquire engines with liquid natural gas as a sole fuel source, provide public outreach and education regarding the conversion of ferry vessels to liquid natural gas, perform all conversion work, and supply dependable and suitable quantities of liquid natural gas without any additional, direct appropriations from the legislature other than that provided in this act. To the extent allowable under current law, the bidder awarded the design-build contract for converting the Issaquah fleet to liquid natural gas under this subsection shall be given bidding preferences in any future liquid natural gas related ferry proposals or projects.

(12) \$500,000 of the Puget Sound capital construction account--state appropriation is provided solely for the ADA visual paging project (L2200083). If any new federal grants are received by the department that may supplant the state funds in this appropriation, the state funds in this appropriation must be placed in unallotted status.

**Sec. 309.** 2011 c 367 s 309 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION--RAIL--PROGRAM Y--CAPITAL**

Essential Rail Assistance Account--State	
Appropriation .....	(\$1,000,000)
.....	\$1,565,000
Transportation Infrastructure Account--State	
Appropriation .....	(\$5,838,000)
.....	\$5,693,000
Multimodal Transportation Account--State	
Appropriation .....	(\$52,000,000)
.....	\$58,020,000
Multimodal Transportation Account--Federal	
Appropriation .....	(\$366,314,000)
.....	\$236,597,000
Multimodal Transportation Account--Private/Local	
Appropriation .....	(\$1,292,000)
.....	\$1,010,000
TOTAL APPROPRIATION.....	(\$426,444,000)
.....	\$302,885,000

The appropriations in this section are subject to the following conditions and limitations:

(1)(a) Except as provided otherwise in this section, the entire appropriations in this section are provided solely for the projects and activities as listed by project and amount in LEAP Transportation Document ~~((2011-2))~~ 2012-1 ALL PROJECTS as developed ~~((April 19, 2011))~~ February 21, 2012, Program-Rail Capital Program (Y).

(b) Within the amounts provided in this section, ~~((2,903,000))~~ \$4,757,000 of the transportation infrastructure account--state appropriation is for low-interest loans through the freight rail investment bank program for specific projects listed as recipients of these loans in the LEAP transportation document identified in (a) of this subsection. The department shall issue freight rail investment bank program loans with a repayment period of no more than ten years, and only so much interest as is necessary to recoup the department's costs to administer the loans.

(c) Within the amounts provided in this section, ~~((1,754,000))~~ \$2,047,000 of the multimodal transportation account--state appropriation, \$10,000 of the multimodal transportation account--private/local appropriation, and \$1,000,000 of the essential rail assistance account--state appropriation are for statewide emergent freight rail assistance projects identified in the LEAP transportation document identified in (a) of this subsection.

(2)(a) ~~((If any funds remain in the program reserves (F01001A & F01000A) for the program and projects listed in subsection (1)(b) and (e) of this section.))~~ The department shall issue a call for projects for the freight rail investment bank (FRIB) loan program and the emergent freight rail assistance program (FRAP) grants, and shall evaluate the applications according to the cost-benefit methodology developed during the 2008 interim using the legislative priorities specified in (c) of this subsection. Unsuccessful FRAP grant applicants should be encouraged to apply to the FRIB loan program, if eligible. By November 1, ~~((2011))~~ 2012, the department shall submit a prioritized list of recommended projects to the office of financial management and the transportation committees of the legislature.

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(b) When the department identifies a prospective rail project that may have strategic significance for the state, or at the request of a proponent of a prospective rail project or a member of the legislature, the department shall evaluate the prospective project according to the cost-benefit methodology developed during the 2008 interim using the legislative priorities specified in (c) of this subsection. The department shall report its cost-benefit evaluation of the prospective rail project, as well as the department's best estimate of an appropriate construction schedule and total project costs, to the office of financial management and the transportation committees of the legislature.

(c) The legislative priorities to be used in the cost-benefit methodology are, in order of relative importance:

- (i) Economic, safety, or environmental advantages of freight movement by rail compared to alternative modes;
- (ii) Self-sustaining economic development that creates family-wage jobs;
- (iii) Preservation of transportation corridors that would otherwise be lost;
- (iv) Increased access to efficient and cost-effective transport to market for Washington's agricultural and industrial products;
- (v) Better integration and cooperation within the regional, national, and international systems of freight distribution; and
- (vi) Mitigation of impacts of increased rail traffic on communities.

(3) The department is directed to expend unallocated federal rail crossing funds in lieu of or in addition to state funds for eligible costs of projects in program Y.

(4) The department shall provide quarterly reports to the office of financial management and the transportation committees of the legislature regarding applications that the department submits for federal funds and the status of such applications.

~~(5) ((The department shall, on a quarterly basis, provide to the office of financial management and the legislature reports providing the status on active projects identified in the LEAP transportation document described in subsection (1)(a) of this section. Report formatting and elements must be consistent with the October 2009 quarterly project report.~~

~~(6) The multimodal transportation account--state appropriation includes up to \$19,684,000 in proceeds from the sale of bonds authorized in RCW 47.10.867.~~

~~(7) When the balance of that portion of the miscellaneous program account apportioned to the department for the grain train program reaches \$1,180,000, the department shall acquire additional grain train railcars.~~

~~(8) \$1,087,000 of the multimodal transportation account--state appropriation is provided solely as state matching funds for successful grant applications to either the federal rail line relocation and improvement program (project 798999D) or new federal high speed rail grants.~~

~~(9))~~ The Burlington Northern Santa Fe Skagit river bridge is an integral part of the rail system. Constructed in 1916, the bridge does not meet current design standards and is at risk during flood events that occur on the Skagit river. The department shall work with Burlington Northern Santa Fe and local jurisdictions to secure federal funding for the Skagit river bridge and to develop an appropriate replacement plan and schedule.

~~((10) \$339,139,000))~~ (6) \$218,341,000 of the multimodal transportation account--federal appropriation and ~~(((\$5,099,000))~~ \$3,639,000 of the multimodal transportation account--state appropriation are provided solely for expenditures related to passenger high-speed rail grants. At one and one-half percent of the total project funds, the multimodal transportation account--state funds are provided solely for expenditures that are not federally reimbursable. Funding in this subsection is the initial portion of

multiyear high-speed rail program grants awarded to Washington state for high-speed intercity passenger rail investments. Funding will allow for two additional round trips between Seattle and Portland and other rail improvements.

~~((4+))~~ (7) \$750,000 of the multimodal transportation account--state appropriation is provided solely for the Port of Royal Slope rehabilitation project (L1000053). Funding is contingent upon the project completing the rail cost-benefit methodology process developed during the 2008 interim using the legislative priorities outlined in subsection (2)(c) of this section.

(8) As allowable under federal rail authority rules and existing competitive bidding practices, when purchasing new train sets, the department shall give preference to bidders that propose train sets with characteristics and maintenance requirements most similar to those currently owned by the department.

(9) Funds generated by the grain train program are solely for operating, sustaining, and enhancing the grain train program including, but not limited to, operations, capital investments, inspection, developing business plans for future growth, and fleet management. Any funds deemed by the department, in consultation with relevant port districts, to be in excess of current operating needs or capital reserves of the grain train program may be transferred from the miscellaneous program account to the essential rail assistance account for the purpose of sustaining the grain train program through maintaining the Palouse river and Coulee City railroad line, on which the grain train program operates.

(10) \$500,000 of the essential rail assistance account--state appropriation is provided solely for the purpose of rehabilitation and maintenance of the Palouse river and Coulee City railroad line. Expenditures from this appropriation may not exceed the combined total of:

(a) The revenues deposited into the essential rail assistance account from leases and sale of property pursuant to RCW 47.76.290; and

(b) Revenues transferred from the miscellaneous program account for the purpose of sustaining the grain train program through maintaining the Palouse river and Coulee City railroad line.

**Sec. 310.** 2011 c 367 s 310 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION--LOCAL PROGRAMS--PROGRAM Z-- CAPITAL**

Highway Infrastructure Account--State Appropriation .....	\$207,000
Highway Infrastructure Account--Federal	
Appropriation .....	\$1,602,000
Motor Vehicle Account--State Appropriation .....	<del>(\$3,754,000)</del>
.....	\$4,179,000
Motor Vehicle Account--Federal Appropriation .....	<del>(\$31,856,000)</del>
.....	<u>\$30,430,000</u>
Freight Mobility Investment Account--State	
Appropriation .....	\$11,278,000
Transportation Partnership Account--State	
Appropriation .....	<del>(\$6,035,000)</del>
.....	<u>\$7,181,000</u>
Freight Mobility Multimodal Account--State	
Appropriation .....	<del>(\$15,117,000)</del>
.....	<u>\$15,668,000</u>
Freight Mobility Multimodal Account--Local	
Appropriation .....	<del>(\$4,752,000)</del>
.....	<u>\$2,834,000</u>
Multimodal Transportation Account--State	
Appropriation .....	<del>(\$18,453,000)</del>
.....	<u>\$22,475,000</u>
Passenger Ferry Account--State Appropriation .....	\$1,115,000
TOTAL APPROPRIATION .....	<del>(\$94,169,000)</del>

.....\$96,969,000

The appropriations in this section are subject to the following conditions and limitations:

~~((1))~~ ~~((The department shall, on a quarterly basis beginning July 1, 2011, provide to the office of financial management and the legislature reports providing the status on each active project funded in part or whole by the transportation 2003 account (nickel account) or the transportation partnership account. Report formatting and elements must be consistent with the October 2009 quarterly project report. The department shall also provide the information required under this subsection on a quarterly basis via the transportation executive information system.~~

~~—((2))~~ \$1,115,000 of the passenger ferry account--state appropriation is provided solely for near and long-term costs of capital improvements and operating expenses that are consistent with the business plan approved by the governor for passenger ferry service.

~~((3))~~ ~~((2))~~ The department shall apply for surface transportation program enhancement funds to be expended in lieu of or in addition to state funds for eligible costs of projects in local programs, program Z--capital.

~~((4))~~ ~~((3))~~ Federal funds may be transferred from program Z to programs I and P and state funds must be transferred from programs I and P to program Z to replace those federal funds in a dollar-for-dollar match. Fund transfers authorized under this subsection shall not affect project prioritization status. Appropriations must initially be allotted as appropriated in this act. The department may not transfer funds as authorized under this subsection without approval of the office of financial management. The department shall submit a report on those projects receiving fund transfers to the office of financial management and the transportation committees of the legislature by December 1, 2011, and December 1, 2012.

~~((5))~~ ~~((4))~~ The city of Winthrop may utilize a design-build process for the Winthrop bike path project.

~~((6))~~ ~~(\$11,557,000)~~ ~~((5))~~ ~~\$14,813,000~~ of the multimodal transportation account--state appropriation, ~~(\$12,136,000)~~ ~~\$12,804,000~~ of the motor vehicle account--federal appropriation, and ~~(\$5,195,000)~~ ~~\$6,241,000~~ of the transportation partnership account--state appropriation are provided solely for the pedestrian and bicycle safety program projects and safe routes to schools program projects identified in: LEAP Transportation Document 2011-A, pedestrian and bicycle safety program projects and safe routes to schools program projects, as developed April 19, 2011; LEAP Transportation Document 2009-A, pedestrian and bicycle safety program projects and safe routes to schools program projects, as developed March 30, 2009; LEAP Transportation Document 2007-A, pedestrian and bicycle safety program projects and safe routes to schools program projects, as developed April 20, 2007; and LEAP Transportation Document 2006-B, pedestrian and bicycle safety program projects and safe routes to schools program projects, as developed March 8, 2006. Projects must be allocated funding based on order of priority. The department shall review all projects receiving grant awards under this program at least semiannually to determine whether the projects are making satisfactory progress. Any project that has been awarded funds, but does not report activity on the project within one year of the grant award must be reviewed by the department to determine whether the grant should be terminated. The department shall promptly close out grants when projects have been completed, and identify where unused grant funds remain because actual project costs were lower than estimated in the grant award.

~~((7))~~ ~~((6))~~ Except as provided otherwise in this section, the entire appropriations in this section are provided solely for the projects and activities as listed by project and amount in LEAP Transportation Document ~~((2011-2))~~ 2012-1 ALL PROJECTS as

developed ~~((April 19, 2011))~~ February 21, 2012, Program - Local Program (Z).

~~((8))~~ ~~((7))~~ For the 2011-2013 project appropriations, unless otherwise provided in this act, the director of the office of financial management may authorize a transfer of appropriation authority between projects managed by the freight mobility strategic investment board in order for the board to manage project spending and efficiently deliver all projects in the respective program.

~~((9))~~ ~~((8))~~ With each department budget submittal, the department shall provide an update on the status of the repayment of the twenty million dollars of unobligated federal funds authority advanced by the department in September 2010 to the city of Tacoma for the Murray Morgan/11th Street bridge project.

~~((10))~~ ~~The department shall prepare a list of main street projects, consistent with chapter ... (Engrossed Substitute House Bill No. 1071), Laws of 2011, for approval in the 2013-2015 fiscal biennium. In order to ensure that any proposed list of projects is consistent with legislative intent, the department shall provide a report to the joint transportation committee by December 1, 2011. The report must identify the eligible segments of main streets highways, the department's proposed project selection and ranking method, criteria to be considered, and a plan for soliciting project proposals.~~

~~((11))~~ ~~((9))~~ If funding is specifically designated in this act for main street projects, the department shall prepare a list of projects that is consistent with chapter 257, Laws of 2011, for approval in the 2013-2015 fiscal biennium.

~~—((10))~~ \$267,000 of the motor vehicle account--state appropriation and \$2,859,000 of the motor vehicle account--federal appropriation are provided solely for completion of the US 101 northeast peninsula safety rest area and associated roadway improvements east of Port Angeles at the Deer Park scenic view point (3LP187A). The department must surplus any right-of-way previously purchased for this project near Sequim. Approval to proceed with construction is contingent on surplus of previously purchased right-of-way.

~~((12))~~ ~~((11))~~ Up to ~~(\$3,650,000)~~ \$3,702,000 of the motor vehicle account--federal appropriation and ~~(\$23,000)~~ \$75,000 of the motor vehicle account--state appropriation are provided solely to reimburse the cities of Kirkland and Redmond for pavement and bridge deck rehabilitation on state route number 908 (1LP611A). These funds may not be expended unless the cities sign an agreement stating that the cities agree to take ownership of state route number 908 in its entirety and agree that the payment of these funds represents the entire state commitment to the cities for state route number 908 expenditures.

~~((13))~~ ~~((12))~~ \$225,000 of the multimodal transportation account--state appropriation is provided solely for the Shell Valley emergency road and bicycle/pedestrian path (L1000036).

~~((14))~~ ~~(\$150,000)~~ ~~((13))~~ \$188,000 of the motor vehicle account--state appropriation is provided solely for flood reduction solutions on state route number 522 caused by the lower McAleer and Lyon creek basins (L1000041).

~~((15))~~ ~~((14))~~ \$896,000 of the multimodal transportation account--state appropriation is provided solely for realignment of Parker Road and construction of secondary access off of state route number 20 (L2200040).

~~((16))~~ ~~((15))~~ An additional \$2,500,000 of the motor vehicle account--federal appropriation is provided solely for the Strander Blvd/SW 27th St Connection project (1LP902F), which amount is reflected in the LEAP transportation document identified in subsection ~~((7))~~ ~~((6))~~ of this section. These funds may only be committed if needed, may not be used to supplant any other committed project partnership funding, and must be the last funds expended.

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~~((17))~~ (16) \$500,000 of the motor vehicle account--federal appropriation is provided solely for safety improvements at the intersection of South Wapato and McDonald Road (L1000052).

~~((18))~~ (17) \$2,000,000 of the multimodal transportation account-- state appropriation is provided solely for the state route number 432 rail realignment and highway improvements project (L1000056).

~~((19))~~ \$500,000 of the multimodal transportation account--state appropriation is provided solely for a multimodal corridor plan on state route number 520 between Interstate 405 and Avondale Road in Redmond (L1000054).

~~((20))~~ (18) \$100,000 of the motor vehicle account--federal appropriation is provided solely for state route number 164 and Auburn Way South pedestrian improvements (L1000057).

~~((21))~~ (19) \$115,000 of the motor vehicle account--federal appropriation is provided solely for median street lighting on state route number 410 (L1000058).

~~((22))~~ (20) \$60,000 of the multimodal transportation account--state appropriation is provided solely for a cross docking study for the port of Douglas county (L1000060).

~~((23))~~ (21) \$100,000 of the motor vehicle account--federal appropriation is provided solely for city of Auburn - 8th and R Street NE intersection improvements (L2200043).

~~((24))~~ (22) \$65,000 of the multimodal transportation account--state appropriation is provided solely for the Puget Sound regional council to further the implementation of multimodal concurrency practice through a transit service overlay zone implemented at the local level (L1000061). This approach will improve the linkage of land use and transportation investment decisions, improve the efficiency of transit service by encouraging transit-supportive development, provide incentives for developers, and support integrated regional growth, economic development, and transportation plans. In carrying out this work, the council shall involve representatives from cities and counties, developers, transit agencies, and other interested stakeholders, and shall consult with other regional transportation planning organizations across the state. The council shall report the results of their work and recommendations to the joint transportation committee by December 2011, with a final report to the transportation committees of the legislature by January 31, 2012.

(23) \$650,000 of the motor vehicle account--federal appropriation is provided solely for the SR 522 Improvements/61st Avenue NE and NE 181st Street project (L1000055).

NEW SECTION. Sec. 311. A new section is added to 2011 c 367 (uncodified) to read as follows:

**REPORTING REQUIREMENTS FOR CAPITAL PROGRAM**

On a quarterly basis, the department of transportation shall provide to the office of financial management and the legislative transportation committees the following reports for all capital programs:

- (1) For active projects, the report must include:
  - (a) A TEIS version containing actual capital expenditures for all projects consistent with the structure of the most recently enacted budget;
  - (b) Anticipated cost savings, cost increases, reappropriations, and schedule adjustments for all projects consistent with the structure of the most recently enacted budget;
  - (c) The award amount, the engineer's estimate, and the number of bidders for all active projects consistent with the structure of the most recently enacted budget;
  - (d) Projected costs and schedule for individual projects that are funded at a programmatic level for projects relating to bridge rail, guard rail, fish passage barrier removal, roadside safety projects, and seismic bridges. Projects within this programmatic level funding

must be completed on a priority basis and scoped to be completed within the current programmatic budget;

- (e) Highway projects that may be reduced in scope and still achieve a functional benefit;
  - (f) Highway projects that have experienced scope increases and that can be reduced in scope;
  - (g) Highway projects that have lost significant local or regional contributions that were essential to completing the project; and
  - (h) Contingency amounts for all projects consistent with the structure of the most recently enacted budget.
- (2) For completed projects, the report must:
- (a) Compare the original project cost estimates and schedule approved in the transportation 2003 and 2005 transportation partnership project lists to the completed cost of the project;
  - (b) Compare the costs and operationally complete date for projects on the transportation 2003 and 2005 transportation partnership project lists to the last legislatively adopted project list prior to the completion of a project; and
  - (c) Compare the costs and operationally complete date for projects with budgets of twenty million dollars that are funded with preexisting funds to the original project cost estimates and schedule.
- (3) For prospective projects, the report must:
- (a) Identify the estimated advertisement date for all projects consistent with the structure of the most recently enacted budget that are going to advertisement during the current biennium;
  - (b) Identify the anticipated operationally complete date for all projects consistent with the structure of the most recently enacted budget that are going to advertisement during the current biennium; and
  - (c) Identify the estimated cost of completion for all projects consistent with the structure of the most recently enacted budget that are going to advertisement during the current biennium.

**TRANSFERS AND DISTRIBUTIONS**

**Sec. 401.** 2011 c 367 s 401 (uncodified) is amended to read as follows:

**FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR BOND SALES DISCOUNTS AND DEBT TO BE PAID BY MOTOR VEHICLE ACCOUNT AND TRANSPORTATION FUND REVENUE**

Highway Bond Retirement Account--State	
Appropriation .....	<del>(\$920,560,000)</del>
.....	\$796,020,000
Ferry Bond Retirement Account--State Appropriation	\$31,801,000
State Route Number 520 Corridor Account--State	
Appropriation .....	\$1,075,000
Transportation Improvement Board Bond Retirement	
Account--State Appropriation .....	<del>(\$16,544,000)</del>
.....	\$16,504,000
Nondebt-Limit Reimbursable Account Appropriation	
.....	<del>(\$25,200,000)</del>
.....	\$20,892,000
Transportation Partnership Account--State	
Appropriation .....	<del>(\$3,142,000)</del>
.....	\$2,846,000
Motor Vehicle Account--State Appropriation .....	<del>(\$333,000)</del>
.....	\$298,000
Transportation 2003 Account (Nickel Account)--State	
Appropriation .....	<del>(\$1,140,000)</del>
.....	\$1,110,000
Transportation Improvement Account--State	
Appropriation .....	\$29,000

Multimodal Transportation Account--State	
Appropriation .....	..(( <del>\$138,000</del> ))
.....	..... <u>\$125,000</u>
Toll Facility Bond Retirement Account--State	
Appropriation .....	..(( <del>\$33,792,000</del> ))
.....	..... <u>\$48,807,000</u>
Toll Facility Bond Retirement Account--Federal	
Appropriation .....	..(( <del>\$14,649,000</del> ))
.....	..... <u>\$7,500,000</u>
TOTAL APPROPRIATION.....	..(( <del>\$1,048,403,000</del> ))
.....	..... <u>\$927,007,000</u>

((The appropriations in this section are subject to the following conditions and limitations:

—(1) ~~\$4,610,000 of the highway bond retirement account state appropriation is provided solely for debt service on bonds issued to construct a ferry boat vessel with a carrying capacity of one hundred forty four cars. If neither chapter ... (House Bill No. 2083), Laws of 2011 nor chapter ... (Engrossed Substitute Senate Bill No. 5742) is enacted by June 30, 2011, the amount provided in this subsection lapses.~~

—(2) ~~\$165,000 of the transportation 2003 account (nickel account) state appropriation is provided solely for discounts on bonds sold to construct a ferry boat vessel with a carrying capacity of one hundred forty four cars. If neither chapter ... (House Bill No. 2083), Laws of 2011 nor chapter ... (Engrossed Substitute Senate Bill No. 5742) is enacted by June 30, 2011, the amount provided in this subsection lapses.)~~

**Sec. 402.** 2011 c 367 s 402 (uncodified) is amended to read as follows:

**FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR BOND SALE EXPENSES AND FISCAL AGENT CHARGES**

State Route Number 520 Corridor Account--State	
Appropriation .....	.....\$68,000
Transportation Partnership Account--State	
Appropriation .....	..(( <del>\$608,000</del> ))
.....	..... <u>\$478,000</u>
Motor Vehicle Account--State Appropriation .....	..(( <del>\$60,000</del> ))
.....	..... <u>\$47,000</u>
Transportation 2003 Account (Nickel Account)--State	
.....	.....Appropriation
.....	.....(( <del>\$219,000</del> ))
.....	..... <u>\$173,000</u>
Transportation Improvement Account--State Appropriation .....	.....\$5,000
Multimodal Transportation Account--State	
Appropriation .....	..(( <del>\$26,000</del> ))
.....	..... <u>\$19,000</u>
TOTAL APPROPRIATION.....	..(( <del>\$986,000</del> ))
.....	..... <u>\$790,000</u>

((The appropriations in this section are subject to the following conditions and limitations: ~~\$30,000 of the transportation 2003 account (nickel account) state appropriation is provided solely for expenses associated with bonds sold to construct a ferry boat vessel with a carrying capacity of one hundred forty four cars. If neither chapter ... (House Bill No. 2083), Laws of 2011 nor chapter ... (Engrossed Substitute Senate Bill No. 5742) is enacted by June 30, 2011, the amount provided in this subsection lapses.)~~

**Sec. 403.** 2011 c 367 s 403 (uncodified) is amended to read as follows:

**FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR MVFT BONDS AND TRANSFERS**

Motor Vehicle Account--State Appropriation: For transfer to the Puget Sound Capital Construction Account .....	..(( <del>\$52,516,000</del> ))
.....	..... <u>\$45,000,000</u>

The department of transportation is authorized to sell up to ((~~\$52,516,000~~)) \$45,000,000 in bonds authorized by RCW 47.10.843 for vessel and terminal acquisition, major and minor improvements, and long lead-time materials acquisition for the Washington state ferries. ((~~Of the authorized amounts, \$14,500,000 is provided solely for expenditures made during the fiscal biennium ending June 30, 2011.~~))

**Sec. 404.** 2011 c 367 s 404 (uncodified) is amended to read as follows:

**FOR THE STATE TREASURER--STATE REVENUES FOR DISTRIBUTION**

Motor Vehicle Account--State Appropriation for motor vehicle fuel tax distributions to cities and counties.....	..(( <del>\$478,155,000</del> ))
.....	..... <u>\$470,701,000</u>

**Sec. 405.** 2011 c 367 s 405 (uncodified) is amended to read as follows:

**FOR THE STATE TREASURER--TRANSFERS**

Motor Vehicle Account--State Appropriation: For motor vehicle fuel tax refunds and statutory transfers .....	..(( <del>\$1,246,357,000</del> ))
.....	..... <u>\$1,227,005,000</u>

**Sec. 406.** 2011 c 367 s 406 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF LICENSING--TRANSFERS**

Motor Vehicle Account--State Appropriation: For motor vehicle fuel tax refunds and transfers .....	..(( <del>\$127,984,000</del> ))
.....	..... <u>\$151,870,000</u>

**Sec. 407.** 2011 c 367 s 407 (uncodified) is amended to read as follows:

**FOR THE STATE TREASURER--ADMINISTRATIVE TRANSFERS**

(1) (( <del>Tacoma Narrows Toll Bridge Account State Appropriation: For transfer to the Motor Vehicle Account State .....</del>	..... <u>\$543,000</u>
—(2)) Motor Vehicle Account--State Appropriation: For transfer to the Puget Sound Ferry Operations Account--State .....	..(( <del>\$46,500,000</del> ))
.....	..... <u>\$45,500,000</u>
(( <del>3</del> )) (2) Recreational Vehicle Account--State Appropriation: For transfer to the Motor Vehicle Account--State .....	..(( <del>\$1,450,000</del> ))
.....	..... <u>\$1,150,000</u>
(( <del>4</del> )) (3) License Plate Technology Account--State Appropriation: For transfer to the Highway Safety Account--State .....	..(( <del>\$3,200,000</del> ))
.....	..... <u>\$3,000,000</u>
(( <del>5</del> )) (4) Multimodal Transportation Account--State Appropriation: For transfer to the Puget Sound Ferry Operations Account--State .....	..(( <del>\$43,000,000</del> ))
.....	..... <u>\$42,000,000</u>
(( <del>6</del> )) (5) Highway Safety Account--State Appropriation: For transfer to the Motor Vehicle Account--State .....	.....\$23,000,000
(( <del>7</del> ) Department of Licensing Services Account --State Appropriation: For transfer to the Motor Vehicle Account State .....	..... <u>\$400,000</u>
—(8)) (6) Advanced Right-of-Way Revolving Fund: For transfer to the Motor Vehicle Account--State .....	.....\$5,000,000
(( <del>9</del> ) State Route Number 520 Civil Penalties Account State Appropriation: For transfer to the	

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State Route Number 520 Corridor Account--State..... \$754,000  
 —((10)) (7) Rural Mobility Grant Program Account--State  
 Appropriation: For transfer to the Multimodal  
 Transportation Account--State.....\$3,000,000  
 ((11)) (8) Motor Vehicle Account--State  
 Appropriation: For transfer to the State Patrol  
 Highway Account--State.....((\$14,000,000))  
 .....\$16,000,000  
 ((12)) (9) State Route Number 520 Corridor  
 Account--State Appropriation: For transfer to the  
 Motor Vehicle Account--State(~~in an amount equal to  
 funds dispersed during the 2009-2011 fiscal biennium  
 authorized under section 805(7) of this act.~~) .....\$58,000  
 ((13)) (10) Motor Vehicle Account--State  
 Appropriation: For transfer to the Special Category C  
 Account--State .....((\$1,500,000))  
 .....\$2,500,000  
 ((14)) (11) Regional Mobility Grant Program  
 Account--State Appropriation: For transfer to the  
 Multimodal Transportation Account--State.....\$1,000,000  
 ((15)) (12) State Patrol Highway Account--State  
 Appropriation: For transfer to the Vehicle  
 Licensing Fraud Account.....\$100,000  
 ((16) State Route Number 520 Corridor Account--State  
 Appropriation: For transfer to the Motor Vehicle  
 Account.....\$2,435,000))  
 (13) Capital Vessel Replacement Account--State  
 Appropriation: For transfer to the Transportation 2003  
 Account (Nickel Account)--State .....\$6,367,000  
 ((17)) (14) The transfers identified in this section are subject to  
 the following conditions and limitations:  
 (a) ~~(The amount transferred in subsection (1) of this section  
 represents repayment of operating loans and reserve payments  
 provided to the Tacoma Narrows toll bridge account from the motor  
 vehicle account in the 2005-2007 fiscal biennium.~~  
 —(b) ~~The transfer in subsection (9) of this section represents toll  
 revenue collected from toll violations.)~~ The transfer in subsection  
 (9) of this section represents the repayment of an amount equal to  
 subprogram B5 expenditures that occurred in the motor vehicle  
 account in the 2009-2011 fiscal biennium.  
 (b) The amount transferred in subsection (2) of this section shall  
 not exceed the expenditures incurred from the motor vehicle  
 account-- state for the recreational vehicle sanitary disposal systems  
 program.

**COMPENSATION**

**Sec. 501.** 2011 c 367 s 502 (uncodified) is amended to read as follows:

**COLLECTIVE BARGAINING AGREEMENTS--WSP TROOPERS ASSOCIATION**

(1) No agreement has been reached between the governor and the Washington state patrol trooper's association under chapter 41.56 RCW for ~~(the 2011-2013 fiscal biennium)~~ fiscal year 2012. Appropriations for the Washington state patrol in this act are sufficient to fund the provisions of the 2009-2011 agreement.

(2) An agreement has been reached between the governor and the Washington state patrol troopers association under chapter 41.56 RCW for fiscal year 2013. Appropriations for the Washington state patrol in this act provide funding to implement the fiscal year 2013 agreement. The fiscal year 2013 agreement contains no change in compensation from the 2009-2011 agreement; therefore, no additional funding is appropriated.

**Sec. 502.** 2011 c 367 s 503 (uncodified) is amended to read as follows:

**COLLECTIVE BARGAINING AGREEMENTS--WSP LIEUTENANTS ASSOCIATION**

(1) No agreement has been reached between the governor and the Washington state patrol lieutenant's association under chapter 41.56 RCW for ~~(the 2011-2013 fiscal biennium)~~ fiscal year 2012. Appropriations for the Washington state patrol in this act are sufficient to fund the provisions of the 2009-2011 agreement.

(2) An agreement has been reached between the governor and the Washington state patrol lieutenants association under chapter 41.56 RCW for fiscal year 2013. Appropriations for the Washington state patrol in this act provide funding to implement the fiscal year 2013 agreement. The fiscal year 2013 agreement contains no change in compensation from the 2009-2011 agreement; therefore, no additional funding is appropriated.

**Sec. 503.** 2011 c 367 s 505 (uncodified) is amended to read as follows:

**DEPARTMENT OF TRANSPORTATION MARINE DIVISION COLLECTIVE BARGAINING AGREEMENTS--TERMS AND CONDITIONS**

No agreement has been reached between the governor and the masters, mates, and pilots marine operations watch supervisors under chapter 47.64 RCW for the 2011-2013 fiscal biennium. Appropriations in this act reflect funding to maintain the provisions or terms and conditions of the 2009-2011 agreements for fiscal year 2012. Fiscal year 2013 appropriations are reduced to reflect a 6.0 percent temporary salary reduction effective July 1, 2012, through June 29, 2013, a reduction to overtime calculation, reduced vacation accruals, and other management priorities in collective bargaining. Effective June 30, 2013, the salary schedules effective July 1, 2009, through June 30, 2011, will be reinstated.

**NEW SECTION. Sec. 504.** A new section is added to 2011 c 367 (uncodified) to read as follows:

**EMPLOYEE HEALTH INSURANCE**  
Motor Vehicle Account--State Appropriation..... (\$2,000)

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation in this section is provided solely for a reduction in employee health insurance funding rate as described in section 9. of the 2012 supplemental omnibus operating budget, effective July 1, 2012, through June 30, 2013, for employees of the legislative branch.

(2) The appropriation from funds and accounts must be made in the amounts specified and from the funds and accounts specified in OFM Document 2011-INS-01 dated November 21, 2012.

**NEW SECTION. Sec. 505. TRANSPORTATION EMPLOYEES--COMPENSATION**

The following acts or parts of acts are each repealed:

(1) 2011 1st sp.s. c 50 s 718 (uncodified) (FOR THE OFFICE OF FINANCIAL MANAGEMENT--TRANSPORTATION EMPLOYEES--RETIREMENT SYSTEM CONTRIBUTIONS);

(2) 2011 1st sp.s. c 50 s 719 (uncodified) (FOR THE OFFICE OF FINANCIAL MANAGEMENT--TRANSPORTATION EMPLOYEES--RETIREMENT SYSTEM CONTRIBUTIONS);

(3) 2011 1st sp.s. c 50 s 720 (uncodified) (FOR THE OFFICE OF FINANCIAL MANAGEMENT--TRANSPORTATION EMPLOYEE SALARY REDUCTIONS); and

(4) 2011 1st sp.s. c 50 s 721 (uncodified) (FOR THE OFFICE OF FINANCIAL MANAGEMENT--TRANSPORTATION EMPLOYEES RETIREMENT SYSTEM CONTRIBUTIONS).

**IMPLEMENTING PROVISIONS**

**NEW SECTION. Sec. 601.** A new section is added to chapter 47.76 RCW to read as follows:



Funds deemed by the department of transportation, in consultation with relevant port districts, to be in excess of current operating needs or capital reserves of the grain train program may be transferred from the miscellaneous program account to the essential rail assistance account created in RCW 47.76.250 for the purpose of sustaining the grain train program.

**Sec. 602.** 2011 c 367 s 608 (uncodified) is amended to read as follows:

#### **STAFFING LEVELS**

(1) As the department of transportation completes delivery of the projects funded by the 2003 and 2005 transportation revenue packages, it is clear that the current staffing levels necessary to deliver these projects are not sustainable into the future. Therefore, the department is directed to quickly move forward to develop and implement new business practices so that a smaller, more nimble state workforce can effectively and efficiently deliver transportation improvement programs as they are approved in the future, in strong partnership with the private sector, while protecting the public's interests and assets.

(2) To this end, the department of transportation is directed to reduce the size of its engineering and technical workforce to a level sustained by current law revenue levels currently estimated at two thousand FTEs by the end of the 2013-2015 fiscal biennium. The department's current two thousand eight hundred FTE engineering and technical workforce levels for highway construction will be reduced in the 2011-2013 fiscal biennium, with a target of two thousand four hundred FTEs by June 30, 2013, and to a level of two thousand FTEs by June 30, 2015.

(3) In order to successfully deliver the highway construction program as funded, the department of transportation may continue to contract out engineering and technical services. In addition, the department may continue the incentive program for retirements and employee separations. ~~((The department shall report quarterly to the office of financial management and the transportation committees of the legislature on its progress and plans to reduce highway construction workforce levels to two thousand FTEs by June 2015. This report must also be posted on the department's web site.))~~

(4) The department of transportation is directed to reduce the size of its administrative operating programs for the 2013-2015 biennium. As part of the department's biennial budget submittal, the department shall reduce its workforce in Programs C, H, T, and S by five to seven percent. The ratio of executive management service or Washington management services employee staff must be at least seven staff for every manager by the end of the 2013-2015 biennium.

**Sec. 603.** 2011 c 367 s 603 (uncodified) is amended to read as follows:

#### **FUND TRANSFERS**

(1) The transportation 2003 projects or improvements and the 2005 transportation partnership projects or improvements are listed in LEAP Transportation Document ~~((2011-4))~~ 2012-2 as developed ~~((April 19, 2011))~~ February 21, 2012, which consists of a list of specific projects by fund source and amount over a sixteen-year period. Current fiscal biennium funding for each project is a line-item appropriation, while the outer year funding allocations represent a sixteen-year plan. The department is expected to use the flexibility provided in this section to assist in the delivery and completion of all transportation partnership account and transportation 2003 account (nickel account) projects on the LEAP transportation documents referenced in this act. For the 2009-2011 and 2011-2013 project appropriations, unless otherwise provided in this act, the director of financial management may authorize a transfer of appropriation authority between projects funded with transportation 2003 account (nickel account) appropriations, or

transportation partnership account appropriations, in order to manage project spending and efficiently deliver all projects in the respective program under the following conditions and limitations:

(a) Transfers may only be made within each specific fund source referenced on the respective project list;

(b) Transfers from a project may not be made as a result of the reduction of the scope of a project or be made to support increases in the scope of a project;

(c) Each transfer between projects may only occur if the director of financial management finds that any resulting change will not hinder the completion of the projects as approved by the legislature. Until the legislature reconvenes to consider the 2012 supplemental transportation budget, any unexpended 2009-2011 appropriation balance as approved by the office of financial management, in consultation with the legislative staff of the house of representatives and senate transportation committees, may be considered when transferring funds between projects;

(d) Transfers from a project may be made if the funds appropriated to the project are in excess of the amount needed to complete the project;

(e) Transfers may not occur for projects not identified on the applicable project list;

(f) Transfers may not be made while the legislature is in session; and

(g) Transfers between projects may be made by the department of transportation until the transfer amount by project exceeds two hundred fifty thousand dollars, or ten percent of the total project, whichever is less. These transfers must be reported quarterly to the director of financial management and the chairs of the house of representatives and senate transportation committees.

(2) At the time the department submits a request to transfer funds under this section, a copy of the request must be submitted to the transportation committees of the legislature.

(3) The office of financial management shall work with legislative staff of the house of representatives and senate transportation committees to review the requested transfers in a timely manner.

(4) The office of financial management shall document approved transfers and schedule changes in the transportation executive information system, compare changes to the legislative baseline funding and schedules identified by project identification number identified in the LEAP transportation documents referenced in this act, and transmit revised project lists to chairs of the transportation committees of the legislature on a quarterly basis.

**NEW SECTION. Sec. 604.** A new section is added to 2011 c 367 (uncodified) to read as follows:

The department of transportation may provide up to \$163,000 in toll credits to the Port of Kingston for its role in the new passenger-only ferry service and ferry corridor-related projects. The number of toll credits provided to the Port of Kingston must be equal to, but no more than, the number sufficient to meet federal match requirements for grant funding for passenger-only ferry service, but shall not exceed the amount authorized in this section.

#### **CONDITIONALLY ADDITIVE APPROPRIATIONS**

**NEW SECTION. Sec. 701.** A new section is added to 2011 c 367 (uncodified) to read as follows:

##### **FOR THE WASHINGTON STATE PATROL**

State Patrol Highway Account--State Appropriation .....	\$5,642,000
Highway Safety Account--State Appropriation.....	\$3,500,000
<b>TOTAL APPROPRIATION.....</b>	<b>\$9,142,000</b>

The appropriations in this section are subject to the following conditions and limitations:

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(1) \$1,642,000 of the state patrol highway account--state appropriation is provided solely for the auto theft investigation units in King county, the city of Spokane, and the city of Tacoma.

(2) \$4,000,000 of state patrol highway account--state appropriation and the entire highway safety account--state appropriation is provided solely for equipment acquisition, installation, integration, and financing needs associated with the conversion of the existing communication system to narrowbanding as required by the federal communications commission.

**NEW SECTION. Sec. 702.** A new section is added to 2011 c 367 (uncodified) to read as follows:

**FOR THE COUNTY ROAD ADMINISTRATION BOARD--CAPITAL**

Highway Safety Account--State Appropriation.....\$3,000,000

The appropriation in this section is subject to the following conditions and limitations: The appropriation in this section is provided solely for the county arterial preservation program to help counties meet urgent preservation needs.

**NEW SECTION. Sec. 703.** A new section is added to 2011 c 367 (uncodified) to read as follows:

**FOR THE TRANSPORTATION IMPROVEMENT BOARD--CAPITAL**

Highway Safety Account--State Appropriation.....\$3,000,000

The appropriation in this section is subject to the following conditions and limitations:

(1) \$2,700,000 of the highway safety account--state appropriation is provided solely for the urban arterial program to help cities meet urgent preservation and storm water needs.

(2) \$300,000 of the highway safety account--state appropriation is provided solely for the small city pavement program to help cities meet urgent preservation and storm water needs.

**NEW SECTION. Sec. 704.** A new section is added to 2011 c 367 (uncodified) to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION--IMPROVEMENTS--PROGRAM I**

Motor Vehicle Account--State Appropriation .....\$8,000,000

The appropriation in this section is subject to the following conditions and limitations: The appropriation in this section is provided solely to advance the design, preliminary engineering, and rights-of-way acquisition for the priority projects identified in LEAP Transportation Document 2012-3 as developed February 21, 2012. Funds must be used to advance the emergent, initial development of these projects for the purpose of expediting delivery of the associated major investments when funding for such investments becomes available. Funding may be reallocated between projects to maximize the accomplishment of design and preliminary engineering work and rights- of-way acquisition, provided that all projects are addressed. It is the intent of the legislature that, while seeking to maximize the outcomes in this section, the department shall utilize an approach that ensures private sector general engineering consultant participation, continuity of personnel, and consistency with the department's business plan for reducing staffing in the highway construction program in the current and next biennia.

**NEW SECTION. Sec. 705.** A new section is added to 2011 c 367 (uncodified) to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION--HIGHWAY MAINTENANCE--PROGRAM M**

Highway Safety Account--State Appropriation.....\$3,000,000

The appropriation in this section is subject to the following conditions and limitations: The appropriation in this section is provided solely to further reduce the highway maintenance backlog in order to maintain or increase levels of service.

**NEW SECTION. Sec. 706.** A new section is added to 2011 c 367 (uncodified) to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION--PRESERVATION--PROGRAM P**

Highway Safety Account--State Appropriation.....\$3,000,000

The appropriation in this section is subject to the following conditions and limitations: The appropriation in this section is provided solely for urgent preservation needs on the state highway system.

**NEW SECTION. Sec. 707.** A new section is added to 2011 c 367 (uncodified) to read as follows:

**FOR THE STATE TREASURER: FOR DISTRIBUTION TO TRANSIT ENTITIES**

Multimodal Transportation Account--State Appropriation .....

.....\$3,500,000

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation in this section must be distributed statewide to transit authorities according to the distribution formula in subsection (2) of this section. Funding must be used for operations.

(2) Of the amounts provided in this section:

(a) One-third must be distributed based on vehicle miles of service provided;

(b) One-third must be distributed based on the number of vehicle hours of service provided; and

(c) One-third must be distributed based on the number of passenger trips.

(3) For the purposes of this section:

(a) "Transit authorities" has the same meaning as in RCW 9.91.025(2)(c).

(b) "Vehicle miles of service," "vehicle hours of service," and "passenger trips" are transit service metrics as reported by the public transportation program of the department of transportation in the annual report required in RCW 35.58.2796 for calendar year 2010.

**NEW SECTION. Sec. 708.** A new section is added to 2011 c 367 (uncodified) to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION--MARINE--PROGRAM X**

Highway Safety Account--State Appropriation.....\$6,000,000

The appropriation in this section is subject to the following conditions and limitations: The appropriation in this section is provided solely for the purchase of fuel for marine operations.

**NEW SECTION. Sec. 709.** A new section is added to 2011 c 367 (uncodified) to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION--WASHINGTON STATE FERRIES CONSTRUCTION--PROGRAM W**

Transportation 2003 Account

(Nickel Account)--State Appropriation.....\$130,000,000

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation in this section is provided solely for the purposes of constructing a ferry boat vessel with a carrying capacity of at least one hundred forty-four cars.

(2) The appropriation in this section includes up to \$130,000,000 in proceeds from the sale of bonds authorized in RCW 47.10.861.

**NEW SECTION. Sec. 710.** A new section is added to 2011 c 367 (uncodified) to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION--LOCAL PROGRAMS--PROGRAM Z-- CAPITAL**

Highway Safety Account--State Appropriation.....\$3,000,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$1,000,000 of the highway safety account--state appropriation is provided solely to the freight mobility strategic investment board for grants to meet urgent freight corridor improvement and preservation needs, including advancing projects that are identified in LEAP Transportation Document 2012-2 ALL PROJECTS as developed February 21, 2012, and for other projects that meet the board's criteria.

(2) \$2,000,000 of the highway safety account--state appropriation is provided solely for safe routes to schools program projects, in rank order, and identified as contingency projects in the LEAP Transportation Document 2011-A, pedestrian and bicycle safety program projects and safe routes to school program projects, referenced in chapter 367, Laws of 2011 (the omnibus transportation appropriations act).

**NEW SECTION. Sec. 711.** A new section is added to 2011 c 367 (uncodified) to read as follows:

**FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR BOND SALES DISCOUNTS AND DEBT TO BE PAID BY MOTOR VEHICLE ACCOUNT AND TRANSPORTATION FUND REVENUE**

Highway Bond Retirement Account--State Appropriation .....\$6,500,000

**NEW SECTION. Sec. 712.** A new section is added to 2011 c 367 (uncodified) to read as follows:

**FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR BOND SALE EXPENSES AND FISCAL AGENT CHARGES**

Transportation 2003 Account  
(Nickel Account)--State Appropriation.....\$58,000

**NEW SECTION. Sec. 713.** Sections 701 through 708 and 710 of this act take effect November 1, 2012.

**NEW SECTION. Sec. 714.** Sections 709, 711, and 712 of this act take effect July 1, 2012.

**NEW SECTION. Sec. 715.** If chapter ... (Engrossed Substitute Senate Bill No. 6150), Laws of 2012 is not enacted by June 30, 2012, the appropriations in sections 702, 703, 705, 706, 708, and 710(1) of this act are null and void.

**NEW SECTION. Sec. 716.** If chapter ... (Engrossed Substitute Senate Bill No. 6455), Laws of 2012 is not enacted by June 30, 2012, the appropriations in sections 701, 704, 707, 709, 710(2), 711, and 712 of this act are null and void.

**MISCELLANEOUS**

**NEW SECTION. Sec. 801.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

**NEW SECTION. Sec. 802.** Except for sections 701 through 712 of this act, this act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately.

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MOTION

Senator Benton moved that the following amendment by Senators Benton, Haugen and King to the striking amendment be adopted:

On page 10, after line 2 of the amendment, insert the following:

"(6) The Columbia River Crossing bridge project is a major initiative to address congestion problems on I-5 between Portland, Oregon and Vancouver, Washington that requires support by not only the Governors of both states but the Legislatures as well. The joint transportation committee must convene a subcommittee for legislative oversight of the I-5/Columbia River Crossing bridge replacement project. The Columbia River Crossing legislative oversight subcommittee will be made up of six members, two appointed by the chair and ranking member of the Senate transportation committee, two appointed by the chair and ranking member of the House transportation committee, one designee of the Governor, and one citizen jointly appointed by the four members of the joint transportation executive committee. The citizen appointee must be a Washington state resident of the area served by the bridge. At least two of the legislative members must be from the legislative districts served by the bridge. In addition to reviewing project and financing information, the subcommittee must also coordinate with the Oregon legislative oversight committee for the Columbia River Crossing bridge."

On page 49, after line 12 of the amendment, insert the following:

"(c) The Washington state department of transportation budget includes resources to continue work on solutions that advance the Columbia River Crossing project to completion of the required environmental impact statement. The department must report to the Columbia River Crossing legislative oversight subcommittee of the joint transportation committee, established in section 204(5) of this act, on the progress made on the Columbia River Crossing project at each meeting of the oversight committee. Reporting must include updated information on cost estimates, right-of-way purchases and procurement schedules, and financing plans for the Columbia River crossing project, including projected traffic volumes, fuel and gas price assumptions, toll rates, costs of toll collections, as well as potential need for general transportation funding. By January 1, 2013, the department shall provide to the oversight subcommittee of the joint transportation committee a phased master plan for the Columbia River crossing project."

Senators Benton, Haugen and King spoke in favor of adoption of the amendment to the striking amendment.

Senator Pridemore spoke against adoption of the amendment to the striking amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senators Benton, Haugen and King on page 10, after line 2 to the striking amendment to Engrossed Substitute House Bill No. 2190.

The motion by Senator Benton carried and the amendment to the striking amendment was adopted by voice vote.

MOTION

Senator King moved that the following amendment by Senator King and others to the striking amendment be adopted:

On page 11, after line 28 of the amendment, insert the following:  
"Multimodal Transportation Account--State Appropriation  
..... \$132,000"

On page 11, line 30 of the amendment, strike "\$365,820,000" and insert "\$365,952,000"

On page 14, after line 7 of the amendment, insert the following:

"(14) \$132,000 of the multimodal transportation account -- state appropriation is provided solely for the implementation of chapter . . . (Engrossed Substitute House Bill No. 1820), Laws of 2012 (Blue Alert System). If chapter . . . (Engrossed Substitute House Bill 1820) Laws of 2012, is not enacted by June 30, 2012, the amount provided in this subsection lapses."

Senators King and Haugen spoke in favor of adoption of the amendment to the striking amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator King and others on page 11, after line 28 to the striking amendment to Engrossed Substitute House Bill No. 2190.

The motion by Senator King carried and the amendment to the striking amendment was adopted by voice vote.

MOTION

Senator Parlette moved that the following amendment by Senator Parlette and others to the striking amendment be adopted:

On page 24, after line 35 of the amendment, insert the following:

"(5) The legislature recognizes that the trail known as the Apple Capital Loop, and its extensions, serve to separate motor vehicle traffic from pedestrians and bicyclists, increasing motor vehicle safety on existing state route number 28. Consistent with chapter 47.30 RCW and pursuant to RCW 47.12.080, the legislature declares that transferring portions of WSDOT Inventory Control (IC) Nos. 2-09-04537 and 2-09-04569 to Douglas county and the city of East Wenatchee is consistent with the public interest. The legislature directs the department to transfer the property to Douglas county and the city of East Wenatchee. The department must be paid fair market value for any portions of the transferred real property that is later abandoned, vacated, or ceases to be publicly maintained for trail purposes. Douglas county and the city of East Wenatchee must agree to accept responsibility for trail segments within their respective jurisdictions and sign an agreement with the state that the transfer of these parcels to their respective jurisdictions extinguishes any state obligations to improve, maintain, or be in any way responsible for these assets. The department shall not surplus any of the lands adjoining the trail until Douglas county and the city of East Wenatchee accomplish zoning and land use planning as they deem necessary, provided those updates are completed by January 1, 2014. The department shall report to the transportation committees of the legislature by June 30, 2013, and annually thereafter, on the status of the transfer until complete."

Senator Parlette spoke in favor of adoption of the amendment to the striking amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Parlette and others on page 24, after line 35 to the striking amendment to Engrossed Substitute House Bill No. 2190.

The motion by Senator Parlette carried and the amendment to the striking amendment was adopted by voice vote.

MOTION

Senator Rolfes moved that the following amendment by Senator Rolfes to the striking amendment be adopted:

On page 59, after line 37, insert the following:  
"(13) Consistent with RCW 47.60.662, which requires the Washington state ferry system to collaborate with passenger-only

ferry and transit providers to provide service at existing terminals, the department shall ensure that multimodal access, including for passenger-only ferries and transit service providers, is maintained at or near the Seattle terminal and considered in any future modifications at the terminal. It is the intent of the legislature that the reasonable costs of developing, maintaining, and operating new passenger-only docking and boarding facilities at Colman dock shall be the responsibility of the regional and local agencies providing the service.

Senators Rolfes, Haugen and King spoke in favor of adoption of the amendment to the striking amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Rolfes on page 59, after line 37 to the striking amendment to Engrossed Substitute House Bill No. 2190.

The motion by Senator Rolfes carried and the amendment to the striking amendment was adopted by voice vote.

The President declared the question before the Senate to be the adoption of the striking amendment by Senator Haugen to Engrossed Substitute House Bill No. 2190 as amended.

Senator Haugen spoke in favor of adoption of the striking amendment.

The motion by Senator Haugen carried and the striking amendment as amended was adopted by voice vote.

#### MOTION

There being no objection, the following title amendment was adopted:

On page 1, beginning on line 2 of the title, strike the remainder of the title and insert "amending 2011 c 367 ss 101, 103, 105, 106, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 401, 402, 403, 404, 405, 406, 407, 502, 503, 505, 603, and 608 (uncodified); adding a new section to chapter 47.76 RCW; adding new sections to 2011 c 367 (uncodified); creating new sections; repealing 2011 1st sp.s. c 50 ss 718, 719, 720, and 721 (uncodified); making appropriations and authorizing expenditures for capital improvements; providing effective dates; and declaring an emergency."

#### MOTION

On motion of Senator Haugen, the rules were suspended, Engrossed Substitute House Bill No. 2190 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Haugen, King, Eide, Fain, Ranker and Hobbs spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 2190 as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 2190 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 44; Nays, 5; Absent, 0; Excused, 0.

Voting yea: Senators Baumgartner, Becker, Benton, Brown, Carrell, Chase, Conway, Delvin, Eide, Fain, Fraser, Frockt, Hargrove, Harper, Hatfield, Haugen, Hewitt, Hill, Hobbs,

Honeyford, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles, Litzow, McAuliffe, Morton, Murray, Nelson, Parlette, Pflug, Prentice, Ranker, Regala, Roach, Rolfes, Schoesler, Sheldon, Shin, Swecker, Tom and Zarelli

Voting nay: Senators Ericksen, Holmquist Newbry, Padden, Pridmore and Stevens

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2190 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MOTION

On motion of Senator Eide, Engrossed Substitute House Bill No. 2190 was immediately transmitted to the House of Representatives.

#### MOTION

On motion of Senator Eide, the Senate reverted to the fourth order of business.

#### MESSAGE FROM THE HOUSE

February 27, 2012

#### MR. PRESIDENT:

The House passed ENGROSSED SENATE BILL NO. 6257 with the following amendment(s): 6257.E AMH PSEP H4429.1

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 9.68A.101 and 2010 c 289 s 14 are each amended to read as follows:

(1) A person is guilty of promoting commercial sexual abuse of a minor if he or she knowingly advances commercial sexual abuse or a sexually explicit act of a minor or profits from a minor engaged in sexual conduct or a sexually explicit act.

(2) Promoting commercial sexual abuse of a minor is a class A felony.

(3) For the purposes of this section:

(a) A person "advances commercial sexual abuse of a minor" if, acting other than as a minor receiving compensation for personally rendered sexual conduct or as a person engaged in commercial sexual abuse of a minor, he or she causes or aids a person to commit or engage in commercial sexual abuse of a minor, procures or solicits customers for commercial sexual abuse of a minor, provides persons or premises for the purposes of engaging in commercial sexual abuse of a minor, operates or assists in the operation of a house or enterprise for the purposes of engaging in commercial sexual abuse of a minor, or engages in any other conduct designed to institute, aid, cause, assist, or facilitate an act or enterprise of commercial sexual abuse of a minor.

(b) A person "profits from commercial sexual abuse of a minor" if, acting other than as a minor receiving compensation for personally rendered sexual conduct, he or she accepts or receives money or other property pursuant to an agreement or understanding with any person whereby he or she participates or will participate in the proceeds of commercial sexual abuse of a minor.

(c) A person "advances a sexually explicit act of a minor" if he or she causes or aids a sexually explicit act of a minor, procures or solicits customers for a sexually explicit act of a minor, provides persons or premises for the purposes of a sexually explicit act of a minor, or engages in any other conduct designed to institute, aid, cause, assist, or facilitate a sexually explicit act of a minor.

(d) A "sexually explicit act" is a public, private, or live photographed, recorded, or videotaped act or show intended to

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arouse or satisfy the sexual desires or appeal to the prurient interests of patrons and for which something of value is given or received.

(e) A "patron" is a person who pays or agrees to pay a fee to another person as compensation for a sexually explicit act of a minor or who solicits or requests a sexually explicit act of a minor in return for a fee.

(4) For purposes of this section, "sexual conduct" means sexual intercourse or sexual contact, both as defined in chapter 9A.44 RCW.

**Sec. 2.** RCW 9A.40.100 and 2011 c 111 s 1 are each amended to read as follows:

(1)(a) A person is guilty of trafficking in the first degree when:

(i) Such person:

(A) Recruits, harbors, transports, transfers, provides, obtains, or receives by any means another person knowing that force, fraud, or coercion as defined in RCW 9A.36.070 will be used to cause the person to engage in forced labor, involuntary servitude, a sexually explicit act, or a commercial sex act; or

(B) Benefits financially or by receiving anything of value from participation in a venture that has engaged in acts set forth in (a)(i)(A) of this subsection; and

(ii) The acts or venture set forth in (a)(i) of this subsection:

(A) Involve committing or attempting to commit kidnapping;

(B) Involve a finding of sexual motivation under RCW 9.94A.835;

(C) Involve the illegal harvesting or sale of human organs; or

(D) Result in a death.

(b) Trafficking in the first degree is a class A felony.

(2)(a) A person is guilty of trafficking in the second degree when such person:

(i) Recruits, harbors, transports, transfers, provides, obtains, or receives by any means another person knowing that force, fraud, or coercion as defined in RCW 9A.36.070 will be used to cause the person to engage in forced labor, involuntary servitude, a sexually explicit act, or a commercial sex act; or

(ii) Benefits financially or by receiving anything of value from participation in a venture that has engaged in acts set forth in (a)(i) of this subsection.

(b) Trafficking in the second degree is a class A felony.

(3) For purposes of this section, "sexually explicit act" means a public, private, or live photographed, recorded, or videotaped act or show intended to arouse or satisfy the sexual desires or appeal to the prurient interests of patrons."

Correct the title.

and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

Senator Roach moved that the Senate concur in the House amendment(s) to Engrossed Senate Bill No. 6257.

Senator Roach spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Roach that the Senate concur in the House amendment(s) to Engrossed Senate Bill No. 6257.

The motion by Senator Roach carried and the Senate concurred in the House amendment(s) to Engrossed Senate Bill No. 6257 by voice vote.

The President declared the question before the Senate to be the final passage of Engrossed Senate Bill No. 6257, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 6257, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Baumgartner, Becker, Benton, Brown, Carrell, Chase, Conway, Delvin, Eide, Erickson, Fain, Fraser, Frockt, Hargrove, Harper, Hatfield, Haugen, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles, Litzow, McAuliffe, Morton, Murray, Nelson, Padden, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rolfes, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

ENGROSSED SENATE BILL NO. 6257, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

March 2, 2012

MR. PRESIDENT:

The House passed SUBSTITUTE SENATE BILL NO. 6386 with the following amendment(s): 6386-S AMH WAYS H4496.1

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that fraud associated with public assistance programs is a significant problem in the state of Washington. Therefore, the legislature encourages the office of fraud and accountability within the department of social and health services to coordinate with the office of the state auditor and the department of early learning to improve the prevention, detection, and prosecution of fraudulent activity taking place in public assistance programs. It is the purpose of this act to significantly reduce fraud and to ensure that public assistance dollars reach the intended populations in need.

**Sec. 2.** RCW 74.08.580 and 2011 1st sp.s. c 42 s 14 are each amended to read as follows:

(1) Any person receiving public assistance is prohibited from using electronic benefit cards or cash obtained with electronic benefit cards:

(a) For the purpose of participating in any of the activities authorized under chapter 9.46 RCW;

(b) For the purpose of parimutuel wagering authorized under chapter 67.16 RCW;

(c) To purchase lottery tickets or shares authorized under chapter 67.70 RCW;

(d) For the purpose of participating in or purchasing any activities located in a tattoo, body piercing, or body art shop licensed under chapter 18.300 RCW;

(e) To purchase cigarettes as defined in RCW 82.24.010 or tobacco products as defined in RCW 82.26.010;

(f) To purchase any items regulated under Title 66 RCW; or

(g) For the purpose of purchasing or participating in any activities in any location listed in subsection (2) of this section.

(2) On or before January 1, 2012, the businesses listed in this subsection must disable the ability of ATM and point-of-sale machines located on their business premises to accept the electronic benefit card. The following businesses are required to comply with this mandate:

(a) Taverns licensed under RCW 66.24.330;

(b) Beer/wine specialty stores licensed under RCW 66.24.371;

(c) Nightclubs licensed under RCW 66.24.600;

(d) Contract liquor stores defined under RCW 66.04.010;

(e) Bail bond agencies regulated under chapter 18.185 RCW;

(f) Gambling establishments licensed under chapter 9.46 RCW;  
 (g) Tattoo, body piercing, or body art shops regulated under chapter 18.300 RCW;

(h) Adult entertainment venues with performances that contain erotic material where minors under the age of eighteen are prohibited under RCW 9.68A.150; and

(i) Any establishments where persons under the age of eighteen are not permitted.

(3) The department must notify the licensing authority of any business listed in subsection (2) of this section that such business has continued to allow the use of the electronic benefit card in violation of subsection (2) of this section.

(4) Only the recipient, an eligible member of the household, or the recipient's authorized representative may use an electronic benefit card or the benefit and such use shall only be for the respective benefit program purposes. Unless a recipient's family member is an eligible member of the household, the recipient's authorized representative, an alternative cardholder, or has been assigned as a protective payee, no family member may use the benefit card. The recipient shall not sell, or attempt to sell, exchange, or donate an electronic benefit card or any benefits to any other person or entity.

(5) The first violation of subsection (1) (~~((4))~~) of this section by a recipient constitutes a class 4 civil infraction under RCW 7.80.120. Second and subsequent violations of subsection (1) (~~((4))~~) of this section constitute a class 3 civil infraction under RCW 7.80.120.

(a) The department shall notify, in writing, all recipients of electronic benefit cards that any violation of subsection (1) (~~((4))~~) of this section could result in legal proceedings and forfeiture of all cash public assistance.

(b) Whenever the department receives notice that a person has violated subsection (1) (~~((4))~~) of this section, the department shall notify the person in writing that the violation could result in legal proceedings and forfeiture of all cash public assistance.

(c) The department shall assign a protective payee to the person receiving public assistance who violates subsection (1) (~~((4))~~) of this section two or more times.

(6) In assigning a personal identification number to an electronic benefit card, the department shall not routinely use any sequence of numbers that appear on the card except in circumstances resulting from in-state or national disasters. Personal identification numbers assigned to electronic benefit cards issued to support the distribution of benefits when there is a disaster may include a sequence of numbers that appears on the card.

**NEW SECTION. Sec. 3.** A new section is added to chapter 74.08 RCW to read as follows:

A person who has in his or her possession or under his or her control electronic benefit cards issued in the names of two or more persons and who is not authorized by those persons to have any of the cards in his or her possession is guilty of a misdemeanor.

**Sec. 4.** RCW 74.04.014 and 2011 1st sp.s. c 42 s 24 are each amended to read as follows:

(1) In carrying out the provisions of this chapter, the office of fraud and accountability shall have prompt access to all individuals, records, electronic data, reports, audits, reviews, documents, and other materials available to the department of revenue, department of labor and industries, department of early learning, employment security department, department of licensing, and any other government entity that can be used to help facilitate investigations of fraud or abuse as determined necessary by the director of the office of fraud and accountability.

(2) The investigator shall have access to all original child care records maintained by licensed and unlicensed child care providers with the consent of the provider or with a court order or valid search

warrant.

~~(3) Information gathered by the department, the office, or the fraud ombudsman shall be safeguarded and remain confidential as required by applicable state or federal law. Whenever information or assistance requested under subsection (1) or (2) of this section is, in the judgment of the director, unreasonably refused or not provided, the director of the office of fraud and accountability must report the circumstances to the secretary immediately.~~

**Sec. 5.** RCW 43.215.135 and 2011 1st sp.s. c 42 s 11 are each amended to read as follows:

(1) The department shall establish and implement policies in the working connections child care program to promote stability and quality of care for children from low-income households. Policies for the expenditure of funds constituting the working connections child care program must be consistent with the outcome measures defined in RCW 74.08A.410 and the standards established in this section intended to promote continuity of care for children.

~~(2) ((As a condition of receiving a child care subsidy or a working connections child care subsidy, the applicant or recipient must seek child support enforcement services from the department of social and health services, division of child support, unless the department finds that the applicant or recipient has good cause not to cooperate.~~

~~(3))~~ Except as provided in subsection ~~((4))~~ (3) of this section, an applicant or recipient of a child care subsidy or a working connections child care subsidy is eligible to receive that subsidy for six months before having to recertify his or her income eligibility. The six-month certification provision applies only if enrollments in the child care subsidy or working connections child care program are capped.

~~((4))~~ (3) Beginning in fiscal year 2011, for families with children enrolled in an early childhood education and assistance program, a head start program, or an early head start program, authorizations for the working connections child care subsidy shall be effective for twelve months unless a change in circumstances necessitates reauthorization sooner than twelve months.

~~((5))~~ (4) The department, in consultation with the department of social and health services, shall report to the legislature by September 1, 2011, with:

(a) An analysis of the impact of the twelve-month authorization period on the stability of child care, program costs, and administrative savings; and

(b) Recommendations for expanding the application of the twelve-month authorization period to additional populations of children in care."

Correct the title.

and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

Senator Carrell moved that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 6386.

Senator Carrell spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Carrell that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 6386.

The motion by Senator Carrell carried and the Senate concurred in the House amendment(s) to Substitute Senate Bill No. 6386 by voice vote.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6386, as amended by the House.

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ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6386, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Baumgartner, Becker, Benton, Brown, Carrell, Chase, Conway, Delvin, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hatfield, Haugen, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles, Litzow, McAuliffe, Morton, Murray, Nelson, Padden, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rolfes, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

SUBSTITUTE SENATE BILL NO. 6386, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

March 2, 2012

MR. PRESIDENT:

The House passed SUBSTITUTE SENATE BILL NO. 6468 with the following amendment(s): 6468-S AMH WAYS H4495.1

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** A new section is added to chapter 28B.10 RCW to read as follows:

The boards of regents of the University of Washington and Washington State University may each adopt a policy creating an operating funds investment account, and may each deposit public moneys from operating funds not needed for immediate expenditure into that investment account. If a board of regents adopts a policy and deposits public moneys in an operating funds investment account, the state investment board has the full power to invest or reinvest the operating funds investment account in a manner consistent with RCW 43.33A.140. Income derived from investments pursuant to this section shall be for the exclusive benefit of and shall be credited to the state university less the applicable allocations to the state investment board expense account pursuant to RCW 43.33A.160. Each operating funds investment account shall be considered an investment fund within the meaning of Article XXIX, section 1 of the state Constitution, for the purpose of determining eligible investments and deposits of the moneys therein.

**Sec. 2.** RCW 43.33A.150 and 2007 c 215 s 4 are each amended to read as follows:

(1) The state investment board shall prepare written reports at least quarterly summarizing the investment activities of the state investment board, which reports shall be sent to the governor, the senate ways and means committee, the house appropriations committee, the department of retirement systems, and other agencies having a direct financial interest in the investment of funds by the board, and to other persons on written request. The state investment board shall provide information to the department of retirement systems necessary for the preparation of monthly reports.

(2) At least annually, the board shall report on the board's investment activities for the department of labor and industries' accident, medical aid, and reserve funds to the senate financial institutions and insurance committee, the senate economic development and labor committee, and the house commerce and labor committee, or appropriate successor committees.

(3) At least annually, the board shall report on the board's investment activities for the higher education permanent funds to the house capital budget committee and the senate ways and means committee.

(4) At least annually, the board shall report on the board's investment activities for the University of Washington and Washington State University operating funds investment accounts to the house ways and means committee and the senate ways and means committee.

NEW SECTION. **Sec. 3.** This act takes effect if the proposed amendment to Article XXIX, section 1 of the state Constitution (Senate Joint Resolution No. 8223) is validly submitted to and is approved and ratified by the voters at the next general election. If the proposed amendment is not approved and ratified, this act is void in its entirety."

Correct the title.  
and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

Senator Tom moved that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 6468.

Senator Tom spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Tom that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 6468.

The motion by Senator Tom carried and the Senate concurred in the House amendment(s) to Substitute Senate Bill No. 6468 by voice vote.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6468, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6468, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 46; Nays, 3; Absent, 0; Excused, 0.

Voting yea: Senators Baumgartner, Becker, Benton, Brown, Carrell, Conway, Delvin, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hatfield, Haugen, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles, Litzow, McAuliffe, Murray, Padden, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rolfes, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Voting nay: Senators Chase, Morton and Nelson  
SUBSTITUTE SENATE BILL NO. 6468, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

March 2, 2012

MR. PRESIDENT:

The House passed SENATE JOINT RESOLUTION NO. 8223 with the following amendment(s): 8223 AMH WAYS H4497.1

Beginning on page 1, after line 2, strike all material through "state." on page 2, line 1 and insert the following:



"THAT, At the next general election to be held in this state the secretary of state shall submit to the qualified voters of the state for their approval and ratification, or rejection, an amendment to Article XXIX, section 1 of the Constitution of the state of Washington to read as follows:

Article XXIX, section 1. Notwithstanding the provisions of sections 5, and 7 of Article VIII and section 9 of Article XII or any other section or article of the Constitution of the state of Washington(;-):

(1) The moneys of any public pension or retirement fund, industrial insurance trust fund, or fund held in trust for the benefit of persons with developmental disabilities may be invested as authorized by law; and

(2) The public moneys of the University of Washington and Washington State University in investment funds specified by the legislature may be invested as authorized by law.

BE IT FURTHER RESOLVED, That the secretary of state shall cause notice of this constitutional amendment to be published at least four times during the four weeks next preceding the election in every legal newspaper in the state." and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

#### MOTION

Senator Tom moved that the Senate concur in the House amendment(s) to Senate Joint Resolution No. 8223.

Senator Tom spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Tom that the Senate concur in the House amendment(s) to Senate Joint Resolution No. 8223.

The motion by Senator Tom carried and the Senate concurred in the House amendment(s) to Senate Joint Resolution No. 8223 by voice vote.

The President declared the question before the Senate to be the final passage of Senate Joint Resolution No. 8223, as amended by the House.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Joint Resolution No. 8223, as amended by the House, and the resolution passed the Senate by the following vote: Yeas, 45; Nays, 4; Absent, 0; Excused, 0.

Voting yea: Senators Becker, Benton, Brown, Carrell, Conway, Delvin, Eide, Fain, Fraser, Frockt, Hargrove, Harper, Hatfield, Haugen, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles, Litzow, McAuliffe, Morton, Murray, Padden, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rolfes, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Voting nay: Senators Baumgartner, Chase, Ericksen and Nelson

SENATE JOINT RESOLUTION NO. 8223, as amended by the House, having received the constitutional majority, was declared passed.

#### MESSAGE FROM THE HOUSE

February 29, 2012

MR. PRESIDENT:

The House passed ENGROSSED SUBSTITUTE SENATE BILL NO. 6486 with the following amendment(s): 6486-S.E AMH WAYS H4516.1

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 41.56 RCW to read as follows:

In addition to the entities listed in RCW 41.56.020, this chapter applies to postdoctoral and clinical employees as excluded in chapter 41.76 RCW at the University of Washington and at Washington State University.

NEW SECTION. Sec. 2. If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2012, in the omnibus appropriations act, this act is null and void."

Correct the title. and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

#### MOTION

Senator Kohl-Welles moved that the Senate concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 6486.

Senators Kohl-Welles, Frockt and Chase spoke in favor of the motion.

Senators Holmquist Newbry, King and Schoesler spoke against the motion.

#### MOTION

On motion of Senator Ericksen, Senator Pflug was excused.

The President declared the question before the Senate to be the motion by Senator Kohl-Welles that the Senate concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 6486.

The motion by Senator Kohl-Welles carried and the Senate concurred in the House amendment(s) to Engrossed Substitute Senate Bill No. 6486 by voice vote.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 6486, as amended by the House.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6486, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 26; Nays, 23; Absent, 0; Excused, 0.

Voting yea: Senators Brown, Chase, Conway, Eide, Fraser, Frockt, Hargrove, Harper, Hatfield, Haugen, Hobbs, Kastama, Keiser, Kilmer, Kline, Kohl-Welles, McAuliffe, Murray, Nelson, Prentice, Pridemore, Ranker, Regala, Rolfes, Shin and Tom

Voting nay: Senators Baumgartner, Becker, Benton, Carrell, Delvin, Ericksen, Fain, Hewitt, Hill, Holmquist Newbry, Honeyford, King, Litzow, Morton, Padden, Parlette, Pflug, Roach, Schoesler, Sheldon, Stevens, Swecker and Zarelli

ENGROSSED SUBSTITUTE SENATE BILL NO. 6486, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

February 29, 2012

Senator Frockt spoke in favor of the motion.

MR. PRESIDENT:

The House passed SUBSTITUTE SENATE BILL NO. 6226 with the following amendment(s): 6226-S AMH WAYS H4514.1

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 43.215.135 and 2011 1st sp.s. c 42 s 11 are each amended to read as follows:

(1) The department shall establish and implement policies in the working connections child care program to promote stability and quality of care for children from low-income households. Policies for the expenditure of funds constituting the working connections child care program must be consistent with the outcome measures defined in RCW 74.08A.410 and the standards established in this section intended to promote continuity of care for children.

(2) As a condition of receiving a child care subsidy or a working connections child care subsidy, the applicant or recipient must seek child support enforcement services from the department of social and health services, division of child support, unless the department finds that the applicant or recipient has good cause not to cooperate.

~~(3) (Except as provided in subsection (4) of this section, an applicant or recipient of a child care subsidy or a working connections child care subsidy is eligible to receive that subsidy for six months before having to recertify his or her income eligibility. The six-month certification provision applies only if enrollments in the child care subsidy or working connections child care program are capped.~~

~~—(4)) Beginning in fiscal year ((2011, for families with children enrolled in an early childhood education and assistance program, a head start program, or an early head start program)) 2013, authorizations for the working connections child care subsidy shall be effective for twelve months unless a change in circumstances necessitates reauthorization sooner than twelve months. The twelve-month certification applies only if the enrollments in the child care subsidy or working connections child care program are capped.~~

~~((5) The department, in consultation with the department of social and health services, shall report to the legislature by September 1, 2011, with:~~

~~—(a) An analysis of the impact of the twelve-month authorization period on the stability of child care, program costs, and administrative savings; and~~

~~—(b) Recommendations for expanding the application of the twelve-month authorization period to additional populations of children in care.)~~

NEW SECTION. Sec. 2. A new section is added to chapter 43.215 RCW to read as follows:

When an applicant or recipient applies for or receives working connections child care benefits, he or she is required to:

(1) Notify the department of social and health services, within five days, of any change in providers; and

(2) Notify the department of social and health services, within ten days, about any significant change related to the number of child care hours the applicant or recipient needs, cost sharing, or eligibility.

NEW SECTION. Sec. 3. This act takes effect July 1, 2012."

Correct the title.

and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

Senator Frockt moved that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 6226.

The President declared the question before the Senate to be the motion by Senator Frockt that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 6226.

The motion by Senator Frockt carried and the Senate concurred in the House amendment(s) to Substitute Senate Bill No. 6226 by voice vote.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6226, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6226, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 1; Excused, 0.

Voting yea: Senators Baumgartner, Becker, Benton, Brown, Carrell, Chase, Conway, Delvin, Eide, Erickson, Fain, Fraser, Frockt, Hargrove, Harper, Hatfield, Haugen, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles, Litzow, McAuliffe, Morton, Murray, Nelson, Padden, Parlette, Prentice, Pridemore, Ranker, Regala, Roach, Rolfes, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Absent: Senator Pflug

SUBSTITUTE SENATE BILL NO. 6226, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

STATEMENT FOR THE JOURNAL

On the afternoon of March 6, 2012, I briefly left the Senate to discuss matters with the Governor down in her office. I asked a colleague to excuse my absence but, with the press of business and volume of bills, he failed to excuse me. As a result, I missed voting on Substitute Senate Bill No. 6226. Child care issues are incredibly important to me; had I been available, I would certainly have voted in favor of this bill.

SENATOR PFLUG, 5<sup>th</sup> Legislative District

MOTION

At 3:40 p.m., on motion of Senator Eide, the Senate was declared to be at ease subject to the call of the President.

EVENING SESSION

The Senate was called to order at 5:02 p.m. by President Owen.

MOTION

On motion of Senator Eide, the Senate advanced to the sixth order of business.

SECOND READING

SENATE BILL NO. 6608, by Senators Harper, Pflug, Frockt, Kline and Eide

Changing judicial stabilization trust account surcharges.

The measure was read the second time.

MOTION

On motion of Senator Harper, Substitute Senate Bill No. 6608 was not substituted for Senate Bill No. 6608 and the substitute bill was not adopted.

MOTION

Senator Padden moved that the following amendment by Senator Padden be adopted:

On page 3, beginning on line 12, strike all of section 2.

Renumber the remaining sections consecutively and correct any internal references accordingly.

Senators Padden and Harper spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Padden on page 3, line 12 to Senate Bill No. 6608.

The motion by Senator Padden carried and the amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 2 of the title, after "3.62.060," strike "12.40.020,"

MOTION

On motion of Senator Harper, the rules were suspended, Engrossed Senate Bill No. 6608 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

MOTION

On motion of Senator Hatfield, Senator Hobbs was excused.

The President declared the question before the Senate to be the final passage of Engrossed Senate Bill No. 6608.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 6608 and the bill passed the Senate by the following vote: Yeas, 39; Nays, 9; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Brown, Carrell, Chase, Conway, Delvin, Eide, Ericksen, Fain, Fraser, Frocht, Hargrove, Harper, Hatfield, Haugen, Hewitt, Hill, Kastama, Keiser, Kilmer, Kline, Kohl-Welles, Litzow, McAuliffe, Morton, Murray, Nelson, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rolfes, Sheldon, Shin, Swecker, Tom and Zarelli

Voting nay: Senators Baumgartner, Becker, Holmquist Newbry, Honeyford, King, Padden, Parlette, Schoesler and Stevens

Excused: Senator Hobbs

ENGROSSED SENATE BILL NO. 6608, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Schoesler, Senator Pflug was excused.

MOTION

On motion of Senator Harper, Senator Hargrove was excused.

MOTION

At 5:15 p.m., on motion of Senator Eide, the Senate adjourned until 9:30 a.m. Wednesday, March 7, 2012.

BRAD OWEN, President of the Senate

THOMAS HOEMANN, Secretary of the Senate

FIFTY NINTH DAY

MORNING SESSION

Senate Chamber, Olympia, Wednesday, March 7, 2012

The Senate was called to order at 9:30 a.m. by President Owen. The Secretary called the roll and announced to the President that all Senators were present with the exception of Senators Brown and Pflug.

The Sergeant at Arms Color Guard consisting of Pages Melissa Haye and Anastasia Baum, presented the Colors. Pastor Bob Lowe of First Baptist Church of Yelm offered the prayer.

MOTION

On motion of Senator Eide, the reading of the Journal of the previous day was dispensed with and it was approved.

MOTION

On motion of Senator Eide, the Senate advanced to the fourth order of business.

MESSAGE FROM THE HOUSE

March 6, 2012

MR. PRESIDENT:

The House grants the request for a conference on ENGROSSED SUBSTITUTE SENATE BILL NO. 6150. The Speaker has appointed the following members as Conferees: Representatives Armstrong, Clibborn, Lias and the same is herewith transmitted.

BARBARA BAKER, Chief Clerk

MESSAGE FROM THE HOUSE

March 6, 2012

MR. PRESIDENT:

The House has passed: ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2565. and the same is herewith transmitted.

BARBARA BAKER, Chief Clerk

MESSAGE FROM THE HOUSE

March 6, 2012

MR. PRESIDENT:

The House concurred in the Senate amendments to the following bills and passed the bills as amended by the Senate: SUBSTITUTE HOUSE BILL NO. 2349, ENGROSSED SUBSTITUTE HOUSE BILL NO. 2614. and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MESSAGE FROM THE HOUSE

March 6, 2012

MR. PRESIDENT:

The House receded from its amendment to SUBSTITUTE SENATE BILL NO. 6081 and passed the bill without the House amendment. and the same is herewith transmitted.

BARBARA BAKER, Chief Clerk

MESSAGE FROM THE HOUSE

March 6, 2012

MR. PRESIDENT:

The House has passed: ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2483, ENGROSSED HOUSE BILL NO. 2620. and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MESSAGE FROM THE HOUSE

March 6, 2012

MR. PRESIDENT:

The House concurred in the Senate amendments to the following bills and passed the bills as amended by the Senate: ENGROSSED SUBSTITUTE HOUSE BILL NO. 2233, SECOND SUBSTITUTE HOUSE BILL NO. 2452. and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

On motion of Senator Eide, the Senate advanced to the fifth order of business.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

E2SHB 2483 by House Committee on Ways & Means (originally sponsored by Representatives Seaquist, Haler, Zeiger and Kelley)

AN ACT Relating to higher education coordination; amending RCW 28B.77.005, 28B.76.110, 28B.76.210, 28B.76.230, 28B.76.235, 28B.76.240, 28B.76.270, 28B.76.325, 28B.76.510, 28B.76.695, 44.04.260, 43.88.230, 28B.76.280, 28B.76.310, 28B.76.090, 28B.118.010, 9A.60.070, 18.260.110, 28A.175.130, 28A.600.280, 28A.600.390, 28A.660.050, 28B.07.040, 28B.10.020, 28B.10.053, 28B.10.118, 28B.10.400, 28B.10.405, 28B.10.410, 28B.10.415, 28B.10.423, 28B.10.784, 28B.10.790, 28B.12.030, 28B.12.040, 28B.15.012, 28B.15.013, 28B.15.015, 28B.15.068, 28B.15.068, 28B.15.102, 28B.15.460, 28B.15.762, 28B.30.515, 28B.45.014, 28B.45.020, 28B.45.030, 28B.45.040, 28B.45.080, 28B.50.140, 28B.50.820, 28B.65.040, 28B.65.050, 28B.76.250, 28B.85.010, 28B.85.020, 28B.85.030, 28B.85.040, 28B.85.050, 28B.85.060, 28B.85.070, 28B.85.080, 28B.85.090, 28B.85.100, 28B.85.130, 28B.85.170, 28B.90.010, 28B.90.020, 28B.90.030, 28B.92.030, 28B.92.070, 28B.92.082,

28B.97.020, 28B.102.030, 28B.108.040, 28B.109.010,  
 28B.110.030, 28B.110.040, 28B.116.030, 28B.117.020,  
 28B.120.010, 28B.120.020, 28B.120.025, 28B.120.030,  
 28B.120.040, 28C.10.030, 28C.10.040, 28C.18.030,  
 28C.18.060, 35.104.020, 35.104.040, 42.17A.705,  
 43.06.115, 43.19.797, 43.41.400, 43.41A.100, 43.88.090,  
 43.105.825, 43.215.090, 43.330.310, 43.330.375, 47.80.090,  
 70.180.110, 74.13.570, 28A.175.135, 28B.12.070,  
 28B.15.764, 28B.76.505, 28B.92.080, 28B.95.020,  
 28B.103.030, 28B.108.020, 28B.117.030, 28B.15.069,  
 28A.600.310, 28B.15.380, 28B.15.730, 28B.15.734,  
 28B.15.750, 28B.15.756, 28A.600.290, 28A.700.020,  
 28A.700.060, 28B.20.130, 28B.30.150, 28B.20.308,  
 28B.20.478, 28B.30.530, 28B.35.120, 28B.35.202,  
 28B.35.205, 28B.35.215, 28B.40.120, 28B.40.206,  
 28B.45.060, 28B.50.810, 43.09.440, 43.43.934, 43.43.938,  
 43.60A.151, and 43.88D.010; amending 2011 1st sp.s. c 11 s  
 244 (uncodified); reenacting and amending RCW  
 28B.76.2401, 28A.230.100, 28B.15.760, 28B.50.030,  
 28B.92.060, 28B.102.020, 28B.116.010, and 43.330.280;  
 adding new sections to chapter 28B.77 RCW; adding new  
 sections to chapter 44.04 RCW; adding new sections to  
 chapter 43.41 RCW; creating new sections; recodifying  
 RCW 28B.76.110, 28B.76.210, 28B.76.230, 28B.76.235,  
 28B.76.240, 28B.76.2401, 28B.76.250, 28B.76.270,  
 28B.76.280, 28B.76.325, 28B.76.510, 28B.76.695, and  
 28B.76.310; decodifying RCW 28B.10.125; repealing RCW  
 28B.76.290, 28B.10.682, 28B.15.732, 28B.15.752,  
 28B.15.796, 28B.20.280, 28B.30.500, and 43.88D.005;  
 providing an effective date; and providing expiration dates.

Referred to Committee on Ways & Means.

EHB 2620 by Representative Hunter

AN ACT Relating to transferring the investment of funds in certain accounts from the state investment board to the state treasurer; amending RCW 43.33A.010, 28B.108.060, 28B.108.060, 28B.116.060, 28B.116.060, 43.79.495, 77.12.323, 70.121.050, 89.16.020, 41.05.140, 41.45.230, 43.79A.040, 43.84.150, and 2.10.080; reenacting and amending RCW 43.84.092; adding a new section to chapter 43.79A RCW; repealing RCW 41.45.233 and 43.33A.230; providing an effective date; and providing an expiration date.

HB 2803 by Representative Cody

AN ACT Relating to limiting the rates paid to providers for medical services for incarcerated offenders, increasing the copay on medical services, and authorizing the department of corrections to submit medicaid applications on behalf of incarcerated offenders; amending RCW 72.10.020 and 72.10.030; and adding a new section to chapter 70.41 RCW.

#### MOTION

On motion of Senator Eide, the rules were suspended and Engrossed Second Substitute House Bill No. 2483; Engrossed House Bill No. 2620 and House Bill No. 2803 were placed on the second reading calendar.

#### MOTION

On motion of Senator Eide, the Senate advanced to the eighth order of business.

#### MOTION

Senator Fraser moved adoption of the following resolution:

#### SENATE RESOLUTION 8704

By Senators Fraser, Sheldon, Hatfield, Regala, Honeyford, Conway, Nelson, Pridemore, Becker, Kohl-Welles, Eide, Prentice, Rolfes, Brown, Roach, Shin, and Harper

WHEREAS, Next July 29th in Olympia, upwards of 15,000 visitors will enthusiastically welcome the arrival of over 100 tribal canoes as they conclude long distance journeys as participants in this year's Tribal Canoe Journey, "Paddle to Squaxin 2012," hosted by the Squaxin Island Tribe, whose homeland is South Puget Sound; and

WHEREAS, The canoes will represent approximately 60 tribes from many locations in Washington, Alaska, and British Columbia, as well as from other states and countries, and will arrive at the Port of Olympia's NorthPoint near Swantown Marina in downtown Olympia; and

WHEREAS, Following their arrival in Olympia, they will join together in multiday cultural festivities until August 5th, which are open to the public, at the Squaxin Tribal community at Kamilche, halfway between Olympia and Shelton, in Mason County; and

WHEREAS, The Canoe Journey, "Paddle to Squaxin 2012," represents a revival of traditional canoe culture so fundamental to traditional Native American life around Puget Sound, the Salish Sea, the Strait of Juan de Fuca, the Pacific Ocean, and other Pacific Northwest marine waters, which frequently involved long journeys for economic, social, and cultural purposes; and

WHEREAS, The Tribal Canoe Journeys have become a vital activity of the revitalization of cultural expression for Native American families to pass along their traditional way of life to younger generations; and

WHEREAS, The inaugural Tribal Canoe Journey, "Paddle to Seattle," coincided with the 1989 State of Washington's Centennial Celebration and brought 17 tribes together as a tribute to the Salish Seas tribal canoe tradition and cultural heritage; and

WHEREAS, "Paddle to Squaxin 2012" is a community-building, youth-focused drug and alcohol-free, waste-free event, with the motto, "Teachings of Our Ancestors";

NOW, THEREFORE, BE IT RESOLVED, That the Senate of the State of Washington heartily welcome to the State Capital the many tribal members, tribal paddlers, their support teams, hundreds of volunteers, and thousands of enthusiastic visitors, who will participate in the Canoe Journey, "Paddle to Squaxin 2012" historic gathering; and

BE IT FURTHER RESOLVED, That the Senate of the State of Washington congratulate the Squaxin Island Tribe for its leadership in organizing and hosting the Canoe Journey, "Paddle to Squaxin 2012" event, and further express its appreciation to the City of Olympia, the Port of Olympia, Mason county, Thurston county, and hundreds of volunteers for their active support of this historic event; and

BE IT FURTHER RESOLVED, That the Washington State Senate express its admiration for the personal fitness and endurance of the tribal paddlers, many of whom will have paddled for hundreds of miles to arrive in Olympia; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to the Squaxin Island Tribe, the City of Olympia, the Port of Olympia, Mason county, and Thurston county.

FIFTY NINTH DAY, MARCH 7, 2012

2012 REGULAR SESSION

Senators Fraser, Sheldon and Eide spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8704.

The motion by Senator Fraser carried and the resolution was adopted by voice vote.

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced members of the Squaxin Island Tribe; The Honorable Andy Whitener, Tribal Councilmember and Treasurer; Mr. Don Whitener, Tribal Administrator; and Ms. Debra Meisner, Canoe Journey Coordinator, Paddle to Squaxin 2012. They were joined by representatives of the City of Olympia: The honorable Stephen Buxbaum, Mayor; The Honorable Nathaniel Jones, Mayor Pro Tem; the Honorable Jeannine Roe, Councilmember; and Ms. Cathie Butler, Communications Manager; Mr. Bill McGregor, Port Commissioner, Port of Olympia and representatives of Mason County: the Honorable Steve Bloomfield, Commissioner and the Honorable Time Sheldon, Commissioner and Senator from the 35<sup>th</sup> District who were present in the gallery.

MOTION

On motion of Senator Eide, the Senate reverted to the sixth order of business.

MOTION

On motion of Senator Ranker, Senator Brown was excused.

SECOND READING  
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Regala moved that Gubernatorial Appointment No. 9191, Don Dennis, as a member of the Board of Trustees, Tacoma Community College District No. 22, be confirmed.

Senators Regala and Stevens spoke in favor of passage of the motion.

MOTION

On motion of Senator Ericksen, Senator Pflug was excused.

APPOINTMENT OF DON DENNIS

The President declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9191, Don Dennis as a member of the Board of Trustees, Tacoma Community College District No. 22.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9191, Don Dennis as a member of the Board of Trustees, Tacoma Community College District No. 22 and the appointment was confirmed by the following vote: Yeas, 46; Nays, 1; Absent, 0; Excused, 2.

Voting yea: Senators Becker, Benton, Carrell, Chase, Conway, Delvin, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hatfield, Haugen, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles, Litzow, McAuliffe, Morton, Murray, Nelson, Padden, Parlette, Prentice, Pridemore, Ranker, Regala, Roach,

Rolfes, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Voting nay: Senator Baumgartner

Excused: Senators Brown and Pflug

Gubernatorial Appointment No. 9191, Don Dennis, having received the constitutional majority was declared confirmed as a member of the Board of Trustees, Tacoma Community College District No. 22.

SIGNED BY THE PRESIDENT

The President signed:

SECOND SUBSTITUTE SENATE BILL NO. 5343,  
SUBSTITUTE SENATE BILL NO. 6044,  
SUBSTITUTE SENATE BILL NO. 6081,  
SENATE BILL NO. 6082,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 6103,  
SENATE BILL NO. 6223,  
SENATE BILL NO. 6545.

SECOND READING  
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Frockt moved that Gubernatorial Appointment No. 9277, Brad Flaherty, as Director of the Department of Revenue, be confirmed.

Senator Frockt spoke in favor of the motion.

APPOINTMENT OF BRAD FLAHERTY

The President declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9277, Brad Flaherty as Director of the Department of Revenue.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9277, Brad Flaherty as Director of the Department of Revenue and the appointment was confirmed by the following vote: Yeas, 46; Nays, 2; Absent, 0; Excused, 1.

Voting yea: Senators Becker, Benton, Brown, Carrell, Chase, Conway, Delvin, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hatfield, Haugen, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles, Litzow, McAuliffe, Morton, Murray, Nelson, Parlette, Prentice, Pridemore, Ranker, Regala, Roach, Rolfes, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Voting nay: Senators Baumgartner and Padden

Excused: Senator Pflug

Gubernatorial Appointment No. 9277, Brad Flaherty, having received the constitutional majority was declared confirmed as Director of the Department of Revenue.

SECOND READING  
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Frockt moved that Gubernatorial Appointment No. 9275, Patrick Shanahan, as a member of the Board of Regents, University of Washington, be confirmed.

Senator Frockt spoke in favor of the motion.

APPOINTMENT OF PATRICK SHANAHAN

The President declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9275, Patrick Shanahan as a member of the Board of Regents, University of Washington.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9275, Patrick Shanahan as a member of the Board of Regents, University of Washington and the appointment was confirmed by the following vote: Yeas, 47; Nays, 1; Absent, 0; Excused, 1.

Voting yea: Senators Becker, Benton, Brown, Carrell, Chase, Conway, Delvin, Eide, Erickson, Fain, Fraser, Frockt, Hargrove, Harper, Hatfield, Haugen, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles, Litzow, McAuliffe, Morton, Murray, Nelson, Padden, Parlette, Prentice, Pridemore, Ranker, Regala, Roach, Rolfes, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Voting nay: Senator Baumgartner

Excused: Senator Pflug

Gubernatorial Appointment No. 9275, Patrick Shanahan, having received the constitutional majority was declared confirmed as a member of the Board of Regents, University of Washington.

#### SECOND READING

#### CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

#### MOTION

Senator Frockt moved that Gubernatorial Appointment No. 9271, William Ayer, as a member of the Board of Regents, University of Washington, be confirmed.

Senator Frockt spoke in favor of the motion.

#### APPOINTMENT OF WILLIAM AYER

The President declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9271, William Ayer as a member of the Board of Regents, University of Washington.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9271, William Ayer as a member of the Board of Regents, University of Washington and the appointment was confirmed by the following vote: Yeas, 48; Nays, 1; Absent, 0; Excused, 0.

Voting yea: Senators Becker, Benton, Brown, Carrell, Chase, Conway, Delvin, Eide, Erickson, Fain, Fraser, Frockt, Hargrove, Harper, Hatfield, Haugen, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles, Litzow, McAuliffe, Morton, Murray, Nelson, Padden, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rolfes, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Voting nay: Senator Baumgartner

Gubernatorial Appointment No. 9271, William Ayer, having received the constitutional majority was declared confirmed as a member of the Board of Regents, University of Washington.

#### SECOND READING

#### CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

#### MOTION

Senator Ranker moved that Gubernatorial Appointment No. 9258, Ron Sims, as a member of the Puget Sound Partnership, be confirmed.

Senator Ranker spoke in favor of the motion.

#### MOTION

On motion of Senator Harper, Senator Prentice was excused.

#### APPOINTMENT OF RON SIMS

The President declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9258, Ron Sims as a member of the Puget Sound Partnership.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9258, Ron Sims as a member of the Puget Sound Partnership and the appointment was confirmed by the following vote: Yeas, 41; Nays, 7; Absent, 0; Excused, 1.

Voting yea: Senators Baumgartner, Becker, Benton, Brown, Carrell, Chase, Conway, Delvin, Eide, Fain, Fraser, Frockt, Hargrove, Harper, Hatfield, Haugen, Hewitt, Hobbs, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles, Litzow, McAuliffe, Morton, Murray, Nelson, Parlette, Pflug, Pridemore, Ranker, Regala, Roach, Rolfes, Sheldon, Shin, Swecker, Tom and Zarelli

Voting nay: Senators Erickson, Hill, Holmquist Newbry, Honeyford, Padden, Schoesler and Stevens

Excused: Senator Prentice

Gubernatorial Appointment No. 9258, Ron Sims, having received the constitutional majority was declared confirmed as a member of the Puget Sound Partnership.

#### SECOND READING

#### CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

#### MOTION

Senator Parlette moved that Gubernatorial Appointment No. 9249, Phyllis Gleasman, as a member of the Board of Trustees, Wenatchee Valley Community College District No. 15, be confirmed.

Senator Parlette spoke in favor of the motion.

#### APPOINTMENT OF PHYLLIS GLEASMAN

The President declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9249, Phyllis Gleasman as a member of the Board of Trustees, Wenatchee Valley Community College District No. 15.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9249, Phyllis Gleasman as a member of the Board of Trustees, Wenatchee Valley Community College District No. 15 and the appointment was confirmed by the following vote: Yeas, 48; Nays, 1; Absent, 0; Excused, 0.

Voting yea: Senators Becker, Benton, Brown, Carrell, Chase, Conway, Delvin, Eide, Erickson, Fain, Fraser, Frockt, Hargrove, Harper, Hatfield, Haugen, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles, Litzow, McAuliffe, Morton, Murray, Nelson, Padden, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rolfes, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Voting nay: Senator Baumgartner

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Gubernatorial Appointment No. 9249, Phyllis Gleasman, having received the constitutional majority was declared confirmed as a member of the Board of Trustees, Wenatchee Valley Community College District No. 15.

## MOTION

On motion of Senator Eide, the Senate reverted to the fourth order of business.

## MESSAGE FROM THE HOUSE

March 6, 2012

MR. PRESIDENT:

The House grants the request for a conference on ENGROSSED SUBSTITUTE SENATE BILL NO. 6150. The Speaker has appointed the following members as Conferees: Representatives Armstrong, Clibborn, Liias and the same is herewith transmitted.

BARBARA BAKER, Chief Clerk

## MESSAGE FROM THE HOUSE

March 6, 2012

MR. PRESIDENT:

The House grants the request for a conference on ENGROSSED SUBSTITUTE SENATE BILL NO. 6455. The Speaker has appointed the following members as conferees: Representatives Armstrong, Clibborn, Liias and the same is herewith transmitted.

BARBARA BAKER, Chief Clerk

## MESSAGE FROM THE HOUSE

March 6, 2012

MR. PRESIDENT:

The House grants the request for a conference on ENGROSSED SUBSTITUTE SENATE BILL NO. 6582. The Speaker has appointed the following members as Conferees: Representatives Armstrong, Clibborn, Liias and the same is herewith transmitted.

BARBARA BAKER, Chief Clerk

## MESSAGE FROM THE HOUSE

March 6, 2012

MR. PRESIDENT:

The House insists on its position regarding the House amendment(s) to SUBSTITUTE SENATE BILL NO. 6135 and asks the Senate for a conference thereon. The Speaker has appointed the following members as Conferees: Representatives Blake, Hudgins, McCune and the same is herewith transmitted.

BARBARA BAKER, Chief Clerk

## MOTION

Senator Ranker moved that the Senate insist on its position on the House amendment(s) to Substitute Senate Bill No. 6135 and again ask the House to recede therefrom.

The President declared the question before the Senate to be motion by Senator Ranker that the Senate insist on its position on the House amendment(s) to Substitute Senate Bill No. 6135 and again ask the House to recede therefrom.

The motion by Senator Ranker carried and the Senate insisted on its position in the House amendment(s) to Substitute Senate Bill No. 6135 and again asked the House to recede therefrom.

## MESSAGE FROM THE HOUSE

March 6, 2012

MR. PRESIDENT:

The House passed SUBSTITUTE SENATE BILL NO. 6494 with the following amendment(s): 6494-S AMH JUDI ADAM 105

On page 4, beginning on line 16, after "28A.225.030." strike all material through "section." on line 18 and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

## MOTION

Senator Hargrove moved that the Senate refuse to concur in the House amendment(s) to Substitute Senate Bill No. 6494 and ask the House to recede therefrom.

The President declared the question before the Senate to be the motion by Senator Hargrove that the Senate refuse to concur in the House amendment(s) to Substitute Senate Bill No. 6494 and ask the House to recede therefrom.

The motion by Senator Hargrove carried and the Senate refused to concur in the House amendment(s) to Substitute Senate Bill No. 6494 and asked the House to recede therefrom by voice vote.

## MESSAGE FROM THE HOUSE

March 6, 2012

MR. PRESIDENT:

The House receded from its amendment(s) to ENGROSSED SUBSTITUTE SENATE BILL NO. 6555. Under suspension of the rules, the bill was returned to second reading for the purpose of an amendment. The House adopted the following amendment: 6555-S.E AMH KAGI H4629.2, and passed the bill as amended by the House.

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 26.44.020 and 2010 c 176 s 1 are each reenacted and amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Abuse or neglect" means sexual abuse, sexual exploitation, or injury of a child by any person under circumstances which cause harm to the child's health, welfare, or safety, excluding conduct permitted under RCW 9A.16.100; or the negligent treatment or maltreatment of a child by a person responsible for or providing care to the child. An abused child is a child who has been subjected to child abuse or neglect as defined in this section.

(2) "Child" or "children" means any person under the age of eighteen years of age.

(3) "Child protective services" means those services provided by the department designed to protect children from child abuse and neglect and safeguard such children from future abuse and neglect, and conduct investigations of child abuse and neglect reports. Investigations may be conducted regardless of the location of the



alleged abuse or neglect. Child protective services includes referral to services to ameliorate conditions that endanger the welfare of children, the coordination of necessary programs and services relevant to the prevention, intervention, and treatment of child abuse and neglect, and services to children to ensure that each child has a permanent home. In determining whether protective services should be provided, the department shall not decline to provide such services solely because of the child's unwillingness or developmental inability to describe the nature and severity of the abuse or neglect.

(4) "Child protective services section" means the child protective services section of the department.

(5) "Children's advocacy center" means a child-focused facility in good standing with the state chapter for children's advocacy centers and that coordinates a multidisciplinary process for the investigation, prosecution, and treatment of sexual and other types of child abuse. Children's advocacy centers provide a location for forensic interviews and coordinate access to services such as, but not limited to, medical evaluations, advocacy, therapy, and case review by multidisciplinary teams within the context of county protocols as defined in RCW 26.44.180 and 26.44.185.

(6) "Clergy" means any regularly licensed or ordained minister, priest, or rabbi of any church or religious denomination, whether acting in an individual capacity or as an employee or agent of any public or private organization or institution.

(7) "Court" means the superior court of the state of Washington, juvenile department.

(8) "Department" means the state department of social and health services.

(9) "Family assessment" means a comprehensive assessment of child safety, risk of subsequent child abuse or neglect, and family strengths and needs that is applied to a child abuse or neglect report. Family assessment does not include a determination as to whether child abuse or neglect occurred, but does determine the need for services to address the safety of the child and the risk of subsequent maltreatment.

(10) "Family assessment response" means a way of responding to certain reports of child abuse or neglect made under this chapter using a differential response approach to child protective services. The family assessment response shall focus on the safety of the child, the integrity and preservation of the family, and shall assess the status of the child and the family in terms of risk of abuse and neglect including the parent's or guardian's or other caretaker's capacity and willingness to protect the child and, if necessary, plan and arrange the provision of services to reduce the risk and otherwise support the family. No one is named as a perpetrator, and no investigative finding is entered in the record as a result of a family assessment.

(11) "Founded" means the determination following an investigation by the department that, based on available information, it is more likely than not that child abuse or neglect did occur.

~~((40))~~ (12) "Inconclusive" means the determination following an investigation by the department, prior to October 1, 2008, that based on available information a decision cannot be made that more likely than not, child abuse or neglect did or did not occur.

~~((14))~~ (13) "Institution" means a private or public hospital or any other facility providing medical diagnosis, treatment, or care.

~~((12))~~ (14) "Law enforcement agency" means the police department, the prosecuting attorney, the state patrol, the director of public safety, or the office of the sheriff.

~~((13))~~ (15) "Malice" or "maliciously" means an intent, wish, or design to intimidate, annoy, or injure another person. Such malice may be inferred from an act done in willful disregard of the rights of another, or an act wrongfully done without just cause or excuse, or

an act or omission of duty betraying a willful disregard of social duty.

~~((14))~~ (16) "Negligent treatment or maltreatment" means an act or a failure to act, or the cumulative effects of a pattern of conduct, behavior, or inaction, that evidences a serious disregard of consequences of such magnitude as to constitute a clear and present danger to a child's health, welfare, or safety, including but not limited to conduct prohibited under RCW 9A.42.100. When considering whether a clear and present danger exists, evidence of a parent's substance abuse as a contributing factor to negligent treatment or maltreatment shall be given great weight. The fact that siblings share a bedroom is not, in and of itself, negligent treatment or maltreatment. Poverty, homelessness, or exposure to domestic violence as defined in RCW 26.50.010 that is perpetrated against someone other than the child does not constitute negligent treatment or maltreatment in and of itself.

~~((15))~~ (17) "Pharmacist" means any registered pharmacist under chapter 18.64 RCW, whether acting in an individual capacity or as an employee or agent of any public or private organization or institution.

~~((16))~~ (18) "Practitioner of the healing arts" or "practitioner" means a person licensed by this state to practice podiatric medicine and surgery, optometry, chiropractic, nursing, dentistry, osteopathic medicine and surgery, or medicine and surgery or to provide other health services. The term "practitioner" includes a duly accredited Christian Science practitioner. A person who is being furnished Christian Science treatment by a duly accredited Christian Science practitioner will not be considered, for that reason alone, a neglected person for the purposes of this chapter.

~~((17))~~ (19) "Professional school personnel" include, but are not limited to, teachers, counselors, administrators, child care facility personnel, and school nurses.

~~((18))~~ (20) "Psychologist" means any person licensed to practice psychology under chapter 18.83 RCW, whether acting in an individual capacity or as an employee or agent of any public or private organization or institution.

~~((19))~~ (21) "Screened-out report" means a report of alleged child abuse or neglect that the department has determined does not rise to the level of a credible report of abuse or neglect and is not referred for investigation.

~~((20))~~ (22) "Sexual exploitation" includes: (a) Allowing, permitting, or encouraging a child to engage in prostitution by any person; or (b) allowing, permitting, encouraging, or engaging in the obscene or pornographic photographing, filming, or depicting of a child by any person.

~~((21))~~ (23) "Sexually aggressive youth" means a child who is defined in RCW 74.13.075(1)(b) as being a sexually aggressive youth.

~~((22))~~ (24) "Social service counselor" means anyone engaged in a professional capacity during the regular course of employment in encouraging or promoting the health, welfare, support, or education of children, or providing social services to adults or families, including mental health, drug and alcohol treatment, and domestic violence programs, whether in an individual capacity, or as an employee or agent of any public or private organization or institution.

~~((23))~~ (25) "Supervising agency" means an agency licensed by the state under RCW 74.15.090 or an Indian tribe under RCW 74.15.190 that has entered into a performance-based contract with the department to provide child welfare services.

~~((24))~~ (26) "Unfounded" means the determination following an investigation by the department that available information indicates that, more likely than not, child abuse or neglect did not occur, or that there is insufficient evidence for the department to determine whether the alleged child abuse did or did not occur.

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**NEW SECTION. Sec. 2.** A new section is added to chapter 26.44 RCW to read as follows:

(1) No later than December 1, 2013, the department shall implement the family assessment response. The department may implement the family assessment response on a phased-in basis, by geographical area.

(2) The department shall develop an implementation plan in consultation with stakeholders, including tribes. The department shall submit a report of the implementation plan to the appropriate committees of the legislature by December 31, 2012. At a minimum, the following must be developed before implementation and included in the report to the legislature:

(a) Description of the family assessment response practice model;

(b) Identification of possible additional noninvestigative responses or pathways;

(c) Development of an intake screening tool and a family assessment tool specifically to be used in the family assessment response. The family assessment tool must, at minimum, evaluate the safety of the child and determine services needed by the family to improve or restore family well-being;

(d) Delineation of staff training requirements;

(e) Development of strategies to reduce disproportionality;

(f) Development of strategies to assist and connect families with the appropriate private or public housing support agencies, for those parents whose inability to obtain or maintain safe housing creates a risk of harm to the child, risk of out-of-home placement of the child, or a barrier to reunification;

(g) Identification of methods to involve local community partners in the development of community-based resources to meet families' needs. Local community partners may include, but are not limited to: Alumni of the foster care system and veteran parents, local private service delivery agencies, schools, local health departments and other health care providers, juvenile court, law enforcement, office of public defense social workers or local defense attorneys, domestic violence victims advocates, and other available community-based entities;

(h) Delineation of procedures to assure continuous quality assurance;

(i) Identification of current departmental expenditures for services appropriate for the family assessment response, to the greatest practicable extent;

(j) Identification of philanthropic funding and other private funding available to supplement public resources in response to identified family needs;

(k) Mechanisms to involve the child's Washington state tribe, if any, in any family assessment response, when the child subject to the family assessment response is an Indian child, as defined in RCW 13.38.040;

(l) A potential phase-in schedule if proposed; and

(m) Recommendations for legislative action required to implement the plan.

**Sec. 3.** RCW 26.44.030 and 2009 c 480 s 1 are each amended to read as follows:

(1)(a) When any practitioner, county coroner or medical examiner, law enforcement officer, professional school personnel, registered or licensed nurse, social service counselor, psychologist, pharmacist, employee of the department of early learning, licensed or certified child care providers or their employees, employee of the department, juvenile probation officer, placement and liaison specialist, responsible living skills program staff, HOPE center staff, or state family and children's ombudsman or any volunteer in the ombudsman's office has reasonable cause to believe that a child has suffered abuse or neglect, he or she shall report such incident, or

cause a report to be made, to the proper law enforcement agency or to the department as provided in RCW 26.44.040.

(b) When any person, in his or her official supervisory capacity with a nonprofit or for-profit organization, has reasonable cause to believe that a child has suffered abuse or neglect caused by a person over whom he or she regularly exercises supervisory authority, he or she shall report such incident, or cause a report to be made, to the proper law enforcement agency, provided that the person alleged to have caused the abuse or neglect is employed by, contracted by, or volunteers with the organization and coaches, trains, educates, or counsels a child or children or regularly has unsupervised access to a child or children as part of the employment, contract, or voluntary service. No one shall be required to report under this section when he or she obtains the information solely as a result of a privileged communication as provided in RCW 5.60.060.

Nothing in this subsection (1)(b) shall limit a person's duty to report under (a) of this subsection.

For the purposes of this subsection, the following definitions apply:

(i) "Official supervisory capacity" means a position, status, or role created, recognized, or designated by any nonprofit or for-profit organization, either for financial gain or without financial gain, whose scope includes, but is not limited to, overseeing, directing, or managing another person who is employed by, contracted by, or volunteers with the nonprofit or for-profit organization.

(ii) "Regularly exercises supervisory authority" means to act in his or her official supervisory capacity on an ongoing or continuing basis with regards to a particular person.

(c) The reporting requirement also applies to department of corrections personnel who, in the course of their employment, observe offenders or the children with whom the offenders are in contact. If, as a result of observations or information received in the course of his or her employment, any department of corrections personnel has reasonable cause to believe that a child has suffered abuse or neglect, he or she shall report the incident, or cause a report to be made, to the proper law enforcement agency or to the department as provided in RCW 26.44.040.

(d) The reporting requirement shall also apply to any adult who has reasonable cause to believe that a child who resides with them, has suffered severe abuse, and is able or capable of making a report. For the purposes of this subsection, "severe abuse" means any of the following: Any single act of abuse that causes physical trauma of sufficient severity that, if left untreated, could cause death; any single act of sexual abuse that causes significant bleeding, deep bruising, or significant external or internal swelling; or more than one act of physical abuse, each of which causes bleeding, deep bruising, significant external or internal swelling, bone fracture, or unconsciousness.

(e) The reporting requirement also applies to guardians ad litem, including court-appointed special advocates, appointed under Titles 11, 13, and 26 RCW, who in the course of their representation of children in these actions have reasonable cause to believe a child has been abused or neglected.

(f) The report must be made at the first opportunity, but in no case longer than forty-eight hours after there is reasonable cause to believe that the child has suffered abuse or neglect. The report must include the identity of the accused if known.

(2) The reporting requirement of subsection (1) of this section does not apply to the discovery of abuse or neglect that occurred during childhood if it is discovered after the child has become an adult. However, if there is reasonable cause to believe other children are or may be at risk of abuse or neglect by the accused, the reporting requirement of subsection (1) of this section does apply.

(3) Any other person who has reasonable cause to believe that a child has suffered abuse or neglect may report such incident to the

proper law enforcement agency or to the department of social and health services as provided in RCW 26.44.040.

(4) The department, upon receiving a report of an incident of alleged abuse or neglect pursuant to this chapter, involving a child who has died or has had physical injury or injuries inflicted upon him or her other than by accidental means or who has been subjected to alleged sexual abuse, shall report such incident to the proper law enforcement agency. In emergency cases, where the child's welfare is endangered, the department shall notify the proper law enforcement agency within twenty-four hours after a report is received by the department. In all other cases, the department shall notify the law enforcement agency within seventy-two hours after a report is received by the department. If the department makes an oral report, a written report must also be made to the proper law enforcement agency within five days thereafter.

(5) Any law enforcement agency receiving a report of an incident of alleged abuse or neglect pursuant to this chapter, involving a child who has died or has had physical injury or injuries inflicted upon him or her other than by accidental means, or who has been subjected to alleged sexual abuse, shall report such incident in writing as provided in RCW 26.44.040 to the proper county prosecutor or city attorney for appropriate action whenever the law enforcement agency's investigation reveals that a crime may have been committed. The law enforcement agency shall also notify the department of all reports received and the law enforcement agency's disposition of them. In emergency cases, where the child's welfare is endangered, the law enforcement agency shall notify the department within twenty-four hours. In all other cases, the law enforcement agency shall notify the department within seventy-two hours after a report is received by the law enforcement agency.

(6) Any county prosecutor or city attorney receiving a report under subsection (5) of this section shall notify the victim, any persons the victim requests, and the local office of the department, of the decision to charge or decline to charge a crime, within five days of making the decision.

(7) The department may conduct ongoing case planning and consultation with those persons or agencies required to report under this section, with consultants designated by the department, and with designated representatives of Washington Indian tribes if the client information exchanged is pertinent to cases currently receiving child protective services. Upon request, the department shall conduct such planning and consultation with those persons required to report under this section if the department determines it is in the best interests of the child. Information considered privileged by statute and not directly related to reports required by this section must not be divulged without a valid written waiver of the privilege.

(8) Any case referred to the department by a physician licensed under chapter 18.57 or 18.71 RCW on the basis of an expert medical opinion that child abuse, neglect, or sexual assault has occurred and that the child's safety will be seriously endangered if returned home, the department shall file a dependency petition unless a second licensed physician of the parents' choice believes that such expert medical opinion is incorrect. If the parents fail to designate a second physician, the department may make the selection. If a physician finds that a child has suffered abuse or neglect but that such abuse or neglect does not constitute imminent danger to the child's health or safety, and the department agrees with the physician's assessment, the child may be left in the parents' home while the department proceeds with reasonable efforts to remedy parenting deficiencies.

(9) Persons or agencies exchanging information under subsection (7) of this section shall not further disseminate or release the information except as authorized by state or federal statute. Violation of this subsection is a misdemeanor.

(10) Upon receiving a report of alleged abuse or neglect, the department shall make reasonable efforts to learn the name, address, and telephone number of each person making a report of abuse or neglect under this section. The department shall provide assurances of appropriate confidentiality of the identification of persons reporting under this section. If the department is unable to learn the information required under this subsection, the department shall only investigate cases in which:

(a) The department believes there is a serious threat of substantial harm to the child;

(b) The report indicates conduct involving a criminal offense that has, or is about to occur, in which the child is the victim; or

(c) The department has a prior founded report of abuse or neglect with regard to a member of the household that is within three years of receipt of the referral.

(11)(a) Upon receiving a report of alleged abuse or neglect, the department shall use one of the following discrete responses to reports of child abuse or neglect that are screened in and accepted for departmental response:

(i) Investigation; or

(ii) Family assessment.

(b) In making the response in (a) of this subsection the department shall:

(i) Use a method by which to assign cases to investigation or family assessment which are based on an array of factors that may include the presence of: Imminent danger, level of risk, number of previous child abuse or neglect reports, or other presenting case characteristics, such as the type of alleged maltreatment and the age of the alleged victim. Age of the alleged victim shall not be used as the sole criterion for determining case assignment;

(ii) Allow for a change in response assignment based on new information that alters risk or safety level;

(iii) Allow families assigned to family assessment to choose to receive an investigation rather than a family assessment;

(iv) Provide a full investigation if a family refuses the initial family assessment;

(v) Provide voluntary services to families based on the results of the initial family assessment. If a family refuses voluntary services, and the department cannot identify specific facts related to risk or safety that warrant assignment to investigation under this chapter, and there is not a history of reports of child abuse or neglect related to the family, then the department must close the family assessment response case. However, if at any time the department identifies risk or safety factors that warrant an investigation under this chapter, then the family assessment response case must be reassigned to investigation;

(vi) Conduct an investigation, and not a family assessment, in response to an allegation that, the department determines based on the intake assessment:

(A) Poses a risk of "imminent harm" consistent with the definition provided in RCW 13.34.050, which includes, but is not limited to, sexual abuse and sexual exploitation as defined in this chapter;

(B) Poses a serious threat of substantial harm to a child;

(C) Constitutes conduct involving a criminal offense that has, or is about to occur, in which the child is the victim;

(D) The child is an abandoned child as defined in RCW 13.34.030;

(E) The child is an adjudicated dependent child as defined in RCW 13.34.030, or the child is in a facility that is licensed, operated, or certified for care of children by the department under chapter 74.15 RCW, or by the department of early learning.

(c) The department may not be held civilly liable for the decision to respond to an allegation of child abuse or neglect by using the family assessment response under this section unless the

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state or its officers, agents, or employees acted with reckless disregard.

(12)(a) For reports of alleged abuse or neglect that are accepted for investigation by the department, the investigation shall be conducted within time frames established by the department in rule. In no case shall the investigation extend longer than ninety days from the date the report is received, unless the investigation is being conducted under a written protocol pursuant to RCW 26.44.180 and a law enforcement agency or prosecuting attorney has determined that a longer investigation period is necessary. At the completion of the investigation, the department shall make a finding that the report of child abuse or neglect is founded or unfounded.

(b) If a court in a civil or criminal proceeding, considering the same facts or circumstances as are contained in the report being investigated by the department, makes a judicial finding by a preponderance of the evidence or higher that the subject of the pending investigation has abused or neglected the child, the department shall adopt the finding in its investigation.

~~((12))~~ (13) For reports of alleged abuse or neglect that are responded to through family assessment response, the department shall:

(a) Provide the family with a written explanation of the procedure for assessment of the child and the family and its purposes;

(b) Collaborate with the family to identify family strengths, resources, and service needs, and develop a service plan with the goal of reducing risk of harm to the child and improving or restoring family well-being;

(c) Complete the family assessment response within forty-five days of receiving the report; however, upon parental agreement, the family assessment response period may be extended up to ninety days;

(d) Offer services to the family in a manner that makes it clear that acceptance of the services is voluntary;

(e) Implement the family assessment response in a consistent and cooperative manner;

(f) Have the parent or guardian sign an agreement to participate in services before services are initiated that informs the parents of their rights under family assessment response, all of their options, and the options the department has if the parents do not sign the consent form.

(14) In conducting an investigation or family assessment of alleged abuse or neglect, the department or law enforcement agency:

(a) May interview children. If the department determines that the response to the allegation will be family assessment response, the preferred practice is to request a parent's, guardian's, or custodian's permission to interview the child before conducting the child interview unless doing so would compromise the safety of the child or the integrity of the assessment. The interviews may be conducted on school premises, at day-care facilities, at the child's home, or at other suitable locations outside of the presence of parents. If the allegation is investigated, parental notification of the interview must occur at the earliest possible point in the investigation that will not jeopardize the safety or protection of the child or the course of the investigation. Prior to commencing the interview the department or law enforcement agency shall determine whether the child wishes a third party to be present for the interview and, if so, shall make reasonable efforts to accommodate the child's wishes. Unless the child objects, the department or law enforcement agency shall make reasonable efforts to include a third party in any interview so long as the presence of the third party will not jeopardize the course of the investigation; and

(b) Shall have access to all relevant records of the child in the possession of mandated reporters and their employees.

~~((13))~~ (15) If a report of alleged abuse or neglect is founded and constitutes the third founded report received by the department within the last twelve months involving the same child or family, the department shall promptly notify the office of the family and children's ombudsman of the contents of the report. The department shall also notify the ombudsman of the disposition of the report.

~~((14))~~ (16) In investigating and responding to allegations of child abuse and neglect, the department may conduct background checks as authorized by state and federal law.

~~((15))~~ (17)(a) The department shall maintain investigation records and conduct timely and periodic reviews of all founded cases of abuse and neglect. The department shall maintain a log of screened-out nonabusive cases.

(b) In the family assessment response, the department shall not make a finding as to whether child abuse or neglect occurred. No one shall be named as a perpetrator and no investigative finding shall be entered in the department's child abuse or neglect database.

~~((16))~~ (18) The department shall use a risk assessment process when investigating alleged child abuse and neglect referrals. The department shall present the risk factors at all hearings in which the placement of a dependent child is an issue. Substance abuse must be a risk factor. ~~((The department shall, within funds appropriated for this purpose, offer enhanced community-based services to persons who are determined not to require further state intervention. —(17))~~ (19) Upon receipt of a report of alleged abuse or neglect the law enforcement agency may arrange to interview the person making the report and any collateral sources to determine if any malice is involved in the reporting.

~~((17))~~ (20) Upon receiving a report of alleged abuse or neglect involving a child under the court's jurisdiction under chapter 13.34 RCW, the department shall promptly notify the child's guardian ad litem of the report's contents. The department shall also notify the guardian ad litem of the disposition of the report. For purposes of this subsection, "guardian ad litem" has the meaning provided in RCW 13.34.030.

**Sec. 4.** RCW 26.44.031 and 2007 c 220 s 3 are each amended to read as follows:

(1) To protect the privacy in reporting and the maintenance of reports of nonaccidental injury, neglect, death, sexual abuse, and cruelty to children by their parents, and to safeguard against arbitrary, malicious, or erroneous information or actions, the department shall not disclose or maintain information related to reports of child abuse or neglect except as provided in this section or as otherwise required by state and federal law.

(2) The department shall destroy all of its records concerning:

(a) A screened-out report, within three years from the receipt of the report; and

(b) An unfounded or inconclusive report, within six years of completion of the investigation, unless a prior or subsequent founded report has been received regarding the child who is the subject of the report, a sibling or half-sibling of the child, or a parent, guardian, or legal custodian of the child, before the records are destroyed.

(3) The department may keep records concerning founded reports of child abuse or neglect as the department determines by rule.

(4) ~~((A#))~~ No unfounded, screened-out, or inconclusive report or information about a family's participation or nonparticipation in the family assessment response may ~~((not))~~ be disclosed to a child-placing agency, private adoption agency, or any other provider licensed under chapter 74.15 RCW without the consent of the individual who is the subject of the report or family assessment, unless:

(a) The individual seeks to become a licensed foster parent or

adoptive parent; or

(b) The individual is the parent or legal custodian of a child being served by one of the agencies referenced in this subsection.

(5)(a) If the department fails to comply with this section, an individual who is the subject of a report may institute proceedings for injunctive or other appropriate relief for enforcement of the requirement to purge information. These proceedings may be instituted in the superior court for the county in which the person resides or, if the person is not then a resident of this state, in the superior court for Thurston county.

(b) If the department fails to comply with subsection (4) of this section and an individual who is the subject of the report or family assessment response information is harmed by the disclosure of information, in addition to the relief provided in (a) of this subsection, the court may award a penalty of up to one thousand dollars and reasonable attorneys' fees and court costs to the petitioner.

(c) A proceeding under this subsection does not preclude other methods of enforcement provided for by law.

(6) Nothing in this section shall prevent the department from retaining general, nonidentifying information which is required for state and federal reporting and management purposes.

**Sec. 5.** RCW 26.44.050 and 1999 c 176 s 33 are each amended to read as follows:

Except as provided in RCW 26.44.030(11), upon the receipt of a report concerning the possible occurrence of abuse or neglect, the law enforcement agency or the department of social and health services must investigate and provide the protective services section with a report in accordance with chapter 74.13 RCW, and where necessary to refer such report to the court.

A law enforcement officer may take, or cause to be taken, a child into custody without a court order if there is probable cause to believe that the child is abused or neglected and that the child would be injured or could not be taken into custody if it were necessary to first obtain a court order pursuant to RCW 13.34.050. The law enforcement agency or the department of social and health services investigating such a report is hereby authorized to photograph such a child for the purpose of providing documentary evidence of the physical condition of the child.

**NEW SECTION. Sec. 6.** A new section is added to chapter 26.44 RCW to read as follows:

(1) Within ten days of the conclusion of the family assessment, the department must meet with the child's parent or guardian to discuss the recommendation for services to address child safety concerns or significant risk of subsequent child maltreatment.

(2) If the parent or guardian disagrees with the department's recommendation regarding the provision of services, the department shall convene a family team decision-making meeting to discuss the recommendations and objections. The caseworker's supervisor and area administrator shall attend the meeting.

(3) If the department determines, based on the results of the family assessment, that services are not recommended then the department shall close the family assessment response case.

**Sec. 7.** RCW 74.13.020 and 2011 c 330 s 4 are each reenacted and amended to read as follows:

For purposes of this chapter:

(1) "Case management" means ~~((the management of services delivered to children and families in the child welfare system, including permanency services, caseworker child visits, family visits, the convening of family group conferences, the development and revision of the case plan, the coordination and monitoring of services needed by the child and family, and the assumption of court-related duties, excluding legal representation, including preparing court reports, attending judicial hearings and permanency hearings, and ensuring that the child is progressing toward~~

~~permanency within state and federal mandates, including the Indian child welfare act))~~ convening family meetings, developing, revising, and monitoring implementation of any case plan or individual service and safety plan, coordinating and monitoring services needed by the child and family, caseworker-child visits, family visits, and the assumption of court-related duties, excluding legal representation, including preparing court reports, attending judicial hearings and permanency hearings, and ensuring that the child is progressing toward permanency within state and federal mandates, including the Indian child welfare act.

(2) "Child" means:

(a) A person less than eighteen years of age; or

(b) A person age eighteen to twenty-one years who is eligible to receive the extended foster care services authorized under RCW 74.13.031.

(3) "Child protective services" has the same meaning as in RCW 26.44.020.

(4) "Child welfare services" means social services including voluntary and in-home services, out-of-home care, case management, and adoption services which strengthen, supplement, or substitute for, parental care and supervision for the purpose of:

(a) Preventing or remedying, or assisting in the solution of problems which may result in families in conflict, or the neglect, abuse, exploitation, or criminal behavior of children;

(b) Protecting and caring for dependent, abused, or neglected children;

(c) Assisting children who are in conflict with their parents, and assisting parents who are in conflict with their children, with services designed to resolve such conflicts;

(d) Protecting and promoting the welfare of children, including the strengthening of their own homes where possible, or, where needed;

(e) Providing adequate care of children away from their homes in foster family homes or day care or other child care agencies or facilities.

"Child welfare services" does not include child protection services.

(5) "Committee" means the child welfare transformation design committee.

(6) "Department" means the department of social and health services.

(7) "Extended foster care services" means residential and other support services the department is authorized to provide to foster children. These services include, but are not limited to, placement in licensed, relative, or otherwise approved care, or supervised independent living settings; assistance in meeting basic needs; independent living services; medical assistance; and counseling or treatment.

(8) "Family assessment" means a comprehensive assessment of child safety, risk of subsequent child abuse or neglect, and family strengths and needs that is applied to a child abuse or neglect report. Family assessment does not include a determination as to whether child abuse or neglect occurred, but does determine the need for services to address the safety of the child and the risk of subsequent maltreatment.

(9) "Measurable effects" means a statistically significant change which occurs as a result of the service or services a supervising agency is assigned in a performance-based contract, in time periods established in the contract.

~~((9))~~ (10) "Out-of-home care services" means services provided after the shelter care hearing to or for children in out-of-home care, as that term is defined in RCW 13.34.030, and their families, including the recruitment, training, and management of foster parents, the recruitment of adoptive families, and the facilitation of the adoption process, family reunification,

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independent living, emergency shelter, residential group care, and foster care, including relative placement.

~~((40))~~ (11) "Performance-based contracting" means the structuring of all aspects of the procurement of services around the purpose of the work to be performed and the desired results with the contract requirements set forth in clear, specific, and objective terms with measurable outcomes. Contracts shall also include provisions that link the performance of the contractor to the level and timing of reimbursement.

~~((41))~~ (12) "Permanency services" means long-term services provided to secure a child's safety, permanency, and well-being, including foster care services, family reunification services, adoption services, and preparation for independent living services.

~~((42))~~ (13) "Primary prevention services" means services which are designed and delivered for the primary purpose of enhancing child and family well-being and are shown, by analysis of outcomes, to reduce the risk to the likelihood of the initial need for child welfare services.

~~((43))~~ (14) "Supervising agency" means an agency licensed by the state under RCW 74.15.090, or licensed by a federally recognized Indian tribe located in this state under RCW 74.15.190, that has entered into a performance-based contract with the department to provide case management for the delivery and documentation of child welfare services, as defined in this section.

**Sec. 8.** RCW 74.13.031 and 2011 c 330 s 5 and 2011 c 160 s 2 are each reenacted and amended to read as follows:

(1) The department and supervising agencies shall develop, administer, supervise, and monitor a coordinated and comprehensive plan that establishes, aids, and strengthens services for the protection and care of runaway, dependent, or neglected children.

(2) Within available resources, the department and supervising agencies shall recruit an adequate number of prospective adoptive and foster homes, both regular and specialized, i.e. homes for children of ethnic minority, including Indian homes for Indian children, sibling groups, handicapped and emotionally disturbed, teens, pregnant and parenting teens, and the department shall annually report to the governor and the legislature concerning the department's and supervising agency's success in: (a) Meeting the need for adoptive and foster home placements; (b) reducing the foster parent turnover rate; (c) completing home studies for legally free children; and (d) implementing and operating the passport program required by RCW 74.13.285. The report shall include a section entitled "Foster Home Turn-Over, Causes and Recommendations."

(3) The department shall investigate complaints of any recent act or failure to act on the part of a parent or caretaker that results in death, serious physical or emotional harm, or sexual abuse or exploitation, or that presents an imminent risk of serious harm, and on the basis of the findings of such investigation, offer child welfare services in relation to the problem to such parents, legal custodians, or persons serving in loco parentis, and/or bring the situation to the attention of an appropriate court, or another community agency. An investigation is not required of nonaccidental injuries which are clearly not the result of a lack of care or supervision by the child's parents, legal custodians, or persons serving in loco parentis. If the investigation reveals that a crime against a child may have been committed, the department shall notify the appropriate law enforcement agency.

(4) As provided in RCW 26.44.030(11), the department may respond to a report of child abuse or neglect by using the family assessment response.

(5) The department or supervising agencies shall offer, on a voluntary basis, family reconciliation services to families who are in conflict.

~~((5))~~ (6) The department or supervising agencies shall monitor placements of children in out-of-home care and in-home dependencies to assure the safety, well-being, and quality of care being provided is within the scope of the intent of the legislature as defined in RCW 74.13.010 and 74.15.010. Under this section children in out-of-home care and in-home dependencies and their caregivers shall receive a private and individual face-to-face visit each month. The department and the supervising agencies shall randomly select no less than ten percent of the caregivers currently providing care to receive one unannounced face-to-face visit in the caregiver's home per year. No caregiver will receive an unannounced visit through the random selection process for two consecutive years. If the caseworker makes a good faith effort to conduct the unannounced visit to a caregiver and is unable to do so, that month's visit to that caregiver need not be unannounced. The department and supervising agencies are encouraged to group monthly visits to caregivers by geographic area so that in the event an unannounced visit cannot be completed, the caseworker may complete other required monthly visits. The department shall use a method of random selection that does not cause a fiscal impact to the department.

The department or supervising agencies shall conduct the monthly visits with children and caregivers to whom it is providing child welfare services.

~~((6))~~ (7) The department and supervising agencies shall have authority to accept custody of children from parents and to accept custody of children from juvenile courts, where authorized to do so under law, to provide child welfare services including placement for adoption, to provide for the routine and necessary medical, dental, and mental health care, or necessary emergency care of the children, and to provide for the physical care of such children and make payment of maintenance costs if needed. Except where required by Public Law 95- 608 (25 U.S.C. Sec. 1915), no private adoption agency which receives children for adoption from the department shall discriminate on the basis of race, creed, or color when considering applications in their placement for adoption.

~~((7))~~ (8) The department and supervising agency shall have authority to provide temporary shelter to children who have run away from home and who are admitted to crisis residential centers.

~~((8))~~ (9) The department and supervising agency shall have authority to purchase care for children.

~~((9))~~ (10) The department shall establish a children's services advisory committee with sufficient members representing supervising agencies which shall assist the secretary in the development of a partnership plan for utilizing resources of the public and private sectors, and advise on all matters pertaining to child welfare, licensing of child care agencies, adoption, and services related thereto. At least one member shall represent the adoption community.

~~((10))~~ (11) The department and supervising agencies shall have authority to provide continued extended foster care services to youth ages eighteen to twenty-one years to participate in or complete a secondary education program or a secondary education equivalency program.

~~((11))~~ (12) The department ~~(has)~~ shall have authority to provide adoption support benefits, or relative guardianship subsidies on behalf of youth ages eighteen to twenty-one years who achieved permanency through adoption or a relative guardianship at age sixteen or older and who meet the criteria described in subsection ~~((10))~~ (11) of this section.

~~((12))~~ (13) The department shall refer cases to the division of child support whenever state or federal funds are expended for the care and maintenance of a child, including a child with a developmental disability who is placed as a result of an action under chapter 13.34 RCW, unless the department finds that there is good

cause not to pursue collection of child support against the parent or parents of the child. Cases involving individuals age eighteen through twenty shall not be referred to the division of child support unless required by federal law.

~~((13))~~ (14) The department and supervising agencies shall have authority within funds appropriated for foster care services to purchase care for Indian children who are in the custody of a federally recognized Indian tribe or tribally licensed child-placing agency pursuant to parental consent, tribal court order, or state juvenile court order; and the purchase of such care shall be subject to the same eligibility standards and rates of support applicable to other children for whom the department purchases care.

Notwithstanding any other provision of RCW 13.32A.170 through 13.32A.200 and 74.13.032 through 74.13.036, or of this section all services to be provided by the department under subsections (4), ~~((6), and)~~ (7), and (8) of this section, subject to the limitations of these subsections, may be provided by any program offering such services funded pursuant to Titles II and III of the federal juvenile justice and delinquency prevention act of 1974.

~~((14))~~ (15) Within amounts appropriated for this specific purpose, the supervising agency or department shall provide preventive services to families with children that prevent or shorten the duration of an out-of-home placement.

~~((15))~~ (16) The department and supervising agencies shall have authority to provide independent living services to youths, including individuals who have attained eighteen years of age, and have not attained twenty-one years of age who are or have been in foster care.

~~((16))~~ (17) The department and supervising agencies shall consult at least quarterly with foster parents, including members of the foster parent association of Washington state, for the purpose of receiving information and comment regarding how the department and supervising agencies are performing the duties and meeting the obligations specified in this section and RCW 74.13.250 and 74.13.320 regarding the recruitment of foster homes, reducing foster parent turnover rates, providing effective training for foster parents, and administering a coordinated and comprehensive plan that strengthens services for the protection of children. Consultation shall occur at the regional and statewide levels.

(18)(a) The department shall, within current funding levels, place on its public web site a document listing the duties and responsibilities the department has to a child subject to a dependency petition including, but not limited to, the following:

(i) Reasonable efforts, including the provision of services, toward reunification of the child with his or her family;

(ii) Sibling visits subject to the restrictions in RCW 13.34.136(2)(b)(ii);

(iii) Parent-child visits;

(iv) Statutory preference for placement with a relative or other suitable person, if appropriate; and

(v) Statutory preference for an out-of-home placement that allows the child to remain in the same school or school district, if practical and in the child's best interests.

(b) The document must be prepared in conjunction with a community- based organization and must be updated as needed.

**NEW SECTION. Sec. 9.** The Washington state institute for public policy shall conduct an evaluation of the implementation of the family assessment response. The institute shall define the data to be gathered and maintained. At a minimum, the evaluations must address child safety measures, out-of-home placement rates, re-referral rates, and caseload sizes and demographics. The institute shall deliver its first report no later than December 1, 2014, and its final report by December 1, 2016.

**NEW SECTION. Sec. 10.** The department of social and health services shall conduct two client satisfaction surveys of

families that have been placed in the family assessment response. The first survey results shall be reported no later than December 1, 2014. The second survey results shall be reported no later than December 1, 2016.

**Sec. 11.** RCW 26.44.125 and 1998 c 314 s 9 are each amended to read as follows:

(1) A person who is named as an alleged perpetrator after October 1, 1998, in a founded report of child abuse or neglect has the right to seek review and amendment of the finding as provided in this section.

(2) Within ~~((twenty))~~ thirty calendar days after ~~((receiving written notice from the department))~~ the department has notified the alleged perpetrator under RCW 26.44.100 that ((a)) the person is named as an alleged perpetrator in a founded report of child abuse or neglect, he or she may request that the department review the finding. The request must be made in writing. The written notice provided by the department must contain at least the following information in plain language:

(a) Information about the department's investigative finding as it relates to the alleged perpetrator;

(b) Sufficient factual information to apprise the alleged perpetrator of the date and nature of the founded reports;

(c) That the alleged perpetrator has the right to submit to child protective services a written response regarding the child protective services finding which, if received, shall be filed in the department's records;

(d) That information in the department's records, including information about this founded report, may be considered in a later investigation or proceeding related to a different allegation of child abuse or neglect or child custody;

(e) That founded allegations of child abuse or neglect may be used by the department in determining:

(i) If a perpetrator is qualified to be licensed or approved to care for children or vulnerable adults; or

(ii) If a perpetrator is qualified to be employed by the department in a position having unsupervised access to children or vulnerable adults;

(f) That the alleged perpetrator has a right to challenge a founded allegation of child abuse or neglect.

(3) If a request for review is not made as provided in this subsection, the alleged perpetrator may not further challenge the finding and shall have no right to agency review or to an adjudicative hearing or judicial review of the finding, unless he or she can show that the department did not comply with the notice requirements of RCW 26.44.100.

~~((3))~~ (4) Upon receipt of a written request for review, the department shall review and, if appropriate, may amend the finding. Management level staff within the children's administration designated by the secretary shall be responsible for the review. The review must be completed within thirty days after receiving the written request for review. The review must be conducted in accordance with procedures the department establishes by rule. Upon completion of the review, the department shall notify the alleged perpetrator in writing of the agency's determination. The notification must be sent by certified mail, return receipt requested, to the person's last known address.

~~((4))~~ (5) If, following agency review, the report remains founded, the person named as the alleged perpetrator in the report may request an adjudicative hearing to contest the finding. The adjudicative proceeding is governed by chapter 34.05 RCW and this section. The request for an adjudicative proceeding must be filed within thirty calendar days after receiving notice of the agency review determination. If a request for an adjudicative proceeding is not made as provided in this subsection, the alleged perpetrator may not further challenge the finding and shall have no right to agency

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review or to an adjudicative hearing or judicial review of the finding.

~~((5))~~ (6) Reviews and hearings conducted under this section are confidential and shall not be open to the public. Information about reports, reviews, and hearings may be disclosed only in accordance with federal and state laws pertaining to child welfare records and child protective services reports.

~~((6))~~ (7) The department may adopt rules to implement this section.

**Sec. 12.** RCW 26.44.010 and 1999 c 176 s 27 are each amended to read as follows:

The Washington state legislature finds and declares: The bond between a child and his or her parent, custodian, or guardian is of paramount importance, and any intervention into the life of a child is also an intervention into the life of the parent, custodian, or guardian; however, instances of nonaccidental injury, neglect, death, sexual abuse and cruelty to children by their parents, custodians or guardians have occurred, and in the instance where a child is deprived of his or her right to conditions of minimal nurture, health, and safety, the state is justified in emergency intervention based upon verified information; and therefore the Washington state legislature hereby provides for the reporting of such cases to the appropriate public authorities. It is the intent of the legislature that, as a result of such reports, protective services shall be made available in an effort to prevent further abuses, and to safeguard the general welfare of such children(~~(- PROVIDED, That such)~~). When the child's physical or mental health is jeopardized, or the safety of the child conflicts with the legal rights of a parent, custodian, or guardian, the health and safety interests of the child should prevail. When determining whether a child and a parent, custodian, or guardian should be separated during or immediately following an investigation of alleged child abuse or neglect, the safety of the child shall be the department's paramount concern. Reports of child abuse and neglect shall be maintained and disseminated with strictest regard for the privacy of the subjects of such reports and so as to safeguard against arbitrary, malicious or erroneous information or actions(~~(- PROVIDED FURTHER, That)~~). This chapter shall not be construed to authorize interference with child- raising practices, including reasonable parental discipline, which are not proved to be injurious to the child's health, welfare and safety.

**NEW SECTION. Sec. 13.** A new section is added to chapter 4.24 RCW to read as follows:

(1) Governmental entities, and their officers, agents, employees, and volunteers, are not liable in tort for any of their acts or omissions in emergent placement investigations of child abuse or neglect under chapter 26.44 RCW including, but not limited to, any determination to leave a child with a parent, custodian, or guardian, or to return a child to a parent, custodian, or guardian, unless the act or omission constitutes gross negligence. Emergent placement investigations are those conducted prior to a shelter care hearing under RCW 13.34.065.

(2) The department of social and health services and its employees shall comply with the orders of the court, including shelter care and other dependency orders, and are not liable for acts performed to comply with such court orders. In providing reports and recommendations to the court, employees of the department of social and health services are entitled to the same witness immunity as would be provided to any other witness.

**NEW SECTION. Sec. 14.** A new section is added to chapter 26.44 RCW to read as follows:

Consistent with the paramount concern of the department to protect the child's interests of basic nurture, physical and mental health, and safety, and the requirement that the child's health and safety interests prevail over conflicting legal interests of a parent,

custodian, or guardian, the liability of governmental entities, and their officers, agents, employees, and volunteers, to parents, custodians, or guardians accused of abuse or neglect is limited as provided in section 13 of this act.

**NEW SECTION. Sec. 15.** Sections 1 and 3 through 10 of this act take effect December 1, 2013."

Correct the title.  
and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

Senator Hargrove moved that the Senate concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 6555.

MOTION

On motion of Senator Eide, further consideration of Engrossed Substitute Senate Bill No. 6555 was deferred and the bill held its place on the calendar.

MESSAGE FROM THE HOUSE

March 6, 2012

MR. PRESIDENT:

The House passed SUBSTITUTE SENATE BILL NO. 6493 with the following amendment(s): 6493-S AMH WAYS H4609.1

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 2.70.020 and 2008 c 313 s 4 are each amended to read as follows:

The director shall:

(1) Administer all state-funded services in the following program areas:

(a) Trial court criminal indigent defense, as provided in chapter 10.101 RCW;

(b) Appellate indigent defense, as provided in this chapter;

(c) Representation of indigent parents qualified for appointed counsel in dependency and termination cases, as provided in RCW 13.34.090 and 13.34.092;

(d) Extraordinary criminal justice cost petitions, as provided in RCW 43.330.190;

(e) Compilation of copies of DNA test requests by persons convicted of felonies, as provided in RCW 10.73.170;

(f) Representation of indigent respondents qualified for appointed counsel in sexually violent predator civil commitment cases, as provided in chapter 71.09 RCW;

(2) Submit a biennial budget for all costs related to the office's program areas;

(3) Establish administrative procedures, standards, and guidelines for the office's program areas, including cost-efficient systems that provide for authorized recovery of costs;

(4) Provide oversight and technical assistance to ensure the effective and efficient delivery of services in the office's program areas;

(5) Recommend criteria and standards for determining and verifying indigency. In recommending criteria for determining indigency, the director shall compile and review the indigency standards used by other state agencies and shall periodically submit the compilation and report to the legislature on the appropriateness and consistency of such standards;

(6) Collect information regarding indigent defense services funded by the state and report annually to the advisory committee, the legislature, and the supreme court;



(7) Coordinate with the supreme court and the judges of each division of the court of appeals to determine how appellate attorney services should be provided.

The office of public defense shall not provide direct representation of clients.

**NEW SECTION. Sec. 2.** A new section is added to chapter 2.70 RCW to read as follows:

In providing indigent defense services for sexually violent predator civil commitment cases under chapter 71.09 RCW, the director shall:

(1) In accordance with state contracting laws, contract with persons admitted to practice law in this state and organizations employing persons admitted to practice law in this state for the provision of legal services to indigent persons;

(2) Establish annual contract fees for defense legal services within amounts appropriated based on court rules and court orders;

(3) Ensure an indigent person qualified for appointed counsel has one contracted counsel appointed to assist him or her. Upon a showing of good cause, the court may order additional counsel;

(4) Consistent with court rules and court orders, establish procedures for the reimbursement of expert witness and other professional and investigative costs;

(5) Review and analyze existing caseload standards and make recommendations for updating caseload standards as appropriate;

(6) Annually, with the first report due December 1, 2013, submit a report to the chief justice of the supreme court, the governor, and the legislature, with all pertinent data on the operation of indigent defense services for commitment proceedings under this section, including:

(a) Recommended levels of appropriation to maintain adequate indigent defense services to the extent constitutionally required;

(b) The time to trial for all commitment trial proceedings including a list of the number of continuances granted, the party that requested the continuance, the county where the proceeding is being heard, and, if available, the reason the continuance was granted;

(c) Recommendations for policy changes, including changes in statutes and changes in court rules, which may be appropriate for the improvement of sexually violent predator civil commitment proceedings.

**NEW SECTION. Sec. 3.** (1) All powers, duties, and functions of the department of social and health services and the special commitment center pertaining to indigent defense under chapter 71.09 RCW are transferred to the office of public defense.

(2)(a) The office of public defense may request any written materials in the possession of the department of social and health services and the special commitment center pertaining to the powers, functions, and duties transferred, which shall be delivered to the custody of the office of public defense. Materials may be transferred electronically and/or in hard copy, as agreed by the agencies. All funds, credits, or other assets held in connection with the powers, functions, and duties transferred shall be assigned to the office of public defense.

(b) Any appropriations made to the department of social and health services for carrying out the powers, functions, and duties transferred shall, on July 1, 2012, be transferred and credited to the office of public defense.

(3) Notwithstanding the effective date of this section, if implementation of office of public defense contracts would result in the substitution of counsel within one hundred eighty days of a scheduled trial date, the director of the office of public defense may continue defense services with existing counsel to facilitate continuity of effective representation and avoid further continuance of a trial. When existing counsel is maintained, payment to complete the trial shall be prorated based on standard contract fees established by the office of public defense under section 2 of this act

and, at the director's discretion, may include extraordinary compensation based on attorney documentation.

**Sec. 4.** RCW 71.09.040 and 2009 c 409 s 4 are each amended to read as follows:

(1) Upon the filing of a petition under RCW 71.09.030, the judge shall determine whether probable cause exists to believe that the person named in the petition is a sexually violent predator. If such determination is made the judge shall direct that the person be taken into custody and notify the office of public defense of the potential need for representation.

(2) Within seventy-two hours after a person is taken into custody pursuant to subsection (1) of this section, the court shall provide the person with notice of, and an opportunity to appear in person at, a hearing to contest probable cause as to whether the person is a sexually violent predator. In order to assist the person at the hearing, within twenty-four hours of service of the petition, the prosecuting agency shall provide to the person or his or her counsel a copy of all materials provided to the prosecuting agency by the referring agency pursuant to RCW 71.09.025, or obtained by the prosecuting agency pursuant to RCW 71.09.025(1) (c) and (d). At this hearing, the court shall (a) verify the person's identity, and (b) determine whether probable cause exists to believe that the person is a sexually violent predator. At the probable cause hearing, the state may rely upon the petition and certification for determination of probable cause filed pursuant to RCW 71.09.030. The state may supplement this with additional documentary evidence or live testimony. The person may be held in total confinement at the county jail until the trial court renders a decision after the conclusion of the seventy- two hour probable cause hearing. The county shall be entitled to reimbursement for the cost of housing and transporting the person pursuant to rules adopted by the secretary.

(3) At the probable cause hearing, the person shall have the following rights in addition to the rights previously specified: (a) To be represented by counsel, and if the person is indigent as defined in RCW 10.101.010, to have office of public defense contracted counsel appointed as provided in RCW 10.101.020; (b) to present evidence on his or her behalf; (c) to cross-examine witnesses who testify against him or her; (d) to view and copy all petitions and reports in the court file. The court must permit a witness called by either party to testify by telephone. Because this is a special proceeding, discovery pursuant to the civil rules shall not occur until after the hearing has been held and the court has issued its decision.

(4) If the probable cause determination is made, the judge shall direct that the person be transferred to ~~((an appropriate facility for an evaluation as to whether the person is a sexually violent predator. The evaluation shall be conducted by a person deemed to be professionally qualified to conduct such an examination pursuant to rules developed by the department of social and health services. In adopting such rules, the department of social and health services shall consult with the department of health and the department of corrections))~~ the custody of the department of social and health services for placement in a total confinement facility operated by the department. In no event shall the person be released from confinement prior to trial. ~~((A witness called by either party shall be permitted to testify by telephone.))~~

**Sec. 5.** RCW 71.09.050 and 2010 1st sp.s. c 28 s 1 are each amended to read as follows:

(1) Within forty-five days after the completion of any hearing held pursuant to RCW 71.09.040, the court shall conduct a trial to determine whether the person is a sexually violent predator. The trial may be continued upon the request of either party and a showing of good cause, or by the court on its own motion in the due administration of justice, and when the respondent will not be substantially prejudiced. ~~((The department is responsible for the~~

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~~cost of one expert or professional person to conduct an evaluation on the prosecuting agency's behalf.)~~ The prosecuting agency shall have a right to a current evaluation of the person by experts chosen by the state. The judge may require the person to complete any or all of the following procedures or tests if requested by the evaluator: (a) A clinical interview; (b) psychological testing; (c) plethysmograph testing; and (d) polygraph testing. The judge may order the person to complete any other procedures and tests relevant to the evaluation. The state is responsible for the costs of the evaluation. At all stages of the proceedings under this chapter, any person subject to this chapter shall be entitled to the assistance of counsel, and if the person is indigent as defined in RCW 10.101.010, the court, as provided in RCW 10.101.020, shall appoint office of public defense contracted counsel to assist him or her. The person shall be confined in a secure facility for the duration of the trial.

(2) Whenever any indigent person is subjected to an evaluation under this chapter, the ~~((department))~~ office of public defense is responsible for the cost of one expert or professional person to conduct an evaluation on the person's behalf. When the person wishes to be evaluated by a qualified expert or professional person of his or her own choice, the expert or professional person must be permitted to have reasonable access to the person for the purpose of such evaluation, as well as to all relevant medical and psychological records and reports. In the case of a person who is indigent, the court shall, upon the person's request, assist the person in obtaining an expert or professional person to perform an evaluation or participate in the trial on the person's behalf. Nothing in this chapter precludes the person from paying for additional expert services at his or her own expense.

(3) The person, the prosecuting agency, or the judge shall have the right to demand that the trial be before a twelve-person jury. If no demand is made, the trial shall be before the court.

**Sec. 6.** RCW 71.09.080 and 2010 c 218 s 2 are each amended to read as follows:

(1) Any person subjected to restricted liberty as a sexually violent predator pursuant to this chapter shall not forfeit any legal right or suffer any legal disability as a consequence of any actions taken or orders made, other than as specifically provided in this chapter, or as otherwise authorized by law.

(2)(a) Any person committed or detained pursuant to this chapter shall be prohibited from possessing or accessing a personal computer if the resident's individualized treatment plan states that access to a computer is harmful to bringing about a positive response to a specific and certain phase or course of treatment.

(b) A person who is prohibited from possessing or accessing a personal computer under (a) of this subsection shall be permitted to access a limited functioning personal computer capable of word processing and limited data storage on the computer only that does not have: (i) Internet access capability; (ii) an optical drive, external drive, universal serial bus port, or similar drive capability; or (iii) the capability to display photographs, images, videos, or motion pictures, or similar display capability from any drive or port capability listed under (b)(ii) of this subsection.

(3) Any person committed pursuant to this chapter has the right to adequate care and individualized treatment. The department of social and health services shall keep records detailing all medical, expert, and professional care and treatment received by a committed person, and shall keep copies of all reports of periodic examinations made pursuant to this chapter. All such records and reports shall be made available upon request only to: The committed person, his or her attorney, the prosecuting ~~((attorney))~~ agency, the court, the protection and advocacy agency, or another expert or professional person who, upon proper showing, demonstrates a need for access to such records.

(4) At the time a person is taken into custody or transferred into a facility pursuant to a petition under this chapter, the professional person in charge of such facility or his or her designee shall take reasonable precautions to inventory and safeguard the personal property of the persons detained or transferred. A copy of the inventory, signed by the staff member making it, shall be given to the person detained and shall, in addition, be open to inspection to any responsible relative, subject to limitations, if any, specifically imposed by the detained person. For purposes of this subsection, "responsible relative" includes the guardian, conservator, attorney, spouse, parent, adult child, or adult brother or sister of the person. The facility shall not disclose the contents of the inventory to any other person without consent of the patient or order of the court.

(5) Nothing in this chapter prohibits a person presently committed from exercising a right presently available to him or her for the purpose of obtaining release from confinement, including the right to petition for a writ of habeas corpus.

(6) No indigent person may be conditionally released or unconditionally discharged under this chapter without suitable clothing, and the secretary shall furnish the person with such sum of money as is required by RCW 72.02.100 for persons without ample funds who are released from correctional institutions. As funds are available, the secretary may provide payment to the indigent persons conditionally released pursuant to this chapter consistent with the optional provisions of RCW 72.02.100 and 72.02.110, and may adopt rules to do so.

(7) If a civil commitment petition is dismissed, or a trier of fact determines that a person does not meet civil commitment criteria, the person shall be released within twenty-four hours of service of the release order on the superintendent of the special commitment center, or later by agreement of the person who is the subject of the petition.

**Sec. 7.** RCW 71.09.090 and 2011 2nd sp.s. c 7 s 2 are each amended to read as follows:

(1) If the secretary determines that the person's condition has so changed that either: (a) The person no longer meets the definition of a sexually violent predator; or (b) conditional release to a less restrictive alternative is in the best interest of the person and conditions can be imposed that adequately protect the community, the secretary shall authorize the person to petition the court for conditional release to a less restrictive alternative or unconditional discharge. The petition shall be filed with the court and served upon the prosecuting agency responsible for the initial commitment. The court, upon receipt of the petition for conditional release to a less restrictive alternative or unconditional discharge, shall within forty- five days order a hearing.

(2)(a) Nothing contained in this chapter shall prohibit the person from otherwise petitioning the court for conditional release to a less restrictive alternative or unconditional discharge without the secretary's approval. The secretary shall provide the committed person with an annual written notice of the person's right to petition the court for conditional release to a less restrictive alternative or unconditional discharge over the secretary's objection. The notice shall contain a waiver of rights. The secretary shall file the notice and waiver form and the annual report with the court. If the person does not affirmatively waive the right to petition, the court shall set a show cause hearing to determine whether probable cause exists to warrant a hearing on whether the person's condition has so changed that: (i) He or she no longer meets the definition of a sexually violent predator; or (ii) conditional release to a proposed less restrictive alternative would be in the best interest of the person and conditions can be imposed that would adequately protect the community.

(b) The committed person shall have a right to have an attorney represent him or her at the show cause hearing, which may be

conducted solely on the basis of affidavits or declarations, but the person is not entitled to be present at the show cause hearing. At the show cause hearing, the prosecuting ~~((attorney or attorney general))~~ agency shall present prima facie evidence establishing that the committed person continues to meet the definition of a sexually violent predator and that a less restrictive alternative is not in the best interest of the person and conditions cannot be imposed that adequately protect the community. In making this showing, the state may rely exclusively upon the annual report prepared pursuant to RCW 71.09.070. The committed person may present responsive affidavits or declarations to which the state may reply.

(c) If the court at the show cause hearing determines that either: (i) The state has failed to present prima facie evidence that the committed person continues to meet the definition of a sexually violent predator and that no proposed less restrictive alternative is in the best interest of the person and conditions cannot be imposed that would adequately protect the community; or (ii) probable cause exists to believe that the person's condition has so changed that: (A) The person no longer meets the definition of a sexually violent predator; or (B) release to a proposed less restrictive alternative would be in the best interest of the person and conditions can be imposed that would adequately protect the community, then the court shall set a hearing on either or both issues.

(d) If the court has not previously considered the issue of release to a less restrictive alternative, either through a trial on the merits or through the procedures set forth in RCW 71.09.094(1), the court shall consider whether release to a less restrictive alternative would be in the best interests of the person and conditions can be imposed that would adequately protect the community, without considering whether the person's condition has changed. The court may not find probable cause for a trial addressing less restrictive alternatives unless a proposed less restrictive alternative placement meeting the conditions of RCW 71.09.092 is presented to the court at the show cause hearing.

(3)(a) At the hearing resulting from subsection (1) or (2) of this section, the committed person shall be entitled to be present and to the benefit of all constitutional protections that were afforded to the person at the initial commitment proceeding. The prosecuting agency shall represent the state and shall have a right to a jury trial and to have the committed person evaluated by experts chosen by the state. ~~((The department is responsible for the cost of one expert or professional person to conduct an evaluation on the prosecuting agency's behalf.))~~ The prosecuting agency shall have a right to a current evaluation of the person by experts chosen by the state. The judge may require the person to complete any or all of the following procedures or tests if requested by the evaluator: (i) A clinical interview; (ii) psychological testing; (iii) plethysmograph testing; and (iv) polygraph testing. The judge may order the person to complete any other procedures and tests relevant to the evaluation. The state is responsible for the costs of the evaluation. The committed person shall also have the right to a jury trial and the right to have experts evaluate him or her on his or her behalf and the court shall appoint an expert if the person is indigent and requests an appointment.

(b) Whenever any indigent person is subjected to an evaluation under (a) of this subsection, the ~~((department))~~ office of public defense is responsible for the cost of one expert or professional person conducting an evaluation on the person's behalf. When the person wishes to be evaluated by a qualified expert or professional person of his or her own choice, such expert or professional person must be permitted to have reasonable access to the person for the purpose of such evaluation, as well as to all relevant medical and psychological records and reports. In the case of a person who is indigent, the court shall, upon the person's request, assist the person in obtaining an expert or professional person to perform an

evaluation or participate in the hearing on the person's behalf. Nothing in this chapter precludes the person from paying for additional expert services at his or her own expense.

(c) If the issue at the hearing is whether the person should be unconditionally discharged, the burden of proof shall be upon the state to prove beyond a reasonable doubt that the committed person's condition remains such that the person continues to meet the definition of a sexually violent predator. Evidence of the prior commitment trial and disposition is admissible. The recommitment proceeding shall otherwise proceed as set forth in RCW 71.09.050 and 71.09.060.

(d) If the issue at the hearing is whether the person should be conditionally released to a less restrictive alternative, the burden of proof at the hearing shall be upon the state to prove beyond a reasonable doubt that conditional release to any proposed less restrictive alternative either: (i) Is not in the best interest of the committed person; or (ii) does not include conditions that would adequately protect the community. Evidence of the prior commitment trial and disposition is admissible.

(4)(a) Probable cause exists to believe that a person's condition has "so changed," under subsection (2) of this section, only when evidence exists, since the person's last commitment trial, or less restrictive alternative revocation proceeding, of a substantial change in the person's physical or mental condition such that the person either no longer meets the definition of a sexually violent predator or that a conditional release to a less restrictive alternative is in the person's best interest and conditions can be imposed to adequately protect the community.

(b) A new trial proceeding under subsection (3) of this section may be ordered, or a trial proceeding may be held, only when there is current evidence from a licensed professional of one of the following and the evidence presents a change in condition since the person's last commitment trial proceeding:

(i) An identified physiological change to the person, such as paralysis, stroke, or dementia, that renders the committed person unable to commit a sexually violent act and this change is permanent; or

(ii) A change in the person's mental condition brought about through positive response to continuing participation in treatment which indicates that the person meets the standard for conditional release to a less restrictive alternative or that the person would be safe to be at large if unconditionally released from commitment.

(c) For purposes of this section, a change in a single demographic factor, without more, does not establish probable cause for a new trial proceeding under subsection (3) of this section. As used in this section, a single demographic factor includes, but is not limited to, a change in the chronological age, marital status, or gender of the committed person.

(5) The jurisdiction of the court over a person civilly committed pursuant to this chapter continues until such time as the person is unconditionally discharged.

(6) During any period of confinement pursuant to a criminal conviction, or for any period of detention awaiting trial on criminal charges, this section is suspended.

**NEW SECTION. Sec. 8.** A new section is added to chapter 71.09 RCW to read as follows:

The following activities, unless provided as part of investigation and preparation for any hearing or trial under this chapter, are beyond the scope of representation of an attorney under contract with the office of public defense pursuant to chapter 2.70 RCW for the purposes of providing indigent defense services in sexually violent predator civil commitment proceedings:

(1) Investigation or legal representation challenging the conditions of confinement at the special commitment center or any secure community transition facility;

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- (2) Investigation or legal representation for making requests under the public records act, chapter 42.56 RCW;
- (3) Legal representation or advice regarding filing a grievance with the department as part of its grievance policy or procedure;
- (4) Such other activities as may be excluded by policy or contract with the office of public defense.

**NEW SECTION. Sec. 9.** A new section is added to chapter 71.09 RCW to read as follows:

(1) The office of public defense is responsible for the cost of one expert or professional person conducting an evaluation on an indigent person's behalf as provided in RCW 71.09.050, 71.09.070, or 71.09.090.

(2) Expert evaluations are capped at ten thousand dollars, to include all professional fees, travel, per diem, and other costs. Partial evaluations are capped at five thousand five hundred dollars and expert services apart from an evaluation, exclusive of testimony at trial or depositions, are capped at six thousand dollars.

(3) The office of public defense will pay for the costs related to the evaluation of an indigent person by an additional examiner or in excess of the stated fee caps only upon a finding by the superior court that such appointment or extraordinary fees are for good cause.

**Sec. 10.** RCW 71.09.110 and 2010 1st sp. s. c 28 s 3 are each amended to read as follows:

The department of social and health services shall be responsible for ~~((all))~~ the costs relating to the ~~((evaluation and))~~ treatment of persons committed to their custody whether in a secure facility or under a less restrictive alternative ~~((under any provision of))~~ as provided in this chapter. ~~((The secretary shall adopt rules to contain costs relating to reimbursement for evaluation services.))~~ Reimbursement may be obtained by the department for the cost of care and treatment of persons committed to its custody whether in a secure facility or under a less restrictive alternative pursuant to RCW 43.20B.330 through 43.20B.370.

**Sec. 11.** RCW 71.09.120 and 1990 c 3 s 1012 are each amended to read as follows:

(1) In addition to any other information required to be released under this chapter, the department is authorized, pursuant to RCW 4.24.550, to release relevant information that is necessary to protect the public, concerning a specific sexually violent predator committed under this chapter.

(2) The department and the courts are authorized to release to the office of public defense records needed to implement the office's administration of public defense in these cases, including research, reports, and other functions as required by RCW 2.70.020 and section 2 of this act. The office of public defense shall maintain the confidentiality of all confidential information included in the records.

(3) The inspection or copying of any nonexempt public record by persons residing in a civil commitment facility for sexually violent predators may be enjoined following procedures identified in RCW 42.56.565. The injunction may be requested by:

- (a) An agency or its representative;
- (b) A person named in the record or his or her representative;
- (c) A person to whom the request specifically pertains or his or her representative.

**Sec. 12.** RCW 71.09.140 and 1995 c 216 s 17 are each amended to read as follows:

(1) At the earliest possible date, and in no event later than thirty days before conditional release or unconditional discharge, except in the event of escape, the department of social and health services shall send written notice of conditional release, unconditional discharge, or escape, to the following:

- (a) The chief of police of the city, if any, in which the person will reside or in which placement will be made under a less restrictive alternative;
- (b) The sheriff of the county in which the person will reside or in which placement will be made under a less restrictive alternative; and
- (c) The sheriff of the county where the person was last convicted of a sexually violent offense, if the department does not know where the person will reside.

The department shall notify the state patrol of the release of all sexually violent predators and that information shall be placed in the Washington crime information center for dissemination to all law enforcement.

(2) The same notice as required by subsection (1) of this section shall be sent to the following if such notice has been requested in writing about a specific person found to be a sexually violent predator under this chapter:

(a) The victim or victims of any sexually violent offenses for which the person was convicted in the past or the victim's next of kin if the crime was a homicide. "Next of kin" as used in this section means a person's spouse, parents, siblings, and children;

(b) Any witnesses who testified against the person in his or her commitment trial under RCW 71.09.060; and

(c) Any person specified in writing by the prosecuting ~~((attorney))~~ agency.

Information regarding victims, next of kin, or witnesses requesting the notice, information regarding any other person specified in writing by the prosecuting ~~((attorney))~~ agency to receive the notice, and the notice are confidential and shall not be available to the committed person.

(3) If a person committed as a sexually violent predator under this chapter escapes from a department of social and health services facility, the department shall immediately notify, by the most reasonable and expedient means available, the chief of police of the city and the sheriff of the county in which the committed person resided immediately before his or her commitment as a sexually violent predator, or immediately before his or her incarceration for his or her most recent offense. If previously requested, the department shall also notify the witnesses and the victims of the sexually violent offenses for which the person was convicted in the past or the victim's next of kin if the crime was a homicide. If the person is recaptured, the department shall send notice to the persons designated in this subsection as soon as possible but in no event later than two working days after the department learns of such recapture.

(4) If the victim or victims of any sexually violent offenses for which the person was convicted in the past or the victim's next of kin, or any witness is under the age of sixteen, the notice required by this section shall be sent to the parents or legal guardian of the child.

(5) The department of social and health services shall send the notices required by this chapter to the last address provided to the department by the requesting party. The requesting party shall furnish the department with a current address.

(6) Nothing in this section shall impose any liability upon a chief of police of a city or sheriff of a county for failing to request in writing a notice as provided in subsection (1) of this section.

**NEW SECTION. Sec. 13.** If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2012, in the omnibus appropriations act, this act is null and void.

**NEW SECTION. Sec. 14.** This act takes effect July 1, 2012."

Correct the title.  
and the same are herewith transmitted.

## MOTION

Senator Regala moved that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 6493.

Senators Regala and Stevens spoke in favor of the motion.

## MOTION

On motion of Senator Harper, Senator Ranker was excused.

The President declared the question before the Senate to be the motion by Senator Regala that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 6493.

The motion by Senator Regala carried and the Senate concurred in the House amendment(s) to Substitute Senate Bill No. 6493 by voice vote.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6493, as amended by the House.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6493, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Baumgartner, Becker, Benton, Brown, Carrell, Chase, Conway, Delvin, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hatfield, Haugen, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles, Litzow, McAuliffe, Morton, Murray, Nelson, Padden, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rolfes, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

SUBSTITUTE SENATE BILL NO. 6493, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

The Senate resumed consideration of Engrossed Substitute Senate Bill No. 6555 which had been deferred earlier in the day.

Senator Hargrove spoke in favor of the motion.

## MOTION

On motion of Senator Harper, Senator Ranker was excused.

The President declared the question before the Senate to be the motion by Senator Hargrove that the Senate concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 6555.

The motion by Senator Hargrove carried and the Senate concurred in the House amendment(s) to Engrossed Substitute Senate Bill No. 6555 by voice vote.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 6555, as amended by the House.

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6555, as amended by the House, and

the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Baumgartner, Becker, Benton, Brown, Carrell, Chase, Conway, Delvin, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hatfield, Haugen, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles, Litzow, McAuliffe, Morton, Murray, Nelson, Padden, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rolfes, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

ENGROSSED SUBSTITUTE SENATE BILL NO. 6555, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## MESSAGE FROM THE HOUSE

March 5, 2012

## MR. PRESIDENT:

The House refuses to concur in the Senate amendment(s) to ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2264 and asks the Senate to recede therefrom. and the same is herewith transmitted.

BARBARA BAKER, Chief Clerk

## MOTION

Senator Hargrove moved that the Senate recede from its position on the Senate amendments to Engrossed Second Substitute House Bill No. 2264.

The President declared the question before the Senate to be motion by Senator Hargrove that the Senate recede from its position on the Senate amendments to Engrossed Second Substitute House Bill No. 2264.

The motion by Senator Hargrove carried and the Senate receded from its amendments to Engrossed Second Substitute House Bill No. 2264 by voice vote.

## MOTION

On motion of Senator Hargrove, the rules were suspended and Engrossed Second Substitute House Bill No. 2264 was returned to second reading for the purpose of amendment.

## SECOND READING

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2264, by House Committee on Ways & Means (originally sponsored by Representatives Kagi, Walsh, Hinkle, Carlyle, Darneille, Jinkins, Roberts, Dickerson and Ryu)

Concerning performance-based contracting related to child welfare services.

The measure was read the second time.

## MOTION

Senator Hargrove moved that the following striking amendment by Senators Hargrove and Stevens be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** (1) The legislature finds that:

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(a) The state of Washington and several Indian tribes in the state of Washington assume legal responsibility for abused or neglected children when their parents or caregivers are unable or unwilling to adequately provide for their safety, health, and welfare;

(b) Washington state has a strong history of partnership between the department of social and health services and contracted service providers who currently serve children and families in the child welfare system. The department and its contracted service providers have responsibility for providing services to address parenting deficiencies resulting in child maltreatment, and the needs of children impacted by maltreatment;

(c) Department caseworkers and contracted service providers each play a critical and complementary role in the child welfare system;

(d) The current system of contracting for services needed by children and families in the child welfare system is fragmented, inflexible, and lacks incentives for improving outcomes for children and families.

(2) The legislature intends:

(a) To reform the delivery of certain services to children and families in the child welfare system by creating a flexible, accountable community-based system of care that utilizes performance-based contracting, maximizes the use of evidence-based, research-based, and promising practices, and expands the capacity of community-based agencies to leverage local funding and other resources to benefit children and families served by the department;

(b) To achieve improved child safety, child permanency, including reunification, and child well-being outcomes through the collaborative efforts of the department and contracted service providers and the prioritization of these goals in performance-based contracting; and

(c) To implement performance-based contracting under this act in a manner that supports and complies with the federal and Washington state Indian child welfare act.

**NEW SECTION. Sec. 2.** For purposes of this chapter:

(1) "Case management" means convening family meetings, developing, revising, and monitoring implementation of any case plan or individual service and safety plan, coordinating and monitoring services needed by the child and family, caseworker-child visits, family visits, and the assumption of court-related duties, excluding legal representation, including preparing court reports, attending judicial hearings and permanency hearings, and ensuring that the child is progressing toward permanency within state and federal mandates, including the Indian child welfare act.

(2) "Child" means:

(a) A person less than eighteen years of age; or

(b) A person age eighteen to twenty-one years who is eligible to receive the extended foster care services authorized under RCW 74.13.031.

(3) "Child-placing agency" has the same meaning as in RCW 74.15.020.

(4) "Child welfare services" means social services including voluntary and in-home services, out-of-home care, case management, and adoption services which strengthen, supplement, or substitute for, parental care and supervision for the purpose of:

(a) Preventing or remedying, or assisting in the solution of problems which may result in families in conflict, or the neglect, abuse, exploitation, or criminal behavior of children;

(b) Protecting and caring for dependent, abused, or neglected children;

(c) Assisting children who are in conflict with their parents, and assisting parents who are in conflict with their children, with services designed to resolve such conflicts;

(d) Protecting and promoting the welfare of children, including the strengthening of their own homes where possible, or, where needed;

(e) Providing adequate care of children away from their homes in foster family homes or day care or other child care agencies or facilities.

(5) "Department" means the department of social and health services.

(6) "Evidence-based" means a program or practice that is cost-effective and includes at least two randomized or statistically controlled evaluations that have demonstrated improved outcomes for its intended population.

(7) "Network administrator" means an entity that contracts with the department to provide defined services to children and families in the child welfare system through its provider network, as provided in section 3 of this act.

(8) "Performance-based contracting" means structuring all aspects of the procurement of services around the purpose of the work to be performed and the desired results with the contract requirements set forth in clear, specific, and objective terms with measurable outcomes and linking payment for services to contractor performance.

(9) "Promising practice" means a practice that presents, based upon preliminary information, potential for becoming a research-based or consensus-based practice.

(10) "Provider network" means those service providers who contract with a network administrator to provide services to children and families in the geographic area served by the network administrator.

(11) "Research-based" means a program or practice that has some research demonstrating effectiveness, but that does not yet meet the standard of evidence-based practices.

**NEW SECTION. Sec. 3.** (1) No later than December 1, 2013, the department shall enter into performance-based contracts for the provision of family support and related services. The department may enter into performance-based contracts for additional services, other than case management.

(2) Beginning December 1, 2013, the department may not renew its current contracts with individuals or entities for the provision of the child welfare services included in performance-based contracts under this section for services in geographic areas served by network administrators under such contracts, except as mutually agreed upon between the department and the network administrator to allow for the successful transition of services that meet the needs of children and families.

(3) The department shall conduct a procurement process to enter into performance-based contracts with one or more network administrators for family support and related services. As part of the procurement process, the department shall consult with department caseworkers, the exclusive bargaining representative for employees of the department, tribal representatives, parents who were formerly involved in the child welfare system, youth currently or previously in foster care, child welfare services researchers, and the Washington state institute for public policy to assist in identifying the categories of family support and related services that will be included in the procurement. The categories of family support and related services shall be defined no later than July 15, 2012. In identifying services, the department must review current data and research related to the effectiveness of family support and related services that mitigate child safety concerns and promote permanency, including reunification, and child well-being. Expenditures for family support and related services purchased under this section must remain within the levels appropriated in the operating budget.

(4)(a) Network administrators shall, directly or through subcontracts with service providers:

(i) Assist caseworkers in meeting their responsibility for implementation of case plans and individual service and safety plans; and

(ii) Provide the family support and related services within the categories of contracted services that are included in a child or family's case plan or individual service and safety plan within funds available under contract.

(b) While the department caseworker retains responsibility for case management, nothing in this act limits the ability of the department to continue to contract for the provision of case management services by child-placing agencies, behavioral rehabilitation services agencies, or other entities that provided case management under contract with the department prior to July 1, 2005.

(5) In conducting the procurement, the department shall actively consult with other state agencies with relevant expertise, such as the health care authority, and with philanthropic entities with expertise in performance-based contracting for child welfare services. The director of the office of financial management must approve the request for proposal prior to its issuance.

(6) The procurement process must be developed and implemented in a manner that complies with applicable provisions of intergovernmental agreements between the state of Washington and tribal governments and must provide an opportunity for tribal governments to contract for service delivery through network administrators.

(7) The procurement and resulting contracts must include, but are not limited to, the following standards and requirements:

(a) The use of family engagement approaches to successfully motivate families to engage in services and training of the network's contracted providers to apply such approaches;

(b) The use of parents and youth who are successful veterans of the child welfare system to act as mentors through activities that include, but are not limited to, helping families navigate the system, facilitating parent engagement, and minimizing distrust of the child welfare system;

(c) The establishment of qualifications for service providers participating in provider networks, such as appropriate licensure or certification, education, and accreditation by professional accrediting entities;

(d) Adequate provider capacity to meet the anticipated service needs in the network administrator's contracted service area. The network administrator must be able to demonstrate that its provider network is culturally competent and has adequate capacity to address disproportionality, including utilization of tribal and other ethnic providers capable of serving children and families of color or who need language-appropriate services;

(e) Fiscal solvency of network administrators and providers participating in the network;

(f) The use of evidence-based, research-based, and promising practices, where appropriate, including fidelity and quality assurance provisions;

(g) Network administrator quality assurance activities, including monitoring of the performance of providers in their provider network, with respect to meeting measurable service outcomes;

(h) Network administrator data reporting, including data on contracted provider performance and service outcomes; and

(i) Network administrator compliance with applicable provisions of intergovernmental agreements between the state of Washington and tribal governments and the federal and Washington state Indian child welfare act.

(8) As part of the procurement process under this section, the department shall issue the request for proposals no later than December 31, 2012. The department shall notify the apparently successful bidders no later than June 30, 2013.

(9) Performance-based payment methodologies must be used in network administrator contracting. Performance measures should relate to successful engagement by a child or parent in services included in their case plan, and resulting improvement in identified problem behaviors and interactions. For the initial three-year period of implementation of performance-based contracting, the department may transfer financial risk for the provision of services to network administrators only to the limited extent necessary to implement a performance-based payment methodology, such as phased payment for services. However, the department may develop a shared savings methodology through which the network administrator will receive a defined share of any savings that result from improved performance. If the department receives a Title IV-E waiver, the shared savings methodology must be consistent with the terms of the waiver. If a shared savings methodology is adopted, the network administrator shall reinvest the savings in enhanced services to better meet the needs of the families and children they serve.

(10) The department must actively monitor network administrator compliance with the terms of contracts executed under this section.

(11) The use of performance-based contracts under this section must be done in a manner that does not adversely affect the state's ability to continue to obtain federal funding for child welfare-related functions currently performed by the state and with consideration of options to further maximize federal funding opportunities and increase flexibility in the use of such funds, including use for preventive and in-home child welfare services.

**NEW SECTION. Sec. 4.** (1) For those services included in contracts under section 3 of this act, the service providers must be chosen by the department caseworker from among those in the network administrator's provider network. The criteria for provider selection must include the geographic proximity of the provider to the child or family, and the performance of the provider based upon data collected and provided by the network administrator. If a reasonably qualified provider is not available through the network administrator's provider network, at the request of a department caseworker, a provider who is not currently under contract with the network administrator may be offered a provisional contract by the network administrator, pending that provider demonstrating that he or she meets applicable provider qualifications to participate in the administrator's provider network.

(2) The department shall develop a dispute resolution process to be used when the network administrator disagrees with the department caseworker's choice of a service provider due to factors such as the service provider's performance history or ability to serve culturally diverse families. The mediator or decision maker must be a neutral employee of the department who has not been previously involved in the case. The dispute resolution process must not result in a delay of more than two business days in the receipt of needed services by the child or family.

(3) The department and network administrator shall collaborate to identify and respond to patterns or trends in service utilization that may indicate overutilization or underutilization of family support and related services, or may indicate a need to enhance service capacity.

**NEW SECTION. Sec. 5.** (1) On an annual basis, beginning in the 2015-2017 biennium, the department and contracted network administrators shall:

(a) Review and update the services offered through performance-based contracts in response to service outcome data

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for currently contracted services and any research that has identified new evidence-based or research-based services not included in a previous procurement; and

(b) Review service utilization and outcome data to determine whether changes are needed in procurement policies or performance-based contracts to better meet the goals established in section 1 of this act.

(2) In conducting the review under subsection (1) of this section, the department must consult with department caseworkers, the exclusive bargaining representative for employees of the department, tribal representatives, parents who were formerly involved in the child welfare system, youth currently or previously in foster care, child welfare services researchers, representatives of child welfare service providers, and the Washington state institute for public policy.

**NEW SECTION. Sec. 6.** (1) To achieve the service delivery improvements and efficiencies intended in sections 1, 3, 4, and 7 of this act and in RCW 74.13.370, and pursuant to RCW 41.06.142(3), contracting with network administrators to provide services needed by children and families in the child welfare system, pursuant to sections 3 and 4 of this act, and execution and monitoring of individual provider contracts, pursuant to section 3 of this act, are expressly mandated by the legislature and are not subject to the processes set forth in RCW 41.06.142 (1), (4), and (5).

(2) The express mandate in subsection (1) of this section is limited to those services and activities provided in sections 3 and 4 of this act. If the department includes services customarily and historically performed by department employees in the classified service in a procurement for network administrators that exceeds the scope of services or activities provided in sections 3 and 4 of this act, such contracting is not specifically mandated and will be subject to all applicable contractual and legal obligations.

**NEW SECTION. Sec. 7.** For the purposes of the provision of child welfare services by provider networks, when all other elements of the responses to any procurement under section 3 of this act are equal, private nonprofit entities and federally recognized Indian tribes located in this state must receive primary preference over private for-profit entities.

**Sec. 8.** RCW 74.13.360 and 2010 c 291 s 4 are each amended to read as follows:

~~(1) (No later than July 1, 2011, the department shall convert its current contracts with providers of child welfare services into performance-based contracts. In accomplishing this conversion, the department shall decrease the total number of contracts it uses to purchase child welfare services from providers. The conversion of contracts for the provision of child welfare services to performance-based contracts must be done in a manner that does not adversely affect the state's ability to continue to obtain federal funding for child welfare related functions currently performed by the state and with consideration of options to further maximize federal funding opportunities and increase flexibility in the use of such funds, including use for preventive and in-home child welfare services.~~

~~—((2)) No later than December 30, ((2012)) 2015:~~

(a) In the demonstration sites selected under RCW 74.13.368(4)(a), child welfare services shall be provided by supervising agencies with whom the department has entered into performance-based contracts. Supervising agencies may enter into subcontracts with other licensed agencies; and

(b) Except as provided in subsection ~~((4))~~ (3) of this section, and notwithstanding any law to the contrary, the department may not directly provide child welfare services to families and children provided child welfare services by supervising agencies in the demonstration sites selected under RCW 74.13.368(4)(a).

~~((3))~~ (2) No later than December 30, ((2012)) 2015, for families and children provided child welfare services by supervising

agencies in the demonstration sites selected under RCW 74.13.368(4)(a), the department is responsible for only the following:

(a) Monitoring the quality of services for which the department contracts under this chapter;

(b) Ensuring that the services are provided in accordance with federal law and the laws of this state, including the Indian child welfare act;

(c) Providing child protection functions and services, including intake and investigation of allegations of child abuse or neglect, emergency shelter care functions under RCW 13.34.050, and referrals to appropriate providers; and

(d) Issuing licenses pursuant to chapter 74.15 RCW.

~~((4))~~ (3) No later than December 30, ((2012)) 2015, for families and children provided child welfare services by supervising agencies in the demonstration sites selected under RCW 74.13.368(4)(a), the department may provide child welfare services only:

(a) For the limited purpose of establishing a control or comparison group as deemed necessary by the child welfare transformation design committee, with input from the Washington state institute for public policy, to implement the demonstration sites selected and defined pursuant to RCW 74.13.368(4)(a) in which the performance in achieving measurable outcomes will be compared and evaluated pursuant to RCW 74.13.370; or

(b) In an emergency or as a provider of last resort. The department shall adopt rules describing the circumstances under which the department may provide those services. For purposes of this section, "provider of last resort" means the department is unable to contract with a private agency to provide child welfare services in a particular geographic area or, after entering into a contract with a private agency, either the contractor or the department terminates the contract.

~~((5))~~ (4) For purposes of this chapter, on and after September 1, 2010, performance-based contracts shall be structured to hold the supervising agencies accountable for achieving the following goals in order of importance: Child safety; child permanency, including reunification; and child well-being.

~~((6))~~ (5) A federally recognized tribe located in this state may enter into a performance-based contract with the department to provide child welfare services to Indian children whether or not they reside on a reservation. Nothing in this section prohibits a federally recognized Indian tribe located in this state from providing child welfare services to its members or other Indian children pursuant to existing tribal law, regulation, or custom, or from directly entering into agreements for the provision of such services with the department, if the department continues to otherwise provide such services, or with federal agencies.

**Sec. 9.** RCW 74.13.370 and 2009 c 520 s 9 are each amended to read as follows:

(1) Based upon the recommendations of the child welfare transformation design committee, including the two sets of outcomes developed by the committee under RCW 74.13.368(4)(b), the Washington state institute for public policy is to conduct a review of measurable effects achieved by the supervising agencies and compare those measurable effects with the existing services offered by the state. The report on the measurable effects shall be provided to the governor and the legislature no later than April 1, ~~((2015))~~ 2018.

(2) No later than ~~((June 30, 2011))~~ December 1, 2014, the Washington state institute for public policy shall provide the legislature and the governor an initial report on the department's conversion to the use of performance-based contracts as provided in ~~((RCW 74.13.360(1)))~~ sections 3 and 4 of this act. No later than June 30, ((2012)) 2016, the Washington state institute for public



policy shall provide the governor and the legislature with a second report on the ~~((department's conversion of its contracts to performance-based contracts))~~ extent to which the use of performance-based contracting has resulted in:

(a) Increased use of evidence-based, research-based, and promising practices; and

(b) Improvements in outcomes for children, including child safety, child permanency, including reunification, and child well-being.

(3) The department and network administrators shall respond to the Washington institute for public policy's request for data and other information with which to complete these reports in a timely manner.

(4) The Washington state institute for public policy must consult with a university-based child welfare research entity to evaluate performance-based contracting.

**Sec. 10.** RCW 74.13.368 and 2010 c 291 s 2 are each amended to read as follows:

(1)(a) The child welfare transformation design committee is established, with members as provided in this subsection.

(i) The governor or the governor's designee;

(ii) Four private agencies that, as of May 18, 2009, provide child welfare services to children and families referred to them by the department. Two agencies must be headquartered in western Washington and two must be headquartered in eastern Washington. Two agencies must have an annual budget of at least one million state-contracted dollars and two must have an annual budget of less than one million state-contracted dollars;

(iii) The assistant secretary of the children's administration in the department;

(iv) Two regional administrators in the children's administration selected by the assistant secretary, one from one of the department's administrative regions one or two, and one from one of the department's administrative regions three, four, five, or six;

(v) The administrator for the division of licensed resources in the children's administration;

(vi) Two nationally recognized experts in performance-based contracts;

(vii) The attorney general or the attorney general's designee;

(viii) A representative of the collective bargaining unit that represents the largest number of employees in the children's administration;

(ix) A representative from the office of the family and children's ombudsman;

(x) Four representatives from the Indian policy advisory committee convened by the department's office of Indian policy and support services;

(xi) Two currently elected or former superior court judges with significant experience in dependency matters, selected by the superior court judges' association;

(xii) One representative from partners for our children affiliated with the University of Washington school of social work;

(xiii) A member of the Washington state racial disproportionality advisory committee;

(xiv) A foster parent;

(xv) A youth currently in or a recent alumnus of the Washington state foster care system, to be designated by the cochairs of the committee; and

(xvi) A parent representative who has had personal experience with the dependency system.

(b) The president of the senate and the speaker of the house of representatives shall jointly appoint the members under (a)(ii), (xiv), and (xvi) of this subsection.

(c) The representative from partners for our children shall convene the initial meeting of the committee no later than June 15, 2009.

(d) The cochairs of the committee shall be the assistant secretary for the children's administration and another member selected by a majority vote of those members present at the initial meeting.

(2) The committee shall establish a transition plan containing recommendations to the legislature and the governor consistent with this section for the provision of child welfare services by supervising agencies pursuant to RCW 74.13.360.

(3) The plan shall include the following:

(a) A model or framework for performance-based contracts to be used by the department that clearly defines:

(i) The target population;

(ii) The referral and exit criteria for the services;

(iii) The child welfare services including the use of evidence-based services and practices to be provided by contractors;

(iv) The roles and responsibilities of public and private agency workers in key case decisions;

(v) Contract performance and outcomes, including those related to eliminating racial disparities in child outcomes;

(vi) That supervising agencies will provide culturally competent service;

(vii) How to measure whether each contractor has met the goals listed in RCW 74.13.360~~((5))~~ (4); and

(viii) Incentives to meet performance outcomes;

~~(b) ((A method by which the department will substantially reduce its current number of contracts for child welfare services;~~

~~—(e))~~ A method or methods by which clients will access community-based services, how private supervising agencies will engage other services or form local service networks, develop subcontracts, and share information and supervision of children;

~~((d))~~ (c) Methods to address the effects of racial disproportionality, as identified in the 2008 Racial Disproportionality Advisory Committee Report published by the Washington state institute for public policy in June 2008;

~~((e))~~ (d) Methods for inclusion of the principles and requirements of the centennial accord executed in November 2001, executed between the state of Washington and federally recognized tribes in Washington state;

~~((f))~~ (e) Methods for assuring performance-based contracts adhere to the letter and intent of the federal Indian child welfare act;

~~((g))~~ (f) Contract monitoring and evaluation procedures that will ensure that children and families are receiving timely and quality services and that contract terms are being implemented;

~~((h))~~ (g) A method or methods by which to ensure that the children's administration has sufficiently trained and experienced staff to monitor and manage performance-based contracts;

~~((i))~~ (h) A process by which to expand the capacity of supervising and other private agencies to meet the service needs of children and families in a performance-based contractual arrangement;

~~((j))~~ (i) A method or methods by which supervising and other private agencies can expand services in underserved areas of the state;

~~((k))~~ (j) The appropriate amounts and procedures for the reimbursement of supervising agencies given the proposed services restructuring;

~~((l))~~ (k) A method by which to access and enhance existing data systems to include contract performance information;

~~((m))~~ (l) A financing arrangement for the contracts that examines:

(i) The use of case rates or performance-based fee-for-service contracts that include incentive payments or payment schedules that link reimbursement to outcomes; and

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(ii) Ways to reduce a contractor's financial risk that could jeopardize the solvency of the contractor, including consideration of the use of a risk-reward corridor that limits risk of loss and potential profits or the establishment of a statewide risk pool;

~~((m))~~ (m) A description of how the transition will impact the state's ability to obtain federal funding and examine options to further maximize federal funding opportunities and increased flexibility;

~~((n))~~ (n) A review of whether current administrative staffing levels in the regions should be continued when the majority of child welfare services are being provided by supervising agencies;

~~((o))~~ (o) A description of the costs of the transition, the initial start-up costs and the mechanisms to periodically assess the overall adequacy of funds and the fiscal impact of the changes, and the feasibility of the plan and the impact of the plan on department employees during the transition; and

~~((p))~~ (p) Identification of any statutory and regulatory revisions necessary to accomplish the transition.

(4)(a) The committee, with the assistance of the department, shall select two demonstration sites within which to implement chapter 520, Laws of 2009. One site must be located on the eastern side of the state. The other site must be located on the western side of the state. Neither site must be wholly located in any of the department's administrative regions.

(b) The committee shall develop two sets of performance outcomes to be included in the performance-based contracts the department enters into with supervising agencies. The first set of outcomes shall be used for those cases transferred to a supervising agency over time. The second set of outcomes shall be used for new entrants to the child welfare system.

(c) The committee shall also identify methods for ensuring that comparison of performance between supervising agencies and the existing service delivery system takes into account the variation in the characteristics of the populations being served as well as historical trends in outcomes for those populations.

(5) The committee shall determine the appropriate size of the child and family populations to be provided services under performance-based contracts with supervising agencies. The committee shall also identify the time frame within which cases will be transferred to supervising agencies. The performance-based contracts entered into with supervising agencies shall encompass the provision of child welfare services to enough children and families in each demonstration site to allow for the assessment of whether there are meaningful differences, to be defined by the committee, between the outcomes achieved in the demonstration sites and the comparison sites or populations. To ensure adequate statistical power to assess these differences, the populations served shall be large enough to provide a probability greater than seventy percent that meaningful difference will be detected and a ninety-five percent probability that observed differences are not due to chance alone.

(6) The committee shall also prepare as part of the plan a recommendation as to how to implement chapter 520, Laws of 2009 so that full implementation of chapter 520, Laws of 2009 is achieved no later than December 30, ~~((2012))~~ 2015.

(7) The committee shall prepare the plan to manage the delivery of child welfare services in a manner that achieves coordination of the services and programs that deliver primary prevention services.

(8) Beginning June 30, 2009, the committee shall report quarterly to the governor and the legislative children's oversight committee established in RCW 44.04.220. From June 30, 2012, until ~~((January 1))~~ December 30, 2015, the committee need only report twice a year. The committee shall report on its progress in meeting its duties under subsections (2) and (3) of this section and on any other matters the committee or the legislative children's oversight committee or the governor deems appropriate. The

portion of the plan required in subsection (6) of this section shall be due to the legislative children's oversight committee on or before June 1, 2010. The reports shall be in written form.

(9) The committee, by majority vote, may establish advisory committees as it deems necessary.

(10) All state executive branch agencies and the agencies with whom the department contracts for child welfare services shall cooperate with the committee and provide timely information as the chair or cochairs may request. Cooperation by the children's administration must include developing and scheduling training for supervising agencies to access data and information necessary to implement and monitor the contracts.

(11) It is expected that the administrative costs for the committee will be supported through private funds.

~~((12))~~ ~~(Staff support for the committee shall be provided jointly by partners for our children and legislative staff.~~

~~((13))~~ The committee is subject to chapters 42.30 (open public meetings act) and 42.52 (ethics in public service) RCW.

~~((14))~~ (13) This section expires July 1, ~~((2015))~~ 2016.

**Sec. 11.** RCW 74.13.372 and 2009 c 520 s 10 are each amended to read as follows:

Not later than June 1, ~~((2015))~~ 2018, the governor shall, based on the report by the Washington state institute for public policy, determine whether to expand chapter 520, Laws of 2009 to the remainder of the state or terminate chapter 520, Laws of 2009. The governor shall inform the legislature of his or her decision within seven days of the decision. The department shall, regardless of the decision of the governor regarding the delivery of child welfare services, continue to purchase services through the use of performance-based contracts.

**Sec. 12.** RCW 74.13.020 and 2011 c 330 s 4 are each reenacted and amended to read as follows:

For purposes of this chapter:

(1) "Case management" means ~~((the management of services delivered to children and families in the child welfare system, including permanency services, caseworker child visits, family visits, the convening of family group conferences, the development and revision of the case plan, the coordination and monitoring of services needed by the child and family.))~~ convening family meetings, developing, revising, and monitoring implementation of any case plan or individual service and safety plan, coordinating and monitoring services needed by the child and family, caseworker-child visits, family visits, and the assumption of court-related duties, excluding legal representation, including preparing court reports, attending judicial hearings and permanency hearings, and ensuring that the child is progressing toward permanency within state and federal mandates, including the Indian child welfare act.

(2) "Child" means:

(a) A person less than eighteen years of age; or

(b) A person age eighteen to twenty-one years who is eligible to receive the extended foster care services authorized under RCW 74.13.031.

(3) "Child protective services" has the same meaning as in RCW 26.44.020.

(4) "Child welfare services" means social services including voluntary and in-home services, out-of-home care, case management, and adoption services which strengthen, supplement, or substitute for, parental care and supervision for the purpose of:

(a) Preventing or remedying, or assisting in the solution of problems which may result in families in conflict, or the neglect, abuse, exploitation, or criminal behavior of children;

(b) Protecting and caring for dependent, abused, or neglected children;

(c) Assisting children who are in conflict with their parents, and assisting parents who are in conflict with their children, with services designed to resolve such conflicts;

(d) Protecting and promoting the welfare of children, including the strengthening of their own homes where possible, or, where needed;

(e) Providing adequate care of children away from their homes in foster family homes or day care or other child care agencies or facilities.

"Child welfare services" does not include child protection services.

(5) "Committee" means the child welfare transformation design committee.

(6) "Department" means the department of social and health services.

(7) "Extended foster care services" means residential and other support services the department is authorized to provide to foster children. These services include, but are not limited to, placement in licensed, relative, or otherwise approved care, or supervised independent living settings; assistance in meeting basic needs; independent living services; medical assistance; and counseling or treatment.

(8) "Measurable effects" means a statistically significant change which occurs as a result of the service or services a supervising agency is assigned in a performance-based contract, in time periods established in the contract.

(9) "Out-of-home care services" means services provided after the shelter care hearing to or for children in out-of-home care, as that term is defined in RCW 13.34.030, and their families, including the recruitment, training, and management of foster parents, the recruitment of adoptive families, and the facilitation of the adoption process, family reunification, independent living, emergency shelter, residential group care, and foster care, including relative placement.

(10) "Performance-based contracting" means the structuring of all aspects of the procurement of services around the purpose of the work to be performed and the desired results with the contract requirements set forth in clear, specific, and objective terms with measurable outcomes. Contracts shall also include provisions that link the performance of the contractor to the level and timing of reimbursement.

(11) "Permanency services" means long-term services provided to secure a child's safety, permanency, and well-being, including foster care services, family reunification services, adoption services, and preparation for independent living services.

(12) "Primary prevention services" means services which are designed and delivered for the primary purpose of enhancing child and family well-being and are shown, by analysis of outcomes, to reduce the risk to the likelihood of the initial need for child welfare services.

(13) "Supervising agency" means an agency licensed by the state under RCW 74.15.090, or licensed by a federally recognized Indian tribe located in this state under RCW 74.15.190, that has entered into a performance-based contract with the department to provide case management for the delivery and documentation of child welfare services, as defined in this section. This definition is applicable on or after December 30, 2015.

**NEW SECTION. Sec. 13.** Sections 1 through 7 of this act constitute a new chapter in Title 74 RCW."

Senator Hargrove spoke in favor of adoption of the striking amendment.

The President declared the question before the Senate to be the adoption of the striking amendment by Senators Hargrove and Stevens to Engrossed Second Substitute House Bill No. 2264.

The motion by Senator Hargrove carried and the striking amendment was adopted by voice vote.

#### MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 2 of the title, after "system;" strike the remainder of the title and insert "amending RCW 74.13.360, 74.13.370, 74.13.368, and 74.13.372; reenacting and amending RCW 74.13.020; adding a new chapter to Title 74 RCW; and providing an expiration date."

#### MOTION

On motion of Senator Hargrove, the rules were suspended, Engrossed Second Substitute House Bill No. 2264 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Hargrove spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Second Substitute House Bill No. 2264 as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute House Bill No. 2264 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 47; Nays, 2; Absent, 0; Excused, 0.

Voting yea: Senators Baumgartner, Becker, Benton, Brown, Carrell, Conway, Delvin, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hatfield, Haugen, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles, Litzow, McAuliffe, Morton, Murray, Nelson, Padden, Parlette, Pflug, Prentice, Pridmore, Ranker, Regala, Rolfes, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Voting nay: Senators Chase and Roach

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2264 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MOTION

On motion of Senator Eide, the Senate advanced to the sixth order of business.

#### SECOND READING

SENATE BILL NO. 6159, by Senators Hargrove, Regala, Harper and Padden

Concerning a business and occupation tax deduction for amounts received with respect to dispute resolution services.

The measure was read the second time.

#### MOTION

On motion of Senator Hargrove, the rules were suspended, Senate Bill No. 6159 was advanced to third reading, the second

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reading considered the third and the bill was placed on final passage.

Senators Hargrove and Padden spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 6159.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6159 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 1; Absent, 0; Excused, 0.

Voting yea: Senators Baumgartner, Becker, Benton, Brown, Carrell, Chase, Conway, Delvin, Eide, Ericksen, Fain, Fraser, Hargrove, Harper, Hatfield, Haugen, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles, Litzow, McAuliffe, Morton, Murray, Nelson, Padden, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rolfes, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Voting nay: Senator Frockt

SENATE BILL NO. 6159, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MOTION

At 10:55 a.m., on motion of Senator Eide, the Senate was declared to be at ease subject to the call of the President.

#### EVENING SESSION

The Senate was called to order at 5:48 p.m. by President Owen.

#### MOTION

On motion of Senator Eide, the Senate reverted to the fourth order of business.

#### MESSAGE FROM THE HOUSE

March 7, 2012

MR. PRESIDENT:

The House refuses to concur in the Senate amendment(s) to ENGROSSED SUBSTITUTE HOUSE BILL NO. 2190 and asks the Senate for a conference thereon. The Speaker has appointed the following members as conferees; Representatives: Clibborn, Billig, Armstrong and the same is herewith transmitted.

BARBARA BAKER, Chief Clerk

#### MOTION

On motion of Senator Haugen, the Senate granted the request of the House for a conference on Engrossed Substitute House Bill No. 2190 and the Senate amendment(s) thereto.

#### APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Engrossed Substitute House Bill No. 2190 and the House amendment(s) there to: Senators Eide, Haugen and King.

#### MOTION

On motion of Senator Eide, the appointments to the conference committee were confirmed.

#### MOTION

At 5:50 p.m., on motion of Senator Eide, the Senate adjourned until 9:30 a.m. Thursday, March 8, 2012.

BRAD OWEN, President of the Senate

THOMAS HOEMANN, Secretary of the Senate

## SIXTIETH DAY

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MORNING SESSION

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Senate Chamber, Olympia, Thursday, March 8, 2012

The Senate was called to order at 9:30 a.m. by President Owen. The Secretary called the roll and announced to the President that all Senators were present with the exception of Senators Brown, Hewitt and Holmquist Newbry.

The Sergeant at Arms Color Guard consisting of Pages Ryan Bishop and Victoria Morales, presented the Colors. Senator Shin offered the prayer.

## MOTION

On motion of Senator Eide, the reading of the Journal of the previous day was dispensed with and it was approved.

## MOTION

There being no objection, the Senate advanced to the first order of business.

REPORTS OF STANDING COMMITTEES  
 GUBERNATORIAL APPOINTMENTS

March 6, 2012

SGA 9020 JAMES COOK, reappointed on November 30, 2009, for the term ending October 1, 2013, as Member of The Life Sciences Discovery Fund Authority Board of Trustees. Reported by Committee on Labor, Commerce & Consumer Protection

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Kohl-Welles, Chair; Conway, Vice Chair; Holmquist Newbry and Keiser.

Passed to Committee on Rules for second reading.

March 6, 2012

SGA 9043 TONY HEY, reappointed on November 30, 2009, for the term ending October 1, 2013, as Member of The Life Sciences Discovery Fund Authority Board of Trustees. Reported by Committee on Labor, Commerce & Consumer Protection

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Kohl-Welles, Chair; Conway, Vice Chair; Holmquist Newbry and Keiser.

Passed to Committee on Rules for second reading.

March 6, 2012

SGA 9243 MARILYN GLENN SAYAN, reappointed on November 21, 2011, for the term ending September 8, 2016, as Member of the Public Employment Relations Commission. Reported by Committee on Labor, Commerce & Consumer Protection

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Kohl-Welles, Chair; Conway, Vice Chair; Holmquist Newbry and Keiser.

Passed to Committee on Rules for second reading.

March 6, 2012

SGA 9285 BRUCE MONTGOMERY, reappointed on January 24, 2012, for the term ending October 1, 2015, as Member of The Life Sciences Discovery Fund Authority Board of Trustees. Reported by Committee on Labor, Commerce & Consumer Protection

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Kohl-Welles, Chair; Conway, Vice Chair; Holmquist Newbry and Keiser.

Passed to Committee on Rules for second reading.

## MOTION

On motion of Senator Eide, all measures listed on the Standing Committee report were referred to the committees as designated.

## MOTION

On motion of Senator Eide, the Senate advanced to the fourth order of business.

## MESSAGE FROM THE HOUSE

March 7, 2012

MR. PRESIDENT:

The House has passed:

SUBSTITUTE SENATE BILL NO. 6581,

ENGROSSED SENATE BILL NO. 6608.

and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

## MESSAGE FROM THE HOUSE

March 7, 2012

MR. PRESIDENT:

The House concurred in the Senate amendments to the following bills and passed the bills as amended by the Senate:

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2264,

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2373,

THIRD SUBSTITUTE HOUSE BILL NO. 2585.

and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

## MOTION

On motion of Senator Eide, the Senate advanced to the fifth order of business.

## INTRODUCTION AND FIRST READING

SJM 8019 by Senators Fraser, Regala, Rolfes, Shin, Nelson, Conway, Carrell, Swecker, Eide, Pridemore, Chase, Honeyford, Harper and Ranker

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Requesting the designation of a National Marine Heritage Area.

Referred to Committee on Government Operations, Tribal Relations & Elections.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

3E2SHB 2565 by House Committee on Ways & Means (originally sponsored by Representatives Kirby, Harris, Dammeier, Walsh, Orwall, Kelley, Moscoso and Zeiger)

AN ACT Relating to persons who operate a roll-your-own cigarette machine at retail establishments; amending RCW 82.24.010, 82.24.030, 82.24.035, 82.24.050, 82.24.060, 82.24.110, 82.24.120, 82.24.180, 82.24.295, 82.24.500, and 82.24.530; reenacting and amending RCW 82.24.130; prescribing penalties; providing an effective date; and declaring an emergency.

Referred to Committee on Ways & Means.

MOTION

Senator Eide moved that all measures listed on the Introduction and First Reading report be referred to the committees as designated.

PARLIAMENTARY INQUIRY

Senator Padden: "On Second Substitute House Bill No. 2565 which appears to be not necessary to implement the budget passed by the senate, which also appears to have a problem with 1053: Would the proper time for that ruling or that inquiry point of order be now or be If the bill comes before us on second reading?"

REPLY BY THE PRESIDENT

President Owen: "The President believes the answer to your question is the appropriate time to raise the issue of the point of order is on second reading or third reading."

The President declared the question before the Senate to be the motion by Senator Eide that the measures listed on the Introduction and First Reading report be referred to the committees as designated.

The motion by Senator Eide carried by voice vote.

MOTION

On motion of Senator Eide, the Senate advanced to the sixth order of business.

MOTION

On motion of Senator Harper, Senator Brown was excused.

SECOND READING  
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Kline moved that Gubernatorial Appointment No. 9044, Betsy Hollingsworth, as a member of the Indeterminate Sentence Review Board, be confirmed.

Senator Kline spoke in favor of the motion.

MOTION

On motion of Senator Ericksen, Senators Hewitt, Holmquist Newbry, Pflug and Zarelli were excused.

APPOINTMENT OF BETSY HOLLINGSWORTH

The President declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9044, Betsy Hollingsworth as a member of the Indeterminate Sentence Review Board.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9044, Betsy Hollingsworth as a member of the Indeterminate Sentence Review Board and the appointment was confirmed by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Baumgartner, Becker, Benton, Carrell, Chase, Conway, Delvin, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hatfield, Haugen, Hill, Hobbs, Honeyford, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles, Litzow, McAuliffe, Morton, Murray, Nelson, Padden, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rolfes, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Excused: Senators Brown, Hewitt and Holmquist Newbry  
Gubernatorial Appointment No. 9044, Betsy Hollingsworth, having received the constitutional majority was declared confirmed as a member of the Indeterminate Sentence Review Board.

SECOND READING  
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Schoesler moved that Gubernatorial Appointment No. 9255, Charles McFadden, as a member of the Board of Trustees Big Bend Community College District No. 18, be confirmed.

Senator Schoesler spoke in favor of the motion.

APPOINTMENT OF CHARLES MCFADDEN

The President declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9255, Charles McFadden as a member of the Board of Trustees Big Bend Community College District No. 18.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9255, Charles McFadden as a member of the Board of Trustees Big Bend Community College District No. 18 and the appointment was confirmed by the following vote: Yeas, 46; Nays, 1; Absent, 0; Excused, 2.

Voting yea: Senators Becker, Benton, Carrell, Chase, Conway, Delvin, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hatfield, Haugen, Hill, Hobbs, Holmquist Newbry, Honeyford, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles, Litzow, McAuliffe, Morton, Murray, Nelson, Padden, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rolfes, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Voting nay: Senator Baumgartner

Excused: Senators Brown and Hewitt

Gubernatorial Appointment No. 9255, Charles McFadden, having received the constitutional majority was declared confirmed as a member of the Board of Trustees Big Bend Community College District No. 18.

#### SECOND READING

#### CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

#### MOTION

On motion of Senator Harper, Senator Prentice was excused.

The President declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9257, Ron Simms, Member, Board of Regents Washington State University.

#### MOTION

On motion of Senator Frockt, further consideration of Gubernatorial Appointment No. 9257 was deferred and the appointment held its place on the confirmation calendar.

#### SECOND READING

#### CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

#### MOTION

Senator Keiser moved that Gubernatorial Appointment No. 9041, Gary Harris, as a member of the Board of Pharmacy, be confirmed.

Senator Keiser spoke in favor of the motion.

#### APPOINTMENT OF GARY HARRIS

The President declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9041, Gary Harris as a member of the Board of Pharmacy.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9041, Gary Harris as a member of the Board of Pharmacy and the appointment was confirmed by the following vote: Yeas, 29; Nays, 18; Absent, 0; Excused, 2.

Voting yea: Senators Baumgartner, Chase, Conway, Eide, Fain, Fraser, Frockt, Harper, Hatfield, Haugen, Hill, Hobbs, Kastama, Keiser, Kilmer, Kline, Kohl-Welles, Litzow, McAuliffe, Murray, Nelson, Prentice, Pridemore, Ranker, Regala, Rolfes, Shin, Tom and Zarelli

Voting nay: Senators Becker, Benton, Carrell, Delvin, Ericksen, Hargrove, Holmquist Newbry, Honeyford, King, Morton, Padden, Parlette, Pflug, Roach, Schoesler, Sheldon, Stevens and Swecker

Excused: Senators Brown and Hewitt

Gubernatorial Appointment No. 9041, Gary Harris, having received the constitutional majority was declared confirmed as a member of the Board of Pharmacy.

#### MOTION

On motion of Senator Delvin, Senator Benton was excused.

#### SECOND READING

#### CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

#### MOTION

Senator Keiser moved that Gubernatorial Appointment No. 9029, Kim Ekker, as a member of the Board of Pharmacy, be confirmed.

Senators Keiser and Baumgartner spoke in favor of the motion.

Senators Parlette and Padden spoke against of the motion.

#### APPOINTMENT OF KIM EKKER

The President declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9029, Kim Ekker as a member of the Board of Pharmacy.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9029, Kim Ekker as a member of the Board of Pharmacy and the appointment was confirmed by the following vote: Yeas, 29; Nays, 19; Absent, 0; Excused, 1.

Voting yea: Senators Baumgartner, Brown, Chase, Conway, Eide, Fain, Fraser, Frockt, Harper, Hatfield, Haugen, Hill, Hobbs, Kastama, Keiser, Kilmer, Kline, Kohl-Welles, Litzow, McAuliffe, Murray, Nelson, Prentice, Pridemore, Ranker, Regala, Rolfes, Shin and Tom

Voting nay: Senators Becker, Carrell, Delvin, Ericksen, Hargrove, Hewitt, Holmquist Newbry, Honeyford, King, Morton, Padden, Parlette, Pflug, Roach, Schoesler, Sheldon, Stevens, Swecker and Zarelli

Excused: Senator Benton

Gubernatorial Appointment No. 9029, Kim Ekker, having received the constitutional majority was declared confirmed as a member of the Board of Pharmacy.

#### MOTION

On motion of Senator Harper, Senator Keiser was excused.

The President appointed the following members to the Joint Select Committee on Article IX Litigation as established in House Concurrent Resolution No. 4410: Senator Fain, Frockt, Litzow and Rolfes.

On motion of Senator Eide, the appointments were confirmed.

#### SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2799, by House Committee on Education (originally sponsored by Representatives Sullivan, Santos, Maxwell, Darneille, Hunt, Carlyle, Haigh, Pollet and Kenney)

Authorizing a five-year pilot project for up to six collaborative schools for innovation and success operated by school districts in partnership with colleges of education.

The measure was read the second time.

#### MOTION

On motion of Senator McAuliffe, the rules were suspended, Engrossed Substitute House Bill No. 2799 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators McAuliffe, Litzow, Tom, Nelson, Rolfes, Roach and Chase spoke in favor of passage of the bill.

Senator Ericksen spoke against passage of the bill.

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The President declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 2799.

on page 3, line 33 to Engrossed Second Substitute House Bill No. 2483.

The motion by Senator Becker carried and the amendment was adopted by voice vote.

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 2799 and the bill passed the Senate by the following vote: Yeas, 43; Nays, 6; Absent, 0; Excused, 0.

Voting yea: Senators Baumgartner, Becker, Benton, Brown, Carrell, Chase, Conway, Delvin, Eide, Fain, Fraser, Frockt, Hargrove, Harper, Hatfield, Haugen, Hewitt, Hill, Hobbs, Honeyford, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles, Litzow, McAuliffe, Murray, Nelson, Parlette, Pflug, Prentice, Pridemore, Ranker, Roach, Rolfes, Schoesler, Sheldon, Shin, Swecker, Tom and Zarelli

Voting nay: Senators Ericksen, Holmquist Newbry, Morton, Padden, Regala and Stevens

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2799, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SIGNED BY THE PRESIDENT

The President signed:

SUBSTITUTE SENATE BILL NO. 6138,  
SUBSTITUTE SENATE BILL NO. 6226,  
SUBSTITUTE SENATE BILL NO. 6240,  
ENGROSSED SENATE BILL NO. 6257,  
SUBSTITUTE SENATE BILL NO. 6386,  
SUBSTITUTE SENATE BILL NO. 6468,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 6486,  
SUBSTITUTE SENATE BILL NO. 6493,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 6555,  
SUBSTITUTE SENATE BILL NO. 6581,  
ENGROSSED SENATE BILL NO. 6608,  
SENATE JOINT RESOLUTION NO. 8223.

## SECOND READING

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2483, by House Committee on Higher Education (originally sponsored by Representatives Seaquist, Haler, Zeiger and Kelley)

Creating the office of the student achievement council. Revised for 2nd Substitute: Regarding higher education coordination.

The measure was read the second time.

## MOTION

Senator Becker moved that the following amendment by Senators Becker, Hill and Tom be adopted:

On page 3, line 33, after "composed of" strike "ten" and insert "nine"

On page 4, line 26, after "colleges;" insert "and"

On page 4, beginning on line 29, after "education" strike all material through "board" on line 34

Senators Becker and Tom spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senators Becker, Hill and Tom

## MOTION

Senator Becker moved that the following amendment by Senators Becker, Hill and Tom be adopted:

On page 4, line 29, after "education" insert ". The representative appointed under this subsection (2)(c)(iii) shall excuse himself or herself from voting on matters relating primarily to institutions of higher education"

Senators Becker and Tom spoke in favor of adoption of the amendment.

## MOTION

On motion of Senator Harper, Senator Frockt was excused.

The President declared the question before the Senate to be the adoption of the amendment by Senators Becker, Hill and Tom on page 4, line 29 to Engrossed Second Substitute House Bill No. 2483.

The motion by Senator Becker carried and the amendment was adopted by voice vote.

## MOTION

Senator Tom moved that the following amendment by Senator Tom and others be adopted:

On page 13, line 15, after "submitted" insert "to the office of financial management"

On page 13, line 20, after "submitted" insert "to the office of financial management"

Beginning on page 13, line 32, strike all material through "council" on page 14, line 9 and insert "(The board shall review and evaluate the operating and capital budget requests from four-year institutions and the community and technical college system based on how the requests align with the board's budget priorities, the missions of the institutions, and the statewide strategic master plan for higher education under RCW 28B.76.200.

(4) The board shall submit recommendations on the proposed operating budget and priorities to the office of financial management by October 1st of each even-numbered year, and to the legislature by January 1st of each odd-numbered year.

(5)(a) The board's capital budget recommendations for the community and technical college system and the four-year institutions must be submitted to the office of financial management and to the legislature by November 15th of each even-numbered year.

(b)) ~~(4)(a)~~ The ~~((board))~~ office of financial management"

On page 14, at the beginning of line 21, strike all material through "council" and insert "~~((e))~~ (b) The ~~((board))~~ office of financial management"

On page 14, at the beginning of line 25, strike "(d)" and insert "~~((d))~~ (c)"

On page 14, at the beginning of line 36, strike "(6)" and insert "~~((6))~~ (5)"

Correct any internal references accordingly.

Beginning on page 14, line 38, after "to" strike all material through "to" on page 15, line 3 and insert "(the board at the same time they are submitted to the office of financial management. The board shall submit recommendations on the proposed supplemental budget requests to)"



Senator Tom spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Tom and others on page 13, line 15 to Engrossed Second Substitute House Bill No. 2483.

The motion by Senator Tom carried and the amendment was adopted by voice vote.

#### MOTION

On motion of Senator Tom, the rules were suspended, Engrossed Second Substitute House Bill No. 2483 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Tom, Becker and McAuliffe spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Second Substitute House Bill No. 2483 as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute House Bill No. 2483 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Baumgartner, Becker, Benton, Brown, Carrell, Chase, Conway, Delvin, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hatfield, Haugen, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles, Litzow, McAuliffe, Morton, Murray, Nelson, Padden, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rolfes, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2483 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

ENGROSSED HOUSE BILL NO. 2620, by Representative Hunter

Addressing the management and investment of state funds and accounts.

The measure was read the second time.

#### MOTION

On motion of Senator Murray, the rules were suspended, Engrossed House Bill No. 2620 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Murray spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed House Bill No. 2620.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 2620 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Baumgartner, Becker, Benton, Brown, Carrell, Chase, Conway, Delvin, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hatfield, Haugen, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles, Litzow, McAuliffe, Morton, Murray, Nelson, Padden, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rolfes, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

ENGROSSED HOUSE BILL NO. 2620, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

HOUSE BILL NO. 2803, by Representative Cody

Concerning health care services for incarcerated offenders.

The measure was read the second time.

#### MOTION

Senator Stevens moved that the following striking amendment by Senators Stevens and Hargrove be adopted:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 72.10.020 and 1995 1st sp.s. c 19 s 17 are each amended to read as follows:

(1) Upon entry into the correctional system, offenders shall receive an initial medical examination. The department shall prepare a health profile for each offender that includes at least the following information: (a) An identification of the offender's serious medical and dental needs; (b) an evaluation of the offender's capacity for work and recreation; and (c) a financial assessment of the offender's ability to pay for all or a portion of his or her health care services from personal resources or private insurance.

(2)(a) The department may develop and implement a plan for the delivery of health care services and personal hygiene items to offenders in the department's correctional facilities, at the discretion of the secretary, and in conformity with federal law.

(b) To discourage unwarranted use of health care services caused by unnecessary visits to health care providers, offenders shall participate in the costs of their health care services by paying an amount that is commensurate with their resources as determined by the department, or a nominal amount of no less than ((three)) four dollars per visit, as determined by the secretary. Under the authority granted in RCW 72.01.050(2), the secretary may authorize the superintendent to collect this amount directly from an offender's institution account. All copayments collected from offenders' institution accounts shall be ((deposited into the general fund)) a reduction in the expenditures for offender health care at the department.

(c) Offenders are required to make copayments for initial health care visits that are offender initiated and, by rule adopted by the department, may be charged a copayment for subsequent visits related to the medical condition which caused the initial visit. ((Offenders are not required to pay for emergency treatment or for visits initiated by health care staff or treatment of those conditions that constitute a serious health care need.))

(d) No offender may be refused any health care service because of indigence.

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(e) At no time shall the withdrawal of funds for the payment of a medical service copayment result in reducing an offender's institution account to an amount less than the level of indigency as defined in chapter 72.09 RCW.

(3)((~~+~~)) The department shall report annually to the legislature the following information for the fiscal year preceding the report: ((~~+~~)) (a) The total number of health care visits made by offenders; ((~~+~~)) (b) the total number of copayments assessed; ((~~+~~)) (c) the total dollar amount of copayments collected; ((~~+~~)) (d) the total number of copayments not collected due to an offender's indigency; and ((~~+~~)) (e) the total number of copayments not assessed due to the serious or emergent nature of the health care treatment or because the health care visit was not offender initiated.

((b) The first report required under this section shall be submitted not later than October 1, 1996, and shall include, at a minimum, all available information collected through the second half of fiscal year 1996. This subsection (3)(b) shall expire December 1, 1996.))

(4)(a) The secretary shall adopt, by rule, a uniform policy relating to the distribution and replenishment of personal hygiene items for inmates incarcerated in all department institutions. The policy shall provide for the initial distribution of adequate personal hygiene items to inmates upon their arrival at an institution.

(b) The acquisition of replenishment personal hygiene items is the responsibility of inmates, except that indigent inmates shall not be denied adequate personal hygiene items based on their inability to pay for them.

(c) The policy shall provide that the replenishment personal hygiene items be distributed to inmates only in authorized quantities and at intervals that reflect prudent use and customary wear and consumption of the items.

(5) To the extent that federal law allows and federal financial participation is available, for the limited purpose of implementing this section, the department, or the department's designee, is authorized to act on behalf of an inmate for purposes of applying for medicaid eligibility.

(6) The following become a debt and are subject to RCW 72.09.450:

(a) All copayments under subsection (2) of this section that are not collected when the visit occurs; and

(b) All charges for replenishment personal hygiene items that are not collected when the item is distributed.

**Sec. 2.** RCW 72.10.030 and 1989 c 157 s 4 are each amended to read as follows:

(1) Notwithstanding any other provisions of law, the secretary may enter into contracts with health care practitioners, health care facilities, and other entities or agents as may be necessary to provide ((~~basic~~)) medical, behavioral health, and chemical dependency treatment care to inmates. The contracts shall not cause the termination of classified employees of the department rendering the services at the time the contract is executed.

(2) In contracting for services, the secretary is authorized to provide for indemnification of health care practitioners who cannot obtain professional liability insurance through reasonable effort, from liability on any action, claim, or proceeding instituted against them arising out of the good faith performance or failure of performance of services on behalf of the department. The contracts may provide that for the purposes of chapter 4.92 RCW only, those health care practitioners with whom the department has contracted shall be considered state employees.

(3) Providers of hospital services that are hospitals licensed under chapter 70.41 RCW shall contract with the department for inpatient, outpatient, and ancillary services if deemed appropriate by the department. Payments to hospitals shall conform to the following requirements:

(a) The department shall pay hospitals through the provider one system operated by the Washington state health care authority;

(b) The department shall reimburse the hospitals using the reimbursement methodology in use by the state medicaid program; and

(c) The department shall only reimburse a provider of hospital services to a hospital patient at a rate no more than the amount payable under the medicaid reimbursement structure plus a percentage increase that is determined in the operating budget, regardless of whether the hospital is located within or outside of Washington.

**NEW SECTION. Sec. 3.** A new section is added to chapter 70.41 RCW to read as follows:

As a condition of licensure, a hospital must contract with the department of corrections pursuant to RCW 72.10.030."

Senators Stevens and Hargrove spoke in favor of adoption of the striking amendment.

The President declared the question before the Senate to be the adoption of the striking amendment by Senators Stevens and Hargrove to House Bill No. 2803.

The motion by Senator Stevens carried and the striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 4 of the title, after "offenders;" strike the remainder of the title and insert "amending RCW 72.10.020 and 72.10.030; and adding a new section to chapter 70.41 RCW."

MOTION

On motion of Senator Hargrove, the rules were suspended, House Bill No. 2803 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Hargrove spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 2803 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2803 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 46; Nays, 1; Absent, 2; Excused, 0.

Voting yea: Senators Baumgartner, Becker, Benton, Brown, Carrell, Chase, Conway, Delvin, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hatfield, Haugen, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles, Litzow, McAuliffe, Morton, Murray, Nelson, Padden, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rolfes, Schoesler, Shin, Stevens and Swecker

Voting nay: Senator Sheldon

Absent: Senators Tom and Zarelli

HOUSE BILL NO. 2803 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED SENATE BILL NO. 5873, by Senators Prentice, Parlette, Hewitt, Murray, Harper, Holmquist Newbry, Chase, Zarelli, Hobbs, King, Fain, Honeyford, Tom, Kilmer and McAuliffe

Concerning the sales and use tax exemption for qualifying businesses of eligible server equipment.

The measure was read the second time.

#### MOTION

Senator Holmquist Newbry moved that the following striking amendment by Senators Holmquist Newbry and Prentice be adopted:

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** (1) It is the legislature's intent to encourage immediate investments in technology facilities that can provide an economic stimulus, sustain long-term jobs that provide living wages, and help build the digital infrastructure that can enable the state to be competitive for additional technology investment and jobs.

(2) There is currently an intense competition for data center construction and operation in many states including: Oregon, Arizona, North and South Carolina, North Dakota, Iowa, Virginia, Texas, and Illinois. Unprecedented incentives are available as a result of the desire of these states to attract investments that will serve as a catalyst for additional clusters of economic activity.

(3) Data center technology has advanced rapidly, with marked increases in energy efficiency. Large, commercial-grade data centers leverage the economies of scale to reduce energy consumption. Combining digitized processes with the economies of scale recognized at these data centers, today's enterprises can materially reduce the energy they consume and greatly improve their efficiency.

(4) The legislature finds that offering an exemption for server and related electrical equipment and installation will act as a stimulus to incent immediate investment. This investment will bring jobs, tax revenues, and economic growth to some of our state's rural areas.

**Sec. 2.** RCW 82.08.986 and 2010 1st sp.s. c 23 s 1601 are each amended to read as follows:

(1) An exemption from the tax imposed by RCW 82.08.020 is provided for sales to qualifying businesses and to qualifying tenants of eligible server equipment to be installed, without intervening use, in an eligible computer data center, and to charges made for labor and services rendered in respect to installing eligible server equipment. The exemption also applies to sales to qualifying businesses of eligible power infrastructure, including labor and services rendered in respect to constructing, installing, repairing, altering, or improving eligible power infrastructure.

(2)(a) In order to claim the exemption under this section, a qualifying business or a qualifying tenant must submit an application to the department for an exemption certificate. The application must include the information necessary, as required by the department, to determine that a business or tenant qualifies for the exemption under this section. The department must issue exemption certificates to qualifying businesses and qualifying tenants. The department may assign a unique identification number to each exemption certificate issued under this section.

(b) A qualifying business or a qualifying tenant claiming the exemption under this section must present the seller with an exemption certificate in a form and manner prescribed by the

department. The seller must retain a copy of the certificate for the seller's files.

(3)(a) Within six years of the date that the department issued an exemption certificate under this section to a qualifying business or a qualifying tenant with respect to an eligible computer data center, the qualifying business or qualifying tenant must establish that net employment at the eligible computer data center has increased by a minimum of:

(i) Thirty-five family wage employment positions; or

(ii) Three family wage employment positions for each twenty thousand square feet of space or less that is newly dedicated to housing working servers at the eligible computer data center. For qualifying ~~((businesses that lease space at an eligible computer data center))~~ tenants, the number of family wage employment positions that must be increased under this subsection (3)(a)(ii) is based only on the space occupied by the ~~((lessee))~~ qualifying tenant in the eligible computer data center.

(b) In calculating the net increase in family wage employment positions:

(i) The owner of an eligible computer data center, in addition to its own net increase in family wage employment positions, may include:

(A) The net increase in family wage employment positions employed by qualifying ~~((businesses leasing space within the eligible computer data center from the owner))~~ tenants; and

(B) The net increase in family wage employment positions described in (c)(ii)(B) of this subsection (3).

(ii)(A) ~~((Lessees of the owner of an eligible computer data center))~~ Qualifying tenants, in addition to their own net increase in family wage employment positions, may include:

(I) A portion of the net increase in family wage employment positions employed by the owner; and

(II) A portion of the net increase in family wage employment positions described in (c)(ii)(B) of this subsection (3).

(B) The portion of the net increase in family wage employment positions to be counted under this subsection (3)(b)(ii) by each ~~((lessee))~~ qualifying tenant must be in proportion to the amount of space in the eligible computer data center occupied by the ~~((lessee))~~ qualifying tenant compared to the total amount of space in the eligible computer data center occupied by all ~~((lessees that are qualifying businesses))~~ qualifying tenants.

(c)(i) For purposes of this subsection, family wage employment positions are new permanent employment positions requiring forty hours of weekly work, or their equivalent, on a full-time basis at the eligible computer data center and receiving a wage equivalent to or greater than one hundred fifty percent of the per capita personal income of the county in which the qualified project is located. An employment position may not be counted as a family wage employment position unless the employment position is entitled to health insurance coverage provided by the employer of the employment position. For purposes of this subsection (3)(c), "new permanent employment position" means an employment position that did not exist or that had not previously been filled as of the date that the department issued an exemption certificate to the owner or ~~((lessee))~~ qualifying tenant of an eligible computer data center, as the case may be.

(ii)(A) Family wage employment positions include positions filled by employees of the owner of the eligible computer data center and by employees of qualifying ~~((businesses leasing space from the owner of the eligible computer data center))~~ tenants.

(B) Family wage employment positions also include individuals performing work at an eligible computer data center as an independent contractor hired by the owner of the eligible computer data center or as an employee of an independent contractor hired by the owner of the eligible computer data center, if the work is

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necessary for the operation of the computer data center, such as security and building maintenance, and provided that all of the requirements in (c)(i) of this subsection (3) are met.

(d) All previously exempted sales and use taxes are immediately due and payable for a qualifying business or qualifying tenant that does not meet the requirements of this subsection.

(4) A qualifying business or a qualifying tenant claiming an exemption under this section or RCW 82.12.986 must complete an annual report with the department as required under RCW 82.32.534.

(5)(a) The exemption provided in this section does not apply to:

(i) Any person who has received the benefit of the deferral program under chapter 82.60 RCW on: (A) The construction, renovation, or expansion of a structure or structures used as a computer data center; or (B) machinery or equipment used in a computer data center; and

(ii) Any person affiliated with a person within the scope of (a)(i) of this subsection (5). For purposes of this subsection, "affiliated" means that one person has a direct or indirect ownership interest of at least twenty percent in another person.

(b) If a person claims an exemption under this section and subsequently receives the benefit of the deferral program under chapter 82.60 RCW on either the construction, renovation, or expansion of a structure or structures used as a computer data center or machinery or equipment used in a computer data center, the person must repay the amount of taxes exempted under this section. Interest as provided in chapter 82.32 RCW applies to amounts due under this section until paid in full.

(6) For purposes of this section the following definitions apply unless the context clearly requires otherwise:

(a)(i) "Computer data center" means a facility comprised of one or more buildings, which may be comprised of multiple businesses, constructed or refurbished specifically, and used primarily, to house working servers, where the facility has the following characteristics: (A) Uninterruptible power supplies, generator backup power, or both; (B) sophisticated fire suppression and prevention systems; and (C) enhanced physical security, such as: Restricted access to the facility to selected personnel; permanent security guards; video camera surveillance; an electronic system requiring passcodes, keycards, or biometric scans, such as hand scans and retinal or fingerprint recognition; or similar security features.

(ii) For a computer data center comprised of multiple buildings, each separate building constructed or refurbished specifically, and used primarily, to house working servers is considered a computer data center if it has all of the characteristics listed in (a)(i)(A) through (C) of this subsection (6).

(iii) A facility comprised of one building or more than one building must have a combined square footage of at least one hundred thousand square feet.

(b) "Electronic data storage and data management services" include, but are not limited to: Providing data storage and backup services, providing computer processing power, hosting enterprise software applications, and hosting web sites. The term also includes providing services such as e-mail, web browsing and searching, media applications, and other online services, regardless of whether a charge is made for such services.

(c)(i) "Eligible computer data center" means a computer data center:

(A) Located in a rural county as defined in RCW 82.14.370;

(B) Having at least twenty thousand square feet dedicated to housing working servers, where the server space has not previously been dedicated to housing working servers; and

(C) For which the commencement of construction occurs:

(I) After March 31, 2010, and before July 1, 2011; or

(II) After March 31, 2012, and before July 1, 2015.

(ii) For purposes of this section, "commencement of construction" means the date that a building permit is issued under the building code adopted under RCW 19.27.031 for construction of the computer data center. The construction of a computer data center includes the expansion, renovation, or other improvements made to existing facilities, including leased or rented space. "Commencement of construction" does not include soil testing, site clearing and grading, site preparation, or any other related activities that are initiated before the issuance of a building permit for the construction of the foundation of a computer data center.

~~((#))~~ (iii) With respect to facilities in existence on April 1, 2010, that are expanded, renovated, or otherwise improved after March 31, 2010, or facilities in existence on April 1, 2012, that are expanded, renovated, or otherwise improved after March 31, 2012, an eligible computer data center includes only the portion of the computer data center meeting the requirements in (c)(i)(B) of this subsection (6).

(d) "Eligible power infrastructure" means all fixtures and equipment owned by a qualifying business, or qualifying tenant and necessary for the transformation, distribution, or management of electricity that is required to operate eligible server equipment within an eligible computer data center. The term includes ~~((electrical substations,))~~ generators~~((;))~~; wiring~~((and))~~; cogeneration equipment; and associated fixtures and equipment, such as electrical switches, batteries, and distribution, testing, and monitoring equipment.

(e) "Eligible server equipment" means:

(i) For a qualifying business whose computer data center qualifies as an eligible computer data center under (c)(i)(C)(I) of this subsection (6), the original server equipment installed in an eligible computer data center on or after April 1, 2010, and replacement server equipment. For purposes of this subsection (6)(e)(i), "replacement server equipment" means server equipment that:

~~((#))~~ (A) Replaces existing server equipment, if the sale or use of the server equipment to be replaced qualified for an exemption under this section or RCW 82.12.986; and

~~((#))~~ (B) Is installed and put into regular use before April 1, 2018.

(ii) For a qualifying business whose computer data center qualifies as an eligible computer data center under (c)(i)(C)(II) of this subsection (6), "eligible server equipment" means the original server equipment installed in an eligible computer data center on or after April 1, 2012, and replacement server equipment. For purposes of this subsection (6)(e)(ii), "replacement server equipment" means server equipment that:

(A) Replaces existing server equipment, if the sale or use of the server equipment to be replaced qualified for an exemption under this section or RCW 82.12.986; and

(B) Is installed and put into regular use before April 1, 2020.

(iii) For a qualifying tenant who leases space within an eligible computer data center, "eligible server equipment" means the original server equipment installed within the space it leases from an eligible computer data center on or after April 1, 2010, and replacement server equipment. For purposes of this subsection (6)(e)(iii), "replacement server equipment" means server equipment that:

(A) Replaces existing server equipment, if the sale or use of the server equipment to be replaced qualified for an exemption under this section or RCW 82.12.986; and

(B) Is installed and put into regular use before April 1, 2020.

(f) "Qualifying business" means a business entity that exists for the primary purpose of engaging in commercial activity for profit and that is the owner of an eligible computer data center ~~((or the lessee of at least twenty thousand square feet within an eligible computer data center dedicated to housing working servers, where~~

~~the server space has not previously been dedicated to housing working servers~~). The term does not include the state or federal government or any of their departments, agencies, and institutions; tribal governments; political subdivisions of this state; or any municipal, quasi-municipal, public, or other corporation created by the state or federal government, tribal government, municipality, or political subdivision of the state.

(g) ("Server" means blade or rack-mount server computers used in a computer data center exclusively to provide electronic data storage and data management services for internal use by the owner or lessee of the computer data center, for clients of the owner or lessee of the computer data center, or both. "Server" does not include personal computers.

(h) "Server equipment" means the server chassis and all computer hardware contained within the server chassis. "Server equipment" also includes computer software necessary to operate the server. "Server equipment" does not include the racks upon which the server chassis is installed, and computer peripherals such as keyboards, monitors, printers, mice, and other devices that work outside of the computer.) "Qualifying tenant" means a business entity that exists for the primary purpose of engaging in commercial activity for profit and that leases space from a qualifying business within an eligible computer data center. The term does not include the state or federal government or any of their departments, agencies, and institutions; tribal governments; political subdivisions of this state; or any municipal, quasi-municipal, public, or other corporation created by the state or federal government, tribal government, municipality, or political subdivision of the state.

(h) "Server equipment" means the computer hardware located in an eligible computer data center and used exclusively to provide electronic data storage and data management services for internal use by the owner or lessee of the computer data center, for clients of the owner or lessee of the computer data center, or both. "Server equipment" also includes computer software necessary to operate the computer hardware. "Server equipment" does not include personal computers, the racks upon which the server equipment is installed, and computer peripherals such as keyboards, monitors, printers, and mice.

(7) This section expires April 1, ~~(2018)~~ 2020.

**Sec. 3.** RCW 82.08.986 and 2010 1st sp.s. c 23 s 1601 are each amended to read as follows:

(1) An exemption from the tax imposed by RCW 82.08.020 is provided for sales to qualifying businesses and to qualifying tenants of eligible server equipment to be installed, without intervening use, in an eligible computer data center, and to charges made for labor and services rendered in respect to installing eligible server equipment. The exemption also applies to sales to qualifying businesses of eligible power infrastructure, including labor and services rendered in respect to constructing, installing, repairing, altering, or improving eligible power infrastructure.

(2)(a) In order to claim the exemption under this section, a qualifying business or a qualifying tenant must submit an application to the department for an exemption certificate. The application must include the information necessary, as required by the department, to determine that a business or tenant qualifies for the exemption under this section. The department must issue exemption certificates to qualifying businesses and qualifying tenants. The department may assign a unique identification number to each exemption certificate issued under this section.

(b) A qualifying business or a qualifying tenant claiming the exemption under this section must present the seller with an exemption certificate in a form and manner prescribed by the department. The seller must retain a copy of the certificate for the seller's files.

(3)(a) Within six years of the date that the department issued an exemption certificate under this section to a qualifying business or a qualifying tenant with respect to an eligible computer data center, the qualifying business or qualifying tenant must establish that net employment at the eligible computer data center has increased by a minimum of:

(i) Thirty-five family wage employment positions; or

(ii) Three family wage employment positions for each twenty thousand square feet of space or less that is newly dedicated to housing working servers at the eligible computer data center. For qualifying ~~((businesses that lease space at an eligible computer data center))~~ tenants, the number of family wage employment positions that must be increased under this subsection (3)(a)(ii) is based only on the space occupied by the ~~((lessee))~~ qualifying tenant in the eligible computer data center.

(b) In calculating the net increase in family wage employment positions:

(i) The owner of an eligible computer data center, in addition to its own net increase in family wage employment positions, may include:

(A) The net increase in family wage employment positions employed by qualifying ~~((businesses leasing space within the eligible computer data center from the owner))~~ tenants; and

(B) The net increase in family wage employment positions described in (c)(ii)(B) of this subsection (3).

~~((ii)(A) ((Lessees of the owner of an eligible computer data center))~~ Qualifying tenants, in addition to their own net increase in family wage employment positions, may include:

(I) A portion of the net increase in family wage employment positions employed by the owner; and

(II) A portion of the net increase in family wage employment positions described in (c)(ii)(B) of this subsection (3).

(B) The portion of the net increase in family wage employment positions to be counted under this subsection (3)(b)(ii) by each ~~((lessee))~~ qualifying tenant must be in proportion to the amount of space in the eligible computer data center occupied by the ~~((lessee))~~ qualifying tenant compared to the total amount of space in the eligible computer data center occupied by all ~~((lessees that are qualifying businesses))~~ qualifying tenants.

(c)(i) For purposes of this subsection, family wage employment positions are new permanent employment positions requiring forty hours of weekly work, or their equivalent, on a full-time basis at the eligible computer data center and receiving a wage equivalent to or greater than one hundred fifty percent of the per capita personal income of the county in which the qualified project is located. An employment position may not be counted as a family wage employment position unless the employment position is entitled to health insurance coverage provided by the employer of the employment position. For purposes of this subsection (3)(c), "new permanent employment position" means an employment position that did not exist or that had not previously been filled as of the date that the department issued an exemption certificate to the owner or ~~((lessee))~~ qualifying tenant of an eligible computer data center, as the case may be.

(ii)(A) Family wage employment positions include positions filled by employees of the owner of the eligible computer data center and by employees of qualifying ~~((businesses leasing space from the owner of the eligible computer data center))~~ tenants.

(B) Family wage employment positions also include individuals performing work at an eligible computer data center as an independent contractor hired by the owner of the eligible computer data center or as an employee of an independent contractor hired by the owner of the eligible computer data center, if the work is necessary for the operation of the computer data center, such as

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security and building maintenance, and provided that all of the requirements in (c)(i) of this subsection (3) are met.

(d) All previously exempted sales and use taxes are immediately due and payable for a qualifying business or qualifying tenant that does not meet the requirements of this subsection.

(4) A qualifying business or a qualifying tenant claiming an exemption under this section or RCW 82.12.986 must complete an annual ~~(report)~~ survey with the department as required under RCW ~~((82.32.534))~~ 82.32.585.

(5)(a) The exemption provided in this section does not apply to:

(i) Any person who has received the benefit of the deferral program under chapter 82.60 RCW on: (A) The construction, renovation, or expansion of a structure or structures used as a computer data center; or (B) machinery or equipment used in a computer data center; and

(ii) Any person affiliated with a person within the scope of (a)(i) of this subsection (5). For purposes of this subsection, "affiliated" means that one person has a direct or indirect ownership interest of at least twenty percent in another person.

(b) If a person claims an exemption under this section and subsequently receives the benefit of the deferral program under chapter 82.60 RCW on either the construction, renovation, or expansion of a structure or structures used as a computer data center or machinery or equipment used in a computer data center, the person must repay the amount of taxes exempted under this section. Interest as provided in chapter 82.32 RCW applies to amounts due under this section until paid in full.

(6) For purposes of this section the following definitions apply unless the context clearly requires otherwise:

(a)(i) "Computer data center" means a facility comprised of one or more buildings, which may be comprised of multiple businesses, constructed or refurbished specifically, and used primarily, to house working servers, where the facility has the following characteristics: (A) Uninterruptible power supplies, generator backup power, or both; (B) sophisticated fire suppression and prevention systems; and (C) enhanced physical security, such as: Restricted access to the facility to selected personnel; permanent security guards; video camera surveillance; an electronic system requiring passcodes, keycards, or biometric scans, such as hand scans and retinal or fingerprint recognition; or similar security features.

(ii) For a computer data center comprised of multiple buildings, each separate building constructed or refurbished specifically, and used primarily, to house working servers is considered a computer data center if it has all of the characteristics listed in (a)(i)(A) through (C) of this subsection (6).

(iii) A facility comprised of one building or more than one building must have a combined square footage of at least one hundred thousand square feet.

(b) "Electronic data storage and data management services" include, but are not limited to: Providing data storage and backup services, providing computer processing power, hosting enterprise software applications, and hosting web sites. The term also includes providing services such as e-mail, web browsing and searching, media applications, and other online services, regardless of whether a charge is made for such services.

(c)(i) "Eligible computer data center" means a computer data center:

(A) Located in a rural county as defined in RCW 82.14.370;

(B) Having at least twenty thousand square feet dedicated to housing working servers, where the server space has not previously been dedicated to housing working servers; and

(C) For which the commencement of construction occurs;

(I) After March 31, 2010, and before July 1, 2011; or

(II) After March 31, 2012, and before July 1, 2015.

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(ii) For purposes of this section, "commencement of construction" means the date that a building permit is issued under the building code adopted under RCW 19.27.031 for construction of the computer data center. The construction of a computer data center includes the expansion, renovation, or other improvements made to existing facilities, including leased or rented space. "Commencement of construction" does not include soil testing, site clearing and grading, site preparation, or any other related activities that are initiated before the issuance of a building permit for the construction of the foundation of a computer data center.

~~((#))~~ (iii) With respect to facilities in existence on April 1, 2010, that are expanded, renovated, or otherwise improved after March 31, 2010, or facilities in existence on April 1, 2012, that are expanded, renovated, or otherwise improved after March 31, 2012, an eligible computer data center includes only the portion of the computer data center meeting the requirements in (c)(i)(B) of this subsection (6).

(d) "Eligible power infrastructure" means all fixtures and equipment owned by a qualifying business, or qualifying tenant and necessary for the transformation, distribution, or management of electricity that is required to operate eligible server equipment within an eligible computer data center. The term includes ~~((electrical substations,))~~ generators~~((;))~~; wiring~~((and))~~; cogeneration equipment; and associated fixtures and equipment, such as electrical switches, batteries, and distribution, testing, and monitoring equipment.

(e) "Eligible server equipment" means:

(i) For a qualifying business whose computer data center qualifies as an eligible computer data center under (c)(i)(C)(I) of this subsection (6), the original server equipment installed in an eligible computer data center on or after April 1, 2010, and replacement server equipment. For purposes of this subsection (6)(e)(i), "replacement server equipment" means server equipment that:

~~((#))~~ (A) Replaces existing server equipment, if the sale or use of the server equipment to be replaced qualified for an exemption under this section or RCW 82.12.986; and

~~((#))~~ (B) Is installed and put into regular use before April 1, 2018.

(ii) For a qualifying business whose computer data center qualifies as an eligible computer data center under (c)(i)(C)(II) of this subsection (6), "eligible server equipment" means the original server equipment installed in an eligible computer data center on or after April 1, 2012, and replacement server equipment. For purposes of this subsection (6)(e)(ii), "replacement server equipment" means server equipment that:

(A) Replaces existing server equipment, if the sale or use of the server equipment to be replaced qualified for an exemption under this section or RCW 82.12.986; and

(B) Is installed and put into regular use before April 1, 2020.

(iii) For a qualifying tenant who leases space within an eligible computer data center, "eligible server equipment" means the original server equipment installed within the space it leases from an eligible computer data center on or after April 1, 2010, and replacement server equipment. For purposes of this subsection (6)(e)(iii), "replacement server equipment" means server equipment that:

(A) Replaces existing server equipment, if the sale or use of the server equipment to be replaced qualified for an exemption under this section or RCW 82.12.986; and

(B) Is installed and put into regular use before April 1, 2020.

(f) "Qualifying business" means a business entity that exists for the primary purpose of engaging in commercial activity for profit and that is the owner of an eligible computer data center ~~((or the lessee of at least twenty thousand square feet within an eligible computer data center dedicated to housing working servers, where~~

~~the server space has not previously been dedicated to housing working servers~~). The term does not include the state or federal government or any of their departments, agencies, and institutions; tribal governments; political subdivisions of this state; or any municipal, quasi-municipal, public, or other corporation created by the state or federal government, tribal government, municipality, or political subdivision of the state.

(g) ("Server" means blade or rack-mount server computers used in a computer data center exclusively to provide electronic data storage and data management services for internal use by the owner or lessee of the computer data center, for clients of the owner or lessee of the computer data center, or both. "Server" does not include personal computers.

(h) "Server equipment" means the server chassis and all computer hardware contained within the server chassis. "Server equipment" also includes computer software necessary to operate the server. "Server equipment" does not include the racks upon which the server chassis is installed, and computer peripherals such as keyboards, monitors, printers, mice, and other devices that work outside of the computer.) "Qualifying tenant" means a business entity that exists for the primary purpose of engaging in commercial activity for profit and that leases space from a qualifying business within an eligible computer data center. The term does not include the state or federal government or any of their departments, agencies, and institutions; tribal governments; political subdivisions of this state; or any municipal, quasi-municipal, public, or other corporation created by the state or federal government, tribal government, municipality, or political subdivision of the state.

(h) "Server equipment" means the computer hardware located in an eligible computer data center and used exclusively to provide electronic data storage and data management services for internal use by the owner or lessee of the computer data center, for clients of the owner or lessee of the computer data center, or both. "Server equipment" also includes computer software necessary to operate the computer hardware. "Server equipment" does not include personal computers, the racks upon which the server equipment is installed, and computer peripherals such as keyboards, monitors, printers, and mice.

(7) This section expires April 1, ~~((2018))~~ 2020.

**Sec. 4.** RCW 82.12.986 and 2010 1st sp.s. c 23 s 1602 are each amended to read as follows:

(1) An exemption from the tax imposed by RCW 82.12.020 is provided for the use by qualifying businesses or qualifying tenants of eligible server equipment to be installed, without intervening use, in an eligible computer data center, and to the use of labor and services rendered in respect to installing such server equipment. The exemption also applies to the use ~~((of))~~ by a qualifying business of eligible power infrastructure, including labor and services rendered in respect to installing, repairing, altering, or improving such infrastructure.

(2) A qualifying business or a qualifying tenant is not eligible for the exemption under this section unless the department issued an exemption certificate to the qualifying business or a qualifying tenant for the exemption provided in RCW 82.08.986.

(3)(a) The exemption provided in this section does not apply to:

(i) Any person who has received the benefit of the deferral program under chapter 82.60 RCW on: (A) The construction, renovation, or expansion of a structure or structures used as a computer data center; or (B) machinery or equipment used in a computer data center; and

(ii) Any person affiliated with a person within the scope of (a)(i) of this subsection (3). For purposes of this subsection, "affiliated" means that one person has a direct or indirect ownership interest of at least twenty percent in another person.

(b) If a person has received the benefit of the exemption under this section and subsequently receives the benefit of the deferral program under chapter 82.60 RCW on either the construction, renovation, or expansion of a structure or structures used as a computer data center or machinery or equipment used in a computer data center, the person must repay the amount of taxes exempted under this section. Interest as provided in chapter 82.32 RCW applies to amounts due under this subsection (3)(b) until paid in full. A person is not required to repay taxes under this subsection with respect to property and services for which the person is required to repay taxes under RCW 82.08.986(5).

(4) The definitions and requirements in RCW 82.08.986 apply to this section.

(5) This section expires April 1, ~~((2018))~~ 2020.

**NEW SECTION. Sec. 5.** (1) Except as provided in subsection (3) of this section, this act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect April 1, 2012.

(2) Section 2 of this act does not take effect if the contingency in subsection (3) of this section occurs.

(3) Section 3 of this act takes effect if Substitute House Bill No. 2530 or any other legislation repealing RCW 82.32.534 is enacted during the 2012 legislative session and signed into law."

Senators Holmquist Newbry and Prentice spoke in favor of adoption of the striking amendment.

#### MOTION

On motion of Senator Harper, Senator Tom was excused.

#### MOTION

On motion of Senator Ericksen, Senator Zarelli was excused.

The President declared the question before the Senate to be the adoption of the striking amendment by Senators Holmquist Newbry and Prentice to Engrossed Senate Bill No. 5873.

The motion by Senator Holmquist Newbry carried and the striking amendment was adopted by voice vote.

#### MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 1 of the title, after "Relating to" strike the remainder of the title and insert "amending the sales and use tax exemption for certain equipment used in computer data centers; amending RCW 82.08.986, 82.08.986, and 82.12.986; creating a new section; providing an effective date; providing a contingent effective date; providing expiration dates; and declaring an emergency."

#### MOTION

On motion of Senator Prentice, the rules were suspended, Second Engrossed Senate Bill No. 5873 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Prentice, Holmquist Newbry, Parlette and Conway spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Second Engrossed Senate Bill No. 5873.

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ROLL CALL

The Secretary called the roll on the final passage of Second Engrossed Senate Bill No. 5873 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 1; Absent, 0; Excused, 0.

Voting yea: Senators Baumgartner, Becker, Benton, Brown, Carrell, Chase, Conway, Delvin, Eide, Ericksen, Fain, Fraser, Hargrove, Harper, Hatfield, Haugen, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles, Litzow, McAuliffe, Morton, Murray, Nelson, Padden, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rolfes, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Voting nay: Senator Frockt

SECOND ENGROSSED SENATE BILL NO. 5873, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Eide, the Senate reverted to the fourth order of business.

MESSAGE FROM THE HOUSE

March 5, 2012

MR. PRESIDENT:

The House refuses to concur in the Senate amendment(s) to ENGROSSED HOUSE BILL NO. 1398 and asks the Senate to recede therefrom.

and the same is herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

Senator Hobbs moved that the Senate recede from its position in the Senate amendment(s) to Engrossed House Bill No. 1398.

The President declared the question before the Senate to be motion by Senator Hobbs that the Senate recede from its position in the Senate amendment(s) to Engrossed House Bill No. 1398.

The motion by Senator Hobbs carried and the Senate receded from its position in the Senate amendment(s) to Engrossed House Bill No. 1398 by voice vote.

MOTION

On motion of Senator Hobbs, the rules were suspended and Engrossed House Bill No. 1398 was returned to second reading for the purposes of amendment.

SECOND READING

ENGROSSED HOUSE BILL NO. 1398, by Representatives Fitzgibbon, Seaquist, Orwall, Springer, Uptegrove and Kenney

Creating an exemption from impact fees for low-income housing.

The measure was read the second time.

MOTION

Senator Hobbs moved that the following striking amendment by Senator Hobbs and others be adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 82.02.060 and 1990 1st ex.s. c 17 s 44 are each amended to read as follows:

The local ordinance by which impact fees are imposed:

(1) Shall include a schedule of impact fees which shall be adopted for each type of development activity that is subject to impact fees, specifying the amount of the impact fee to be imposed for each type of system improvement. The schedule shall be based upon a formula or other method of calculating such impact fees. In determining proportionate share, the formula or other method of calculating impact fees shall incorporate, among other things, the following:

(a) The cost of public facilities necessitated by new development;

(b) An adjustment to the cost of the public facilities for past or future payments made or reasonably anticipated to be made by new development to pay for particular system improvements in the form of user fees, debt service payments, taxes, or other payments earmarked for or proratable to the particular system improvement;

(c) The availability of other means of funding public facility improvements;

(d) The cost of existing public facilities improvements; and

(e) The methods by which public facilities improvements were financed;

(2) May provide an exemption for low-income housing, and other development activities with broad public purposes, from these impact fees, provided that the impact fees for such development activity shall be paid from public funds other than impact fee accounts;

(3) May provide an exemption from impact fees for low-income housing. Local governments that grant exemptions for low-income housing under this subsection (3) may either: Grant a partial exemption of not more than eighty percent of impact fees, in which case there is no explicit requirement to pay the exempted portion of the fee from public funds other than impact fee accounts; or provide a full waiver, in which case the remaining percentage of the exempted fee must be paid from public funds other than impact fee accounts. An exemption for low-income housing granted under subsection (2) of this section or this subsection (3) must be conditioned upon requiring the developer to record a covenant that, except as provided otherwise by this subsection, prohibits using the property for any purpose other than for low-income housing. At a minimum, the covenant must address price restrictions and household income limits for the low-income housing, and that if the property is converted to a use other than for low-income housing, the property owner must pay the applicable impact fees in effect at the time of conversion. Covenants required by this subsection must be recorded with the applicable county auditor or recording officer. A local government granting an exemption under subsection (2) of this section or this subsection (3) for low-income housing may not collect revenue lost through granting an exemption by increasing impact fees unrelated to the exemption. A school district who receives school impact fees must approve any exemption under subsection (2) of this section or this subsection (3);

(4) Shall provide a credit for the value of any dedication of land for, improvement to, or new construction of any system improvements provided by the developer, to facilities that are identified in the capital facilities plan and that are required by the county, city, or town as a condition of approving the development activity;

~~((4))~~ (5) Shall allow the county, city, or town imposing the impact fees to adjust the standard impact fee at the time the fee is



imposed to consider unusual circumstances in specific cases to ensure that impact fees are imposed fairly;

~~((5))~~ (6) Shall include a provision for calculating the amount of the fee to be imposed on a particular development that permits consideration of studies and data submitted by the developer to adjust the amount of the fee;

~~((6))~~ (7) Shall establish one or more reasonable service areas within which it shall calculate and impose impact fees for various land use categories per unit of development; and

~~((7))~~ (8) May provide for the imposition of an impact fee for system improvement costs previously incurred by a county, city, or town to the extent that new growth and development will be served by the previously constructed improvements provided such fee shall not be imposed to make up for any system improvement deficiencies.

For purposes of this section, "low-income housing" means housing with a monthly housing expense, that is no greater than thirty percent of eighty percent of the median family income adjusted for family size, for the county where the project is located, as reported by the United States department of housing and urban development."

Senator Hobbs spoke in favor of adoption of the striking amendment.

The President declared the question before the Senate to be the adoption of the striking amendment by Senator Hobbs and others to Engrossed House Bill No. 1398.

The motion by Senator Hobbs carried and the striking amendment was adopted by voice vote.

#### MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 1 of the title, after "fees;" strike the remainder of the title and insert "and amending RCW 82.02.060."

#### MOTION

On motion of Senator Hobbs, the rules were suspended, Engrossed House Bill No. 1398 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Hobbs spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed House Bill No. 1398 as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 1398 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 32; Nays, 17; Absent, 0; Excused, 0.

Voting yea: Senators Brown, Carrell, Chase, Conway, Eide, Fain, Fraser, Frockt, Hargrove, Harper, Hatfield, Haugen, Hewitt, Hill, Hobbs, Kastama, Keiser, Kilmer, Kline, Kohl-Welles, Litzow, McAuliffe, Murray, Nelson, Pflug, Prentice, Pridemore, Ranker, Regala, Rolfes, Shin and Tom

Voting nay: Senators Baumgartner, Becker, Benton, Delvin, Ericksen, Holmquist Newbry, Honeyford, King, Morton, Padden, Parlette, Roach, Schoesler, Sheldon, Stevens, Swecker and Zarelli

ENGROSSED HOUSE BILL NO. 1398 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MESSAGE FROM THE HOUSE

March 5, 2012

MR. PRESIDENT:

The House refuses to concur in the Senate amendment(s) to ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2536 and asks the Senate to recede therefrom. and the same is herewith transmitted.

BARBARA BAKER, Chief Clerk

#### MOTION

Senator Hargrove moved that the Senate recede from its position in the Senate amendment(s) to Engrossed Second Substitute House Bill No. 2536.

The President declared the question before the Senate to be motion by Senator Hargrove that the Senate recede from its position in the Senate amendment(s) to Engrossed Second Substitute House Bill No. 2536.

The motion by Senator Hargrove carried and the Senate receded from its position in the Senate amendment(s) to Engrossed Second Substitute House Bill No. 2536 by voice vote.

#### MOTION

On motion of Senator Hargrove, the rules were suspended and Engrossed Second Substitute House Bill No. 2536 was returned to second reading for the purposes of amendment.

#### SECOND READING

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2536, by House Committee on Ways & Means (originally sponsored by Representatives Dickerson, Johnson, Goodman, Hinkle, Kretz, Pettigrew, Warnick, Cody, Harris, Kenney, Kagi, Darneille, Orwall, Condotta, Ladenburg, Appleton, Jinkins and Maxwell)

Concerning the use of evidence-based practices for the delivery of services to children and juveniles.

The measure was read the second time.

#### MOTION

Senator Hargrove moved that the following striking amendment by Senators Hargrove, Stevens and Carrell be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. (1) The legislature intends that prevention and intervention services delivered to children and juveniles in the areas of mental health, child welfare, and juvenile justice be primarily evidence-based and research-based, and it is anticipated that such services will be provided in a manner that is culturally competent.

(2) The legislature also acknowledges that baseline information is not presently available regarding the extent to which evidence-based and research-based practices are presently available

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and in use in the areas of children's mental health, child welfare, and juvenile justice; the cost of those practices; and the most effective strategies and appropriate time frames for expecting their broader use. Thus, it would be wise to establish baseline data regarding the use and availability of evidence-based and research-based practices.

(3) It is the intent of the legislature that increased use of evidence-based and research-based practices be accomplished to the extent possible within existing resources by coordinating the purchase of evidence-based services, the development of a trained workforce, and the development of unified and coordinated case plans to provide treatment in a coordinated and consistent manner.

(4) The legislature recognizes that in order to effectively provide evidence-based and research-based practices, contractors should have a workforce trained in these programs, and outcomes from the use of these practices should be monitored.

**NEW SECTION. Sec. 2.** For the purposes of this chapter:

(1) "Contractors" does not include county probation staff that provide evidence-based or research-based programs.

(2) "Prevention and intervention services" means services and programs for children and youth and their families that are specifically directed to address behaviors that have resulted or may result in truancy, abuse or neglect, out-of-home placements, chemical dependency, substance abuse, sexual aggressiveness, or mental or emotional disorders.

**NEW SECTION. Sec. 3.** The department of social and health services shall accomplish the following in consultation and collaboration with the Washington state institute for public policy, the evidence-based practice institute at the University of Washington, a university-based child welfare partnership and research entity, other national experts in the delivery of evidence-based services, and organizations representing Washington practitioners:

(1) By September 30, 2012, the Washington state institute for public policy, the University of Washington evidence-based practice institute, in consultation with the department shall publish descriptive definitions of evidence-based, research-based, and promising practices in the areas of child welfare, juvenile rehabilitation, and children's mental health services.

(a) In addition to descriptive definitions, the Washington state institute for public policy and the University of Washington evidence-based practice institute must prepare an inventory of evidence-based, research-based, and promising practices for prevention and intervention services that will be used for the purpose of completing the baseline assessment described in subsection (2) of this section. The inventory shall be periodically updated as more practices are identified.

(b) In identifying evidence-based and research-based services, the Washington state institute for public policy and the University of Washington evidence-based practice institute must:

(i) Consider any available systemic evidence-based assessment of a program's efficacy and cost-effectiveness; and

(ii) Attempt to identify assessments that use valid and reliable evidence.

(c) Using state, federal, or private funds, the department shall prioritize the assessment of promising practices identified in (a) of this subsection with the goal of increasing the number of such practices that meet the standards for evidence-based and research-based practices.

(2) By June 30, 2013, the department and the health care authority shall complete a baseline assessment of utilization of evidence-based and research-based practices in the areas of child welfare, juvenile rehabilitation, and children's mental health services. The assessment must include prevention and intervention services provided through medicaid fee-for-service and healthy

options managed care contracts. The assessment shall include estimates of:

(a) The number of children receiving each service;

(b) For juvenile rehabilitation and child welfare services, the total amount of state and federal funds expended on the service;

(c) For children's mental health services, the number and percentage of encounters using these services that are provided to children served by regional support networks and children receiving mental health services through medicaid fee-for-service or healthy options;

(d) The relative availability of the service in the various regions of the state; and

(e) To the extent possible, the unmet need for each service.

(3)(a) By December 30, 2013, the department and the health care authority shall report to the governor and to the appropriate fiscal and policy committees of the legislature on recommended strategies, timelines, and costs for increasing the use of evidence-based and research-based practices. The report must distinguish between a reallocation of existing funding to support the recommended strategies and new funding needed to increase the use of the practices.

(b) The department shall provide updated recommendations to the governor and the legislature by December 30, 2014, and by December 30, 2015.

(4)(a) The report required under subsection (3) of this section must include recommendations for the reallocation of resources for evidence-based and research-based practices and substantial increases above the baseline assessment of the use of evidence-based and research-based practices for the 2015-2017 and the 2017-2019 biennia. The recommendations for increases shall be consistent with subsection (2) of this section.

(b) If the department or health care authority anticipates that it will not meet its recommended levels for an upcoming biennium as set forth in its report, it must report to the legislature by November 1st of the year preceding the biennium. The report shall include:

(i) The identified impediments to meeting the recommended levels;

(ii) The current and anticipated performance level; and

(iii) Strategies that will be undertaken to improve performance.

(5) Recommendations made pursuant to subsections (3) and (4) of this section must include strategies to identify programs that are effective with ethnically diverse clients and to consult with tribal governments, experts within ethnically diverse communities, and community organizations that serve diverse communities.

**NEW SECTION. Sec. 4.** The department of social and health services, in consultation with a university-based evidence-based practice institute entity in Washington, the Washington partnership council on juvenile justice, the child mental health systems of care planning committee, the children, youth, and family advisory committee, the Washington state racial disproportionality advisory committee, a university-based child welfare research entity in Washington state, regional support networks, the Washington association of juvenile court administrators, and the Washington state institute for public policy, shall:

(1) Develop strategies to use unified and coordinated case plans for children, youth, and their families who are or are likely to be involved in multiple systems within the department;

(2) Use monitoring and quality control procedures designed to measure fidelity with evidence-based and research-based prevention and treatment programs; and

(3) Utilize any existing data reporting and system of quality management processes at the state and local level for monitoring the quality control and fidelity of the implementation of evidence-based and research-based practices.

**NEW SECTION. Sec. 5.** (1) The department of social and health services and the health care authority shall identify components of evidence-based practices for which federal matching funds might be claimed and seek such matching funds to support implementation of evidence-based practices.

(2) The department shall efficiently use funds to coordinate training in evidence-based and research-based practices across the programs areas of juvenile justice, children's mental health, and child welfare.

(3) Any child welfare training related to implementation of this chapter must be delivered by the University of Washington school of social work in coordination with the University of Washington evidence-based practices institute.

(4) Nothing in this act requires the department or the health care authority to:

(a) Take actions that are in conflict with presidential executive order 13175 or that adversely impact tribal-state consultation protocols or contractual relations; or

(b) Redirect funds in a manner that:

(i) Conflicts with the requirements of the department's section 1915(b) medicaid mental health waiver; or

(ii) Would substantially reduce federal medicaid funding for mental health services or impair access to appropriate and effective services for a substantial number of medicaid clients; or

(c) Undertake actions that, in the context of a lawsuit against the state, are inconsistent with the department's obligations or authority pursuant to a court order or agreement.

**NEW SECTION. Sec. 6.** Sections 1 through 5 of this act constitute a new chapter in Title 43 RCW."

Senator Hargrove spoke in favor of adoption of the striking amendment.

The President declared the question before the Senate to be the adoption of the striking amendment by Senators Hargrove, Stevens and Carrell to Engrossed Second Substitute House Bill No. 2536.

The motion by Senator Hargrove carried and the striking amendment was adopted by voice vote.

#### MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 2 of the title, after "juveniles;" strike the remainder of the title and insert "and adding a new chapter to Title 43 RCW."

#### MOTION

On motion of Senator Hargrove, the rules were suspended, Engrossed Second Substitute House Bill No. 2536 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

#### MOTION

On motion of Senator Harper, Senator Frockt was excused.

The President declared the question before the Senate to be the final passage of Engrossed Second Substitute House Bill No. 2536 as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute House Bill No. 2536 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Baumgartner, Becker, Benton, Brown, Carrell, Chase, Conway, Delvin, Eide, Ericksen, Fain, Fraser, Hargrove, Harper, Hatfield, Haugen, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles, Litzow, McAuliffe, Morton, Murray, Nelson, Padden, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rolfes, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Excused: Senator Frockt

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2536 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MESSAGE FROM THE HOUSE

March 7, 2012

MR. PRESIDENT:

The House insists on its position regarding the House amendment(s) to SUBSTITUTE SENATE BILL NO. 6494 and again asks the Senate to concur thereon and the same is herewith transmitted.

BARBARA BAKER, Chief Clerk

#### MOTION

Senator Hargrove moved that the Senate insist on its position in the House amendment(s) to Substitute Senate Bill No. 6494 and again ask the House to recede therefrom.

The President declared the question before the Senate to be motion by Senator Hargrove that the Senate insist on its position in the House amendment(s) to Substitute Senate Bill No. 6494 and again ask the House to recede therefrom.

The motion by Senator Hargrove carried and the Senate insisted on its position in the House amendment(s) to Substitute Senate Bill No. 6494 and again asked the House to recede therefrom by voice vote.

#### MESSAGE FROM THE HOUSE

March 7, 2012

MR. PRESIDENT:

The House receded from its amendment(s) to SUBSTITUTE SENATE BILL NO. 6135. Under suspension of the rules, the bill was returned to second reading for the purpose of an amendment. The House adopted the following amendment: 6135-S AMH BLAK H4667.1, and passed the bill as amended by the House.

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 7.84.030 and 2011 c 320 s 14 are each amended to read as follows:

(1) An infraction proceeding is initiated by the issuance and service of a printed notice of infraction and filing of a printed or electronic copy of the notice of infraction.

(2)(a) A notice of infraction may be issued by a person authorized to enforce the provisions of the title or chapter in which the infraction is established, or by a person authorized by an

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interlocal agreement entered into under RCW 7.84.140, when the infraction occurs in that person's presence.

(b) A person who is a peace officer as defined in chapter 10.93 RCW may detain the person receiving the infraction for a reasonable period of time necessary to identify the person, check for outstanding warrants, and complete and issue a notice of infraction under RCW 7.84.050. A person who is to receive a notice of infraction is required to identify himself or herself to the peace officer by giving the person's name, address, and date of birth. Upon request, the person shall produce reasonable identification, which may include a driver's license or identicaid. Any person who fails to comply with the requirement to identify himself or herself and give the person's current address may be found to have committed an infraction.

(3) A court may issue a notice of infraction if a person authorized to enforce the provisions of the title or chapter in which the infraction is established, or by a person authorized by an interlocal agreement entered into under RCW 7.84.140, files with the court a written statement that the infraction was committed in that person's presence or that the officer has reason to believe an infraction was committed.

(4) Service of a notice of infraction issued under subsection (2) or (3) of this section shall be as provided by court rule.

(5) A notice of infraction shall be filed with a court having jurisdiction within five days of issuance, excluding Saturdays, Sundays, and holidays.

**Sec. 2.** RCW 7.84.020 and 2003 c 39 s 3 are each amended to read as follows:

~~((Unless the context clearly requires otherwise,))~~ The definition in this section applies throughout this chapter unless the context clearly requires otherwise.

"Infraction" means an offense which, by the terms of Title 76, 77, 79, or 79A RCW or ~~((chapter 43.30 RCW))~~ RCW 7.84.030(2)(b) and rules adopted under these titles and ~~((chapters))~~ section, is declared not to be a criminal offense and is subject to the provisions of this chapter.

**Sec. 3.** RCW 9.94A.515 and 2010 c 289 s 11 and 2010 c 227 s 9 are each reenacted and amended to read as follows:

TABLE 2

CRIMES INCLUDED WITHIN EACH SERIOUSNESS LEVEL

XVI	Aggravated Murder 1 (RCW 10.95.020)
XV	Homicide by abuse (RCW 9A.32.055)
	Malicious explosion 1 (RCW 70.74.280(1))
	Murder 1 (RCW 9A.32.030)
XIV	Murder 2 (RCW 9A.32.050)
	Trafficking 1 (RCW 9A.40.100(1))
XIII	Malicious explosion 2 (RCW 70.74.280(2))
	Malicious placement of an explosive 1 (RCW 70.74.270(1))
XII	Assault 1 (RCW 9A.36.011)
	Assault of a Child 1 (RCW 9A.36.120)
	Malicious placement of an imitation device 1 (RCW 70.74.272(1)(a))

	Promoting Commercial Sexual Abuse of a Minor (RCW 9.68A.101)
	Rape 1 (RCW 9A.44.040)
	Rape of a Child 1 (RCW 9A.44.073)
	Trafficking 2 (RCW 9A.40.100(2))
XI	Manslaughter 1 (RCW 9A.32.060)
	Rape 2 (RCW 9A.44.050)
	Rape of a Child 2 (RCW 9A.44.076)
X	Child Molestation 1 (RCW 9A.44.083)
	Criminal Mistreatment 1 (RCW 9A.42.020)
	Indecent Liberties (with forcible compulsion) (RCW 9A.44.100(1)(a))
	Kidnapping 1 (RCW 9A.40.020)
	Leading Organized Crime (RCW 9A.82.060(1)(a))
	Malicious explosion 3 (RCW 70.74.280(3))
	Sexually Violent Predator Escape (RCW 9A.76.115)
IX	Abandonment of Dependent Person 1 (RCW 9A.42.060)
	Assault of a Child 2 (RCW 9A.36.130)
	Explosive devices prohibited (RCW 70.74.180)
	Hit and Run--Death (RCW 46.52.020(4)(a))
	Homicide by Watercraft, by being under the influence of intoxicating liquor or any drug (RCW 79A.60.050)
	Inciting Criminal Profiteering (RCW 9A.82.060(1)(b))
	Malicious placement of an explosive 2 (RCW 70.74.270(2))
	Robbery 1 (RCW 9A.56.200)
	Sexual Exploitation (RCW 9.68A.040)
	Vehicular Homicide, by being under the influence of intoxicating liquor or any drug (RCW 46.61.520)
VIII	Arson 1 (RCW 9A.48.020)
	Commercial Sexual Abuse of a Minor (RCW 9.68A.100)
	Homicide by Watercraft, by the operation of any vessel in a reckless manner (RCW 79A.60.050)
	Manslaughter 2 (RCW 9A.32.070)
	Promoting Prostitution 1 (RCW 9A.88.070)
	Theft of Ammonia (RCW 69.55.010)

- VII Vehicular Homicide, by the operation of any vehicle in a reckless manner (RCW 46.61.520)
- Burglary 1 (RCW 9A.52.020)
- Child Molestation 2 (RCW 9A.44.086)
- Civil Disorder Training (RCW 9A.48.120)
- Dealing in depictions of minor engaged in sexually explicit conduct 1 (RCW 9.68A.050(1))
- Drive-by Shooting (RCW 9A.36.045)
- Homicide by Watercraft, by disregard for the safety of others (RCW 79A.60.050)
- Indecent Liberties (without forcible compulsion) (RCW 9A.44.100(1) (b) and (c))
- Introducing Contraband 1 (RCW 9A.76.140)
- Malicious placement of an explosive 3 (RCW 70.74.270(3))
- Negligently Causing Death By Use of a Signal Preemption Device (RCW 46.37.675)
- Sending, bringing into state depictions of minor engaged in sexually explicit conduct 1 (RCW 9.68A.060(1))
- Unlawful Possession of a Firearm in the first degree (RCW 9.41.040(1))
- Use of a Machine Gun in Commission of a Felony (RCW 9.41.225)
- Vehicular Homicide, by disregard for the safety of others (RCW 46.61.520)
- VI Bail Jumping with Murder 1 (RCW 9A.76.170(3)(a))
- Bribery (RCW 9A.68.010)
- Incest 1 (RCW 9A.64.020(1))
- Intimidating a Judge (RCW 9A.72.160)
- Intimidating a Juror/Witness (RCW 9A.72.110, 9A.72.130)
- Malicious placement of an imitation device 2 (RCW 70.74.272(1)(b))
- Possession of Depictions of a Minor Engaged in Sexually Explicit Conduct 1 (RCW 9.68A.070(1))
- Rape of a Child 3 (RCW 9A.44.079)
- Theft of a Firearm (RCW 9A.56.300)
- Unlawful Storage of Ammonia (RCW 69.55.020)
- V Abandonment of Dependent Person 2 (RCW 9A.42.070)
- Advancing money or property for extortionate extension of credit (RCW 9A.82.030)
- Bail Jumping with class A Felony (RCW 9A.76.170(3)(b))
- Child Molestation 3 (RCW 9A.44.089)
- Criminal Mistreatment 2 (RCW 9A.42.030)
- Custodial Sexual Misconduct 1 (RCW 9A.44.160)
- Dealing in Depictions of Minor Engaged in Sexually Explicit Conduct 2 (RCW 9.68A.050(2))
- Domestic Violence Court Order Violation (RCW 10.99.040, 10.99.050, 26.09.300, 26.10.220, 26.26.138, 26.50.110, 26.52.070, or 74.34.145)
- Driving While Under the Influence (RCW 46.61.502(6))
- Extortion 1 (RCW 9A.56.120)
- Extortionate Extension of Credit (RCW 9A.82.020)
- Extortionate Means to Collect Extensions of Credit (RCW 9A.82.040)
- Incest 2 (RCW 9A.64.020(2))
- Kidnapping 2 (RCW 9A.40.030)
- Perjury 1 (RCW 9A.72.020)
- Persistent prison misbehavior (RCW 9.94.070)
- Physical Control of a Vehicle While Under the Influence (RCW 46.61.504(6))
- Possession of a Stolen Firearm (RCW 9A.56.310)
- Rape 3 (RCW 9A.44.060)
- Rendering Criminal Assistance 1 (RCW 9A.76.070)
- Sending, Bringing into State Depictions of Minor Engaged in Sexually Explicit Conduct 2 (RCW 9.68A.060(2))
- Sexual Misconduct with a Minor 1 (RCW 9A.44.093)
- Sexually Violating Human Remains (RCW 9A.44.105)
- Stalking (RCW 9A.46.110)
- Taking Motor Vehicle Without Permission 1 (RCW 9A.56.070)
- IV Arson 2 (RCW 9A.48.030)
- Assault 2 (RCW 9A.36.021)
- Assault 3 (of a Peace Officer with a Projectile Stun Gun) (RCW 9A.36.031(1)(h))
- Assault by Watercraft (RCW 79A.60.060)
- Bribing a Witness/Bribe Received by Witness (RCW 9A.72.090,

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9A.72.100)

- Cheating 1 (RCW 9.46.1961)
- Commercial Bribery (RCW 9A.68.060)
- Counterfeiting (RCW 9.16.035(4))
- Endangerment with a Controlled Substance (RCW 9A.42.100)
- Escape 1 (RCW 9A.76.110)
- Hit and Run--Injury (RCW 46.52.020(4)(b))
- Hit and Run with Vessel--Injury Accident (RCW 79A.60.200(3))
- Identity Theft 1 (RCW 9.35.020(2))
- Indecent Exposure to Person Under Age Fourteen (subsequent sex offense) (RCW 9A.88.010)
- Influencing Outcome of Sporting Event (RCW 9A.82.070)
- Malicious Harassment (RCW 9A.36.080)
- Possession of Depictions of a Minor Engaged in Sexually Explicit Conduct 2 (RCW 9.68(~~(A)~~))  
A.070(2))
- Residential Burglary (RCW 9A.52.025)
- Robbery 2 (RCW 9A.56.210)
- Theft of Livestock 1 (RCW 9A.56.080)
- Threats to Bomb (RCW 9.61.160)
- Trafficking in Stolen Property 1 (RCW 9A.82.050)
- Unlawful factoring of a credit card or payment card transaction (RCW 9A.56.290(4)(b))
- Unlawful transaction of health coverage as a health care service contractor (RCW 48.44.016(3))
- Unlawful transaction of health coverage as a health maintenance organization (RCW 48.46.033(3))
- Unlawful transaction of insurance business (RCW 48.15.023(3))
- Unlicensed practice as an insurance professional (RCW 48.17.063(2))
- Use of Proceeds of Criminal Profiteering (RCW 9A.82.080 (1) and (2))
- Vehicular Assault, by being under the influence of intoxicating liquor or any drug, or by the operation or driving of a vehicle in a reckless manner (RCW 46.61.522)
- Viewing of Depictions of a Minor Engaged in Sexually Explicit Conduct 1 (RCW 9.68A.075(1))
- Willful Failure to Return from Furlough (RCW 72.66.060)

- III Animal Cruelty 1 (Sexual Conduct or Contact) (RCW 16.52.205(3))
- Assault 3 (Except Assault 3 of a Peace Officer With a Projectile Stun Gun) (RCW 9A.36.031 except subsection (1)(h))
- Assault of a Child 3 (RCW 9A.36.140)
- Bail Jumping with class B or C Felony (RCW 9A.76.170(3)(c))
- Burglary 2 (RCW 9A.52.030)
- Communication with a Minor for Immoral Purposes (RCW 9.68A.090)
- Criminal Gang Intimidation (RCW 9A.46.120)
- Custodial Assault (RCW 9A.36.100)
- Cyberstalking (subsequent conviction or threat of death) (RCW 9.61.260(3))
- Escape 2 (RCW 9A.76.120)
- Extortion 2 (RCW 9A.56.130)
- Harassment (RCW 9A.46.020)
- Intimidating a Public Servant (RCW 9A.76.180)
- Introducing Contraband 2 (RCW 9A.76.150)
- Malicious Injury to Railroad Property (RCW 81.60.070)
- Mortgage Fraud (RCW 19.144.080)
- Negligently Causing Substantial Bodily Harm By Use of a Signal Preemption Device (RCW 46.37.674)
- Organized Retail Theft 1 (RCW 9A.56.350(2))
- Perjury 2 (RCW 9A.72.030)
- Possession of Incendiary Device (RCW 9.40.120)
- Possession of Machine Gun or Short-Barreled Shotgun or Rifle (RCW 9.41.190)
- Promoting Prostitution 2 (RCW 9A.88.080)
- Retail Theft with Extenuating Circumstances 1 (RCW 9A.56.360(2))
- Securities Act violation (RCW 21.20.400)
- Tampering with a Witness (RCW 9A.72.120)
- Telephone Harassment (subsequent conviction or threat of death) (RCW 9.61.230(2))
- Theft of Livestock 2 (RCW 9A.56.083)
- Theft with the Intent to Resell 1 (RCW 9A.56.340(2))

- Trafficking in Stolen Property 2 (RCW 9A.82.055)
- Unlawful Hunting of Big Game 1  
(RCW 77.15.410(3)(b))
- Unlawful Imprisonment (RCW 9A.40.040)
- Unlawful possession of firearm in the second degree (RCW 9A.41.040(2))
- Unlawful Taking of Endangered Fish or Wildlife 1 (RCW 77.15.120(3)(b))
- Unlawful Trafficking in Fish, Shellfish, or Wildlife 1 (RCW 77.15.260(3)(b))
- Unlawful Use of a Nondesignated Vessel (RCW 77.15.530(4))
- Vehicular Assault, by the operation or driving of a vehicle with disregard for the safety of others (RCW 46.61.522)
- Willful Failure to Return from Work Release (RCW 72.65.070)
- II Commercial Fishing Without a License 1 (RCW 77.15.500(3)(b))
- Computer Trespass 1 (RCW 9A.52.110)
- Counterfeiting (RCW 9.16.035(3))
- Engaging in Fish Dealing Activity Unlicensed 1 (RCW 77.15.620(3))
- Escape from Community Custody (RCW 72.09.310)
- Failure to Register as a Sex Offender (second or subsequent offense) ((RCW 9A.44.130(1)(a))) (RCW 9A.44.132(1)(b))
- Health Care False Claims (RCW 48.80.030)
- Identity Theft 2 (RCW 9.35.020(3))
- Improperly Obtaining Financial Information (RCW 9.35.010)
- Malicious Mischief 1 (RCW 9A.48.070)
- Organized Retail Theft 2 (RCW 9A.56.350(3))
- Possession of Stolen Property 1 (RCW 9A.56.150)
- Possession of a Stolen Vehicle (RCW 9A.56.068)
- Retail Theft with Extenuating Circumstances 2 (RCW 9A.56.360(3))
- Theft 1 (RCW 9A.56.030)
- Theft of a Motor Vehicle (RCW 9A.56.065)
- Theft of Rental, Leased, or Lease-purchased Property (valued at one thousand five hundred dollars or more) (RCW 9A.56.096(5)(a))
- Theft with the Intent to Resell 2 (RCW 9A.56.340(3))
- Trafficking in Insurance Claims (RCW 48.30A.015)
- Unlawful factoring of a credit card or payment card transaction (RCW 9A.56.290(4)(a))
- Unlawful Participation of Non-Indians in Indian Fishery (RCW 77.15.570(2))
- Unlawful Practice of Law (RCW 2.48.180)
- Unlicensed Practice of a Profession or Business (RCW 18.130.190(7))
- Unlawful Purchase or Use of a License (RCW 77.15.650(3)(b))
- Unlawful Trafficking in Fish, Shellfish, or Wildlife 2 (RCW 77.15.260(3)(a))
- Voyeurism (RCW 9A.44.115)
- I Attempting to Elude a Pursuing Police Vehicle (RCW 46.61.024)
- False Verification for Welfare (RCW 74.08.055)
- Forgery (RCW 9A.60.020)
- Fraudulent Creation or Revocation of a Mental Health Advance Directive (RCW 9A.60.060)
- Malicious Mischief 2 (RCW 9A.48.080)
- Mineral Trespass (RCW 78.44.330)
- Possession of Stolen Property 2 (RCW 9A.56.160)
- Reckless Burning 1 (RCW 9A.48.040)
- Spotlighting Big Game 1 (RCW 77.15.450(3)(b))
- Suspension of Department Privileges 1 (RCW 77.15.670(3)(b))
- Taking Motor Vehicle Without Permission 2 (RCW 9A.56.075)
- Theft 2 (RCW 9A.56.040)
- Theft of Rental, Leased, or Lease-purchased Property (valued at two hundred fifty dollars or more but less than one thousand five hundred dollars) (RCW 9A.56.096(5)(b))
- Transaction of insurance business beyond the scope of licensure (RCW 48.17.063)
- Unlawful Fish and Shellfish Catch Accounting (RCW 77.15.630(3)(b))
- Unlawful Issuance of Checks or Drafts (RCW 9A.56.060)
- Unlawful Possession of Fictitious Identification (RCW 9A.56.320)
- Unlawful Possession of Instruments of Financial Fraud (RCW 9A.56.320)
- Unlawful Possession of Payment Instruments (RCW 9A.56.320)
- Unlawful Possession of a Personal Identification Device (RCW 9A.56.320)

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- Unlawful Production of Payment Instruments (RCW 9A.56.320)
- Unlawful Release of Deleterious Exotic Wildlife (RCW 77.15.250(2)(b))
- Unlawful Trafficking in Food Stamps (RCW 9.91.142)
- Unlawful Use of Food Stamps (RCW 9.91.144)
- Unlawful Use of Net to Take Fish 1 (RCW 77.15.580(3)(b))
- Unlawful Use of Prohibited Aquatic Animal Species (RCW 77.15.253(3))
- Vehicle Prowl 1 (RCW 9A.52.095)

Violating Commercial Fishing Area or Time 1 (RCW 77.15.550(3)(b))

**Sec. 4.** RCW 77.08.010 and 2011 c 324 s 3 are each reenacted and amended to read as follows:

The definitions in this section apply throughout this title or rules adopted under this title unless the context clearly requires otherwise.

(1) "Angling gear" means a line attached to a rod and reel capable of being held in hand while landing the fish or a hand-held line operated without rod or reel.

(2) "Aquatic invasive species" means any invasive, prohibited, regulated, unregulated, or unlisted aquatic animal or plant species as defined under subsections (3), (28), (40), (44), (60), and (61) of this section, aquatic noxious weeds as defined under RCW 17.26.020(5)(c), and aquatic nuisance species as defined under RCW 77.60.130(1).

(3) "Aquatic plant species" means an emergent, submersed, partially submersed, free-floating, or floating-leaving plant species that grows in or near a body of water or wetland.

(4) "Bag limit" means the maximum number of game animals, game birds, or game fish which may be taken, caught, killed, or possessed by a person, as specified by rule of the commission for a particular period of time, or as to size, sex, or species.

(5) "Closed area" means a place where the hunting of some or all species of wild animals or wild birds is prohibited.

(6) "Closed season" means all times, manners of taking, and places or waters other than those established by rule of the commission as an open season. "Closed season" also means all hunting, fishing, taking, or possession of game animals, game birds, game fish, food fish, or shellfish that do not conform to the special restrictions or physical descriptions established by rule of the commission as an open season or that have not otherwise been deemed legal to hunt, fish, take, harvest, or possess by rule of the commission as an open season.

(7) "Closed waters" means all or part of a lake, river, stream, or other body of water, where fishing or harvesting is prohibited.

(8) "Commercial" means related to or connected with buying, selling, or bartering.

(9) "Commission" means the state fish and wildlife commission.

(10) "Concurrent waters of the Columbia river" means those waters of the Columbia river that coincide with the Washington-Oregon state boundary.

(11) "Contraband" means any property that is unlawful to produce or possess.

(12) "Deleterious exotic wildlife" means species of the animal kingdom not native to Washington and designated as dangerous to the environment or wildlife of the state.

(13) "Department" means the department of fish and wildlife.

(14) "Director" means the director of fish and wildlife.

(15) "Endangered species" means wildlife designated by the commission as seriously threatened with extinction.

(16) "Ex officio fish and wildlife officer" means ((a) commissioned officer of a municipal, county, state, or federal agency having as its primary function the enforcement of criminal laws in general, while the officer is in the appropriate jurisdiction. The term "ex officio fish and wildlife officer" includes special agents of the national marine fisheries service, state parks commissioned officers, United States fish and wildlife special agents, department of natural resources enforcement officers, and United States forest service officers, while the agents and officers are within their respective jurisdictions);

(a) A commissioned officer of a municipal, county, or state agency having as its primary function the enforcement of criminal laws in general, while the officer is acting in the respective jurisdiction of that agency;

(b) An officer or special agent commissioned by one of the following: The national marine fisheries service; the Washington state parks and recreation commission; the United States fish and wildlife service; the Washington state department of natural resources; the United States forest service; or the United States parks service, if the agent or officer is in the respective jurisdiction of the primary commissioning agency and is acting under a mutual law enforcement assistance agreement between the department and the primary commissioning agency;

(c) A commissioned fish and wildlife peace officer from another state who meets the training standards set by the Washington state criminal justice training commission pursuant to RCW 10.93.090, 43.101.080, and 43.101.200, and who is acting under a mutual law enforcement assistance agreement between the department and the primary commissioning agency; or

(d) A Washington state tribal police officer who successfully completes the requirements set forth under RCW 43.101.157, is employed by a tribal nation that has complied with RCW 10.92.020(2) (a) and (b), and is acting under a mutual law enforcement assistance agreement between the department and the tribal government.

(17) "Fish" includes all species classified as game fish or food fish by statute or rule, as well as all fin fish not currently classified as food fish or game fish if such species exist in state waters. The term "fish" includes all stages of development and the bodily parts of fish species.

(18) "Fish and wildlife officer" means a person appointed and commissioned by the director, with authority to enforce this title and rules adopted pursuant to this title, and other statutes as prescribed by the legislature. Fish and wildlife officer includes a person commissioned before June 11, 1998, as a wildlife agent or a fisheries patrol officer.

(19) "Fish broker" means a person whose business it is to bring a seller of fish and shellfish and a purchaser of those fish and shellfish together.

(20) "Fishery" means the taking of one or more particular species of fish or shellfish with particular gear in a particular geographical area.

(21) "Freshwater" means all waters not defined as saltwater including, but not limited to, rivers upstream of the river mouth, lakes, ponds, and reservoirs.

(22) "Fur-bearing animals" means game animals that shall not be trapped except as authorized by the commission.

(23) "Game animals" means wild animals that shall not be hunted except as authorized by the commission.

(24) "Game birds" means wild birds that shall not be hunted except as authorized by the commission.

(25) "Game farm" means property on which wildlife is held ~~((or)),~~ confined, propagated, hatched, fed, or otherwise raised for



commercial purposes, trade, or gift. The term "game farm" does not include publicly owned facilities.

(26) "Game reserve" means a closed area where hunting for all wild animals and wild birds is prohibited.

(27) "Illegal items" means those items unlawful to be possessed.

(28) "Invasive species" means a plant species or a nonnative animal species that either:

(a) Causes or may cause displacement of, or otherwise threatens, native species in their natural communities;

(b) Threatens or may threaten natural resources or their use in the state;

(c) Causes or may cause economic damage to commercial or recreational activities that are dependent upon state waters; or

(d) Threatens or harms human health.

(29) "License year" means the period of time for which a recreational license is valid. The license year begins April 1st, and ends March 31st.

(30) "Limited-entry license" means a license subject to a license limitation program established in chapter 77.70 RCW.

(31) "Money" means all currency, script, personal checks, money orders, or other negotiable instruments.

(32) "Nonresident" means a person who has not fulfilled the qualifications of a resident.

(33) "Offshore waters" means marine waters of the Pacific Ocean outside the territorial boundaries of the state, including the marine waters of other states and countries.

(34) "Open season" means those times, manners of taking, and places or waters established by rule of the commission for the lawful hunting, fishing, taking, or possession of game animals, game birds, game fish, food fish, or shellfish that conform to the special restrictions or physical descriptions established by rule of the commission or that have otherwise been deemed legal to hunt, fish, take, harvest, or possess by rule of the commission. "Open season" includes the first and last days of the established time.

(35) "Owner" means the person in whom is vested the ownership dominion, or title of the property.

(36) "Person" means and includes an individual; a corporation; a public or private entity or organization; a local, state, or federal agency; all business organizations, including corporations and partnerships; or a group of two or more individuals acting with a common purpose whether acting in an individual, representative, or official capacity.

(37) "Personal property" or "property" includes both corporeal and incorporeal personal property and includes, among other property, contraband and money.

(38) "Personal use" means for the private use of the individual taking the fish or shellfish and not for sale or barter.

(39) "Predatory birds" means wild birds that may be hunted throughout the year as authorized by the commission.

(40) "Prohibited aquatic animal species" means an invasive species of the animal kingdom that has been classified as a prohibited aquatic animal species by the commission.

(41) "Protected wildlife" means wildlife designated by the commission that shall not be hunted or fished.

(42) "Raffle" means an activity in which tickets bearing an individual number are sold for not more than twenty-five dollars each and in which a permit or permits are awarded to hunt or for access to hunt big game animals or wild turkeys on the basis of a drawing from the tickets by the person or persons conducting the raffle.

(43) "Recreational and commercial watercraft" includes the boat, as well as equipment used to transport the boat, and any auxiliary equipment such as attached or detached outboard motors.

(44) "Regulated aquatic animal species" means a potentially invasive species of the animal kingdom that has been classified as a regulated aquatic animal species by the commission.

(45) "Resident" ((means:

(a) A person who has maintained a permanent place of abode within the state for at least ninety days immediately preceding an application for a license, has established by formal evidence an intent to continue residing within the state, and who is not licensed to hunt or fish as a resident in another state; and

(b) A person age eighteen or younger who does not qualify as a resident under (a) of this subsection, but who has a parent that qualifies as a resident under (a) of this subsection)) has the same meaning as defined in section 5 of this act.

(46) "Retail-eligible species" means commercially harvested salmon, crab, and sturgeon.

(47) "Saltwater" means those marine waters seaward of river mouths.

(48) "Seaweed" means marine aquatic plant species that are dependent upon the marine aquatic or tidal environment, and exist in either an attached or free floating form, and includes but is not limited to marine aquatic plants in the classes Chlorophyta, Phaeophyta, and Rhodophyta.

(49) "Senior" means a person seventy years old or older.

(50) "Shark fin" means a raw, dried, or otherwise processed detached fin or tail of a shark.

(51)(a) "Shark fin derivative product" means any product intended for use by humans or animals that is derived in whole or in part from shark fins or shark fin cartilage.

(b) "Shark fin derivative product" does not include a drug approved by the United States food and drug administration and available by prescription only or medical device or vaccine approved by the United States food and drug administration.

(52) "Shellfish" means those species of marine and freshwater invertebrates that have been classified and that shall not be taken except as authorized by rule of the commission. The term "shellfish" includes all stages of development and the bodily parts of shellfish species.

(53) "State waters" means all marine waters and fresh waters within ordinary high water lines and within the territorial boundaries of the state.

(54) "To fish," "to harvest," and "to take," and their derivatives means an effort to kill, injure, harass, or catch a fish or shellfish.

(55) "To hunt" and its derivatives means an effort to kill, injure, capture, or harass a wild animal or wild bird.

(56) "To process" and its derivatives mean preparing or preserving fish, wildlife, or shellfish.

(57) "To trap" and its derivatives means a method of hunting using devices to capture wild animals or wild birds.

(58) "Trafficking" means offering, attempting to engage, or engaging in sale, barter, or purchase of fish, shellfish, wildlife, or deleterious exotic wildlife.

(59) "Unclaimed" means that no owner of the property has been identified or has requested, in writing, the release of the property to themselves nor has the owner of the property designated an individual to receive the property or paid the required postage to effect delivery of the property.

(60) "Unlisted aquatic animal species" means a nonnative animal species that has not been classified as a prohibited aquatic animal species, a regulated aquatic animal species, or an unregulated aquatic animal species by the commission.

(61) "Unregulated aquatic animal species" means a nonnative animal species that has been classified as an unregulated aquatic animal species by the commission.

(62) "Wholesale fish dealer" means a person who, acting for commercial purposes, takes possession or ownership of fish or

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shellfish and sells, barter, or exchanges or attempts to sell, barter, or exchange fish or shellfish that have been landed into the state of Washington or entered the state of Washington in interstate or foreign commerce.

(63) "Wild animals" means those species of the class Mammalia whose members exist in Washington in a wild state (~~and the species *Rana catesbeiana* (bullfrog)~~). The term "wild animal" does not include feral domestic mammals or old world rats and mice of the family Muridae of the order Rodentia.

(64) "Wild birds" means those species of the class Aves whose members exist in Washington in a wild state.

(65) "Wildlife" means all species of the animal kingdom whose members exist in Washington in a wild state. This includes but is not limited to mammals, birds, reptiles, amphibians, fish, and invertebrates. The term "wildlife" does not include feral domestic mammals, old world rats and mice of the family Muridae of the order Rodentia, or those fish, shellfish, and marine invertebrates classified as food fish or shellfish by the director. The term "wildlife" includes all stages of development and the bodily parts of wildlife members.

(66) "Youth" means a person fifteen years old for fishing and under sixteen years old for hunting.

(67) "Anadromous game fish buyer" means a person who purchases or sells steelhead trout and other anadromous game fish harvested by Indian fishers lawfully exercising fishing rights reserved by federal statute, treaty, or executive order, under conditions prescribed by rule of the director.

(68) "Building" means a private domicile, garage, barn, or public or commercial building.

(69) "Fish buyer" means a person engaged by a wholesale fish dealer to purchase food fish or shellfish from a licensed commercial fisher.

(70) "Food, food waste, or other substance" includes human and pet food or other waste or garbage that could attract large wild carnivores.

(71) "Fur dealer" means a person who purchases, receives, or resells raw furs for commercial purposes.

(72)(a) "Intentionally feed, attempt to feed, or attract" means to purposefully or knowingly provide, leave, or place in, on, or about any land or building any food, food waste, or other substance that attracts or could attract large wild carnivores to that land or building.

(b) "Intentionally feed, attempt to feed, or attract" does not include keeping food, food waste, or other substance in an enclosed garbage receptacle or other enclosed container unless specifically directed by a fish and wildlife officer or animal control authority to secure the receptacle or container in another manner.

(73) "Large wild carnivore" includes wild bear, cougar, and wolf.

(74) "Natural person" means a human being.

(75)(a) "Negligently feed, attempt to feed, or attract" means to provide, leave, or place in, on, or about any land or building any food, food waste, or other substance that attracts or could attract large wild carnivores to that land or building, without the awareness that a reasonable person in the same situation would have with regard to the likelihood that the food, food waste, or other substance could attract large wild carnivores to the land or building.

(b) "Negligently feed, attempt to feed, or attract" does not include keeping food, food waste, or other substance in an enclosed garbage receptacle or other enclosed container unless specifically directed by a fish and wildlife officer or animal control authority to secure the receptacle or container in another manner.

(76) "Taxidermist" means a person who, for commercial purposes, creates lifelike representations of fish and wildlife using fish and wildlife parts and various supporting structures.

(77) "Wildlife meat cutter" means a person who packs, cuts,

processes, or stores wildlife for consumption for another for commercial purposes.

**NEW SECTION. Sec. 5.** A new section is added to chapter 77.08 RCW to read as follows:

For the purposes of this title or rules adopted under this title, "resident" means:

(1) A natural person who has maintained a permanent place of abode within the state for at least ninety days immediately preceding an application for a license, has established by formal evidence an intent to continue residing within the state, is not licensed to hunt or fish as a resident in another state or country, and is not receiving resident benefits of another state or country.

(a) For purposes of this section, "permanent place of abode" means a residence in this state that a person maintains for personal use.

(b) A natural person can demonstrate that the person has maintained a permanent place of abode in Washington by showing that the person:

(i) Uses a Washington state address for federal income tax or state tax purposes;

(ii) Designates this state as the person's residence for obtaining eligibility to hold a public office or for judicial actions;

(iii) Is a registered voter in the state of Washington; or

(iv) Is a custodial parent with a child attending prekindergarten, kindergarten, elementary school, middle school, or high school in this state.

(c) A natural person can demonstrate the intent to continue residing within the state by showing that he or she:

(i) Has a valid Washington state driver's license; or

(ii) Has a valid Washington state identification card, if the person is not eligible for a Washington state driver's license; and

(iii) Has registered the person's vehicle or vehicles in Washington state.

(2) The spouse of a member of the United States armed forces if the member qualifies as a resident under subsection (1), (3), or (4) of this section, or a natural person age eighteen or younger who does not qualify as a resident under subsection (1) of this section, but who has a parent or legal guardian who qualifies as a resident under subsection (1), (3), or (4) of this section.

(3) A member of the United States armed forces temporarily stationed in Washington state on predeployment orders. A copy of the person's military orders is required to meet this condition.

(4) A member of the United States armed forces who is permanently stationed in Washington state or who designates Washington state on their military "state of legal residence certificate" or enlistment or re-enlistment documents. A copy of the person's "state of legal residence certificate" or enlistment or re-enlistment documents is required to meet the conditions of this subsection.

**Sec. 6.** RCW 77.15.030 and 1999 c 258 s 1 are each amended to read as follows:

Except as provided in RCW 77.15.260(2)(b), where it is unlawful to hunt, take, fish, possess, or traffic in big game or protected or endangered fish or wildlife, then each individual animal unlawfully taken or possessed is a separate offense.

**Sec. 7.** RCW 77.15.050 and 2009 c 333 s 1 are each amended to read as follows:

(1) Unless the context clearly requires otherwise, as used in this chapter, "conviction" means(=

~~(a)) a final conviction in a state or municipal court(=~~

~~(b) A failure to appear at a hearing to contest an infraction or criminal citation; or~~

~~(c) An unvacated forfeiture of bail paid as a final disposition for an offense)).~~

(2) A plea of guilty(~~(s)~~) or a finding of guilt for a violation of this title or department rule (~~(of the commission or director)~~) constitutes a conviction regardless of whether the imposition of sentence is deferred or the penalty is suspended.

**Sec. 8.** RCW 77.15.075 and 2009 c 204 s 1 are each amended to read as follows:

(1) Fish and wildlife officers (~~(and ex officio fish and wildlife officers shall enforce this title, rules of the department, and other statutes as prescribed by the legislature. Fish and wildlife officers who are not ex officio officers)~~) shall have and exercise, throughout the state, such police powers and duties as are vested in sheriffs and peace officers generally. Fish and wildlife officers are general authority Washington peace officers.

(2) An applicant for a fish and wildlife officer position must be a citizen of the United States of America who can read and write the English language. (~~(All fish and wildlife officers employed after June 13, 2002, must successfully complete the basic law enforcement academy course, known as the basic course, sponsored by the criminal justice training commission, or the basic law enforcement equivalency certification, known as the equivalency course, provided by the criminal justice training commission. All officers employed on June 13, 2002, must have successfully completed the basic course, the equivalency course, or the supplemental course in criminal law enforcement, known as the supplemental course, offered under chapter 155, Laws of 1985. Any officer who has not successfully completed the basic course, the equivalency course, or the supplemental course must complete the basic course or the equivalency course within fifteen months of June 13, 2002.~~)

(2) Fish and wildlife officers are peace officers)) Before a person may be appointed to act as a fish and wildlife officer, the person shall meet the minimum standards for employment with the department, including successful completion of a psychological examination and polygraph examination or similar assessment procedure administered in accordance with the requirements of RCW 43.101.095(2).

(3) Any liability or claim of liability under chapter 4.92 RCW that arises out of the exercise or alleged exercise of authority by a fish and wildlife officer rests with the department unless the fish and wildlife officer acts under the direction and control of another agency or unless the liability is otherwise assumed under an agreement between the department and another agency.

(4) (~~(Fish and wildlife officers may serve and execute warrants and processes issued by the courts.~~)

(~~S~~)) The department may utilize the services of a volunteer chaplain as provided under chapter 41.22 RCW.

**Sec. 9.** RCW 77.15.080 and 2002 c 281 s 8 are each amended to read as follows:

(1) Based upon articulable facts that a person is engaged in fishing, harvesting, or hunting activities, fish and wildlife officers and ex officio fish and wildlife officers have the authority to temporarily stop the person and check for valid licenses, tags, permits, stamps, or catch record cards, and to inspect all fish, shellfish, seaweed, and wildlife in possession as well as the equipment being used to ensure compliance with the requirements of this title(~~(-and)~~). Fish and wildlife officers and ex officio fish and wildlife officers also may request that the person ((~~he~~)) write his or her signature for comparison with the signature on ((~~the~~)) his or her fishing, harvesting, or hunting license. Failure to comply with the request is prima facie evidence that the person is not the person named on the license. (~~(For licenses purchased over the internet or telephone,))~~ Fish and wildlife officers may require the person, if age ((~~eighteen~~)) sixteen or older, to exhibit a driver's license or other photo identification.

(2) Based upon articulable facts that a person is transporting a prohibited aquatic animal species or any aquatic plant, fish and wildlife officers and ex officio fish and wildlife officers have the authority to temporarily stop the person and inspect the watercraft to ensure that the watercraft and associated equipment are not transporting prohibited aquatic animal species or aquatic plants.

**Sec. 10.** RCW 77.15.100 and 2009 c 333 s 39 are each amended to read as follows:

(1) (~~(Unless otherwise provided in this title,))~~ Fish, shellfish, ((or wildlife unlawfully taken or possessed, or involved in a violation shall be forfeited to the state upon conviction. Unless already held by, sold, destroyed, or disposed of by the department, the court shall order such fish or wildlife to be delivered to the department. Where delay will cause loss to the value of the property and a ready wholesale buying market exists, the department may sell property to a wholesale buyer at a fair market value.

(2) When seized property is forfeited to the department, the department may retain it for official use unless the property is required to be destroyed, or upon application by any law enforcement agency of the state, release the property to the agency for the use of enforcing this title, or sell such property and deposit the proceeds into the fish and wildlife enforcement reward account established under RCW 77.15.425. Any sale of other property shall be at public auction or after public advertisement reasonably designed to obtain the highest price. The time, place, and manner of holding the sale shall be determined by the director. The director may contract for the sale to be through the department of general administration as state surplus property, or, except where not justifiable by the value of the property, the director shall publish notice of the sale once a week for at least two consecutive weeks before the sale in at least one newspaper of general circulation in the county in which the sale is to be held)) and wildlife are property of the state under RCW 77.04.012. Fish and wildlife officers may sell seized, commercially harvested fish and shellfish to a wholesale buyer and deposit the proceeds into the fish and wildlife enforcement reward account under RCW 77.15.425. Seized, recreationally harvested fish, shellfish, and wildlife may be donated to nonprofit charitable organizations. The charitable organization must qualify for tax-exempt status under 26 U.S.C. Sec. 501(c)(3) of the federal internal revenue code.

(2) Unless otherwise provided in this title, fish, shellfish, or wildlife taken, possessed, or harvested in violation of this title or department rule shall be forfeited to the state upon conviction or any outcome in criminal court whereby a person voluntarily enters into a disposition that continues or defers the case for dismissal upon the successful completion of specific terms or conditions. For criminal cases resulting in other types of dispositions, the fish, shellfish, or wildlife may be returned, or its equivalent value paid, if the fish, shellfish, or wildlife have already been donated or sold.

**NEW SECTION. Sec. 11.** A new section is added to chapter 77.15 RCW to read as follows:

(1) A person is guilty of unlawfully hunting on, or retrieving hunted wildlife from, the property of another if the person knowingly enters or remains unlawfully in or on the premises of another for the purpose of hunting for wildlife or retrieving hunted wildlife.

(2) In any prosecution under this section, it is a defense that:

(a) The premises were at the time open to members of the public for the purpose of hunting, and the actor complied with all lawful conditions imposed on access to or remaining on the premises;

(b) The actor reasonably believed that the owner of the premises, or other person empowered to license access thereto, would have licensed him or her to enter or remain on the premises for the purpose of hunting or retrieving hunted wildlife;

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(c) The actor reasonably believed that the premises were not privately owned; or

(d) The actor, after making all reasonable attempts to contact the owner of the premises, retrieved the hunted wildlife for the sole purpose of avoiding a violation of the prohibition on the waste of fish and wildlife as provided in RCW 77.15.170. The defense in this subsection only applies to the retrieval of hunted wildlife and not to the actual act of hunting itself.

(3) Unlawfully hunting on or retrieving hunted wildlife from the property of another is a misdemeanor.

(4) If a person unlawfully hunts and kills wildlife, or retrieves hunted wildlife that he or she has killed, on the property of another, then, upon conviction of unlawfully hunting on, or retrieving hunted wildlife from, the property of another, the department shall revoke all hunting licenses and tags and order a suspension of the person's hunting privileges for two years.

(5) Any wildlife that is unlawfully hunted on or retrieved from the property of another must be seized by fish and wildlife officers. Forfeiture and disposition of the wildlife is pursuant to RCW 77.15.100.

**NEW SECTION. Sec. 12.** A new section is added to chapter 77.15 RCW to read as follows:

When seized property, other than fish, shellfish, and wildlife, is judicially forfeited to the department, the department may: (1) Retain it for official use unless the property is required to be destroyed; (2) upon application by any law enforcement agency of the state, release the property to the agency for use in enforcing this title; (3) donate the property as provided under RCW 77.130.060; or (4) sell the property and deposit the proceeds into the fish and wildlife enforcement reward account created in RCW 77.15.425. Any sale of the property must be done in accordance with RCW 77.130.010(1) and 77.130.020. However, the requirement in those sections for notice to owners does not apply.

**Sec. 13.** RCW 77.15.110 and 2002 c 127 s 2 are each amended to read as follows:

(1) For purposes of this chapter, a person acts for commercial purposes if the person engages in conduct that relates to commerce in fish, seaweed, shellfish, or wildlife or any parts thereof. Commercial conduct may include taking, delivering, selling, buying, or trading fish, seaweed, shellfish, or wildlife where there is present or future exchange of money, goods, or any valuable consideration. Evidence that a person acts for commercial purposes includes, but is not limited to, the following conduct:

(a) Using gear typical of that used in commercial fisheries;

(b) Exceeding the bag or possession limits for personal use by taking or possessing more than three times the amount of fish, seaweed, shellfish, or wildlife allowed;

(c) Delivering or attempting to deliver fish, seaweed, shellfish, or wildlife to a person who sells or resells fish, seaweed, shellfish, or wildlife including any licensed or unlicensed wholesaler;

(d) Taking fish or shellfish using a vessel designated on a commercial fishery license or using gear not authorized in a personal use fishery;

(e) Using a commercial fishery license;

(f) Selling or dealing in raw furs for a fee or in exchange for goods or services; ((or))

(g) Performing taxidermy service on fish, shellfish, or wildlife belonging to another person for a fee or receipt of goods or services; or

(h) Packs, cuts, processes, or stores the meat of wildlife for consumption, for a fee or in exchange for goods or services.

(2) For purposes of this chapter, the value of any fish, seaweed, shellfish, or wildlife may be proved based on evidence of legal or illegal sales involving the person charged or any other person, of offers to sell or solicitation of offers to sell by the person charged or

by any other person, or of any market price for the fish, seaweed, shellfish, or wildlife including market price for farm-raised game animals. The value assigned to specific fish, seaweed, shellfish, or wildlife by RCW 77.15.420 may be presumed to be the value of such fish, seaweed, shellfish, or wildlife. It is not relevant to proof of value that the person charged misrepresented that the fish, seaweed, shellfish, or wildlife was taken in compliance with law if the fish, seaweed, shellfish, or wildlife was unlawfully taken and had no lawful market value.

**Sec. 14.** RCW 77.15.130 and 1998 c 190 s 14 are each amended to read as follows:

(1) A person is guilty of unlawful taking of protected fish or wildlife if:

(a) The person hunts, fishes, possesses, or maliciously kills protected fish or wildlife, or the person possesses or maliciously destroys the eggs or nests of protected fish or wildlife, and the taking has not been authorized by rule of the commission; or

(b) The person violates any rule of the commission regarding the taking, harming, harassment, possession, or transport of protected fish or wildlife.

(2) Unlawful taking of protected fish or wildlife is a misdemeanor.

(3) In addition to the penalties set forth in subsection (2) of this section, if a person is convicted of violating this section and the violation results in the death of protected wildlife listed in this subsection, the court shall require payment of the following amounts for each animal killed or possessed. This is a criminal wildlife penalty assessment that must be paid to the clerk of the court and distributed each month to the state treasurer for deposit in the fish and wildlife enforcement reward account created in RCW 77.15.425:

(a) Ferruginous hawk, two thousand dollars;

(b) Common loon, two thousand dollars;

(c) Bald eagle, two thousand dollars;

(d) Golden eagle, two thousand dollars; and

(e) Peregrine falcon, two thousand dollars.

(4) If two or more persons are convicted under subsection (1) of this section, and subsection (3) of this section is applicable, the criminal wildlife penalty assessment must be imposed against the persons jointly and separately.

(5)(a) The criminal wildlife penalty assessment under subsection (3) of this section must be imposed regardless of and in addition to any sentence, fines, or costs otherwise provided for violating any provision of this section. The criminal wildlife penalty assessment must be included by the court in any pronouncement of sentence and may not be suspended, waived, modified, or deferred in any respect.

(b) This subsection may not be construed to abridge or alter alternative rights of action or remedies in equity or under common law or statutory law, criminal or civil.

(6) A defaulted criminal wildlife penalty assessment authorized under subsection (3) of this section may be collected by any means authorized by law for the enforcement of orders of the court or collection of a fine or costs, including but not limited to vacation of a deferral of sentencing or vacation of a suspension of sentence.

(7) The department shall revoke the hunting license and suspend the hunting privileges of a person assessed a criminal wildlife penalty assessment under this section until the penalty assessment is paid through the registry of the court in which the penalty assessment was assessed.

(8) The criminal wildlife penalty assessments provided in subsection (3) of this section must be doubled in the following instances:

(a) When a person commits a violation that requires payment of a criminal wildlife penalty assessment within five years of a prior

gross misdemeanor or felony conviction under this title; or

(b) When the person killed the protected wildlife in question with the intent of bartering, selling, or otherwise deriving economic profit from the wildlife or wildlife parts.

**Sec. 15.** RCW 77.15.160 and 2000 c 107 s 237 are each amended to read as follows:

~~((A person is guilty of an infraction, which shall))~~ The following acts are infractions and must be cited and punished as provided under chapter 7.84 RCW~~((if the person))~~:

(1) ((Fails to immediately record a catch of fish or shellfish on a catch record card required by RCW 77.32.430, or required by rule of the commission under this title; or

(2) Fishes for personal use using barbed hooks in violation of any rule; or

(3) Violates any other rule of the commission or director that is designated by rule as an infraction)) Fishing and shellfishing infractions:

(a) Barbed hooks: Fishing for personal use with barbed hooks in violation of any department rule.

(b) Catch recording: Failing to immediately record a catch of fish or shellfish on a catch record card as required by RCW 77.32.430 or department rule.

(c) Catch reporting: Failing to return a catch record card to the department for other than Puget Sound Dungeness crab, as required by department rule.

(d) Recreational fishing: Fishing for fish or shellfish and, without yet possessing fish or shellfish, the person:

(i) Owns, but fails to have in the person's possession the license or the catch record card required by chapter 77.32 RCW for such an activity; or

(ii) Violates any department rule regarding seasons, closed areas, closed times, or any other rule addressing the manner or method of fishing for fish or shellfish. This subsection does not apply to use of a net to take fish under RCW 77.15.580 or the unlawful use of shellfish gear for personal use under RCW 77.15.382.

(e) Seaweed: Taking, possessing, or harvesting less than two times the daily possession limit of seaweed:

(i) While owning, but not having in the person's possession, the license required by chapter 77.32 RCW; or

(ii) In violation of any rule of the department or the department of natural resources regarding seasons, closed areas, closed times, or any other rule addressing the manner or method of taking, possessing, or harvesting of seaweed.

(f) Unclassified fish or shellfish: Taking unclassified fish or shellfish in violation of any department rule by killing, fishing, taking, holding, possessing, or maliciously injuring or harming fish or shellfish that is not classified as game fish, food fish, shellfish, protected fish, or endangered fish.

(g) Wasting fish or shellfish: Killing, taking, or possessing fish or shellfish having a value of less than two hundred fifty dollars and allowing the fish or shellfish to be wasted.

(2) Hunting infractions:

(a) Eggs or nests: Maliciously, and without permit authorization, destroying, taking, or harming the eggs or active nests of a wild bird not classified as endangered or protected. For purposes of this subsection, "active nests" means nests that contain eggs or fledglings.

(b) Unclassified wildlife: Taking unclassified wildlife in violation of any department rule by killing, hunting, taking, holding, possessing, or maliciously injuring or harming wildlife that is not classified as big game, game animals, game birds, protected wildlife, or endangered wildlife.

(c) Wasting wildlife: Killing, taking, or possessing wildlife that is not classified as big game and has a value of less than two

hundred fifty dollars, and allowing the wildlife to be wasted.

(d) Wild animals: Hunting for wild animals not classified as big game and, without yet possessing the wild animals, the person owns, but fails to have in the person's possession, all licenses, tags, or permits required by this title.

(e) Wild birds: Hunting for and, without yet possessing a wild bird or birds, the person:

(i) Owns, but fails to have in the person's possession, all licenses, tags, stamps, and permits required under this title; or

(ii) Violates any department rule regarding seasons, closed areas, closed times, or any other rule addressing the manner or method of hunting wild birds.

(3) Trapping, taxidermy, fur dealing, and wildlife meat cutting infractions:

(a) Recordkeeping and reporting: If a person is a taxidermist, fur dealer, or wildlife meat cutter who is processing, holding, or storing wildlife for commercial purposes, failing to:

(i) Maintain records as required by department rule; or

(ii) Report information from these records as required by department rule.

(b) Trapper's report: Failing to report trapping activity as required by department rule.

(4) Other infractions:

(a) Contests: Conducting, holding, or sponsoring a hunting contest, a fishing contest involving game fish, or a competitive field trial using live wildlife.

(b) Other rules: Violating any other department rule that is designated by rule as an infraction.

(c) Posting signs: Posting signs preventing hunting or fishing on any land not owned or leased by the person doing the posting, or without the permission of the person who owns, leases, or controls the land posted.

(d) Scientific permits: Using a scientific permit issued by the director for fish, shellfish, or wildlife, but not including big game or big game parts, and the person:

(i) Violates any terms or conditions of the scientific permit; or

(ii) Violates any department rule applicable to the issuance or use of scientific permits.

(e) Transporting aquatic plants: Transporting aquatic plants on any state or public road, including forest roads. However:

(i) This subsection does not apply to plants that are:

(A) Being transported to the department or to another destination designated by the director, in a manner designated by the department, for purposes of identifying a species or reporting the presence of a species;

(B) Legally obtained for aquarium use, wetland or lakeshore restoration, or ornamental purposes;

(C) Located within or on a commercial aquatic plant harvester that is being transported to a suitable location to remove aquatic plants;

(D) Being transported in a manner that prevents their unintentional dispersal, to a suitable location for disposal, research, or educational purposes; or

(E) Being transported in such a way as the commission may otherwise prescribe; and

(ii) This subsection does not apply to a person who:

(A) Is stopped at an aquatic invasive species check station and possesses a recreational or commercial watercraft that is contaminated with an aquatic invasive plant species if that person complies with all department directives for the proper decontamination of the watercraft and equipment; or

(B) Has voluntarily submitted a recreational or commercial watercraft for inspection by the department or its designee and has received a receipt verifying that the watercraft has not been contaminated since its last use.

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**Sec. 16.** RCW 77.15.170 and 1999 c 258 s 5 are each amended to read as follows:

(1) A person is guilty of waste of fish and wildlife (~~(in the second degree)~~) if:

(a) ((The person kills, takes, or possesses fish, shellfish, or wildlife and the value of the fish, shellfish, or wildlife is greater than twenty dollars but less than two hundred fifty dollars; and

(b) The person recklessly allows such fish, shellfish, or wildlife to be wasted.

(2) A person is guilty of waste of fish and wildlife in the first degree if:

(a)) The person kills, takes, or possesses fish, shellfish, or wildlife having a value of two hundred fifty dollars or more or wildlife classified as big game; and

(b) The person recklessly allows such fish, shellfish, or wildlife to be wasted.

~~((3)(a) Waste of fish and wildlife in the second degree is a misdemeanor.~~

~~((b))~~ (2) Waste of fish and wildlife (~~(in the first degree)~~) is a gross misdemeanor. Upon conviction, the department shall revoke any license or tag used in the crime and shall order suspension of the person's privileges to engage in the activity in which the person committed waste of fish and wildlife (~~(in the first degree)~~) for a period of one year.

~~((4))~~ (3) It is prima facie evidence of waste if:

(a) A processor purchases or engages a quantity of food fish, shellfish, or game fish that cannot be processed within sixty hours after the food fish, game fish, or shellfish are taken from the water, unless the food fish, game fish, or shellfish are preserved in good marketable condition; or

(b) A person brings a big game animal to a wildlife meat cutter and then abandons the animal. For purposes of this subsection (3)(b), a big game animal is deemed to be abandoned when its carcass is placed in the custody of a wildlife meat cutter for butchering and processing and:

(i) Having been placed in such custody for an unspecified period of time, the meat is not removed within thirty days after the wildlife meat cutter gives notice to the person who brought in the carcass or, having been so notified, the person who brought in the carcass refuses or fails to pay the agreed upon or reasonable charges for the butchering or processing of the carcass; or

(ii) Having been placed in such custody for a specified period of time, the meat is not removed at the end of the specified period or the person who brought in the carcass refuses to pay the agreed upon or reasonable charges for the butchering or processing of the carcass.

**Sec. 17.** RCW 77.15.190 and 1999 c 258 s 9 are each amended to read as follows:

(1) A person is guilty of unlawful trapping if the person:

(a) Sets out traps that are capable of taking wild animals, game animals, or furbearing mammals and does not possess all licenses, tags, or permits required under this title;

(b) Violates any department rule (~~(of the commission or director)~~) regarding seasons, bag or possession limits, closed areas including game reserves, closed times, or any other rule governing the trapping of wild animals, with the exception of reporting rules; or

(c) Fails to identify the owner of the traps or devices by neither

(i) attaching a metal tag with the owner's department-assigned identification number or the name and address of the trapper legibly written in numbers or letters not less than one-eighth inch in height nor (ii) inscribing into the metal of the trap such number or name and address.

(2) Unlawful trapping is a misdemeanor.

**Sec. 18.** RCW 77.15.240 and 1998 c 190 s 30 are each amended to read as follows:

(1) A person is guilty of unlawful use of dogs if the person:

(a) Negligently fails to prevent a dog under the person's control from pursuing, harassing, attacking, or (~~(injuring)~~) killing deer, elk, moose, caribou, mountain sheep, or (~~(any)~~) animals classified as endangered under this title; or

(b) Uses the dog to hunt deer or elk(; or

(c) During the closed season for a species of game animal or game bird, negligently fails to prevent the dog from pursuing such animal or destroying the nest of a game bird)).

(2) For purposes of this section, a dog is "under a person's control" if the dog is owned or possessed by, or in the custody of, a person.

(3) Unlawful use of dogs is a misdemeanor. ~~((A dog that is the basis for a violation of this section may be declared a public nuisance.))~~

(4)(a) Based on a reasonable belief that a dog is pursuing, harassing, attacking, or killing a snow bound deer, elk, moose, caribou, mountain sheep, or animals classified as protected or endangered under this title, fish and wildlife officers and ex officio fish and wildlife officers may:

(i) Lawfully take a dog into custody; or

(ii) If necessary to avoid repeated harassment, injury, or death of wildlife under this section, destroy the dog.

(b) Fish and wildlife officers and ex officio fish and wildlife officers who destroy a dog pursuant to this section are immune from civil or criminal liability arising from their actions.

**Sec. 19.** RCW 77.15.260 and 2001 c 253 s 33 are each amended to read as follows:

(1) A person is guilty of unlawful trafficking in fish, shellfish, or wildlife in the second degree if the person traffics in fish, shellfish, or wildlife with a wholesale value of less than two hundred fifty dollars and:

(a) The fish or wildlife is classified as game, food fish, shellfish, game fish, or protected wildlife and the trafficking is not authorized by statute or department rule (~~(of the department)~~); or

(b) The fish, shellfish, or wildlife is unclassified and the trafficking violates any department rule (~~(of the department)~~).

(2)(a) A person is guilty of unlawful trafficking in fish, shellfish, or wildlife in the first degree if the person commits the act described by subsection (1) of this section and:

~~((a))~~ (i) The fish, shellfish, or wildlife has a value of two hundred fifty dollars or more; or

~~((b))~~ (ii) The fish, shellfish, or wildlife is designated as an endangered species or deleterious exotic wildlife and such trafficking is not authorized by any statute or department rule (~~(of the department)~~).

(b) For purposes of this subsection (2), whenever any series of transactions that constitute unlawful trafficking would, when considered separately, constitute unlawful trafficking in the second degree due to the value of the fish, shellfish, or wildlife, and the series of transactions are part of a common scheme or plan, then the transactions may be aggregated in one count and the sum of the value of all the transactions considered when determining the degree of unlawful trafficking involved.

(3)(a) Unlawful trafficking in fish, shellfish, or wildlife in the second degree is a (~~(gross misdemeanor)~~) class C felony.

(b) Unlawful trafficking in fish, shellfish, or wildlife in the first degree is a class (~~(C)~~) B felony.

**Sec. 20.** RCW 77.15.280 and 2008 c 244 s 2 are each amended to read as follows:

(1) A person is guilty of violating rules requiring reporting of fish or wildlife harvest if the person:

(a) Fails to make a harvest log report of a commercial fish or shellfish catch in violation of any department rule (~~of the commission or the director~~); or

(b) ((Fails to maintain a trapper's report or taxidermist ledger in violation of any rule of the commission or the director;

(c)) Fails to submit any portion of a big game animal for ((a required)) an inspection as required by department rule ((of the commission or the director; or

(d) Fails to return a catch record card to the department as required by rule of the commission or director, except for catch record cards officially endorsed for Puget Sound Dungeness crab).

(2) Violating rules requiring reporting of fish or wildlife harvest is a misdemeanor.

**Sec. 21.** RCW 77.15.290 and 2007 c 350 s 6 are each amended to read as follows:

(1) A person is guilty of unlawful transportation of fish or wildlife in the second degree if the person:

(a) Knowingly imports, moves within the state, or exports fish, shellfish, or wildlife in violation of any department rule (~~of the commission or the director~~) governing the transportation or movement of fish, shellfish, or wildlife and the transportation does not involve big game, endangered fish or wildlife, deleterious exotic wildlife, or fish, shellfish, or wildlife having a value greater than two hundred fifty dollars; or

(b) Possesses but fails to affix or notch a big game transport tag as required by department rule (~~of the commission or director~~).

(2) A person is guilty of unlawful transportation of fish or wildlife in the first degree if the person:

(a) Knowingly imports, moves within the state, or exports fish, shellfish, or wildlife in violation of any department rule (~~of the commission or the director~~) governing the transportation or movement of fish, shellfish, or wildlife and the transportation involves big game, endangered fish or wildlife, deleterious exotic wildlife, or fish, shellfish, or wildlife with a value of two hundred fifty dollars or more; or

(b) Knowingly transports shellfish, shellstock, or equipment used in commercial culturing, taking, handling, or processing shellfish without a permit required by authority of this title.

(3)(a) Unlawful transportation of fish or wildlife in the second degree is a misdemeanor.

(b) Unlawful transportation of fish or wildlife in the first degree is a gross misdemeanor.

(4) ((A person is guilty of unlawful transport of aquatic plants if the person transports aquatic plants on any state or public road, including forest roads, except as provided in this section.

(5) Unless otherwise prohibited by law, a person may transport aquatic plants:

(a) To the department, or to another destination designated by the director, in a manner designated by the department, for purposes of identifying a species or reporting the presence of a species;

(b) When legally obtained for aquarium use, wetland or lakeshore restoration, or ornamental purposes;

(c) When transporting a commercial aquatic plant harvester to a suitable location for purposes of removing aquatic plants;

(d) In a manner that prevents their unintentional dispersal, to a suitable location for disposal, research, or educational purposes; or

(e) As the commission may otherwise prescribe.

(6) Unlawful transport of aquatic plants is a misdemeanor.

(7)) This section does not apply to: (a) Any person stopped at an aquatic invasive species check station who possesses a recreational or commercial watercraft that is contaminated with an aquatic invasive species if that person complies with all department directives for the proper decontamination of the watercraft and equipment; or (b) any person who has voluntarily submitted a recreational or commercial watercraft for inspection by the

department or its designee and has received a receipt verifying that the watercraft has not been contaminated since its last use.

**Sec. 22.** RCW 77.15.370 and 2009 c 333 s 17 are each amended to read as follows:

(1) A person is guilty of unlawful recreational fishing in the first degree if:

(a) The person takes, possesses, or retains two times or more than the bag limit or possession limit of fish or shellfish allowed by any rule of the director or commission setting the amount of food fish, game fish, or shellfish that can be taken, possessed, or retained for noncommercial use;

(b) The person fishes in a fishway;

(c) The person shoots, gaffs, snags, snares, spears, dipnets, or stones fish or shellfish in state waters, or possesses fish or shellfish taken by such means, unless such means are authorized by express department rule (~~of the commission or director~~);

(d) The person fishes for or possesses a fish listed as threatened or endangered in 50 C.F.R. Sec. (~~47.11(2002))~~ 223.102 (2006) or Sec. 224.101 (2010), unless fishing for or possession of such fish is specifically allowed under federal or state law; (~~or~~)

(e) The person possesses a sturgeon measuring in excess of the maximum size limit as established by rules adopted by the department; or

(f) The person possesses a salmon or steelhead during a season closed for that species.

(2) Unlawful recreational fishing in the first degree is a gross misdemeanor.

**Sec. 23.** RCW 77.15.380 and 2010 c 193 s 5 are each amended to read as follows:

(1) A person is guilty of unlawful recreational fishing in the second degree if the person fishes for(;) fish or shellfish and, whether or not the person possesses fish or shellfish, the person has not purchased the appropriate fishing or shellfishing license and catch record card issued to Washington residents or nonresidents under chapter 77.32 RCW.

(2) A person is guilty of unlawful recreational fishing in the second degree if the person takes, possesses, or harvests fish or shellfish and:

(a) The person owns, but does not have (~~and possess~~) in the person's possession, the license or the catch record card required by chapter 77.32 RCW for such activity; or

(b) The action violates any department rule (~~of the commission or the director~~) regarding seasons, bag or possession limits but less than two times the bag or possession limit, closed areas, closed times, or any other rule addressing the manner or method of fishing or possession of fish(~~, except for~~). This section does not apply to use of a net to take fish ((as provided for in)) under RCW 77.15.580 ((and) or the unlawful use of shellfish gear for personal use ((as provided in)) under RCW 77.15.382.

~~((2))~~ (3) Unlawful recreational fishing in the second degree is a misdemeanor.

**Sec. 24.** RCW 77.15.390 and 2001 c 253 s 40 are each amended to read as follows:

(1) A person is guilty of unlawful taking of seaweed if the person takes, possesses, or harvests seaweed and:

(a) The person (~~does not have and possess the license required by chapter 77.32 RCW for taking seaweed~~) has not purchased a personal use shellfish and seaweed license issued to Washington residents or nonresidents under chapter 77.32 RCW; or

(b) The ((action violates any rule of the department or the department of natural resources regarding seasons, possession limits, closed areas, closed times, or any other rule addressing the manner or method of taking, possessing, or harvesting)) person takes, possesses, or harvests seaweed in an amount that is two times or more of the daily possession limit of seaweed.

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(2) Unlawful taking of seaweed is a misdemeanor. This does not affect rights of the state to recover civilly for trespass, conversion, or theft of state-owned valuable materials.

**Sec. 25.** RCW 77.15.400 and 2006 c 148 s 1 are each amended to read as follows:

(1) A person is guilty of unlawful hunting of wild birds in the second degree if the person hunts for wild birds and, whether or not the person possesses wild birds, the person has not purchased the appropriate hunting license issued to Washington residents or nonresidents under chapter 77.32 RCW.

(2) A person is guilty of unlawful hunting of wild birds in the second degree if the person takes or possesses less than two times the bag or possession limit of wild birds and the person:

(a) ~~((Hunts for, takes, or possesses a wild bird and the person does not have and possess))~~ Owns, but does not have in the person's possession, all licenses, tags, stamps, and permits required under this title; or

(b) ~~((Maliciously destroys, takes, or harms the eggs or nests of a wild bird except when authorized by permit;~~

(c) ~~((Violates any department rule ((of the commission or director) regarding seasons, bag or possession limits ((but less than two times the bag or possession limit)), closed areas, closed times, or ((other rule addressing)) the manner or method of hunting or possession of wild birds((; or~~

(d) Possesses a wild bird taken during a closed season for that wild bird or taken from a closed area for that wild bird)).

~~((2))~~ (3) A person is guilty of unlawful hunting of wild birds in the first degree if the person takes or possesses two times or more than the possession or bag limit for wild birds allowed by department rule ~~((of the commission or director))~~.

~~((3))~~ (4)(a) Unlawful hunting of wild birds in the second degree is a misdemeanor.

(b) Unlawful hunting of wild birds in the first degree is a gross misdemeanor.

~~((4))~~ (5) In addition to the penalties set forth in this section, if a person, other than a youth as defined in RCW 77.08.010 for hunting purposes, violates a department rule ~~((adopted by the commission under the authority of this title))~~ that requires the use of nontoxic shot, upon conviction:

(a) The court shall require a payment of one thousand dollars as a criminal wildlife penalty assessment that must be paid to the clerk of the court and distributed to the state treasurer for deposit in the fish and wildlife enforcement reward account created in RCW 77.15.425. The criminal wildlife penalty assessment must be imposed regardless of and in addition to any sentence, fine, or costs imposed for violating this section. The criminal wildlife penalty assessment must be included by the court in any pronouncement of sentence and may not be suspended, waived, modified, or deferred in any respect; and

(b) The department shall revoke the hunting license of the person and order a suspension of small game hunting privileges for two years.

**Sec. 26.** RCW 77.15.410 and 2011 c 133 s 1 are each amended to read as follows:

(1) A person is guilty of unlawful hunting of big game in the second degree if the person:

(a) Hunts for, takes, or possesses big game and the person does not have and possess all licenses, tags, or permits required under this title; or

(b) Violates any department rule ~~((of the commission or director))~~ regarding seasons, bag or possession limits, closed areas including game reserves, closed times, or any other rule governing the hunting, taking, or possession of big game~~((; or~~

~~((c) Possesses big game taken during a closed season for that big game or taken from a closed area for that big game)).~~

(2) A person is guilty of unlawful hunting of big game in the first degree if the person commits the act described in subsection (1) of this section and:

(a) The person hunts for, takes, or possesses three or more big game animals within the same course of events; or

(b) The act occurs within five years of the date of a prior conviction under this title involving unlawful hunting, killing, possessing, or taking big game.

(3)(a) Unlawful hunting of big game in the second degree is a gross misdemeanor. Upon conviction of an offense involving killing or possession of big game taken during a closed season, closed area, ~~((or taken))~~ without the proper license, tag, or permit using an unlawful method, or in excess of the bag or possession limit, the department shall revoke all of the person's hunting licenses and tags and order a suspension of the person's hunting privileges for two years.

(b) Unlawful hunting of big game in the first degree is a class C felony. Upon conviction, the department shall revoke all of the person's hunting licenses or tags and order the person's hunting privileges suspended for ten years.

(4) For the purposes of this section, "same course of events" means within one twenty-four hour period, or a pattern of conduct composed of a series of acts that are unlawful under subsection (1) of this section, over a period of time evidencing a continuity of purpose.

**Sec. 27.** RCW 77.15.430 and 1999 c 258 s 4 are each amended to read as follows:

(1) A person is guilty of unlawful hunting of wild animals in the second degree if the person hunts for wild animals not classified as big game and, whether or not the person possesses the wild animals, the person has not purchased the appropriate hunting license issued to Washington residents or nonresidents under chapter 77.32 RCW.

(2) A person is guilty of unlawful hunting of wild animals in the second degree if the person:

(a) ~~((Hunts for;))~~ Takes~~((; or~~ or possesses a wild animal that is not classified as big game, and owns, but does not have ~~((and possess))~~ in the person's possession, all licenses, tags, or permits required by this title; or

(b) Violates any department rule ~~((of the commission or director))~~ regarding seasons, bag or possession limits but less than two times the bag or possession limit, closed areas including game reserves, closed times, or any other rule addressing the manner or method of hunting or possession of wild animals not classified as big game~~((; or~~

~~((c) Possesses a wild animal that is not classified as big game taken during a closed season for that wild animal or from a closed area for that wild animal)).~~

~~((2))~~ (3) A person is guilty of unlawful hunting of wild animals in the first degree if the person takes or possesses two times or more than the possession or bag limit for wild animals that are not classified as big game animals as allowed by department rule ~~((of the commission or director))~~.

~~((3))~~ (4)(a) Unlawful hunting of wild animals in the second degree is a misdemeanor.

(b) Unlawful hunting of wild animals in the first degree is a gross misdemeanor.

**Sec. 28.** RCW 77.15.460 and 1999 c 258 s 7 are each amended to read as follows:

(1) A person is guilty of unlawful possession of a loaded ~~((firearm in a motor vehicle))~~ rifle or shotgun in a motor vehicle, as defined in RCW 46.04.320, or upon an off-road vehicle, as defined in RCW 46.04.365, if:

(a) The person carries, transports, conveys, possesses, or controls a rifle or shotgun in ~~((or on))~~ a motor vehicle, or upon an off-road vehicle, except as allowed by department rule; and



(b) The rifle or shotgun contains shells or cartridges in the magazine or chamber, or is a muzzle-loading firearm that is loaded and capped or primed.

(2) A person is guilty of unlawful use of a loaded firearm if:

(a) The person negligently (~~shoots~~) discharges a firearm from, across, or along the maintained portion of a public highway; or

(b) The person discharges a firearm from within a moving motor vehicle or from upon a moving off-road vehicle.

(3) Unlawful possession of a loaded (~~firearm in~~) rifle or shotgun in a motor vehicle or upon an off-road vehicle, and unlawful use of a loaded firearm (~~is a~~) are misdemeanors.

(4) This section does not apply if the person:

(a) Is a law enforcement officer who is authorized to carry a firearm and is on duty within the officer's respective jurisdiction;

(b) Possesses a disabled hunter's permit as provided by RCW 77.32.237 and complies with all rules of the department concerning hunting by persons with disabilities; or

(c) Discharges the rifle or shotgun from upon a nonmoving motor vehicle or a nonmoving off-road vehicle, as long as the engine is turned off and the motor vehicle or off-road vehicle is not parked on or beside the maintained portion of a public road, except as authorized by the commission by rule.

(5) For purposes of subsection (1) of this section, a (~~firearm~~) rifle or shotgun shall not be considered loaded if the detachable clip or magazine is not inserted in or attached to the (~~firearm~~) rifle or shotgun.

**Sec. 29.** RCW 77.15.610 and 2009 c 333 s 5 are each amended to read as follows:

(1) A person who holds a fur (~~buyer's~~) dealer's license or taxidermy license is guilty of unlawful use of a commercial wildlife license if the person(~~s~~)

(~~a~~) fails to purchase and have in the (~~license in~~) person's possession the required license while engaged in fur buying or practicing taxidermy for commercial purposes(~~s~~); or

(b) Violates any rule of the department regarding reporting requirements or the use, possession, display, or presentation of the taxidermy or fur buyer's license).

(2) Unlawful use of a commercial wildlife license is a misdemeanor.

**Sec. 30.** RCW 77.15.620 and 2009 c 333 s 20 are each amended to read as follows:

(1) A person is guilty of engaging in fish dealing activity without a license in the second degree if the person:

(a) Engages in the commercial processing of fish or shellfish, including custom canning or processing of personal use fish or shellfish and does not hold a wholesale dealer's license required by RCW 77.65.280(1) or 77.65.480 for anadromous game fish, or a direct retail endorsement under RCW 77.65.510;

(b) Engages in the wholesale selling, buying, or brokering of food fish or shellfish and does not hold a wholesale dealer's or buying license required by RCW 77.65.280(2) or 77.65.480 for anadromous game fish;

(c) Is a fisher who lands and sells his or her catch or harvest in the state to anyone other than a licensed wholesale dealer within or outside the state and does not hold a direct retail endorsement required by RCW 77.65.510; or

(d) Engages in the commercial manufacture or preparation of fertilizer, oil, meal, caviar, fish bait, or other by-products from food fish or shellfish and does not hold a wholesale dealer's license required by RCW 77.65.280(4) or 77.65.480 for anadromous game fish.

(2) (~~Engaging in fish dealing activity without a license in the second degree is a gross misdemeanor.~~)

(~~3~~) A person is guilty of engaging in fish dealing activity without a license in the first degree if the person commits the act described by subsection (1) of this section and the violation

involves(~~s~~) ~~(a) fish or shellfish worth two hundred fifty dollars or more;~~ ~~(b) a failure to document such fish or shellfish with a fish receiving ticket or other documentation required by statute or rule of the department;~~ or ~~(c) violates [a violation of] any other rule of the department regarding wholesale fish buying and dealing).~~

(3)(a) Engaging in fish dealing activity without a license in the second degree is a gross misdemeanor.

(b) Engaging in fish dealing activity without a license in the first degree is a class C felony.

**Sec. 31.** RCW 77.15.630 and 2000 c 107 s 254 are each amended to read as follows:

(1) A person who (~~holds a fish dealer's license required by RCW 77.65.280, an anadromous game fish buyer's license required by RCW 77.65.480, or a fish buyer's license required by RCW 77.65.340 is guilty of unlawful use of fish buying and dealing licenses~~) acts in the capacity of a wholesale fish dealer, anadromous game fish buyer, or a fish buyer is guilty of unlawful fish and shellfish catch accounting in the second degree if the person:

(a) Possesses or receives fish or shellfish for commercial purposes worth less than two hundred fifty dollars; and

(b) Fails to document such fish or shellfish with a fish-receiving ticket or other documentation required by statute or department rule (~~of the department~~); or

(c) Fails to sign the fish receiving ticket or other required documentation, fails to provide all of the information required by statute or department rule on the fish receiving ticket or other documentation, or both.

(2) A person is guilty of unlawful (~~use of fish buying and dealing licenses~~) fish and shellfish catch accounting in the first degree if the person commits the act described by subsection (1) of this section and:

(a) The violation involves fish or shellfish worth two hundred fifty dollars or more;

(b) The person acted with knowledge that the fish or shellfish were taken from a closed area, at a closed time, or by a person not licensed to take such fish or shellfish for commercial purposes; or

(c) The person acted with knowledge that the fish or shellfish were taken in violation of any tribal law.

(3)(a) Unlawful (~~use of fish buying and dealing licenses~~) fish and shellfish catch accounting in the second degree is a gross misdemeanor.

(b) Unlawful (~~use of fish buying and dealing licenses~~) fish and shellfish catch accounting in the first degree is a class C felony. Upon conviction, the department shall suspend all privileges to engage in fish buying or dealing for two years.

**Sec. 32.** RCW 77.15.640 and 2002 c 301 s 8 are each amended to read as follows:

(1) A person who holds a wholesale fish dealer's license required by RCW 77.65.280, an anadromous game fish buyer's license required by RCW 77.65.480, a fish buyer's license required by RCW 77.65.340, or a direct retail endorsement under RCW 77.65.510 is guilty of (~~violating rules governing~~) unlawful wholesale fish buying and dealing if the person:

(a) Fails to possess or display his or her license when engaged in any act requiring the license; or

(b) Fails to display or uses the license in violation of any department rule (of the department);

(c) Files a signed fish-receiving ticket but fails to provide all information required by rule of the department; or

(d) Violates any other rule of the department regarding wholesale fish buying and dealing).

(2) (~~Violating rules governing~~) Unlawful wholesale fish buying and dealing is a gross misdemeanor.

**Sec. 33.** RCW 77.15.650 and 2008 c 10 s 2 are each amended to read as follows:

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(1) A person is guilty of unlawful purchase or use of a license in the second degree if the person buys, holds, uses, displays, transfers, or obtains any license, tag, permit, or approval required by this title and the person:

(a) Uses false information to buy, hold, use, display, or obtain a license, permit, tag, or approval;

(b) Acquires, holds, or buys in excess of one license, permit, or tag for a license year if only one license, permit, or tag is allowed per license year;

(c) Except as authorized under RCW 77.32.565, uses or displays a license, permit, tag, or approval that was issued to another person;

(d) Except as authorized under RCW 77.32.565, permits or allows a license, permit, tag, or approval to be used or displayed by another person not named on the license, permit, tag, or approval;

(e) Acquires or holds a license while privileges for the license are revoked or suspended;

(f) Holds a resident license from another state or country. This subsection (1)(f) only applies if the Washington license, tag, permit, or approval that the person buys, holds, uses, displays, transfers, or obtains is a resident license. It is prima facie evidence of a violation of this section if any person who has a resident license from another state or country purchases a resident license, tag, permit, or approval in Washington. This subsection does not apply to individuals who meet the definition of "resident" in section 5(2), (3), and (4) of this act.

(2) A person is guilty of unlawful purchase or use of a license in the first degree if the person commits the act described by subsection (1) of this section and the person was acting with intent that the license, permit, tag, or approval be used for any commercial purpose. A person is presumed to be acting with such intent if the violation involved obtaining, holding, displaying, or using a license or permit for participation in any commercial fishery issued under this title or a license authorizing fish or wildlife buying, trafficking, or wholesaling.

3(a) Unlawful purchase or use of a license in the second degree is a gross misdemeanor. Upon conviction, the department shall revoke any unlawfully used or held licenses and order a two-year suspension of participation in the activities for which the person unlawfully obtained, held, or used a license, permit, tag, or approval.

(b) Unlawful purchase or use of a license in the first degree is a class C felony. Upon conviction, the department shall revoke any unlawfully used or held licenses and order a five-year suspension of participation in any activities for which the person unlawfully obtained, held, or used a license, permit, tag, or approval.

(4) For purposes of this section, a person "uses" a license, permit, tag, or approval if the person engages in any activity authorized by the license, permit, tag, or approval held or possessed by the person. Such uses include but are not limited to fishing, hunting, taking, trapping, delivery or landing fish or wildlife, and selling, buying, or wholesaling of fish or wildlife.

(5) Any license obtained in violation of this section is void upon issuance and is of no legal effect.

**Sec. 34.** RCW 77.15.660 and 1998 c 190 s 55 are each amended to read as follows:

(1) A person is guilty of unlawful use of a scientific permit if the permit issued by the director is for big game or big game parts, and the person:

(a) Violates any terms or conditions of ~~((a))~~ the scientific permit ~~((issued by the director));~~

(b) Buys or sells ~~((fish or wildlife taken))~~ big game or big game parts that were taken or acquired with a scientific permit; or

(c) Violates any department rule ~~((of the commission or the director))~~ applicable to the issuance or use of scientific permits.

(2) Unlawful use of a scientific permit is a gross misdemeanor.

**Sec. 35.** RCW 77.15.700 and 2009 c 333 s 2 are each amended to read as follows:

(1) The department shall ~~((impose revocation and suspension of))~~ revoke a person's recreational license or licenses and suspend a person's recreational license privileges in the following circumstances:

(a) Upon conviction, if directed by statute for an offense.

(b) Upon conviction ~~((of a violation not involving commercial fishing)),~~ failure to appear at a hearing to contest an infraction or criminal charge, or an unvacated payment of a fine or a finding of committed as a final disposition for any infraction, if the department finds that actions of the defendant demonstrated a willful or wanton disregard for conservation of fish or wildlife. Suspension of privileges under this subsection may be permanent.

(c) If a person is convicted, fails to appear at a hearing to contest an infraction or criminal citation, or has an unvacated payment of a fine or a finding of committed as a final disposition for any infraction, twice within ten years for a violation involving unlawful hunting, killing, or possessing big game. Revocation and suspension under this subsection must be ordered for all hunting privileges for two years.

(d) If a person violates, three times or more in a ten-year period, recreational hunting or fishing laws or rules for which the person: (i) Is convicted of an offense; (ii) has an ~~((uncontested notice of))~~ unvacated payment of a fine or a finding of committed as a final disposition for any infraction; or (iii) fails to appear at a hearing to contest ~~((a fish and wildlife infraction; or (iv) is found to have committed))~~ an infraction or a criminal citation. Revocation and suspension under this subsection must be ordered of all recreational hunting and fishing privileges for two years.

(2)(a) A violation punishable as an infraction counts towards the revocation and suspension of recreational hunting and fishing privileges under this section if that violation is:

(i) Punishable as a crime on July 24, 2005, and is subsequently decriminalized; or

(ii) One of the following violations, as they exist on July 24, 2005: RCW 77.15.160; WAC 220-56-116; WAC 220-56-315(11); or WAC 220- 56-355 (1) through (4).

(b) The commission may, by rule, designate infractions that do not count towards the revocation and suspension of recreational hunting and fishing privileges.

(3) If either the deferred education licensee or the required nondeferred accompanying person, hunting under the authority of RCW 77.32.155(2), is convicted of a violation of this title, fails to appear at a hearing to contest a fish and wildlife infraction or a criminal citation, or has an unvacated payment of a fine or a finding of committed as a final disposition for any fish and wildlife infraction, except for a violation of RCW 77.15.400 (1) through ~~((3))~~ (4), the department may revoke all hunting licenses and tags and may order a suspension of either or both the deferred education licensee's and the nondeferred accompanying person's hunting privileges for one year.

(4) A person who has a recreational license revoked and privileges suspended under this section may file an appeal with the department pursuant to chapter 34.05 RCW. An appeal must be filed within twenty days of notice of license revocation and privilege suspension. If an appeal is filed, the revocation and suspension issued by the department do not take effect until twenty-one days after the department has delivered an opinion. If no appeal is filed within twenty days of notice of license revocation and suspension, the right to an appeal is waived, and the revocation and suspension take effect twenty-one days following the notice of revocation and suspension.

(5) A recreational license revoked and privilege suspended

under this section is in addition to the statutory penalties assigned to the underlying violation.

**Sec. 36.** RCW 77.15.720 and 2000 c 107 s 258 are each amended to read as follows:

(1)(a) If a person (~~(shoots)~~) discharges a firearm, bow, or crossbow while hunting and in a manner that injures, or that a reasonable person would believe is likely to injure, another person (~~(or domestic livestock while hunting)~~), the director shall revoke all of the shooter's hunting licenses and suspend all hunting privileges for three years. If the shooting (~~(of another person or livestock is the result of criminal negligence or reckless or intentional conduct, then the person's)~~) kills or results in the death of another person, then the director shall revoke all of the shooter's hunting licenses and suspend all of the person's hunting privileges (~~(shall be suspended)~~) for ten years. (~~The~~)

(b) If a person, with malice, discharges a firearm, bow, or crossbow while hunting and in a manner that kills or causes substantial bodily harm to livestock belonging to another person, the director shall revoke all of the shooter's hunting licenses and suspend all hunting privileges for three years. For the purposes of this subsection (1)(b), "malice" has the same meaning as provided in RCW 9A.04.110 but applies to acts against livestock.

(2) A suspension under subsection (1) of this section shall be continued beyond (~~these~~) the applicable periods if damages owed to the victim or livestock owner have not been paid by the suspended person. (~~(A)~~) In such a case, no hunting license shall (~~not~~) be reissued to the suspended person unless authorized by the director.

~~((2))~~ Within twenty days of service of an order suspending privileges or imposing conditions under this section or RCW 77.15.710, a person may petition for administrative review under chapter 34.05 RCW by serving the director with a petition for review. The order is final and unappealable if there is no timely petition for administrative review. (3) A person who is notified of a license revocation under this section may request an appeal hearing under chapter 34.05 RCW.

~~((3))~~ (4) The commission may by rule authorize petitions for reinstatement of administrative suspensions and define circumstances under which such a reinstatement will be allowed.

**Sec. 37.** RCW 77.15.740 and 2008 c 225 s 2 are each amended to read as follows:

(1) Except as provided in subsection (2) of this section, it is unlawful to:

(a) (~~Approach~~, by any means, within three hundred feet of a southern resident orca whale (*Orcinus orca*);

(b) Cause a vessel or other object to approach within three hundred feet of a southern resident orca whale;

(c) Intercept a southern resident orca whale. A person intercepts a southern resident orca whale when that person places a vessel or allows a vessel to remain in the path of a whale and the whale approaches within three hundred feet of that vessel;

(d) Fail to disengage the transmission of a vessel that is within three hundred feet of a southern resident orca whale, for which the vessel operator is strictly liable; or

(e) Feed a southern resident orca whale, for which any person feeding a southern resident orca whale is strictly liable.

(2) A person is exempt from subsection (1) of this section where:

(a) A reasonably prudent person in that person's position would determine that compliance with the requirements of subsection (1) of this section will threaten the safety of the vessel, the vessel's crew or passengers, or is not feasible due to vessel design limitations, or because the vessel is restricted in its ability to maneuver due to wind, current, tide, or weather;

(b) That person is lawfully participating in a commercial fishery

and is engaged in actively setting, retrieving, or closely tending commercial fishing gear;

(c) That person is acting in the course of official duty for a state, federal, tribal, or local government agency; or

(d) That person is acting pursuant to and consistent with authorization from a state or federal government agency.

(3) Nothing in this section is intended to conflict with existing rules regarding safe operation of a vessel or vessel navigation rules.

(4)) Cause a vessel or other object to approach, in any manner, within two hundred yards of a southern resident orca whale;

(b) Position a vessel to be in the path of a southern resident orca whale at any point located within four hundred yards of the whale. This includes intercepting a southern resident orca whale by positioning a vessel so that the prevailing wind or water current carries the vessel into the path of the whale at any point located within four hundred yards of the whale;

(c) Fail to disengage the transmission of a vessel that is within two hundred yards of a southern resident orca whale; or

(d) Feed a southern resident orca whale.

(2) A person is exempt from subsection (1) of this section if that person is:

(a) Operating a federal government vessel in the course of his or her official duties, or operating a state, tribal, or local government vessel when engaged in official duties involving law enforcement, search and rescue, or public safety;

(b) Operating a vessel in conjunction with a vessel traffic service established under 33 C.F.R. and following a traffic separation scheme, or complying with a vessel traffic service measure of direction. This also includes support vessels escorting ships in the traffic lanes, such as tug boats;

(c) Engaging in an activity, including scientific research, pursuant to a permit or other authorization from the national marine fisheries service and the department;

(d) Lawfully engaging in a treaty Indian or commercial fishery that is actively setting, retrieving, or closely tending fishing gear;

(e) Conducting vessel operations necessary to avoid an imminent and serious threat to a person, vessel, or the environment, including when necessary for overall safety of navigation and to comply with state and federal navigation requirements; or

(f) Engaging in rescue or clean-up efforts of a beached southern resident orca whale overseen, coordinated, or authorized by a volunteer stranding network.

(3) For the purpose of this section, "vessel" includes aircraft, canoes, fishing vessels, kayaks, personal watercraft, rafts, recreational vessels, tour boats, whale watching boats, vessels engaged in whale watching activities, or other small craft including power boats and sailboats.

~~((5))~~ (4)(a) A violation of this section is a natural resource infraction punishable under chapter 7.84 RCW.

(b) A person who qualifies for an exemption under subsection (2) of this section may offer that exemption as an affirmative defense, which that person must prove by a preponderance of the evidence.

**NEW SECTION. Sec. 38.** A new section is added to chapter 77.15 RCW to read as follows:

(1) A person may not negligently feed or attempt to feed large wild carnivores or negligently attract large wild carnivores to land or a building.

(2) If a fish and wildlife officer, ex officio fish and wildlife officer, or animal control authority, as defined in RCW 16.30.010, has probable cause to believe that a person is negligently feeding, attempting to feed, or attracting large wild carnivores to land or a building by placing or locating food, food waste, or other substance in, on, or about any land or building, and the food, food waste, or other substance poses a risk to the safety of any person, livestock, or

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pet because it is attracting or could attract large wild carnivores to the land or building, that person commits an infraction under chapter 7.84 RCW.

(3) Subsection (2) of this section does not apply to:

(a) A person who is engaging in forest practices in accordance with chapter 76.09 RCW or in hunting or trapping wildlife in accordance with all other applicable provisions of this title or rules of the commission or the director;

(b) A person who is engaging in a farming or ranching operation that is using generally accepted farming or ranching practices consistent with Titles 15 and 16 RCW;

(c) Waste disposal facilities that are operating in accordance with applicable federal, state, and municipal laws;

(d) Entities listed in RCW 16.30.020(1) (a) through (j) and scientific collection permit holders; or

(e) A fish and wildlife officer or employee or agent of the department operating under the authority of or upon request from an officer conducting authorized wildlife capture activities to address a threat to human safety or a wildlife interaction as defined in RCW 77.36.010.

(4) For persons and entities listed in subsection (3) of this section, a fish and wildlife officer, ex officio fish and wildlife officer, or animal control authority, as defined in RCW 16.30.010, may issue a written warning to the person or entity if:

(a) The officer or animal control authority can articulate facts to support that the person or entity has placed or is responsible for placing food, food waste, or other substance in, on, or about the person's or entity's land or buildings; and

(b) The food, food waste, or other substance poses a risk to the safety of any person, livestock, or pet because the food, food waste, or other substance is attracting or could attract large wild carnivores to the land or buildings.

(5)(a) Any written warning issued under subsection (4) of this section requires the person or entity placing or otherwise responsible for placing the food, food waste, or other substance to contain, move, or remove that food, food waste, or other substance within two days.

(b) If a person who is issued a written warning under (a) of this subsection fails to contain, move, or remove the food, food waste, or other substance as directed, the person commits an infraction under chapter 7.84 RCW.

**NEW SECTION. Sec. 39.** A new section is added to chapter 77.15 RCW to read as follows:

(1) A person may not intentionally feed or attempt to feed large wild carnivores or intentionally attract large wild carnivores to land or a building.

(2) A person who intentionally feeds, attempts to feed, or attracts large wild carnivores to land or a building is guilty of a misdemeanor.

(3) A person who is issued an infraction under section 38 of this act for negligently feeding, attempting to feed, or attracting large wild carnivores to land or a building, and who fails to contain, move, or remove the food, food waste, or other substance within twenty-four hours of being issued the infraction, is guilty of a misdemeanor.

**NEW SECTION. Sec. 40.** The following acts or parts of acts are each repealed:

(1) RCW 77.12.315 (Dogs harassing deer and elk--Declaration of emergency--Taking dogs into custody or destroying--Immunity) and 2000 c 107 s 221, 1987 c 506 s 40, 1980 c 78 s 49, & 1971 ex.s. c 183 s 1;

(2) RCW 77.15.140 (Unclassified fish or wildlife--Unlawful tnalny) and 1998 c 190 s 15;

(3) RCW 77.15.220 (Unlawful posting--Penalty) and 1998 c 190 s 25; and

(4) RCW 77.15.330 (Unlawful hunting or fishing contests--Penalty) and 2001 c 253 s 36 & 1998 c 190 s 56.

**NEW SECTION. Sec. 41.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

Correct the title.  
and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

Senator Ranker moved that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 6135.

Senator Ranker spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Ranker that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 6135.

The motion by Senator Ranker carried and the Senate concurred in the House amendment(s) to Substitute Senate Bill No. 6135 by voice vote.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6135, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6135, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Baumgartner, Becker, Benton, Brown, Carrell, Chase, Conway, Delvin, Eide, Ericksen, Fain, Fraser, Hargrove, Harper, Hatfield, Haugen, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles, Litzow, McAuliffe, Morton, Murray, Nelson, Padden, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rolfes, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Excused: Senator Frockt

SUBSTITUTE SENATE BILL NO. 6135, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

March 6, 2012

MR. PRESIDENT:

The House receded from its amendment(s) to SECOND SUBSTITUTE SENATE BILL NO. 5355. Under suspension of the rules, the bill was returned to second reading for the purpose of an amendment. The House adopted the following amendment: 5355-S2 AMH TAYL REIL 080, and passed the bill as amended by the House.

On page 2, line 4, after "web site" strike ", if any" and insert ". An agency is not required to post a special meeting notice on its web site if it (i) does not have a web site; (ii) employs fewer than ten full-time equivalent employees, or (iii) does not employ personnel whose duty, as defined by a job description or existing contract, is to maintain or update the web site and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

Senator Morton moved that the Senate concur in the House amendment(s) to Second Substitute Senate Bill No. 5355.

Senator Morton spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Morton that the Senate concur in the House amendment(s) to Second Substitute Senate Bill No. 5355.

The motion by Senator Morton carried and the Senate concurred in the House amendment(s) to Second Substitute Senate Bill No. 5355 by voice vote.

The President declared the question before the Senate to be the final passage of Second Substitute Senate Bill No. 5355, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 5355, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Baumgartner, Becker, Benton, Brown, Carrell, Chase, Conway, Delvin, Eide, Ericksen, Fain, Fraser, Hargrove, Harper, Hatfield, Haugen, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles, Litzow, McAuliffe, Morton, Murray, Nelson, Padden, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rolfes, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Excused: Senator Frockt

SECOND SUBSTITUTE SENATE BILL NO. 5355, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

February 27, 2012

MR. PRESIDENT:

The House passed SUBSTITUTE SENATE BILL NO. 5766 with the following amendment(s): 5766-S AMH LG PFUN 111

On page 1, line 11, after "~~(forty)~~" insert "eighty-four" and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

Senator Roach moved that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5766.

Senator Roach spoke in favor of the motion.

MOTION

On motion of Senator Harper, Senator Ranker was excused.

The President declared the question before the Senate to be the motion by Senator Roach that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5766.

The motion by Senator Roach carried and the Senate concurred in the House amendment(s) to Substitute Senate Bill No. 5766 by voice vote.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5766, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5766, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Baumgartner, Becker, Benton, Brown, Carrell, Chase, Conway, Delvin, Eide, Ericksen, Fain, Fraser, Hargrove, Harper, Hatfield, Haugen, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles, Litzow, McAuliffe, Morton, Murray, Nelson, Padden, Parlette, Pflug, Prentice, Pridemore, Regala, Roach, Rolfes, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Excused: Senators Frockt and Ranker

SUBSTITUTE SENATE BILL NO. 5766, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

February 29, 2012

MR. PRESIDENT:

The House passed ENGROSSED SUBSTITUTE SENATE BILL NO. 6383 with the following amendment(s): 6383-S.E AMH HUNS CLYN 400

On page 4, line 19, beginning with "(3)" strike all material through "2012." on line 29

Renumber the remaining section consecutively and correct any internal references accordingly.

and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

Senator Benton moved that the Senate concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 6383.

Senator Benton spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Benton that the Senate concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 6383.

The motion by Senator Benton carried and the Senate concurred in the House amendment(s) to Engrossed Substitute Senate Bill No. 6383 by voice vote.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 6383, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6383, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 47; Nays, 1; Absent, 0; Excused, 1.

Voting yea: Senators Baumgartner, Becker, Benton, Brown, Carrell, Chase, Conway, Delvin, Eide, Ericksen, Fain, Fraser, Hargrove, Harper, Hatfield, Haugen, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Kastama, Keiser, Kilmer, King,

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Kline, Kohl-Welles, Litzow, McAuliffe, Morton, Murray, Nelson, Padden, Parlette, Pflug, Prentice, Ranker, Regala, Roach, Rolfes, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Elizabeth Willis as a member of the State Board for Community and Technical Colleges.

Voting nay: Senator Pridemore

Excused: Senator Frockt

ENGROSSED SUBSTITUTE SENATE BILL NO. 6383, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9170, Elizabeth Willis as a member of the State Board for Community and Technical Colleges and the appointment was confirmed by the following vote: Yeas, 46; Nays, 1; Absent, 2; Excused, 0.

Voting yea: Senators Becker, Benton, Brown, Carrell, Chase, Conway, Delvin, Eide, Erickson, Fain, Fraser, Frockt, Hargrove, Harper, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Kastama, Keiser, Kilmer, King, Kohl-Welles, Litzow, McAuliffe, Morton, Murray, Nelson, Padden, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rolfes, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Voting nay: Senator Baumgartner

Absent: Senators Haugen and Kline

Gubernatorial Appointment No. 9170, Elizabeth Willis, having received the constitutional majority was declared confirmed as a member of the State Board for Community and Technical Colleges.

MOTION

At 11:38 a.m., on motion of Senator Eide, the Senate was declared to be at ease subject to the call of the President.

AFTERNOON SESSION

The Senate was called to order at 1:54 p.m. by President Owen.

MESSAGE FROM THE HOUSE

March 8, 2012

MR. PRESIDENT:

The House concurred in the Senate amendments to the following bills and passed the bills as amended by the Senate:

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2483,

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2536,

HOUSE BILL NO. 2803.

and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MESSAGE FROM THE HOUSE

March 8, 2012

MR. PRESIDENT:

The House has passed SUBSTITUTE HOUSE BILL NO. 2139. and the same is herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

On motion of Senator Eide, the Senate advanced to the sixth order of business.

SECOND READING

CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Frockt moved that Gubernatorial Appointment No. 9170, Elizabeth Willis, as a member of the State Board for Community and Technical Colleges, be confirmed.

Senator Frockt spoke in favor of the motion.

APPOINTMENT OF ELIZABETH WILLIS

The President declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9170,

MOTION

On motion of Senator Harper, Senators Haugen and Kline were excused.

SECOND READING

CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Frockt moved that Gubernatorial Appointment No. 9104, Manford Simcock, as a member of the Higher Education Facilities Authority, be confirmed.

Senator Frockt spoke in favor of the motion.

APPOINTMENT OF MANFORD SIMCOCK

The President declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9104, Manford Simcock as a member of the Higher Education Facilities Authority.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9104, Manford Simcock as a member of the Higher Education Facilities Authority and the appointment was confirmed by the following vote: Yeas, 47; Nays, 1; Absent, 0; Excused, 1.

Voting yea: Senators Becker, Benton, Brown, Carrell, Chase, Conway, Delvin, Eide, Erickson, Fain, Fraser, Frockt, Hargrove, Harper, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles, Litzow, McAuliffe, Morton, Murray, Nelson, Padden, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rolfes, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Voting nay: Senator Baumgartner

Excused: Senator Haugen

Gubernatorial Appointment No. 9104, Manford Simcock, having received the constitutional majority was declared confirmed as a member of the Higher Education Facilities Authority.

SECOND READING

SENATE BILL NO. 6442, by Senators Hobbs, Litzow, Keiser, Holmquist Newbry, Hatfield, Hewitt, Kastama, Schoesler, Tom, Fain, Hill, Zarelli, Hargrove, Kline, Murray, Shin, Sheldon, Fraser, Haugen, Morton, Honeyford, Benton, Carrell, Delvin and King

Establishing a consolidating purchasing system for public school employees.

#### MOTION

Senator Keiser moved that Substitute Senate Bill No. 6442 be substituted for Senate Bill No. 6442 and the substitute bill be placed on the second reading.

#### MOTION

Senator Schoesler moved that further consideration of Senate Bill No. 6442 be deferred and the bill held its place on the second reading calendar.

Senator Eide demanded a roll call.

The President declared that one-sixth of the members supported the demand and the demand was sustained.

Senator Eide withdrew her demand for a roll call.

The motion by Senator Schoesler carried and further consideration of Substitute Senate Bill No. 6442 was deferred and the bill held its place on the second reading calendar by a rising vote.

#### MOTION

At 2:17 p.m., on motion of Senator Eide, the Senate was declared to be at ease subject to the call of the President.

The Senate was called to order at 4:32 p.m. by President Owen.

#### SECOND READING CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

#### MOTION

Senator Harper moved that Gubernatorial Appointment No. 9186, Geneanne Burke, as a member of the Board of Trustees, Everett Community College District No. 5, be confirmed.

Senator Harper spoke in favor of the motion.

#### APPOINTMENT OF GENEANNE BURKE

The President declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9186, Geneanne Burke as a member of the Board of Trustees, Everett Community College District No. 5.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9186, Geneanne Burke as a member of the Board of Trustees, Everett Community College District No. 5 and the appointment was confirmed by the following vote: Yeas, 48; Nays, 1; Absent, 0; Excused, 0.

Voting yea: Senators Becker, Benton, Brown, Carrell, Chase, Conway, Delvin, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hatfield, Haugen, Hewitt, Hill, Hobbs, Holmquist

Newbry, Honeyford, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles, Litzow, McAuliffe, Morton, Murray, Nelson, Padden, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rolfes, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Voting nay: Senator Baumgartner

Gubernatorial Appointment No. 9186, Geneanne Burke, having received the constitutional majority was declared confirmed as a member of the Board of Trustees, Everett Community College District No. 5.

#### SIGNED BY THE PRESIDENT

The President signed:

SECOND SUBSTITUTE SENATE BILL NO. 5355,  
SUBSTITUTE SENATE BILL NO. 5766,  
SUBSTITUTE SENATE BILL NO. 6135,  
SENATE BILL NO. 6159,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 6383,  
SUBSTITUTE SENATE BILL NO. 6494,  
SUBSTITUTE SENATE BILL NO. 6600.

#### MOTION

On motion of Senator Eide, the Senate reverted to the fourth order of business.

#### MESSAGE FROM THE HOUSE

March 8, 2012

MR. PRESIDENT:

The House has adopted the report of the Conference Committee on ENGROSSED SUBSTITUTE SENATE BILL NO. 6150 and has passed the bill as recommended by the Conference Committee.

and the same is herewith transmitted.

BARBARA BAKER, Chief Clerk

#### REPORT OF THE CONFERENCE COMMITTEE

Engrossed Substitute Senate Bill No. 6150

March 7, 2012

MR. PRESIDENT:

MR. SPEAKER:

We of your conference committee, to whom was referred Engrossed Substitute Senate Bill No. 6150, have had the same under consideration and recommend that all previous amendments not be adopted and that the following striking amendment be adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 46.20.037 and 2006 c 292 s 1 are each amended to read as follows:

(1) ((No later than two years after full implementation of the provisions of Title II of P.L. 109-13, improved security for driver's licenses and personal identification cards (Real ID), as passed by Congress May 10, 2005.)) The department ((shall)) may implement a ((voluntary biometric)) facial recognition matching system for ((driver's)) drivers' licenses, permits, and identicards. ((A biometric)) Any facial recognition matching system ((shall)) selected by the department must be used only to verify the identity of an applicant for or holder of a ((renewal or duplicate)) driver's license, permit, or identicard ((by matching a biometric identifier submitted by the applicant against the biometric identifier submitted

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when the license was last issued. This project requires a full review by the information services board using the criteria for projects of the highest visibility and risk) to determine whether the person has been issued a driver's license, permit, or identocard under a different name or names.

(2) Any ~~((biometric))~~ facial recognition matching system selected by the department ~~((shall))~~ must be capable of highly accurate matching, and ~~((shall))~~ must be compliant with ~~((biometric))~~ appropriate standards established by the American association of motor vehicle administrators that exist on the effective date of this section, or such subsequent date as may be provided by the department by rule, consistent with the purposes of this section.

(3) ~~((The biometric matching system selected by the department must incorporate a process that allows the owner of a driver's license or identocard to present a personal identification number or other code along with the driver's license or identocard before the information may be verified by a third party, including a governmental entity.~~

(4) Upon the establishment of a biometric driver's license and identocard system as described in this section, the department shall allow every person applying for an original, renewal, or duplicate driver's license or identocard to voluntarily submit a biometric identifier. Each applicant shall be informed of all ways in which the biometric identifier may be used, all parties to whom the identifier may be disclosed and the conditions of disclosure, the expected error rates for the biometric matching system which shall be regularly updated as the technology changes or empirical data is collected, and the potential consequences of those errors. The department shall adopt rules to allow applicants to verify the accuracy of the system at the time that biometric information is submitted, including the use of at least two separate devices.

(5) The department may not disclose biometric information to the public or any governmental entity except when authorized by court order.

~~((6))~~ The department shall post notices in conspicuous locations at all department driver licensing offices, make written information available to all applicants at department driver licensing offices, and provide information on the department's web site regarding the facial recognition matching system. The notices, written information, and information on the web site must address how the facial recognition matching system works, all ways in which the department may use results from the facial recognition matching system, how an investigation based on results from the facial recognition matching system would be conducted, and a person's right to appeal any determinations made under this chapter.

(4) Results from the facial recognition matching system:

(a) Are not available for public inspection and copying under chapter 42.56 RCW;

(b) May only be disclosed when authorized by a court order;

(c) May only be disclosed to a federal government agency if specifically required under federal law; and

(d) May only be disclosed by the department to a government agency, including a court or law enforcement agency, for use in carrying out its functions if the department has determined that person has committed one of the prohibited practices listed in RCW 46.20.0921 and this determination has been confirmed by a hearings examiner under this chapter or the person declined a hearing or did not attend a scheduled hearing.

(5) All ~~((biometric))~~ personally identifying information ~~((shall))~~ must be stored with appropriate security safeguards(, including but not limited to encryption)). The office of the chief information officer shall develop the appropriate security standards for the department's use

of the facial recognition matching system, subject to approval and oversight by the technology services board.

~~((7))~~ (6) The department shall develop procedures to handle instances in which the ~~((biometric))~~ facial recognition matching system fails to verify the identity of an applicant for a renewal or duplicate driver's license, permit, or identocard. These procedures ~~((shall))~~ must allow an applicant to prove identity without using ~~((a biometric identifier.~~

~~((8) Any person who has voluntarily submitted a biometric identifier may choose to discontinue participation in the biometric matching program at any time, provided that the department utilizes a secure procedure to prevent fraudulent requests for a renewal or duplicate driver's license or identocard. When the person discontinues participation, any previously collected biometric information shall be destroyed.~~

~~((9) This section does not apply when an applicant renews his or her driver's license or identocard by mail or electronic commerce))~~ the facial recognition matching system.

NEW SECTION. Sec. 2. A new section is added to chapter 46.20 RCW to read as follows:

(1) The department shall report to the governor and the legislature by October 1st of each year, beginning October 1, 2012, on the following numbers during the previous fiscal year: The number of investigations initiated by the department based on results from the facial recognition matching system; the number of determinations made that a person has committed one of the prohibited practices in RCW 46.20.0921 after the completion of an investigation; the number of determinations that were confirmed by a hearings examiner and the number that were overturned by a hearings examiner; the number of cases where a person declined a hearing or did not attend a scheduled hearing; and the number of determinations that were referred to law enforcement.

(2) This section expires June 30, 2017.

NEW SECTION. Sec. 3. A new section is added to chapter 46.04 RCW to read as follows:

"Facial recognition matching system" means a system that compares the biometric template derived from an image of an applicant or holder of a driver's license, permit, or identocard with the biometric templates derived from the images in the department's negative file.

NEW SECTION. Sec. 4. RCW 46.20.038 (Biometric matching system--Funding) and 2004 c 273 s 4 are each repealed.

Sec. 5. RCW 46.20.055 and 2010 c 223 s 1 are each amended to read as follows:

(1) **Driver's instruction permit.** The department may issue a driver's instruction permit with or without a photograph to an applicant who has successfully passed all parts of the examination other than the driving test, provided the information required by RCW 46.20.091, paid ~~((a))~~ an application fee of twenty-five dollars, and meets the following requirements:

(a) Is at least fifteen and one-half years of age; or

(b) Is at least fifteen years of age and:

(i) Has submitted a proper application; and

(ii) Is enrolled in a traffic safety education program offered, approved, and accredited by the superintendent of public instruction or offered by a driver training school licensed and inspected by the department of licensing under chapter 46.82 RCW, that includes practice driving.

(2) **Waiver of written examination for instruction permit.** The department may waive the written examination, if, at the time of application, an applicant is enrolled in:

(a) A traffic safety education course as defined by RCW 28A.220.020(2); or

(b) A course of instruction offered by a licensed driver training school as defined by RCW 46.82.280.



The department may require proof of registration in such a course as it deems necessary.

(3) **Effect of instruction permit.** A person holding a driver's instruction permit may drive a motor vehicle, other than a motorcycle, upon the public highways if:

(a) The person has immediate possession of the permit;

(b) The person is not using a wireless communications device, unless the person is using the device to report illegal activity, summon medical or other emergency help, or prevent injury to a person or property; and

(c) An approved instructor, or a licensed driver with at least five years of driving experience, occupies the seat beside the driver.

(4) **Term of instruction permit.** A driver's instruction permit is valid for one year from the date of issue.

(a) The department may issue one additional one-year permit.

(b) The department may issue a third driver's permit if it finds after an investigation that the permittee is diligently seeking to improve driving proficiency.

(c) A person applying (~~to renew~~) for an additional instruction permit must submit the application to the department in person and pay an application fee of twenty-five dollars for each issuance.

**Sec. 6.** RCW 46.20.117 and 2005 c 314 s 305 are each amended to read as follows:

(1) **Issuance.** The department shall issue an identicard, containing a picture, if the applicant:

(a) Does not hold a valid Washington driver's license;

(b) Proves his or her identity as required by RCW 46.20.035; and

(c) Pays the required fee. Except as provided in subsection (5) of this section, the fee is (~~twenty~~) forty-five dollars from October 1, 2012, to June 30, 2013, and fifty-four dollars after June 30, 2013, unless an applicant is a recipient of continuing public assistance grants under Title 74 RCW, who is referred in writing by the secretary of social and health services. For those persons the fee must be the actual cost of production of the identicard.

(2) **Design and term.** The identicard must:

(a) Be distinctly designed so that it will not be confused with the official driver's license; and

(b) Except as provided in subsection (5) of this section, expire on the (~~fifth~~) sixth anniversary of the applicant's birthdate after issuance.

(3) **Renewal.** An application for identicard renewal may be submitted by means of:

(a) Personal appearance before the department; or

(b) Mail or electronic commerce, if permitted by rule of the department and if the applicant did not renew his or her identicard by mail or by electronic commerce when it last expired. (~~However, the department may accept an application for renewal of an identicard submitted by means of mail or electronic commerce only if specific authority and funding is provided for this purpose by June 30, 2004, in the omnibus transportation appropriations act.~~)

An identicard may not be renewed by mail or by electronic commerce unless the renewal issued by the department includes a photograph of the identicard holder.

(4) **Cancellation.** The department may cancel an identicard if the holder of the identicard used the card or allowed others to use the card in violation of RCW 46.20.0921.

(5) **Alternative issuance/renewal/extension.** The department may issue or renew an identicard for a period other than five years from October 1, 2012, to June 30, 2013, or six years after June 30, 2013, or may extend by mail or electronic commerce an identicard that has already been issued, in order to evenly distribute, as nearly as possible, the yearly renewal rate of identicard holders. The fee for an identicard issued or renewed for a period other than five years from October 1, 2012, to June 30, 2013, or six years after June 30,

2013, or that has been extended by mail or electronic commerce, is nine dollars for each year that the identicard is issued, renewed, or extended. The department may adopt any rules as are necessary to carry out this subsection.

**Sec. 7.** RCW 46.20.120 and 2011 c 370 s 4 are each amended to read as follows:

An applicant for a new or renewed driver's license must successfully pass a driver licensing examination to qualify for a driver's license. The department must ensure that examinations are given at places and times reasonably available to the people of this state. If the department does not administer driver licensing examinations as a routine part of its licensing services within a department region because adequate testing sites are provided by driver training schools or school districts within that region, the department shall, at a minimum, administer driver licensing examinations by appointment to applicants eighteen years of age and older in at least one licensing office within that region.

(1) **Waiver.** The department may waive:

(a) All or any part of the examination of any person applying for the renewal of a driver's license unless the department determines that the applicant is not qualified to hold a driver's license under this title; or

(b) All or any part of the examination involving operating a motor vehicle if the applicant:

(i) Surrenders a valid driver's license issued by the person's previous home state; or

(ii) Provides for verification a valid driver's license issued by a foreign driver licensing jurisdiction with which the department has an informal agreement under RCW 46.20.125; and

(iii) Is otherwise qualified to be licensed.

(2) **Fee.** Each applicant for a new license must pay an examination fee of (~~twenty~~) thirty-five dollars.

(a) The examination fee is in addition to the fee charged for issuance of the license.

(b) "New license" means a license issued to a driver:

(i) Who has not been previously licensed in this state; or

(ii) Whose last previous Washington license has been expired for more than (~~five~~) six years.

(3) An application for driver's license renewal may be submitted by means of:

(a) Personal appearance before the department; or

(b) Mail or electronic commerce, if permitted by rule of the department and if the applicant did not renew his or her license by mail or by electronic commerce when it last expired.

(4) A person whose license expired or will expire while he or she is living outside the state, may:

(a) Apply to the department to extend the validity of his or her license for no more than twelve months. If the person establishes to the department's satisfaction that he or she is unable to return to Washington before the date his or her license expires, the department shall extend the person's license. The department may grant consecutive extensions, but in no event may the cumulative total of extensions exceed twelve months. An extension granted under this section does not change the expiration date of the license for purposes of RCW 46.20.181. The department shall charge a fee of five dollars for each license extension;

(b) Apply to the department to renew his or her license by mail or, if permitted by rule of the department, by electronic commerce even if subsection (3)(b) of this section would not otherwise allow renewal by that means. If the person establishes to the department's satisfaction that he or she is unable to return to Washington within twelve months of the date that his or her license expires, the department shall renew the person's license by mail or, if permitted by rule of the department, by electronic commerce.

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(5) If a qualified person submits an application for renewal under subsection (3)(b) or (4)(b) of this section, he or she is not required to pass an examination nor provide an updated photograph. A license renewed by mail or by electronic commerce that does not include a photograph of the licensee must be labeled "not valid for identification purposes."

(6) Driver training schools licensed by the department under chapter 46.82 RCW may administer the portions of the driver licensing examination that test the applicant's knowledge of traffic laws and ability to safely operate a motor vehicle.

(7) School districts that offer a traffic safety education program under chapter 28A.220 RCW may administer the portions of the driver licensing examination that test the applicant's knowledge of traffic laws and ability to safely operate a motor vehicle.

**Sec. 8.** RCW 46.20.161 and 2000 c 115 s 6 are each amended to read as follows:

The department, upon receipt of a fee of ~~((twenty-five))~~ forty-five dollars from October 1, 2012, to June 30, 2013, and fifty-four dollars after June 30, 2013, unless the driver's license is issued for a period other than five years from October 1, 2012, to June 30, 2013, or six years after June 30, 2013, in which case the fee shall be ~~((five))~~ nine dollars for each year that the license is issued, which includes the fee for the required photograph, shall issue to every qualifying applicant a driver's license. A driver's license issued to a person under the age of eighteen is an intermediate license, subject to the restrictions imposed under RCW 46.20.075, until the person reaches the age of eighteen. The license must include a distinguishing number assigned to the licensee, the name of record, date of birth, Washington residence address, photograph, a brief description of the licensee, and either a facsimile of the signature of the licensee or a space upon which the licensee shall write his or her usual signature with pen and ink immediately upon receipt of the license. No license is valid until it has been so signed by the licensee.

**Sec. 9.** RCW 46.20.181 and 1999 c 308 s 3 are each amended to read as follows:

(1) Except as provided in subsection (4) or (5) of this section, every driver's license expires on the ~~((fifth))~~ sixth anniversary of the licensee's birthdate following the issuance of the license.

(2) A person may renew his or her license on or before the expiration date by submitting an application as prescribed by the department and paying a fee of ~~((twenty-five))~~ forty-five dollars from October 1, 2012, to June 30, 2013, and fifty-four dollars after June 30, 2013. This fee includes the fee for the required photograph.

(3) A person renewing his or her driver's license more than sixty days after the license has expired shall pay a penalty fee of ten dollars in addition to the renewal fee, unless his or her license expired when:

(a) The person was outside the state and he or she renews the license within sixty days after returning to this state; or

(b) The person was incapacitated and he or she renews the license within sixty days after the termination of the incapacity.

(4) ~~((During the period from July 1, 2000, to July 1, 2006,))~~ The department may issue or renew a driver's license for a period other than five years from October 1, 2012, to June 30, 2013, or six years after June 30, 2013, or may extend by mail or electronic commerce a license that has already been issued, in order to evenly distribute, as nearly as possible, the yearly renewal rate of licensed drivers. The fee for a driver's license issued or renewed for a period other than five years from October 1, 2012, to June 30, 2013, or six years after June 30, 2013, or that has been extended by mail or electronic commerce, is ~~((five))~~ nine dollars for each year that the license is issued, renewed, or extended. The department may adopt any rules as are necessary to carry out this subsection.

(5) A driver's license that includes a hazardous materials endorsement under chapter 46.25 RCW may expire on an anniversary of the licensee's birthdate other than the sixth year following issuance or renewal of the license in order to match, as nearly as possible, the validity of certification from the federal transportation security administration that the licensee has been determined not to pose a security risk. The fee for a driver's license issued or renewed for a period other than five years from October 1, 2012, to June 30, 2013, or six years after June 30, 2013, is nine dollars for each year that the license is issued or renewed, not including any endorsement fees. The department may adjust the expiration date of a driver's license that has previously been issued to conform to the provisions of this subsection if a hazardous materials endorsement is added to the license subsequent to its issuance. If the validity of the driver's license is extended, the licensee must pay a fee of nine dollars for each year that the license is extended.

(6) The department may adopt any rules as are necessary to carry out this section.

**Sec. 10.** RCW 46.20.200 and 2002 c 352 s 14 are each amended to read as follows:

(1) If an instruction permit, identicard, or a driver's license is lost or destroyed, the person to whom it was issued may obtain a duplicate of it upon furnishing proof of such fact satisfactory to the department and payment of a fee of ~~((fifteen))~~ twenty dollars to the department.

(2) A replacement permit, identicard, or driver's license may be obtained to change or correct material information upon payment of a fee of ten dollars and surrender of the permit, identicard, or driver's license being replaced.

**Sec. 11.** RCW 46.20.049 and 2011 c 227 s 6 are each amended to read as follows:

There shall be an additional fee for issuing any class of commercial driver's license in addition to the prescribed fee required for the issuance of the original driver's license. The additional fee for each class shall be ~~((sixty-one))~~ eighty-five dollars from October 1, 2012, to June 30, 2013, and one hundred two dollars after June 30, 2013, for the original commercial driver's license or subsequent renewals. If the commercial driver's license is issued, renewed, or extended for a period other than five years from October 1, 2012, to June 30, 2013, or six years after June 30, 2013, the fee for each class shall be ~~((twelve))~~ seventeen dollars ~~((and twenty cents))~~ for each year that the commercial driver's license is issued, renewed, or extended. The fee shall be deposited in the highway safety fund.

**Sec. 12.** RCW 46.20.308 and 2008 c 282 s 2 are each amended to read as follows:

(1) Any person who operates a motor vehicle within this state is deemed to have given consent, subject to the provisions of RCW 46.61.506, to a test or tests of his or her breath or blood for the purpose of determining the alcohol concentration or presence of any drug in his or her breath or blood if arrested for any offense where, at the time of the arrest, the arresting officer has reasonable grounds to believe the person had been driving or was in actual physical control of a motor vehicle while under the influence of intoxicating liquor or any drug or was in violation of RCW 46.61.503. Neither consent nor this section precludes a police officer from obtaining a search warrant for a person's breath or blood.

(2) The test or tests of breath shall be administered at the direction of a law enforcement officer having reasonable grounds to believe the person to have been driving or in actual physical control of a motor vehicle within this state while under the influence of intoxicating liquor or any drug or the person to have been driving or in actual physical control of a motor vehicle while having alcohol in a concentration in violation of RCW 46.61.503 in his or her system and being under the age of twenty-one. However, in those

instances where the person is incapable due to physical injury, physical incapacity, or other physical limitation, of providing a breath sample or where the person is being treated in a hospital, clinic, doctor's office, emergency medical vehicle, ambulance, or other similar facility or where the officer has reasonable grounds to believe that the person is under the influence of a drug, a blood test shall be administered by a qualified person as provided in RCW 46.61.506(5). The officer shall inform the person of his or her right to refuse the breath or blood test, and of his or her right to have additional tests administered by any qualified person of his or her choosing as provided in RCW 46.61.506. The officer shall warn the driver, in substantially the following language, that:

(a) If the driver refuses to take the test, the driver's license, permit, or privilege to drive will be revoked or denied for at least one year; and

(b) If the driver refuses to take the test, the driver's refusal to take the test may be used in a criminal trial; and

(c) If the driver submits to the test and the test is administered, the driver's license, permit, or privilege to drive will be suspended, revoked, or denied for at least ninety days if the driver is age twenty-one or over and the test indicates the alcohol concentration of the driver's breath or blood is 0.08 or more, or if the driver is under age twenty-one and the test indicates the alcohol concentration of the driver's breath or blood is 0.02 or more, or if the driver is under age twenty-one and the driver is in violation of RCW 46.61.502 or 46.61.504; and

(d) If the driver's license, permit, or privilege to drive is suspended, revoked, or denied the driver may be eligible to immediately apply for an ignition interlock driver's license.

(3) Except as provided in this section, the test administered shall be of the breath only. If an individual is unconscious or is under arrest for the crime of vehicular homicide as provided in RCW 46.61.520 or vehicular assault as provided in RCW 46.61.522, or if an individual is under arrest for the crime of driving while under the influence of intoxicating liquor or drugs as provided in RCW 46.61.502, which arrest results from an accident in which there has been serious bodily injury to another person, a breath or blood test may be administered without the consent of the individual so arrested.

(4) Any person who is dead, unconscious, or who is otherwise in a condition rendering him or her incapable of refusal, shall be deemed not to have withdrawn the consent provided by subsection (1) of this section and the test or tests may be administered, subject to the provisions of RCW 46.61.506, and the person shall be deemed to have received the warnings required under subsection (2) of this section.

(5) If, following his or her arrest and receipt of warnings under subsection (2) of this section, the person arrested refuses upon the request of a law enforcement officer to submit to a test or tests of his or her breath or blood, no test shall be given except as authorized under subsection (3) or (4) of this section.

(6) If, after arrest and after the other applicable conditions and requirements of this section have been satisfied, a test or tests of the person's blood or breath is administered and the test results indicate that the alcohol concentration of the person's breath or blood is 0.08 or more if the person is age twenty-one or over, or 0.02 or more if the person is under the age of twenty-one, or the person refuses to submit to a test, the arresting officer or other law enforcement officer at whose direction any test has been given, or the department, where applicable, if the arrest results in a test of the person's blood, shall:

(a) Serve notice in writing on the person on behalf of the department of its intention to suspend, revoke, or deny the person's license, permit, or privilege to drive as required by subsection (7) of this section;

(b) Serve notice in writing on the person on behalf of the department of his or her right to a hearing, specifying the steps he or she must take to obtain a hearing as provided by subsection (8) of this section and that the person waives the right to a hearing if he or she receives an ignition interlock driver's license;

(c) Mark the person's Washington state driver's license or permit to drive, if any, in a manner authorized by the department;

(d) Serve notice in writing that the marked license or permit, if any, is a temporary license that is valid for sixty days from the date of arrest or from the date notice has been given in the event notice is given by the department following a blood test, or until the suspension, revocation, or denial of the person's license, permit, or privilege to drive is sustained at a hearing pursuant to subsection (8) of this section, whichever occurs first. No temporary license is valid to any greater degree than the license or permit that it replaces; and

(e) Immediately notify the department of the arrest and transmit to the department within seventy-two hours, except as delayed as the result of a blood test, a sworn report or report under a declaration authorized by RCW 9A.72.085 that states:

(i) That the officer had reasonable grounds to believe the arrested person had been driving or was in actual physical control of a motor vehicle within this state while under the influence of intoxicating liquor or drugs, or both, or was under the age of twenty-one years and had been driving or was in actual physical control of a motor vehicle while having an alcohol concentration in violation of RCW 46.61.503;

(ii) That after receipt of the warnings required by subsection (2) of this section the person refused to submit to a test of his or her blood or breath, or a test was administered and the results indicated that the alcohol concentration of the person's breath or blood was 0.08 or more if the person is age twenty-one or over, or was 0.02 or more if the person is under the age of twenty-one; and

(iii) Any other information that the director may require by rule.

(7) The department of licensing, upon the receipt of a sworn report or report under a declaration authorized by RCW 9A.72.085 under subsection (6)(e) of this section, shall suspend, revoke, or deny the person's license, permit, or privilege to drive or any nonresident operating privilege, as provided in RCW 46.20.3101, such suspension, revocation, or denial to be effective beginning sixty days from the date of arrest or from the date notice has been given in the event notice is given by the department following a blood test, or when sustained at a hearing pursuant to subsection (8) of this section, whichever occurs first.

(8) A person receiving notification under subsection (6)(b) of this section may, within twenty days after the notice has been given, request in writing a formal hearing before the department. The person shall pay a fee of ~~((two))~~ three hundred seventy-five dollars as part of the request. If the request is mailed, it must be postmarked within twenty days after receipt of the notification. Upon timely receipt of such a request for a formal hearing, including receipt of the required ~~((two))~~ three hundred seventy-five dollar fee, the department shall afford the person an opportunity for a hearing. The department may waive the required ~~((two))~~ three hundred seventy-five dollar fee if the person is an indigent as defined in RCW 10.101.010. Except as otherwise provided in this section, the hearing is subject to and shall be scheduled and conducted in accordance with RCW 46.20.329 and 46.20.332. The hearing shall be conducted in the county of the arrest, except that all or part of the hearing may, at the discretion of the department, be conducted by telephone or other electronic means. The hearing shall be held within sixty days following the arrest or following the date notice has been given in the event notice is given by the department following a blood test, unless otherwise agreed to by the department and the person, in which case the action by the department shall be

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stayed, and any valid temporary license marked under subsection (6)(c) of this section extended, if the person is otherwise eligible for licensing. For the purposes of this section, the scope of the hearing shall cover the issues of whether a law enforcement officer had reasonable grounds to believe the person had been driving or was in actual physical control of a motor vehicle within this state while under the influence of intoxicating liquor or any drug or had been driving or was in actual physical control of a motor vehicle within this state while having alcohol in his or her system in a concentration of 0.02 or more if the person was under the age of twenty-one, whether the person was placed under arrest, and (a) whether the person refused to submit to the test or tests upon request of the officer after having been informed that such refusal would result in the revocation of the person's license, permit, or privilege to drive, or (b) if a test or tests were administered, whether the applicable requirements of this section were satisfied before the administration of the test or tests, whether the person submitted to the test or tests, or whether a test was administered without express consent as permitted under this section, and whether the test or tests indicated that the alcohol concentration of the person's breath or blood was 0.08 or more if the person was age twenty-one or over at the time of the arrest, or 0.02 or more if the person was under the age of twenty-one at the time of the arrest. The sworn report or report under a declaration authorized by RCW 9A.72.085 submitted by a law enforcement officer is prima facie evidence that the officer had reasonable grounds to believe the person had been driving or was in actual physical control of a motor vehicle within this state while under the influence of intoxicating liquor or drugs, or both, or the person had been driving or was in actual physical control of a motor vehicle within this state while having alcohol in his or her system in a concentration of 0.02 or more and was under the age of twenty-one and that the officer complied with the requirements of this section.

A hearing officer shall conduct the hearing, may issue subpoenas for the attendance of witnesses and the production of documents, and shall administer oaths to witnesses. The hearing officer shall not issue a subpoena for the attendance of a witness at the request of the person unless the request is accompanied by the fee required by RCW 5.56.010 for a witness in district court. The sworn report or report under a declaration authorized by RCW 9A.72.085 of the law enforcement officer and any other evidence accompanying the report shall be admissible without further evidentiary foundation and the certifications authorized by the criminal rules for courts of limited jurisdiction shall be admissible without further evidentiary foundation. The person may be represented by counsel, may question witnesses, may present evidence, and may testify. The department shall order that the suspension, revocation, or denial either be rescinded or sustained.

(9) If the suspension, revocation, or denial is sustained after such a hearing, the person whose license, privilege, or permit is suspended, revoked, or denied has the right to file a petition in the superior court of the county of arrest to review the final order of revocation by the department in the same manner as an appeal from a decision of a court of limited jurisdiction. Notice of appeal must be filed within thirty days after the date the final order is served or the right to appeal is waived. Notwithstanding RCW 46.20.334, RALJ 1.1, or other statutes or rules referencing de novo review, the appeal shall be limited to a review of the record of the administrative hearing. The appellant must pay the costs associated with obtaining the record of the hearing before the hearing officer. The filing of the appeal does not stay the effective date of the suspension, revocation, or denial. A petition filed under this subsection must include the petitioner's grounds for requesting review. Upon granting petitioner's request for review, the court shall review the department's final order of suspension, revocation, or denial as expeditiously as possible. The review must be limited to a

determination of whether the department has committed any errors of law. The superior court shall accept those factual determinations supported by substantial evidence in the record: (a) That were expressly made by the department; or (b) that may reasonably be inferred from the final order of the department. The superior court may reverse, affirm, or modify the decision of the department or remand the case back to the department for further proceedings. The decision of the superior court must be in writing and filed in the clerk's office with the other papers in the case. The court shall state the reasons for the decision. If judicial relief is sought for a stay or other temporary remedy from the department's action, the court shall not grant such relief unless the court finds that the appellant is likely to prevail in the appeal and that without a stay the appellant will suffer irreparable injury. If the court stays the suspension, revocation, or denial it may impose conditions on such stay.

(10)(a) If a person whose driver's license, permit, or privilege to drive has been or will be suspended, revoked, or denied under subsection (7) of this section, other than as a result of a breath or blood test refusal, and who has not committed an offense for which he or she was granted a deferred prosecution under chapter 10.05 RCW, petitions a court for a deferred prosecution on criminal charges arising out of the arrest for which action has been or will be taken under subsection (7) of this section, or notifies the department of licensing of the intent to seek such a deferred prosecution, then the license suspension or revocation shall be stayed pending entry of the deferred prosecution. The stay shall not be longer than one hundred fifty days after the date charges are filed, or two years after the date of the arrest, whichever time period is shorter. If the court stays the suspension, revocation, or denial, it may impose conditions on such stay. If the person is otherwise eligible for licensing, the department shall issue a temporary license, or extend any valid temporary license marked under subsection (6) of this section, for the period of the stay. If a deferred prosecution treatment plan is not recommended in the report made under RCW 10.05.050, or if treatment is rejected by the court, or if the person declines to accept an offered treatment plan, or if the person violates any condition imposed by the court, then the court shall immediately direct the department to cancel the stay and any temporary marked license or extension of a temporary license issued under this subsection.

(b) A suspension, revocation, or denial imposed under this section, other than as a result of a breath or blood test refusal, shall be stayed if the person is accepted for deferred prosecution as provided in chapter 10.05 RCW for the incident upon which the suspension, revocation, or denial is based. If the deferred prosecution is terminated, the stay shall be lifted and the suspension, revocation, or denial reinstated. If the deferred prosecution is completed, the stay shall be lifted and the suspension, revocation, or denial canceled.

(c) The provisions of (b) of this subsection relating to a stay of a suspension, revocation, or denial and the cancellation of any suspension, revocation, or denial do not apply to the suspension, revocation, denial, or disqualification of a person's commercial driver's license or privilege to operate a commercial motor vehicle.

(11) When it has been finally determined under the procedures of this section that a nonresident's privilege to operate a motor vehicle in this state has been suspended, revoked, or denied, the department shall give information in writing of the action taken to the motor vehicle administrator of the state of the person's residence and of any state in which he or she has a license.

**Sec. 13.** RCW 46.20.505 and 2007 c 97 s 1 are each amended to read as follows:

Every person applying for a special endorsement of a driver's license authorizing such person to drive a two or three-wheeled motorcycle or a motor-driven cycle shall pay a fee of five dollars, which is not refundable. In addition, the endorsement fee for the initial

motorcycle endorsement shall not exceed ~~((ten))~~ twelve dollars(~~and~~), unless the endorsement is issued for a period other than six years, in which case the endorsement fee shall not exceed two dollars for each year the initial motorcycle endorsement is issued. The subsequent renewal endorsement fee shall not exceed ~~((twenty-five))~~ thirty dollars, unless the endorsement is renewed or extended for a period other than ~~((five))~~ six years, in which case the subsequent renewal endorsement fee shall not exceed five dollars for each year that the endorsement is renewed or extended. Fees collected under this section shall be deposited in the motorcycle safety education account of the highway safety fund.

**NEW SECTION. Sec. 14.** Sections 5 through 13 of this act take effect October 1, 2012."

On page 1, line 3 of the title, after "system;" strike the remainder of the title and insert "amending RCW 46.20.037, 46.20.055, 46.20.117, 46.20.120, 46.20.161, 46.20.181, 46.20.200, 46.20.049, 46.20.308, and 46.20.505; adding a new section to chapter 46.20 RCW; adding a new section to chapter 46.04 RCW; repealing RCW 46.20.038; providing an effective date; and providing an expiration date."

And the bill do pass as recommended by the conference committee.

Signed by Senators Eide, Haugen and King; Representatives Armstrong, Clibborn and Liias.

MOTION

Senator Haugen moved that the Report of the Conference Committee on Engrossed Substitute Senate Bill No. 6150 be adopted.

Senator Haugen spoke in favor of the motion.

POINT OF ORDER

Senator Benton: "I'm not sure Mr. President so I ask for your ruling on this but it's my understanding according to joint rules between the House and the Senate that any conference committee report must remain on the bar for twenty-four hours before the body takes action on that. Is that correct?"

Senator Benton withdrew his motion.

The President declared the question before the Senate to be the motion by Senator Haugen that the Report of the Conference Committee on Engrossed Substitute Senate Bill No. 6150 be adopted.

The motion by Senator Haugen carried and the Report of the Conference Committee was adopted by voice vote.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 6150, as recommended by the Conference Committee.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6150, as recommended by the Conference Committee, and the bill passed the Senate by the following vote: Yeas, 29; Nays, 20; Absent, 0; Excused, 0.

Voting yea: Senators Brown, Chase, Conway, Eide, Fain, Fraser, Frockt, Hargrove, Harper, Hatfield, Haugen, Hobbs, Kastama, Keiser, Kilmer, Kline, Kohl-Welles, Litzow, McAuliffe, Murray, Nelson, Prentice, Pridemore, Ranker, Regala, Rolfes, Shin, Swecker and Tom

Voting nay: Senators Baumgartner, Becker, Benton, Carrell, Delvin, Ericksen, Hewitt, Hill, Holmquist Newbry, Honeyford,

King, Morton, Padden, Parlette, Pflug, Roach, Schoesler, Sheldon, Stevens and Zarelli

ENGROSSED SUBSTITUTE SENATE BILL NO. 6150, as recommended by the Conference Committee, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

March 8, 2012

MR. PRESIDENT:

The House has adopted the report of the Conference Committee on ENGROSSED SUBSTITUTE SENATE BILL NO. 6455 and has passed the bill as recommended by the Conference Committee.

and the same is herewith transmitted.

BARBARA BAKER, Chief Clerk

REPORT OF THE CONFERENCE COMMITTEE

Engrossed Substitute Senate Bill No. 6455

March 7, 2012

MR. PRESIDENT:

MR. SPEAKER:

We of your conference committee, to whom was referred Engrossed Substitute Senate Bill No. 6455, have had the same under consideration and recommend that all previous amendments not be adopted and that the following striking amendment be adopted:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 46.17.100 and 2010 c 161 s 508 are each amended to read as follows:

Before accepting an application for a certificate of title as required in this title, the department, county auditor or other agent, or subagent appointed by the director shall require the applicant to pay a ~~((five))~~ fifteen dollar application fee in addition to any other fees and taxes required by law.

(1) Five dollars of the certificate of title application fee must be distributed under RCW 46.68.020.

(2) Ten dollars of the certificate of title application fee must be credited to the transportation 2003 account (nickel account) created in RCW 46.68.280.

**Sec. 2.** RCW 46.17.140 and 2010 c 161 s 512 are each amended to read as follows:

The penalty for a late transfer under RCW 46.12.650(7) is ~~((twenty-five))~~ fifty dollars assessed on the sixteenth day after the date of delivery and two dollars for each additional day thereafter, but the total penalty must not exceed one hundred twenty-five dollars. The penalty must be distributed under RCW 46.68.020.

**Sec. 3.** RCW 46.17.200 and 2011 c 171 s 56 are each amended to read as follows:

(1) In addition to all other fees and taxes required by law, the department, county auditor or other agent, or subagent appointed by the director shall charge:

(a) The following license plate fees for each license plate, unless the owner or type of vehicle is exempt from payment:

FEE TYPE	FEE	DISTRIBUTION
<u>Original issue</u>	<u>\$ 10.00</u>	<u>RCW 46.68.070</u>

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Reflectivity	\$ 2.00	RCW 46.68.070
Replacement	\$ 10.00	RCW 46.68.070
<u>Original issue, motorcycle</u>	<u>\$ 4.00</u>	<u>RCW 46.68.070</u>
Replacement, motorcycle	<del>(\$ 2.00)</del>	RCW 46.68.070
	<u>\$ 4.00</u>	
Original issue, moped	\$ 1.50	RCW 46.68.070

(b) A license plate retention fee, as required under RCW 46.16A.200(10)(~~(a)(iii)~~) (c), of twenty dollars if the owner wishes to retain the current license plate number upon license plate replacement, unless the owner or type of vehicle is exempt from payment. The twenty dollar fee must be deposited in the multimodal transportation account created in RCW 47.66.070.

(c) A ten dollar license plate transfer fee, as required under RCW 46.16A.200(8)(a), when transferring standard issue license plates from one vehicle to another, unless the owner or type of vehicle is exempt from payment. The ten dollar license plate transfer fee must be deposited in the motor vehicle fund created in RCW 46.68.070.

(d) Former prisoner of war license plates, as described in RCW 46.18.235, may be transferred to a replacement vehicle upon payment of a five dollar license plate fee, in addition to any other fee required by law.

(2) The department may, upon request, provide license plates that have been used and returned to the department to individuals for nonvehicular use. The department may charge a fee of up to five dollars per license plate to cover costs or recovery for postage and handling. The department may waive the fee for license plates used in educational projects and may, by rule, provide standards for the fee waiver and restrictions on the number of license plates provided to any one person. The fee must be deposited in the motor vehicle fund created in RCW 46.68.070.

**Sec. 4.** RCW 46.17.375 and 2010 c 161 s 534 are each amended to read as follows:

(1) Before accepting an application for registration for a recreational vehicle, the department, county auditor or other agent, or subagent appointed by the director (~~shall~~) must require an applicant to pay (~~a three~~) an eight dollar fee in addition to any other fees and taxes required by law. The state parks support and recreational vehicle sanitary disposal fee must be (~~deposited in the RV account created~~) distributed as provided in RCW 46.68.170.

(2) For the purposes of this section, "recreational vehicle" means a camper, motor home, or travel trailer.

**Sec. 5.** RCW 46.68.170 and 2011 c 367 s 715 are each amended to read as follows:

~~(There is)~~ The director shall forward all proceeds from the state parks support and recreational vehicle sanitary disposal fee imposed under RCW 46.17.375 to the state treasurer to be distributed to the following accounts:

(1) Three dollars to the RV account hereby created in the motor vehicle fund the RV account. All moneys hereafter deposited in (~~said~~) the account (~~shall~~) must be used by the department of transportation for the construction, maintenance, and operation of recreational vehicle sanitary disposal systems at safety rest areas in accordance with the department's highway system plan as prescribed in chapter 47.06 RCW. During the 2009-2011 and 2011-2013 fiscal biennia, the legislature may transfer from the RV account to the motor vehicle fund such amounts as reflect the excess fund balance of the RV account to accomplish the purposes identified in this section; and

(2) Five dollars to the state parks renewal and stewardship account established in RCW 79A.05.215.

**Sec. 6.** RCW 79A.05.215 and 2011 c 320 s 22 are each amended to read as follows:

The state parks renewal and stewardship account is created in the state treasury. Except as otherwise provided in this chapter, all receipts from user fees, concessions, leases, donations collected under RCW 46.16A.090(3), and other state park-based activities (~~shall~~) must be deposited into the account. In addition, five dollars of the fee established in RCW 46.17.375 must be deposited into the account as provided in RCW 46.68.170(2) and may be used by the commission only for the operation and maintenance of state parks that provide access and overnight accommodations to recreational vehicles. The proceeds from the recreation access pass account created in RCW 79A.80.090 must be used for the purpose of operating and maintaining state parks. Except as provided otherwise in this section, expenditures from the account may be used for operating state parks, developing and renovating park facilities, undertaking deferred maintenance, enhancing park stewardship, and other state park purposes. Expenditures from the account may be made only after appropriation by the legislature.

**Sec. 7.** RCW 46.20.293 and 2007 c 424 s 1 are each amended to read as follows:

The department is authorized to provide juvenile courts with the department's record of traffic charges compiled under RCW 46.52.101 and 13.50.200, against any minor upon the request of any state juvenile court or duly authorized officer of any juvenile court of this state. Further, the department is authorized to provide any juvenile court with any requested service which the department can reasonably perform which is not inconsistent with its legal authority which substantially aids juvenile courts in handling traffic cases and which promotes highway safety.

The department is authorized to furnish to the parent, parents, or guardian of any person under eighteen years of age who is not emancipated from such parent, parents, or guardian, the department records of traffic charges compiled against the person and shall collect for the copy a fee of (~~ten~~) thirteen dollars, fifty percent of which must be deposited in the highway safety fund and fifty percent of which must be deposited according to RCW 46.68.038.

**Sec. 8.** RCW 46.29.050 and 2010 c 8 s 9028 are each amended to read as follows:

(1) The department shall upon request furnish any person or his or her attorney a certified abstract of his or her driving record, which abstract shall include enumeration of any motor vehicle accidents in which such person has been involved. Such abstract shall (a) indicate the total number of vehicles involved, whether the vehicles were legally parked or moving, and whether the vehicles were occupied at the time of the accident; and (b) contain reference to any convictions of the person for violation of the motor vehicle laws as reported to the department, reference to any findings that the person has committed a traffic infraction which have been reported to the department, and a record of any vehicles registered in the name of the person. The department shall collect for each abstract the sum of (~~ten~~) thirteen dollars, fifty percent of which shall be deposited in the highway safety fund and fifty percent of which must be deposited according to RCW 46.68.038.

(2) The department shall upon request furnish any person who may have been injured in person or property by any motor vehicle, with an abstract of all information of record in the department pertaining to the evidence of the ability of any driver or owner of any motor vehicle to respond in damages. The department shall collect for each abstract the sum of (~~ten~~) thirteen dollars, fifty percent of which shall be deposited in the highway safety fund and fifty percent of which must be deposited according to RCW 46.68.038.

**Sec. 9.** RCW 46.52.130 and 2010 c 253 s 1 are each amended to read as follows:

Upon a proper request, the department may furnish an abstract of a person's driving record as permitted under this section.

(1) **Contents of abstract of driving record.** An abstract of a person's driving record, whenever possible, must include:

(a) An enumeration of motor vehicle accidents in which the person was driving, including:

- (i) The total number of vehicles involved;
- (ii) Whether the vehicles were legally parked or moving;
- (iii) Whether the vehicles were occupied at the time of the accident; and

(iv) Whether the accident resulted in a fatality;

(b) Any reported convictions, forfeitures of bail, or findings that an infraction was committed based upon a violation of any motor vehicle law;

(c) The status of the person's driving privilege in this state; and

(d) Any reports of failure to appear in response to a traffic citation or failure to respond to a notice of infraction served upon the named individual by an arresting officer.

(2) **Release of abstract of driving record.** An abstract of a person's driving record may be furnished to the following persons or entities:

(a) **Named individuals.** (i) An abstract of the full driving record maintained by the department may be furnished to the individual named in the abstract.

(ii) Nothing in this section prevents a court from providing a copy of the driver's abstract to the individual named in the abstract, provided that the named individual has a pending or open infraction or criminal case in that court. A pending case includes criminal cases that have not reached a disposition by plea, stipulation, trial, or amended charge. An open infraction or criminal case includes cases on probation, payment agreement or subject to, or in collections. Courts may charge a reasonable fee for the production and copying of the abstract for the individual.

(b) **Employers or prospective employers.** (i) An abstract of the full driving record maintained by the department may be furnished to an employer or prospective employer or an agent acting on behalf of an employer or prospective employer of the named individual for purposes related to driving by the individual as a condition of employment or otherwise at the direction of the employer.

(ii) Release of an abstract of the driving record of an employee or prospective employee requires a statement signed by: (A) The employee or prospective employee that authorizes the release of the record; and (B) the employer attesting that the information is necessary for employment purposes related to driving by the individual as a condition of employment or otherwise at the direction of the employer. If the employer or prospective employer authorizes an agent to obtain this information on their behalf, this must be noted in the statement.

(iii) Upon request of the person named in the abstract provided under this subsection, and upon that same person furnishing copies of court records ruling that the person was not at fault in a motor vehicle accident, the department must indicate on any abstract provided under this subsection that the person was not at fault in the motor vehicle accident.

(c) **Volunteer organizations.** (i) An abstract of the full driving record maintained by the department may be furnished to a volunteer organization or an agent for a volunteer organization for which the named individual has submitted an application for a position that would require driving by the individual at the direction of the volunteer organization.

(ii) Release of an abstract of the driving record of a prospective volunteer requires a statement signed by: (A) The prospective

volunteer that authorizes the release of the record; and (B) the volunteer organization attesting that the information is necessary for purposes related to driving by the individual at the direction of the volunteer organization. If the volunteer organization authorizes an agent to obtain this information on their behalf, this must be noted in the statement.

(d) **Transit authorities.** An abstract of the full driving record maintained by the department may be furnished to an employee or agent of a transit authority checking prospective volunteer vanpool drivers for insurance and risk management needs.

(e) **Insurance carriers.** (i) An abstract of the driving record maintained by the department covering the period of not more than the last three years may be furnished to an insurance company or its agent:

(A) That has motor vehicle or life insurance in effect covering the named individual;

(B) To which the named individual has applied; or

(C) That has insurance in effect covering the employer or a prospective employer of the named individual.

(ii) The abstract provided to the insurance company must:

(A) Not contain any information related to actions committed by law enforcement officers or firefighters, as both terms are defined in RCW 41.26.030, or by Washington state patrol officers, while driving official vehicles in the performance of their occupational duty. This does not apply to any situation where the vehicle was used in the commission of a misdemeanor or felony;

(B) Include convictions under RCW 46.61.5249 and 46.61.525, except that the abstract must report the convictions only as negligent driving without reference to whether they are for first or second degree negligent driving; and

(C) Exclude any deferred prosecution under RCW 10.05.060, except that if a person is removed from a deferred prosecution under RCW 10.05.090, the abstract must show the deferred prosecution as well as the removal.

(iii) Any policy of insurance may not be canceled, nonrenewed, denied, or have the rate increased on the basis of information regarding an accident included in the abstract of a driving record, unless the policyholder was determined to be at fault.

(iv) Any insurance company or its agent, for underwriting purposes relating to the operation of commercial motor vehicles, may not use any information contained in the abstract relative to any person's operation of motor vehicles while not engaged in such employment. Any insurance company or its agent, for underwriting purposes relating to the operation of noncommercial motor vehicles, may not use any information contained in the abstract relative to any person's operation of commercial motor vehicles.

(v) The director may enter into a contractual agreement with an insurance company or its agent for the limited purpose of reviewing the driving records of existing policyholders for changes to the record during specified periods of time. The department shall establish a fee for this service, which must be deposited in the highway safety fund. The fee for this service must be set at a level that will not result in a net revenue loss to the state. Any information provided under this subsection must be treated in the same manner and is subject to the same restrictions as driving record abstracts.

(f) **Alcohol/drug assessment or treatment agencies.** An abstract of the driving record maintained by the department covering the period of not more than the last five years may be furnished to an alcohol/drug assessment or treatment agency approved by the department of social and health services to which the named individual has applied or been assigned for evaluation or treatment, for purposes of assisting employees in making a

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determination as to what level of treatment, if any, is appropriate, except that the abstract must:

(i) Also include records of alcohol-related offenses, as defined in RCW 46.01.260(2), covering a period of not more than the last ten years; and

(ii) Indicate whether an alcohol-related offense was originally charged as a violation of either RCW 46.61.502 or 46.61.504.

(g) **City attorneys and county prosecuting attorneys.** An abstract of the full driving record maintained by the department, including whether a recorded violation is an alcohol-related offense, as defined in RCW 46.01.260(2), that was originally charged as a violation of either RCW 46.61.502 or 46.61.504, may be furnished to city attorneys or county prosecuting attorneys. City attorneys and county prosecuting attorneys may provide the driving record to alcohol/drug assessment or treatment agencies approved by the department of social and health services to which the named individual has applied or been assigned for evaluation or treatment.

(h) **State colleges, universities, or agencies, or units of local government.** An abstract of the full driving record maintained by the department may be furnished to (i) state colleges, universities, or agencies for employment and risk management purposes or (ii) units of local government authorized to self-insure under RCW 48.62.031 for employment and risk management purposes.

(i) **Superintendent of public instruction.** An abstract of the full driving record maintained by the department may be furnished to the superintendent of public instruction for review of public school bus driver records. The superintendent or superintendent's designee may discuss information on the driving record with an authorized representative of the employing school district for employment and risk management purposes.

(3) **Release to third parties prohibited.** Any person or entity receiving an abstract of a person's driving record under subsection (2)(b) through (i) of this section shall use the abstract exclusively for his, her, or its own purposes or as otherwise expressly permitted under this section, and shall not divulge any information contained in the abstract to a third party.

(4) **Fee.** The director shall collect a ~~((ten))~~ thirteen dollar fee for each abstract of a person's driving record furnished by the department. Fifty percent of the fee must be deposited in the highway safety fund, and fifty percent of the fee must be deposited according to RCW 46.68.038.

(5) **Violation.** (a) Any negligent violation of this section is a gross misdemeanor.

(b) Any intentional violation of this section is a class C felony.

**Sec. 10.** RCW 46.70.061 and 2002 c 352 s 23 are each amended to read as follows:

(1) The annual fees for original licenses issued for twelve consecutive months from the date of issuance under this chapter shall be:

(a) Vehicle dealers, principal place of business for each and every license classification: ~~((Seven))~~ Nine hundred ~~((fifty))~~ seventy-five dollars;

(b) Vehicle dealers, each subagency, and temporary subagency: One hundred dollars;

(c) Vehicle manufacturers: Five hundred dollars.

(2) The annual fee for renewal of any license issued pursuant to this chapter shall be:

(a) Vehicle dealers, principal place of business for each and every license classification: ~~((Two))~~ Three hundred ~~((fifty))~~ twenty-five dollars;

(b) Vehicle dealer, each and every subagency: Twenty-five dollars;

(c) Vehicle manufacturers: Two hundred fifty dollars.

If any licensee fails or neglects to apply for such renewal within thirty days after the expiration of the license, or assigned renewal

date under a staggered licensing system, the license shall be declared canceled by the director, in which case the licensee will be required to apply for an original license and pay the fee required for the original license.

(3) The fee for the transfer to another location of any license classification issued pursuant to this chapter shall be twenty-five dollars.

(4) The fee for vehicle dealer license plates and manufacturer license plates shall be the amount required by law for vehicle license plates exclusive of excise tax and gross weight and tonnage fees.

(5) All fees collected under this chapter shall be deposited in the state treasury and credited to the motor vehicle fund.

(6) The fees prescribed in this section are in addition to any excise taxes imposed by chapter 82.44 RCW.

**Sec. 11.** RCW 46.70.180 and 2010 c 161 s 1136 are each amended to read as follows:

Each of the following acts or practices is unlawful:

(1) To cause or permit to be advertised, printed, displayed, published, distributed, broadcasted, televised, or disseminated in any manner whatsoever, any statement or representation with regard to the sale, lease, or financing of a vehicle which is false, deceptive, or misleading, including but not limited to the following:

(a) That no down payment is required in connection with the sale of a vehicle when a down payment is in fact required, or that a vehicle may be purchased for a smaller down payment than is actually required;

(b) That a certain percentage of the sale price of a vehicle may be financed when such financing is not offered in a single document evidencing the entire security transaction;

(c) That a certain percentage is the amount of the service charge to be charged for financing, without stating whether this percentage charge is a monthly amount or an amount to be charged per year;

(d) That a new vehicle will be sold for a certain amount above or below cost without computing cost as the exact amount of the factory invoice on the specific vehicle to be sold;

(e) That a vehicle will be sold upon a monthly payment of a certain amount, without including in the statement the number of payments of that same amount which are required to liquidate the unpaid purchase price.

(2)(a)(i) To incorporate within the terms of any purchase and sale or lease agreement any statement or representation with regard to the sale, lease, or financing of a vehicle which is false, deceptive, or misleading, including but not limited to terms that include as an added cost to the selling price or capitalized cost of a vehicle an amount for licensing or transfer of title of that vehicle which is not actually due to the state, unless such amount has in fact been paid by the dealer prior to such sale.

(ii) However, an amount not to exceed ~~((the applicable amount provided in (iii)(A) and (B) of this subsection (2)(a)))~~ one hundred fifty dollars per vehicle sale or lease may be charged by a dealer to recover administrative costs for collecting motor vehicle excise taxes, licensing and registration fees and other agency fees, verifying and clearing titles, transferring titles, perfecting, releasing, or satisfying liens or other security interests, and other administrative and documentary services rendered by a dealer in connection with the sale or lease of a vehicle and in carrying out the requirements of this chapter or any other provisions of state law.

((iii) A dealer may charge under (a)(ii) of this subsection:

(A) As of July 26, 2009, through June 30, 2014, an amount not to exceed one hundred fifty dollars; and

(B) As of July 1, 2014, an amount not to exceed fifty dollars.)

(b) A dealer may charge the documentary service fee in (a) of this subsection under the following conditions:



(i) The documentary service fee is disclosed in writing to a prospective purchaser or lessee before the execution of a purchase and sale or lease agreement;

(ii) The dealer discloses to the purchaser or lessee in writing that the documentary service fee is a negotiable fee. The disclosure must be written in a typeface that is at least as large as the typeface used in the standard text of the document that contains the disclosure and that is bold faced, capitalized, underlined, or otherwise set out from the surrounding material so as to be conspicuous. The dealer shall not represent to the purchaser or lessee that the fee or charge is required by the state to be paid by either the dealer or prospective purchaser or lessee;

(iii) The documentary service fee is separately designated from the selling price or capitalized cost of the vehicle and from any other taxes, fees, or charges; and

(iv) Dealers disclose in any advertisement that a documentary service fee in an amount ~~((provided in (iv)(A) and (B) of this subsection (2)(b)))~~ up to one hundred fifty dollars may be added to the sale price or the capitalized cost((

~~(A) As of July 26, 2009, through June 30, 2014, an amount up to one hundred fifty dollars; and~~

~~(B) As of July 1, 2014, an amount up to fifty dollars)).~~

For the purposes of this subsection (2), the term "documentary service fee" means the optional amount charged by a dealer to provide the services specified in (a) of this subsection.

3) To set up, promote, or aid in the promotion of a plan by which vehicles are to be sold or leased to a person for a consideration and upon further consideration that the purchaser or lessee agrees to secure one or more persons to participate in the plan by respectively making a similar purchase and in turn agreeing to secure one or more persons likewise to join in said plan, each purchaser or lessee being given the right to secure money, credits, goods, or something of value, depending upon the number of persons joining the plan.

(4) To commit, allow, or ratify any act of "bushing" which is defined as follows: Entering into a written contract, written purchase order or agreement, retail installment sales agreement, note and security agreement, or written lease agreement, hereinafter collectively referred to as contract or lease, signed by the prospective buyer or lessee of a vehicle, which:

(a) Is subject to any conditions or the dealer's or his or her authorized representative's future acceptance, and the dealer fails or refuses within four calendar days, exclusive of Saturday, Sunday, or legal holiday, and prior to any further negotiations with said buyer or lessee to inform the buyer or lessee either: (i) That the dealer unconditionally accepts the contract or lease, having satisfied, removed, or waived all conditions to acceptance or performance, including, but not limited to, financing, assignment, or lease approval; or (ii) that the dealer rejects the contract or lease, thereby automatically voiding the contract or lease, as long as such voiding does not negate commercially reasonable contract or lease provisions pertaining to the return of the subject vehicle and any physical damage, excessive mileage after the demand for return of the vehicle, and attorneys' fees authorized by law, and tenders the refund of any initial payment or security made or given by the buyer or lessee, including, but not limited to, any down payment, and tenders return of the trade-in vehicle, key, other trade-in, or certificate of title to a trade-in. Tender may be conditioned on return of the subject vehicle if previously delivered to the buyer or lessee.

The provisions of this subsection (4)(a) do not impair, prejudice, or abrogate the rights of a dealer to assert a claim against the buyer or lessee for misrepresentation or breach of contract and to exercise all remedies available at law or in equity, including those under chapter 62A.9A RCW, if the dealer, bank, or other lender or leasing company discovers that approval of the contract or financing or

approval of the lease was based upon material misrepresentations made by the buyer or lessee, including, but not limited to, misrepresentations regarding income, employment, or debt of the buyer or lessee, as long as the dealer, or his or her staff, has not, with knowledge of the material misrepresentation, aided, assisted, encouraged, or participated, directly or indirectly, in the misrepresentation. A dealer shall not be in violation of this subsection (4)(a) if the buyer or lessee made a material misrepresentation to the dealer, as long as the dealer, or his or her staff, has not, with knowledge of the material misrepresentation, aided, assisted, encouraged, or participated, directly or indirectly, in the misrepresentation.

When a dealer informs a buyer or lessee under this subsection (4)(a) regarding the unconditional acceptance or rejection of the contract, lease, or financing by an electronic mail message, the dealer must also transmit the communication by any additional means;

(b) Permits the dealer to renegotiate a dollar amount specified as trade-in allowance on a vehicle delivered or to be delivered by the buyer or lessee as part of the purchase price or lease, for any reason except:

(i) Failure to disclose that the vehicle's certificate of title has been branded for any reason, including, but not limited to, status as a rebuilt vehicle as provided in RCW 46.12.540 and 46.12.560; or

(ii) Substantial physical damage or latent mechanical defect occurring before the dealer took possession of the vehicle and which could not have been reasonably discoverable at the time of the taking of the order, offer, or contract; or

(iii) Excessive additional miles or a discrepancy in the mileage. "Excessive additional miles" means the addition of five hundred miles or more, as reflected on the vehicle's odometer, between the time the vehicle was first valued by the dealer for purposes of determining its trade-in value and the time of actual delivery of the vehicle to the dealer. "A discrepancy in the mileage" means (A) a discrepancy between the mileage reflected on the vehicle's odometer and the stated mileage on the signed odometer statement; or (B) a discrepancy between the mileage stated on the signed odometer statement and the actual mileage on the vehicle; or

(c) Fails to comply with the obligation of any written warranty or guarantee given by the dealer requiring the furnishing of services or repairs within a reasonable time.

(5) To commit any offense relating to odometers, as such offenses are defined in RCW 46.37.540, 46.37.550, 46.37.560, and 46.37.570. A violation of this subsection is a class C felony punishable under chapter 9A.20 RCW.

(6) For any vehicle dealer or vehicle salesperson to refuse to furnish, upon request of a prospective purchaser or lessee, for vehicles previously registered to a business or governmental entity, the name and address of the business or governmental entity.

(7) To commit any other offense under RCW 46.37.423, 46.37.424, or 46.37.425.

(8) To commit any offense relating to a dealer's temporary license permit, including but not limited to failure to properly complete each such permit, or the issuance of more than one such permit on any one vehicle. However, a dealer may issue a second temporary permit on a vehicle if the following conditions are met:

(a) The lienholder fails to deliver the vehicle title to the dealer within the required time period;

(b) The dealer has satisfied the lien; and

(c) The dealer has proof that payment of the lien was made within two calendar days, exclusive of Saturday, Sunday, or a legal holiday, after the sales contract has been executed by all parties and all conditions and contingencies in the sales contract have been met or otherwise satisfied.

(9) For a dealer, salesperson, or mobile home manufacturer, having taken an instrument or cash "on deposit" from a purchaser or

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lessee prior to the delivery of the bargained-for vehicle, to commingle the "on deposit" funds with assets of the dealer, salesperson, or mobile home manufacturer instead of holding the "on deposit" funds as trustee in a separate trust account until the purchaser or lessee has taken delivery of the bargained-for vehicle. Delivery of a manufactured home shall be deemed to occur in accordance with RCW 46.70.135(5). Failure, immediately upon receipt, to endorse "on deposit" instruments to such a trust account, or to set aside "on deposit" cash for deposit in such trust account, and failure to deposit such instruments or cash in such trust account by the close of banking hours on the day following receipt thereof, shall be evidence of intent to commit this unlawful practice: PROVIDED, HOWEVER, That a motor vehicle dealer may keep a separate trust account which equals his or her customary total customer deposits for vehicles for future delivery. For purposes of this section, "on deposit" funds received from a purchaser of a manufactured home means those funds that a seller requires a purchaser to advance before ordering the manufactured home, but does not include any loan proceeds or moneys that might have been paid on an installment contract.

(10) For a dealer or manufacturer to fail to comply with the obligations of any written warranty or guarantee given by the dealer or manufacturer requiring the furnishing of goods and services or repairs within a reasonable period of time, or to fail to furnish to a purchaser or lessee, all parts which attach to the manufactured unit including but not limited to the undercarriage, and all items specified in the terms of a sales or lease agreement signed by the seller and buyer or lessee.

(11) For a vehicle dealer to pay to or receive from any person, firm, partnership, association, or corporation acting, either directly or through a subsidiary, as a buyer's agent for consumers, any compensation, fee, purchase moneys or funds that have been deposited into or withdrawn out of any account controlled or used by any buyer's agent, gratuity, or reward in connection with the purchase, sale, or lease of a new motor vehicle.

(12) For a buyer's agent, acting directly or through a subsidiary, to pay to or to receive from any motor vehicle dealer any compensation, fee, gratuity, or reward in connection with the purchase, sale, or lease of a new motor vehicle. In addition, it is unlawful for any buyer's agent to engage in any of the following acts on behalf of or in the name of the consumer:

(a) Receiving or paying any purchase moneys or funds into or out of any account controlled or used by any buyer's agent;

(b) Signing any vehicle purchase orders, sales contracts, leases, odometer statements, or title documents, or having the name of the buyer's agent appear on the vehicle purchase order, sales contract, lease, or title; or

(c) Signing any other documentation relating to the purchase, sale, lease, or transfer of any new motor vehicle.

It is unlawful for a buyer's agent to use a power of attorney obtained from the consumer to accomplish or effect the purchase, sale, lease, or transfer of ownership documents of any new motor vehicle by any means which would otherwise be prohibited under (a) through (c) of this subsection. However, the buyer's agent may use a power of attorney for physical delivery of motor vehicle license plates to the consumer.

Further, it is unlawful for a buyer's agent to engage in any false, deceptive, or misleading advertising, disseminated in any manner whatsoever, including but not limited to making any claim or statement that the buyer's agent offers, obtains, or guarantees the lowest price on any motor vehicle or words to similar effect.

(13) For a buyer's agent to arrange for or to negotiate the purchase, or both, of a new motor vehicle through an out-of-state dealer without disclosing in writing to the customer that the new vehicle would not be subject to chapter 19.118 RCW. This

subsection also applies to leased vehicles. In addition, it is unlawful for any buyer's agent to fail to have a written agreement with the customer that: (a) Sets forth the terms of the parties' agreement; (b) discloses to the customer the total amount of any fees or other compensation being paid by the customer to the buyer's agent for the agent's services; and (c) further discloses whether the fee or any portion of the fee is refundable.

(14) Being a manufacturer, other than a motorcycle manufacturer governed by chapter 46.93 RCW, to:

(a) Coerce or attempt to coerce any vehicle dealer to order or accept delivery of any vehicle or vehicles, parts or accessories, or any other commodities which have not been voluntarily ordered by the vehicle dealer: PROVIDED, That recommendation, endorsement, exposition, persuasion, urging, or argument are not deemed to constitute coercion;

(b) Cancel or fail to renew the franchise or selling agreement of any vehicle dealer doing business in this state without fairly compensating the dealer at a fair going business value for his or her capital investment which shall include but not be limited to tools, equipment, and parts inventory possessed by the dealer on the day he or she is notified of such cancellation or termination and which are still within the dealer's possession on the day the cancellation or termination is effective, if: (i) The capital investment has been entered into with reasonable and prudent business judgment for the purpose of fulfilling the franchise; and (ii) the cancellation or nonrenewal was not done in good faith. Good faith is defined as the duty of each party to any franchise to act in a fair and equitable manner towards each other, so as to guarantee one party freedom from coercion, intimidation, or threats of coercion or intimidation from the other party: PROVIDED, That recommendation, endorsement, exposition, persuasion, urging, or argument are not deemed to constitute a lack of good faith;

(c) Encourage, aid, abet, or teach a vehicle dealer to sell or lease vehicles through any false, deceptive, or misleading sales or financing practices including but not limited to those practices declared unlawful in this section;

(d) Coerce or attempt to coerce a vehicle dealer to engage in any practice forbidden in this section by either threats of actual cancellation or failure to renew the dealer's franchise agreement;

(e) Refuse to deliver any vehicle publicly advertised for immediate delivery to any duly licensed vehicle dealer having a franchise or contractual agreement for the retail sale or lease of new and unused vehicles sold or distributed by such manufacturer within sixty days after such dealer's order has been received in writing unless caused by inability to deliver because of shortage or curtailment of material, labor, transportation, or utility services, or by any labor or production difficulty, or by any cause beyond the reasonable control of the manufacturer;

(f) To provide under the terms of any warranty that a purchaser or lessee of any new or unused vehicle that has been sold or leased, distributed for sale or lease, or transferred into this state for resale or lease by the vehicle manufacturer may only make any warranty claim on any item included as an integral part of the vehicle against the manufacturer of that item.

Nothing in this section may be construed to impair the obligations of a contract or to prevent a manufacturer, distributor, representative, or any other person, whether or not licensed under this chapter, from requiring performance of a written contract entered into with any licensee hereunder, nor does the requirement of such performance constitute a violation of any of the provisions of this section if any such contract or the terms thereof requiring performance, have been freely entered into and executed between the contracting parties. This paragraph and subsection (14)(b) of this section do not apply to new motor vehicle manufacturers governed by chapter 46.96 RCW.

(15) Unlawful transfer of an ownership interest in a motor vehicle as defined in RCW 19.116.050.

(16) To knowingly and intentionally engage in collusion with a registered owner of a vehicle to repossess and return or resell the vehicle to the registered owner in an attempt to avoid a suspended license impound under chapter 46.55 RCW. However, compliance with chapter 62A.9A RCW in repossessing, selling, leasing, or otherwise disposing of the vehicle, including providing redemption rights to the debtor, is not a violation of this section.

(17)(a) For a dealer to enter into a new motor vehicle sales contract without disclosing in writing to a buyer of the new motor vehicle, or to a dealer in the case of an unregistered motor vehicle, any known damage and repair to the new motor vehicle if the damage exceeds five percent of the manufacturer's suggested retail price as calculated at the dealer's authorized warranty rate for labor and parts, or one thousand dollars, whichever amount is greater. A manufacturer or new motor vehicle dealer is not required to disclose to a dealer or buyer that glass, tires, bumpers, or cosmetic parts of a new motor vehicle were damaged at any time if the damaged item has been replaced with original or comparable equipment. A replaced part is not part of the cumulative damage required to be disclosed under this subsection.

(b) A manufacturer is required to provide the same disclosure to a dealer of any known damage or repair as required in (a) of this subsection.

(c) If disclosure of any known damage or repair is not required under this section, a buyer may not revoke or rescind a sales contract due to the fact that the new motor vehicle was damaged and repaired before completion of the sale.

(d) As used in this section:

(i) "Cosmetic parts" means parts that are attached by and can be replaced in total through the use of screws, bolts, or other fasteners without the use of welding or thermal cutting, and includes windshields, bumpers, hoods, or trim panels.

(ii) "Manufacturer's suggested retail price" means the retail price of the new motor vehicle suggested by the manufacturer, and includes the retail delivered price suggested by the manufacturer for each accessory or item of optional equipment physically attached to the new motor vehicle at the time of delivery to the new motor vehicle dealer that is not included within the retail price suggested by the manufacturer for the new motor vehicle.

**NEW SECTION. Sec. 12.** A new section is added to chapter 46.68 RCW to read as follows:

The public transportation grant program account is created in the state treasury. Moneys in the account may be spent only after appropriation. Expenditures from the account may be used only for grants to aid transit authorities with operations.

**NEW SECTION. Sec. 13.** A new section is added to chapter 46.17 RCW to read as follows:

(1) Before accepting an application for an annual vehicle registration renewal for an electric vehicle that uses propulsion units powered solely by electricity, the department, county auditor or other agent, or subagent appointed by the director must require the applicant to pay a one hundred dollar fee in addition to any other fees and taxes required by law. The one hundred dollar fee is due only at the time of annual registration renewal.

(2) This section only applies to:

(a) A vehicle that is designed to have the capability to drive at a speed of more than thirty-five miles per hour; and

(b) An annual vehicle registration renewal that is due on or after February 1, 2013.

(3)(a) The fee under this section is imposed to provide funds to mitigate the impact of vehicles on state roads and highways and for the purpose of evaluating the feasibility of transitioning from a revenue collection system based on fuel taxes to a road user

assessment system, and is separate and distinct from other vehicle license fees. Proceeds from the fee must be used for highway purposes, and must be deposited in the motor vehicle fund created in RCW 46.68.070, subject to (b) of this subsection.

(b) If in any year the amount of proceeds from the fee collected under this section exceeds one million dollars, the excess amount over one million dollars must be deposited as follows:

(i) Seventy percent to the motor vehicle fund created in RCW 46.68.070;

(ii) Fifteen percent to the transportation improvement account created in RCW 47.26.084; and

(iii) Fifteen percent to the rural arterial trust account created in RCW 36.79.020.

**NEW SECTION. Sec. 14.** Section 13 of this act expires on the effective date of legislation enacted by the legislature that imposes a vehicle miles traveled fee or tax.

**NEW SECTION. Sec. 15.** The department of licensing must provide written notice of the expiration date of section 13 of this act to affected parties, the chief clerk of the house of representatives, the secretary of the senate, the office of the code reviser, and others as deemed appropriate by the department.

**Sec. 16.** RCW 46.10.420 and 2010 c 161 s 231 are each amended to read as follows:

(1) Each dealer of snowmobiles in this state shall obtain a snowmobile dealer license from the department in a manner prescribed by the department. Upon receipt of an application for a snowmobile dealer's license and the fee provided in subsection (2) of this section, the dealer is licensed and a snowmobile dealer license number must be assigned.

(2) The annual license fee for a snowmobile dealer is twenty-five dollars, which covers all of the snowmobiles offered by a dealer for sale and not rented on a regular, commercial basis. Snowmobiles rented on a regular commercial basis by a snowmobile dealer must be registered separately under RCW 46.10.310, 46.10.400, 46.10.430, and 46.10.440.

(3) Upon the issuance of a snowmobile dealer license, a snowmobile dealer may purchase, at a cost to be determined by the department, snowmobile dealer license plates of a size and color to be determined by the department. The snowmobile dealer license plates must contain the snowmobile license number assigned to the dealer. Each snowmobile operated by a dealer, dealer representative, or prospective customer for the purposes of demonstration or testing shall display snowmobile dealer license plates in a clearly visible manner.

(4) Only a dealer, dealer representative, or prospective customer may display a snowmobile dealer plate, and only a dealer, dealer representative, or prospective customer may use a snowmobile dealer's license plate for the purposes described in subsection (3) of this section.

(5) Snowmobile dealer licenses are nontransferable.

(6) It is unlawful for any snowmobile dealer to sell a snowmobile at wholesale or retail, or to test or demonstrate any snowmobile, within the state, unless the dealer has a snowmobile dealer license as required under this section.

(7) When a snowmobile is sold by a snowmobile dealer, the dealer:

(a) Shall apply for licensing in the purchaser's name (~~within fifteen days following the sale~~) as provided by rules adopted by the department; and

(b) May issue a temporary license as provided by rules adopted by the department.

**Sec. 17.** RCW 46.12.675 and 2010 c 161 s 316 are each amended to read as follows:

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(1) A security interest in a vehicle other than one held as inventory by a manufacturer or a dealer and for which a certificate of title is required is perfected only by:

(a) Complying with the requirements of RCW 46.12.660 or this section;

(b) Receipt by the department, county auditor or other agent, or subagent appointed by the director of:

(i) The existing certificate of title, if any;

(ii) An application for a certificate of title containing the name and address of the secured party; and

(iii) Payment of the required fees.

(2) A security interest is perfected when it is created if the secured party's name and address appear on the most recently issued certificate of title or, if not, it is created when the department, county auditor or other agent, or subagent appointed by the director receives the certificate of title or an application for a certificate of title and the fees required in subsection (1) of this section.

(3) If a vehicle is subject to a security interest when brought into this state, perfection of the security interest is determined by the law of the jurisdiction where the vehicle was when the security interest was attached, subject to the following:

(a) The security interest continues perfected in this state if the name of the secured party is shown on the existing certificate of title issued by that jurisdiction. The name of the secured party must be shown on the certificate of title issued for the vehicle by this state. The security interest continues perfected in this state when the department issues the certificate of title.

(b) If the security interest was not perfected under the law of the jurisdiction where the vehicle was when the security interest was attached, it may be perfected in this state. Perfection begins when the department receives the information and fees required in subsection (1) of this section.

(4)(a) After a certificate of title has been issued, the registered owner or secured party must apply to the department, county auditor or other agent, or subagent appointed by the director for a new certificate of title when a security interest is granted on a vehicle. Within ten days after creating a security agreement, the registered owner or secured party must submit:

(i) An application for a certificate of title;

(ii) The certificate of title last issued for the vehicle, or other documentation required by the department; and

(iii) The fee required in RCW 46.17.100.

(b) If satisfied that a certificate of title should be reissued, the department shall change the vehicle record and issue a new certificate of title to the secured party.

(5) A secured party shall release the security interest when the conditions within the security agreement have been met and there is no further secured obligation. The secured party must either:

(a) Assign the certificate of title to the registered owner or the registered owner's designee and send the certificate of title to the department, county auditor or other agent, or subagent appointed by the director with the fee required in RCW 46.17.100; or

(b) Assign the certificate of title to the person acquiring the vehicle from the registered owner with the registered owner's release of interest.

(6) The department shall issue a new certificate of title to the registered owner when the department receives the release of interest and required fees as provided in subsection (5)(a) of this section.

(7) A secured party is liable for one hundred dollars payable to the registered owner or person acquiring the vehicle from the registered owner when:

(a) The secured party fails to either assign the certificate of title to the registered owner or to the person acquiring the vehicle from

the registered owner or apply for a new certificate of title within ten days after proper demand; and

(b) The failure of the secured party to act as described in (a) of this subsection results in a loss to the registered owner or person acquiring the vehicle from the registered owner.

**Sec. 18.** RCW 46.16A.320 and 2010 c 161 s 425 are each amended to read as follows:

(1)(a) A vehicle owner may operate an unregistered vehicle on public highways under the authority of a trip permit issued by this state. For purposes of trip permits, a vehicle is considered unregistered if:

(i) Under reciprocal relations with another jurisdiction, the owner would be required to register the vehicle in this state;

(ii) Not registered when registration is required under this chapter;

(iii) The license tabs have expired; or

~~((iii))~~ (iv) The current gross weight license is insufficient for the load being carried. The licensed gross weight may not exceed eighty thousand pounds for a combination of vehicles or forty thousand pounds for a single unit vehicle with three or more axles.

(b) Trip permits are required to move mobile homes or park model trailers and may only be issued if property taxes are paid in full.

(2) Trip permits may not be:

(a) Issued to vehicles registered under RCW 46.16A.455(5) in lieu of further registration within the same registration year; or

(b) Used for commercial motor vehicles owned by a motor carrier subject to RCW 46.32.080 if the motor carrier's department of transportation number has been placed out of service by the Washington state patrol. A violation of or a failure to comply with this subsection is a gross misdemeanor, subject to a minimum monetary penalty of two thousand five hundred dollars for the first violation and five thousand dollars for each subsequent violation.

(3)(a) Each trip permit authorizes the operation of a single vehicle at the maximum legal weight limit for the vehicle for a period of three consecutive days beginning with the day of first use. No more than three trip permits may be used for any one vehicle in any thirty consecutive day period. No more than two trip permits may be used for any one recreational vehicle, as defined in RCW 43.22.335, in a one-year period. Every trip permit must:

(i) Identify the vehicle for which it is issued;

(ii) Be completed in its entirety;

(iii) Be signed by the operator before operation of the vehicle on the public highways of this state;

(iv) Not be altered or corrected. Altering or correcting data on the trip permit invalidates the trip permit; and

(v) Be displayed on the vehicle for which it is issued as required by the department.

(b) Vehicles operating under the authority of trip permits are subject to all laws, rules, and regulations affecting the operation of similar vehicles in this state.

(4) Prorate operators operating commercial vehicles on trip permits in Washington shall retain the customer copy of each permit for four years.

(5) Trip permits may be obtained from field offices of the department of transportation, department of licensing, county auditors or other agents, and subagents appointed by the department for the fee provided in RCW 46.17.400(1)(h). Exchanges, credits, or refunds may not be given for trip permits after they have been purchased.

(6) Except as provided in subsection (2)(b) of this section, a violation of or a failure to comply with this section is a gross misdemeanor.

(7) The department may adopt rules necessary to administer this section.

**Sec. 19.** RCW 88.02.640 and 2011 c 326 s 5, 2011 c 171 s 134, and 2011 c 169 s 1 are each reenacted and amended to read as follows:

(1) In addition to any other fees and taxes required by law, the department, county auditor or other agent, or subagent appointed by the director shall charge the following vessel fees and surcharge:

FEE	AMOUNT	AUTHORITY	DISTRIBUTION
(a) Dealer temporary permit	\$5.00	RCW 88.02.800(2)	General fund
(b) Derelict vessel and invasive species removal	Subsection (3) of this section	Subsection (3) of this section	Subsection (3) of this section
(c) Derelict vessel removal surcharge	\$1.00	Subsection (4) of this section	Subsection (4) of this section
(d) Duplicate certificate of title	\$1.25	RCW 88.02.530(1)(c)	General fund
(e) Duplicate registration	\$1.25	RCW 88.02.590(1)(c)	General fund
<del>((e))</del> (f) Filing	RCW 46.17.005	RCW <del>((46.17.005))</del> 88.02.560(2)	RCW 46.68.400
<del>((f))</del> (g) License plate technology	RCW 46.17.015	RCW <del>((46.17.015))</del> 88.02.560(2)	RCW 46.68.370
<del>((g))</del> (h) License service	RCW 46.17.025	RCW <del>((46.17.025))</del> 88.02.560(2)	RCW 46.68.220
<del>((h))</del> (i) Nonresident vessel permit	\$25.00	RCW 88.02.620(3)	Subsection (5) of this section
<del>((i))</del> (j) Quick title service	\$50.00	RCW 88.02.540(3)	Subsection (7) of this section
<del>((j))</del> (k) Registration	\$10.50	RCW 88.02.560(2)	RCW 88.02.650
<del>((k))</del> (l) Replacement decal	\$1.25	RCW 88.02.595(1)(c)	General fund
<del>((l))</del> (m) Title application	\$5.00	RCW 88.02.515	General fund
<del>((m))</del> (n) Transfer	\$1.00	RCW 88.02.560(7)	General fund
<del>((n))</del> (o) Vessel visitor permit	\$30.00	RCW 88.02.610(3)	Subsection (6) of this section

(2) The five dollar dealer temporary permit fee required in subsection (1) of this section must be credited to the payment of registration fees at the time application for registration is made.

(3)(a) The derelict vessel and invasive species removal fee required in subsection (1) of this section is five dollars and must be distributed as follows:

- (i) One dollar and fifty cents must be deposited in the aquatic invasive species prevention account created in RCW 77.12.879;
- (ii) One dollar must be deposited into the aquatic algae control account created in RCW 43.21A.667;
- (iii) Fifty cents must be deposited into the aquatic invasive species enforcement account created in RCW 43.43.400; and
- (iv) Two dollars must be deposited in the derelict vessel removal account created in RCW 79.100.100.

(b) If the department of natural resources indicates that the balance of the derelict vessel removal account, not including any transfer or appropriation of funds into the account or funds deposited into the account collected under subsection (5) of this section reaches one million dollars as of March 1st of any year, the collection of the two dollars of the derelict vessel and invasive species removal fee that is deposited into the derelict vessel removal account as authorized in (a)(iv) of this subsection must be suspended for the following fiscal year.

(4) Until January 1, 2014, an annual derelict vessel removal surcharge of one dollar must be charged with each vessel registration. The surcharge:

(a) Is to address the significant backlog of derelict vessels accumulated in Washington state waters that pose a threat to the health and safety of the people and to the environment;

(b) Is to be used only for the removal of vessels that are less than seventy-five feet in length; and

(c) Must be deposited into the derelict vessel removal account created in RCW 79.100.100.

(5) The twenty-five dollar nonresident vessel permit fee must be paid by the vessel owner to the department for the cost of providing the identification document by the department. Any moneys remaining from the fee after the payment of costs must be allocated to counties by the state treasurer for approved boating safety programs under RCW 88.02.650.

(6) The thirty dollar vessel visitor permit fee must be distributed as follows:

(a) Five dollars must be deposited in the derelict vessel removal account created in RCW 79.100.100;

(b) The department may keep an amount to cover costs for providing the vessel visitor permit;

(c) Any moneys remaining must be allocated to counties by the state treasurer for approved boating safety programs under RCW 88.02.650; and

(d) Any fees required for licensing agents under RCW 46.17.005 are in addition to any other fee or tax due for the titling and registration of vessels.

(7)(a) The fifty dollar quick title service fee must be distributed as follows:

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REMARKS BY THE PRESIDENT

(i) If the fee is paid to the director, the fee must be deposited to the general fund.

(ii) If the fee is paid to the participating county auditor or other agent or subagent appointed by the director, twenty-five dollars must be deposited to the general fund. The remainder must be retained by the county treasurer in the same manner as other fees collected by the county auditor.

(b) For the purposes of this subsection, "quick title" has the same meaning as in RCW 88.02.540.

NEW SECTION. Sec. 20. Section 4 of this act applies to vehicle registrations that are due or become due on or after October 1, 2012.

NEW SECTION. Sec. 21. Sections 1 through 15 of this act take effect October 1, 2012.

NEW SECTION. Sec. 22. Section 12 of this act expires July 1, 2015."

On page 1, line 1 of the title, after "revenue;" strike the remainder of the title and insert "amending RCW 46.17.100, 46.17.140, 46.17.200, 46.17.375, 46.68.170, 79A.05.215, 46.20.293, 46.29.050, 46.52.130, 46.70.061, 46.70.180, 46.10.420, 46.12.675, and 46.16A.320; reenacting and amending RCW 88.02.640; adding a new section to chapter 46.68 RCW; adding a new section to chapter 46.17 RCW; creating new sections; providing an effective date; providing an expiration date; and providing a contingent expiration date."

And the bill do pass as recommended by the conference committee.

Signed by Senators Eide, Haugen and King; Representatives Armstrong, Clibborn and Liias.

MOTION

Senator Haugen moved that the Report of the Conference Committee on Engrossed Substitute Senate Bill No. 6455 be adopted.

POINT OF ORDER

Senator Padden: "Specifically in sections 4, 5 and 6 of the conference committee striker includes an RV surcharge for the funding of Start parks, it was an Engrossed Second Substitute House Bill No. 2373. There are at least three grounds of objections for the point of order: one is scope and object; two is not within the scope and object of the bill pursuant to Article II Section 19 of the state constitution; and three I would ask for a ruling on 1053 that this is a tax since there's really is not a nexus between the fees and RVs owners using parks. It's estimated that only twenty percent of the RVs actually use the state park system. The language makes one hundred percent pay for the benefit of the small minority. There simply is not the nexus necessary to establish this as a fee."

Senator Haugen spoke against the point of order.

POINT OF ORDER

Senator Benton: "Thank you Mr. President, I to rise to a point of order on this bill and ask the same question except in terms of reference to a different section of the bill. A portion of this bill raises abstract fees for the Department of Licensing. This narrow fee increase is intended to fund relatively broad swaths of state government and is absolutely unrelated to the fee transaction. That is the increase has no bearing on the increase on cost borne by the department to gather, store and sell the date. As a matter of fact neither..."

President Owen: "Senator Benton, you're making arguments. Just raise your point of order please. Then arguments following..."

Senator Benton: "I'll withdraw my objection."

REPLY BY THE PRESIDENT

President Owen: "But your point of order is? As to the number of votes or the scope and object?"

Senator Benton: "Yeah, concerning Initiative 1053. My point of order is to the question, how many votes will it take to pass this bill? I believe it requires a two-thirds vote Mr. president."

President Owen: "Senator Benton, rises to the point of order as to the number of votes necessary to pass based on the stated section of the bill. Senator Benton, please restate the section.

Senator Benton: "Thank you, as to the abstract fee increases section of the bill. As a matter of fact, the Department of Licensing did not request the legislation to increase this fee, either in 2007 or this year, and the bill freely admits that the dollars raised go towards other things. Based on that, I believe Mr. President that this is in fact a tax not a fee and should require a two-thirds vote of the senate for passage."

Senator Haugen spoke against the point of order.

MOTION

On motion of Senator Eide, further consideration of Engrossed Substitute Senate Bill No. 6455 was deferred and the bill held its place on the conference calendar.

Senator Prentice assumed the chair.

MESSAGE FROM THE HOUSE

March 8, 2012

MR. PRESIDENT:

The Speaker has signed:

- ENGROSSED SENATE BILL NO. 5159,
- ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5188,
- SUBSTITUTE SENATE BILL NO. 5217,
- SUBSTITUTE SENATE BILL NO. 5246,
- SECOND SUBSTITUTE SENATE BILL NO. 5343,
- ENGROSSED SENATE BILL NO. 5661,
- SUBSTITUTE SENATE BILL NO. 5982,
- SUBSTITUTE SENATE BILL NO. 5995,
- SUBSTITUTE SENATE BILL NO. 5997,
- SUBSTITUTE SENATE BILL NO. 6041,
- SUBSTITUTE SENATE BILL NO. 6044,
- SUBSTITUTE SENATE BILL NO. 6081,
- SENATE BILL NO. 6082,
- ENGROSSED SUBSTITUTE SENATE BILL NO. 6103,
- SUBSTITUTE SENATE BILL NO. 6105,
- SUBSTITUTE SENATE BILL NO. 6116,
- SENATE BILL NO. 6134,
- SUBSTITUTE SENATE BILL NO. 6138,
- SECOND SUBSTITUTE SENATE BILL NO. 6140,
- ENGROSSED SENATE BILL NO. 6155,

ENGROSSED SENATE BILL NO. 6215,  
 SENATE BILL NO. 6223,  
 SUBSTITUTE SENATE BILL NO. 6226,  
 ENGROSSED SUBSTITUTE SENATE BILL NO. 6237,  
 SUBSTITUTE SENATE BILL NO. 6240,  
 SUBSTITUTE SENATE BILL NO. 6242,  
 SUBSTITUTE SENATE BILL NO. 6253,  
 ENGROSSED SENATE BILL NO. 6254,  
 SENATE BILL NO. 6256,  
 ENGROSSED SENATE BILL NO. 6257,  
 SECOND SUBSTITUTE SENATE BILL NO. 6263,  
 SUBSTITUTE SENATE BILL NO. 6328,  
 SUBSTITUTE SENATE BILL NO. 6354,  
 ENGROSSED SUBSTITUTE SENATE BILL NO. 6355,  
 SUBSTITUTE SENATE BILL NO. 6359,  
 SUBSTITUTE SENATE BILL NO. 6384,  
 SUBSTITUTE SENATE BILL NO. 6386,  
 SUBSTITUTE SENATE BILL NO. 6403,  
 SENATE BILL NO. 6412,  
 SUBSTITUTE SENATE BILL NO. 6414,  
 SUBSTITUTE SENATE BILL NO. 6444,  
 SUBSTITUTE SENATE BILL NO. 6468,  
 ENGROSSED SUBSTITUTE SENATE BILL NO. 6486,  
 SUBSTITUTE SENATE BILL NO. 6493,  
 SUBSTITUTE SENATE BILL NO. 6508,  
 SENATE BILL NO. 6545,  
 ENGROSSED SUBSTITUTE SENATE BILL NO. 6555,  
 SUBSTITUTE SENATE BILL NO. 6581,  
 ENGROSSED SENATE BILL NO. 6608,  
 SENATE JOINT RESOLUTION NO. 8223.

and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MESSAGE FROM THE HOUSE

March 8, 2012

MR. PRESIDENT:

The Speaker has signed:

SUBSTITUTE HOUSE BILL NO. 1057,  
 SUBSTITUTE HOUSE BILL NO. 1552,  
 SUBSTITUTE HOUSE BILL NO. 1559,  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1627,  
 ENGROSSED THIRD SUBSTITUTE HOUSE BILL NO.  
 1860,  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1983,  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2048,  
 SUBSTITUTE HOUSE BILL NO. 2177,  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2197,  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2233,  
 SUBSTITUTE HOUSE BILL NO. 2252,  
 SUBSTITUTE HOUSE BILL NO. 2254,  
 SUBSTITUTE HOUSE BILL NO. 2261,  
 SUBSTITUTE HOUSE BILL NO. 2263,  
 ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO.

2264,

HOUSE BILL NO. 2308,  
 SUBSTITUTE HOUSE BILL NO. 2313,  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2314,  
 ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO.

2319,

SUBSTITUTE HOUSE BILL NO. 2326,  
 HOUSE BILL NO. 2329,

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO.  
 2337,  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2347,  
 SUBSTITUTE HOUSE BILL NO. 2349,  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2361,  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2363,  
 ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO.  
 2373,  
 SECOND SUBSTITUTE HOUSE BILL NO. 2452,  
 HOUSE BILL NO. 2482,  
 HOUSE BILL NO. 2485,  
 HOUSE BILL NO. 2499,  
 HOUSE BILL NO. 2535,  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2567,  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2570,  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2582,  
 THIRD SUBSTITUTE HOUSE BILL NO. 2585,  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2586,  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2614,  
 SUBSTITUTE HOUSE BILL NO. 2617,  
 ENGROSSED HOUSE BILL NO. 2620,  
 SUBSTITUTE HOUSE BILL NO. 2640,  
 SUBSTITUTE HOUSE BILL NO. 2673,  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2692,  
 ENGROSSED HOUSE BILL NO. 2771,  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2799.

and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MESSAGE FROM THE HOUSE

March 8, 2012

MR. PRESIDENT:

The House receded from its amendment to SUBSTITUTE  
 SENATE BILL NO. 6494 and passed the bill without the House  
 amendment.

and the same is herewith transmitted.

BARBARA BAKER, Chief Clerk

MESSAGE FROM THE HOUSE

March 8, 2012

MR. PRESIDENT:

The House concurred in the Senate amendment to ENGROSSED  
 HOUSE BILL NO. 1398 and passed the bill as amended by the  
 Senate.

and the same is herewith transmitted.

BARBARA BAKER, Chief Clerk

MESSAGE FROM THE HOUSE

March 8, 2012

MR. PRESIDENT:

The House has passed:

SENATE BILL NO. 6159,  
 SUBSTITUTE SENATE BILL NO. 6600,

and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MESSAGE FROM THE HOUSE

March 8, 2012

MR. PRESIDENT:

The House has passed SUBSTITUTE HOUSE BILL NO. 2357. and the same is herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

On motion of Senator Eide, the Senate advanced to the fifth order of business.

SUPPLEMENTAL INTRODUCTION AND FIRST READING OF HOUSE BILLS

SHB 2139 by House Committee on Ways & Means (originally sponsored by Representatives Cody and Hunter)

AN ACT Relating to the establishment of new regional support network boundaries; and amending RCW 71.24.360.

SHB 2357 by House Committee on Ways & Means (originally sponsored by Representatives Darneille, Kirby, Ladenburg, Green, Jinkins, Kagi and Tharinger)

AN ACT Relating to sales and use tax for chemical dependency, mental health treatment, and therapeutic courts; and amending RCW 82.14.460.

MOTION

On motion of Senator Eide, the rules were suspended and without objection Substitute House Bill No. 2139 and Substitute House Bill No. 2357 were placed on the second reading calendar.

MOTION

On motion of Senator Eide, the Senate advanced to the sixth order of business.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2149, by House Committee on Ways & Means (originally sponsored by Representatives Eddy and Kenney)

Concerning personal property tax assessment administration, authorizing waiver of penalties and interest under specified circumstances.

The measure was read the second time.

MOTION

On motion of Senator Murray, the rules were suspended, Substitute House Bill No. 2149 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Murray spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Substitute House Bill No. 2149.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2149 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Baumgartner, Becker, Benton, Brown, Carrell, Chase, Conway, Delvin, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hatfield, Haugen, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles, Litzow, McAuliffe, Morton, Murray, Nelson, Padden, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rolfes, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

SUBSTITUTE HOUSE BILL NO. 2149, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SECOND SUBSTITUTE HOUSE BILL NO. 2443, by House Committee on Transportation (originally sponsored by Representatives Goodman, Pedersen, Hurst, Kelley, Blake, Fitzgibbon, Ormsby, Hasegawa and Miloscia)

Increasing accountability of persons who drive impaired.

The measure was read the second time.

MOTION

Senator Kline moved that the following committee striking amendment by the Committee on Transportation be adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 2.28.175 and 2011 c 293 s 10 are each amended to read as follows:

(1) Counties may establish and operate DUI courts. Municipalities may enter into cooperative agreements with counties that have DUI courts to provide DUI court services.

(2) For the purposes of this section, "DUI court" means a court that has special calendars or dockets designed to achieve a reduction in recidivism of impaired driving among nonviolent, alcohol abusing offenders, whether adult or juvenile, by increasing their likelihood for successful rehabilitation through early, continuous, and intense judicially supervised treatment; mandatory periodic testing for alcohol use and, if applicable, drug use; and the use of appropriate sanctions and other rehabilitation services.

(3)(a) Any jurisdiction that seeks a state appropriation to fund a DUI court program must first:

(i) Exhaust all federal funding that is available to support the operations of its DUI court and associated services; and

(ii) Match, on a dollar-for-dollar basis, state moneys allocated for DUI court programs with local cash or in-kind resources. Moneys allocated by the state must be used to supplement, not supplant, other federal, state, and local funds for DUI court operations and associated services. However, until June 30, 2014, no match is required for state moneys expended for the administrative and overhead costs associated with the operation of a DUI court established as of January 1, 2011.

(b) Any (~~county~~) jurisdiction that establishes a DUI court pursuant to this section shall establish minimum requirements for the participation of offenders in the program. The DUI court may adopt local requirements that are more stringent than the minimum. The minimum requirements are:

(i) The offender would benefit from alcohol treatment;



(ii) The offender has not previously been convicted of a serious violent offense or sex offense as defined in RCW 9.94A.030, vehicular homicide under RCW 46.61.520, vehicular assault under RCW 46.61.522, or an equivalent out-of-state offense; and

(iii) Without regard to whether proof of any of these elements is required to convict, the offender is not currently charged with or convicted of an offense:

- (A) That is a sex offense;
- (B) That is a serious violent offense;
- (C) That is vehicular homicide or vehicular assault;
- (D) During which the defendant used a firearm; or
- (E) During which the defendant caused substantial or great bodily harm or death to another person.

**Sec. 2.** RCW 9.94A.475 and 2002 c 290 s 15 are each amended to read as follows:

Any and all recommended sentencing agreements or plea agreements and the sentences for any and all felony crimes shall be made and retained as public records if the felony crime involves:

- (1) Any violent offense as defined in this chapter;
- (2) Any most serious offense as defined in this chapter;
- (3) Any felony with a deadly weapon special verdict under RCW ~~((9.94A.602))~~ 9.94A.825;
- (4) Any felony with any deadly weapon enhancements under RCW 9.94A.533 (3) or (4), or both; ~~((and/or))~~
- (5) The felony crimes of possession of a machine gun, possessing a stolen firearm, drive-by shooting, theft of a firearm, unlawful possession of a firearm in the first or second degree, and/or use of a machine gun in a felony; or

(6) The felony crime of driving a motor vehicle while under the influence of intoxicating liquor or any drug as defined in RCW 46.61.502, and felony physical control of a motor vehicle while under the influence of intoxicating liquor or any drug as defined in RCW 46.61.504.

**Sec. 3.** RCW 9.94A.640 and 2006 c 73 s 8 are each amended to read as follows:

(1) Every offender who has been discharged under RCW 9.94A.637 may apply to the sentencing court for a vacation of the offender's record of conviction. If the court finds the offender meets the tests prescribed in subsection (2) of this section, the court may clear the record of conviction by: (a) Permitting the offender to withdraw the offender's plea of guilty and to enter a plea of not guilty; or (b) if the offender has been convicted after a plea of not guilty, by the court setting aside the verdict of guilty; and (c) by the court dismissing the information or indictment against the offender.

(2) An offender may not have the record of conviction cleared if: (a) There are any criminal charges against the offender pending in any court of this state or another state, or in any federal court; (b) the offense was a violent offense as defined in RCW 9.94A.030; (c) the offense was a crime against persons as defined in RCW 43.43.830; (d) the offender has been convicted of a new crime in this state, another state, or federal court since the date of the offender's discharge under RCW 9.94A.637; (e) the offense is a class B felony and less than ten years have passed since the date the applicant was discharged under RCW 9.94A.637; (f) the offense was a class C felony, other than a class C felony described in RCW 46.61.502(6) or 46.61.504(6), and less than five years have passed since the date the applicant was discharged under RCW 9.94A.637; or (g) the offense was a class C felony described in RCW 46.61.502(6) or 46.61.504(6) ~~((and less than ten years have passed since the applicant was discharged under RCW 9.94A.637)).~~

(3) Once the court vacates a record of conviction under subsection (1) of this section, the fact that the offender has been convicted of the offense shall not be included in the offender's criminal history for purposes of determining a sentence in any subsequent conviction, and the offender shall be released from all

penalties and disabilities resulting from the offense. For all purposes, including responding to questions on employment applications, an offender whose conviction has been vacated may state that the offender has never been convicted of that crime. Nothing in this section affects or prevents the use of an offender's prior conviction in a later criminal prosecution.

**Sec. 4.** RCW 9.95.210 and 2011 1st sp.s. c 40 s 7 are each amended to read as follows:

(1)(a) Except as provided in (b) of this subsection in granting probation, the superior court may suspend the imposition or the execution of the sentence and may direct that the suspension may continue upon such conditions and for such time as it shall designate, not exceeding the maximum term of sentence or two years, whichever is longer.

(b) For a defendant sentenced under RCW 46.61.5055, the superior court may suspend the imposition or the execution of the sentence and may direct that the suspension continue upon such conditions and for such time as the court shall designate, not to exceed five years. The court shall have continuing jurisdiction and authority to suspend the execution of all or any part of the sentence upon stated terms, including installment payment of fines. A defendant who has been sentenced, and who then fails to appear for any hearing to address the defendant's compliance with the terms of probation when ordered to do so by the court shall have the term of probation tolled until such time as the defendant makes his or her presence known to the court on the record. Any time before entering an order terminating probation, the court may modify or revoke its order suspending the imposition or execution of the sentence if the defendant violates or fails to carry out any of the conditions of the suspended sentence.

(2) In the order granting probation and as a condition thereof, the superior court may in its discretion imprison the defendant in the county jail for a period not exceeding one year and may fine the defendant any sum not exceeding the statutory limit for the offense committed, and court costs. As a condition of probation, the superior court shall require the payment of the penalty assessment required by RCW 7.68.035. The superior court may also require the defendant to make such monetary payments, on such terms as it deems appropriate under the circumstances, as are necessary: (a) To comply with any order of the court for the payment of family support; (b) to make restitution to any person or persons who may have suffered loss or damage by reason of the commission of the crime in question or when the offender pleads guilty to a lesser offense or fewer offenses and agrees with the prosecutor's recommendation that the offender be required to pay restitution to a victim of an offense or offenses which are not prosecuted pursuant to a plea agreement; (c) to pay such fine as may be imposed and court costs, including reimbursement of the state for costs of extradition if return to this state by extradition was required; (d) following consideration of the financial condition of the person subject to possible electronic monitoring, to pay for the costs of electronic monitoring if that monitoring was required by the court as a condition of release from custody or as a condition of probation; (e) to contribute to a county or interlocal drug fund; and (f) to make restitution to a public agency for the costs of an emergency response under RCW 38.52.430, and may require bonds for the faithful observance of any and all conditions imposed in the probation.

(3) The superior court shall order restitution in all cases where the victim is entitled to benefits under the crime victims' compensation act, chapter 7.68 RCW. If the superior court does not order restitution and the victim of the crime has been determined to be entitled to benefits under the crime victims' compensation act, the department of labor and industries, as administrator of the crime victims' compensation program, may petition the superior court within one year of imposition of the sentence for entry of a

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restitution order. Upon receipt of a petition from the department of labor and industries, the superior court shall hold a restitution hearing and shall enter a restitution order.

(4) In granting probation, the superior court may order the probationer to report to the secretary of corrections or such officer as the secretary may designate and as a condition of the probation to follow the instructions of the secretary. If the county legislative authority has elected to assume responsibility for the supervision of superior court misdemeanor probationers within its jurisdiction, the superior court misdemeanor probationer shall report to a probation officer employed or contracted for by the county. In cases where a superior court misdemeanor probationer is sentenced in one county, but resides within another county, there must be provisions for the probationer to report to the agency having supervision responsibility for the probationer's county of residence.

(5) If the probationer has been ordered to make restitution and the superior court has ordered supervision, the officer supervising the probationer shall make a reasonable effort to ascertain whether restitution has been made. If the superior court has ordered supervision and restitution has not been made as ordered, the officer shall inform the prosecutor of that violation of the terms of probation not less than three months prior to the termination of the probation period. The secretary of corrections will promulgate rules and regulations for the conduct of the person during the term of probation. For defendants found guilty in district court, like functions as the secretary performs in regard to probation may be performed by probation officers employed for that purpose by the county legislative authority of the county wherein the court is located.

(6) The provisions of RCW 9.94A.501 and 9.94A.5011 apply to sentences imposed under this section.

**Sec. 5.** RCW 9.96.060 and 2001 c 140 s 1 are each amended to read as follows:

(1) Every person convicted of a misdemeanor or gross misdemeanor offense who has completed all of the terms of the sentence for the misdemeanor or gross misdemeanor offense may apply to the sentencing court for a vacation of the applicant's record of conviction for the offense. If the court finds the applicant meets the tests prescribed in subsection (2) of this section, the court may in its discretion vacate the record of conviction by: (a)(i) Permitting the applicant to withdraw the applicant's plea of guilty and to enter a plea of not guilty; or (ii) if the applicant has been convicted after a plea of not guilty, the court setting aside the verdict of guilty; and (b) the court dismissing the information, indictment, complaint, or citation against the applicant and vacating the judgment and sentence.

(2) An applicant may not have the record of conviction for a misdemeanor or gross misdemeanor offense vacated if any one of the following is present:

a) There are any criminal charges against the applicant pending in any court of this state or another state, or in any federal court;

(b) The offense was a violent offense as defined in RCW 9.94A.030 or an attempt to commit a violent offense;

(c) The offense was a violation of RCW 46.61.502 (driving while under the influence), 46.61.504 (actual physical control while under the influence), ((~~9.91.020~~)) 9.91.020 (operating a railroad, etc. while intoxicated), or the offense is considered a "prior offense" under RCW 46.61.5055 and the applicant has had a subsequent alcohol or drug violation within ten years of the date of arrest for the prior offense;

(d) The offense was any misdemeanor or gross misdemeanor violation, including attempt, of chapter 9.68 RCW (obscenity and pornography), chapter 9.68A RCW (sexual exploitation of children), or chapter 9A.44 RCW (sex offenses);

(e) The applicant was convicted of a misdemeanor or gross misdemeanor offense as defined in RCW 10.99.020, or the court determines after a review of the court file that the offense was committed by one family member or household member against another, or the court, after considering the damage to person or property that resulted in the conviction, any prior convictions for crimes defined in RCW 10.99.020, or for comparable offenses in another state or in federal court, and the totality of the records under review by the court regarding the conviction being considered for vacation, determines that the offense involved domestic violence, and any one of the following factors exist:

(i) The applicant has not provided written notification of the vacation petition to the prosecuting attorney's office that prosecuted the offense for which vacation is sought, or has not provided that notification to the court;

(ii) The applicant has previously had a conviction for domestic violence. For purposes of this subsection, however, if the current application is for more than one conviction that arose out of a single incident, none of those convictions counts as a previous conviction;

(iii) The applicant has signed an affidavit under penalty of perjury affirming that the applicant has not previously had a conviction for a domestic violence offense, and a criminal history check reveals that the applicant has had such a conviction; or

(iv) Less than five years have elapsed since the person completed the terms of the original conditions of the sentence, including any financial obligations and successful completion of any treatment ordered as a condition of sentencing;

(f) For any offense other than those described in (e) of this subsection, less than three years have passed since the person completed the terms of the sentence, including any financial obligations;

(g) The offender has been convicted of a new crime in this state, another state, or federal court since the date of conviction;

(h) The applicant has ever had the record of another conviction vacated; or

(i) The applicant is currently restrained, or has been restrained within five years prior to the vacation application, by a domestic violence protection order, a no-contact order, an antiharassment order, or a civil restraining order which restrains one party from contacting the other party.

(3) Once the court vacates a record of conviction under subsection (1) of this section, the person shall be released from all penalties and disabilities resulting from the offense and the fact that the person has been convicted of the offense shall not be included in the person's criminal history for purposes of determining a sentence in any subsequent conviction. For all purposes, including responding to questions on employment or housing applications, a person whose conviction has been vacated under subsection (1) of this section may state that he or she has never been convicted of that crime. Nothing in this section affects or prevents the use of an offender's prior conviction in a later criminal prosecution.

(4) All costs incurred by the court and probation services shall be paid by the person making the motion to vacate the record unless a determination is made pursuant to chapter 10.101 RCW that the person making the motion is indigent, at the time the motion is brought.

(5) The clerk of the court in which the vacation order is entered shall immediately transmit the order vacating the conviction to the Washington state patrol identification section and to the local police agency, if any, which holds criminal history information for the person who is the subject of the conviction. The Washington state patrol and any such local police agency shall immediately update their records to reflect the vacation of the conviction, and shall transmit the order vacating the conviction to the federal bureau of investigation. A conviction that has been vacated under this section

may not be disseminated or disclosed by the state patrol or local law enforcement agency to any person, except other criminal justice enforcement agencies.

**Sec. 6.** RCW 38.52.430 and 1993 c 251 s 2 are each amended to read as follows:

A person whose intoxication causes an incident resulting in an appropriate emergency response, and who, in connection with the incident, has been found guilty of or has had their prosecution deferred for (1) driving while under the influence of intoxicating liquor or any drug, RCW 46.61.502; (2) operating an aircraft under the influence of intoxicants or drugs, RCW 47.68.220; (3) use of a vessel while under the influence of alcohol or drugs, RCW ~~((88.12.100))~~ 79A.60.040; (4) vehicular homicide while under the influence of intoxicating liquor or any drug, RCW 46.61.520(1)(a); or (5) vehicular assault while under the influence of intoxicating liquor or any drug, RCW 46.61.522(1)(b), is liable for the expense of an emergency response by a public agency to the incident.

The expense of an emergency response is a charge against the person liable for expenses under this section. The charge constitutes a debt of that person and is collectible by the public agency incurring those costs in the same manner as in the case of an obligation under a contract, expressed or implied. Following a conviction of an offense listed in this section, and prior to sentencing, the prosecution may present to the court information setting forth the expenses incurred by the public agency for its emergency response to the incident. Upon a finding by the court that the expenses are reasonable, the court shall order the defendant to reimburse the public agency. The cost reimbursement shall be included in the sentencing order as an additional monetary obligation of the defendant and may not be substituted for any other fine or cost required or allowed by statute. The court may establish a payment schedule for the payment of the cost reimbursement, separate from any payment schedule imposed for other fines and costs.

In no event shall a person's liability under this section for the expense of an emergency response exceed ~~((one))~~ two thousand five hundred dollars for a particular incident.

If more than one public agency makes a claim for payment from an individual for an emergency response to a single incident under the provisions of this section, and the sum of the claims exceeds the amount recovered, the division of the amount recovered shall be determined by an interlocal agreement consistent with the requirements of chapter 39.34 RCW.

**Sec. 7.** RCW 46.20.308 and 2008 c 282 s 2 are each amended to read as follows:

(1) Any person who operates a motor vehicle within this state is deemed to have given consent, subject to the provisions of RCW 46.61.506, to a test or tests of his or her breath or blood for the purpose of determining the alcohol concentration or presence of any drug in his or her breath or blood if arrested for any offense where, at the time of the arrest, the arresting officer has reasonable grounds to believe the person had been driving or was in actual physical control of a motor vehicle while under the influence of intoxicating liquor or any drug or was in violation of RCW 46.61.503. Neither consent nor this section precludes a police officer from obtaining a search warrant for a person's breath or blood.

(2) The test or tests of breath shall be administered at the direction of a law enforcement officer having reasonable grounds to believe the person to have been driving or in actual physical control of a motor vehicle within this state while under the influence of intoxicating liquor or any drug or the person to have been driving or in actual physical control of a motor vehicle while having alcohol in a concentration in violation of RCW 46.61.503 in his or her system and being under the age of twenty-one. However, in those instances where the person is incapable due to physical injury,

physical incapacity, or other physical limitation, of providing a breath sample or where the person is being treated in a hospital, clinic, doctor's office, emergency medical vehicle, ambulance, or other similar facility or where the officer has reasonable grounds to believe that the person is under the influence of a drug, a blood test shall be administered by a qualified person as provided in RCW 46.61.506(5). The officer shall inform the person of his or her right to refuse the breath or blood test, and of his or her right to have additional tests administered by any qualified person of his or her choosing as provided in RCW 46.61.506. The officer shall warn the driver, in substantially the following language, that:

(a) If the driver refuses to take the test, the driver's license, permit, or privilege to drive will be revoked or denied for at least one year; and

(b) If the driver refuses to take the test, the driver's refusal to take the test may be used in a criminal trial; and

(c) If the driver submits to the test and the test is administered, the driver's license, permit, or privilege to drive will be suspended, revoked, or denied for at least ninety days if the driver is age twenty-one or over and the test indicates the alcohol concentration of the driver's breath or blood is 0.08 or more, or if the driver is under age twenty-one and the test indicates the alcohol concentration of the driver's breath or blood is 0.02 or more, or if the driver is under age twenty-one and the driver is in violation of RCW 46.61.502 or 46.61.504; and

(d) If the driver's license, permit, or privilege to drive is suspended, revoked, or denied the driver may be eligible to immediately apply for an ignition interlock driver's license.

(3) Except as provided in this section, the test administered shall be of the breath only. If an individual is unconscious or is under arrest for the crime of felony driving under the influence of intoxicating liquor or drugs under RCW 46.61.502(6), felony physical control of a motor vehicle while under the influence of intoxicating liquor or any drug under RCW 46.61.504(6), vehicular homicide as provided in RCW 46.61.520, or vehicular assault as provided in RCW 46.61.522, or if an individual is under arrest for the crime of driving while under the influence of intoxicating liquor or drugs as provided in RCW 46.61.502, which arrest results from an accident in which there has been serious bodily injury to another person, a breath or blood test may be administered without the consent of the individual so arrested.

(4) Any person who is dead, unconscious, or who is otherwise in a condition rendering him or her incapable of refusal, shall be deemed not to have withdrawn the consent provided by subsection (1) of this section and the test or tests may be administered, subject to the provisions of RCW 46.61.506, and the person shall be deemed to have received the warnings required under subsection (2) of this section.

(5) If, following his or her arrest and receipt of warnings under subsection (2) of this section, the person arrested refuses upon the request of a law enforcement officer to submit to a test or tests of his or her breath or blood, no test shall be given except as authorized under subsection (3) or (4) of this section.

(6) If, after arrest and after the other applicable conditions and requirements of this section have been satisfied, a test or tests of the person's blood or breath is administered and the test results indicate that the alcohol concentration of the person's breath or blood is 0.08 or more if the person is age twenty-one or over, or 0.02 or more if the person is under the age of twenty-one, or the person refuses to submit to a test, the arresting officer or other law enforcement officer at whose direction any test has been given, or the department, where applicable, if the arrest results in a test of the person's blood, shall:

(a) Serve notice in writing on the person on behalf of the department of its intention to suspend, revoke, or deny the person's

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license, permit, or privilege to drive as required by subsection (7) of this section;

(b) Serve notice in writing on the person on behalf of the department of his or her right to a hearing, specifying the steps he or she must take to obtain a hearing as provided by subsection (8) of this section and that the person waives the right to a hearing if he or she receives an ignition interlock driver's license;

(c) Mark the person's Washington state driver's license or permit to drive, if any, in a manner authorized by the department;

(d) Serve notice in writing that the marked license or permit, if any, is a temporary license that is valid for sixty days from the date of arrest or from the date notice has been given in the event notice is given by the department following a blood test, or until the suspension, revocation, or denial of the person's license, permit, or privilege to drive is sustained at a hearing pursuant to subsection (8) of this section, whichever occurs first. No temporary license is valid to any greater degree than the license or permit that it replaces; and

(e) Immediately notify the department of the arrest and transmit to the department within seventy-two hours, except as delayed as the result of a blood test, a sworn report or report under a declaration authorized by RCW 9A.72.085 that states:

(i) That the officer had reasonable grounds to believe the arrested person had been driving or was in actual physical control of a motor vehicle within this state while under the influence of intoxicating liquor or drugs, or both, or was under the age of twenty-one years and had been driving or was in actual physical control of a motor vehicle while having an alcohol concentration in violation of RCW 46.61.503;

(ii) That after receipt of the warnings required by subsection (2) of this section the person refused to submit to a test of his or her blood or breath, or a test was administered and the results indicated that the alcohol concentration of the person's breath or blood was 0.08 or more if the person is age twenty-one or over, or was 0.02 or more if the person is under the age of twenty-one; and

(iii) Any other information that the director may require by rule.

(7) The department of licensing, upon the receipt of a sworn report or report under a declaration authorized by RCW 9A.72.085 under subsection (6)(e) of this section, shall suspend, revoke, or deny the person's license, permit, or privilege to drive or any nonresident operating privilege, as provided in RCW 46.20.3101, such suspension, revocation, or denial to be effective beginning sixty days from the date of arrest or from the date notice has been given in the event notice is given by the department following a blood test, or when sustained at a hearing pursuant to subsection (8) of this section, whichever occurs first.

(8) A person receiving notification under subsection (6)(b) of this section may, within twenty days after the notice has been given, request in writing a formal hearing before the department. The person shall pay a fee of two hundred dollars as part of the request. If the request is mailed, it must be postmarked within twenty days after receipt of the notification. Upon timely receipt of such a request for a formal hearing, including receipt of the required two hundred dollar fee, the department shall afford the person an opportunity for a hearing. The department may waive the required two hundred dollar fee if the person is an indigent as defined in RCW 10.101.010. Except as otherwise provided in this section, the hearing is subject to and shall be scheduled and conducted in accordance with RCW 46.20.329 and 46.20.332. The hearing shall be conducted in the county of the arrest, except that all or part of the hearing may, at the discretion of the department, be conducted by telephone or other electronic means. The hearing shall be held within sixty days following the arrest or following the date notice has been given in the event notice is given by the department following a blood test, unless otherwise agreed to by the department

and the person, in which case the action by the department shall be stayed, and any valid temporary license marked under subsection (6)(c) of this section extended, if the person is otherwise eligible for licensing. For the purposes of this section, the scope of the hearing shall cover the issues of whether a law enforcement officer had reasonable grounds to believe the person had been driving or was in actual physical control of a motor vehicle within this state while under the influence of intoxicating liquor or any drug or had been driving or was in actual physical control of a motor vehicle within this state while having alcohol in his or her system in a concentration of 0.02 or more if the person was under the age of twenty-one, whether the person was placed under arrest, and (a) whether the person refused to submit to the test or tests upon request of the officer after having been informed that such refusal would result in the revocation of the person's license, permit, or privilege to drive, or (b) if a test or tests were administered, whether the applicable requirements of this section were satisfied before the administration of the test or tests, whether the person submitted to the test or tests, or whether a test was administered without express consent as permitted under this section, and whether the test or tests indicated that the alcohol concentration of the person's breath or blood was 0.08 or more if the person was age twenty-one or over at the time of the arrest, or 0.02 or more if the person was under the age of twenty-one at the time of the arrest. The sworn report or report under a declaration authorized by RCW 9A.72.085 submitted by a law enforcement officer is prima facie evidence that the officer had reasonable grounds to believe the person had been driving or was in actual physical control of a motor vehicle within this state while under the influence of intoxicating liquor or drugs, or both, or the person had been driving or was in actual physical control of a motor vehicle within this state while having alcohol in his or her system in a concentration of 0.02 or more and was under the age of twenty-one and that the officer complied with the requirements of this section.

A hearing officer shall conduct the hearing, may issue subpoenas for the attendance of witnesses and the production of documents, and shall administer oaths to witnesses. The hearing officer shall not issue a subpoena for the attendance of a witness at the request of the person unless the request is accompanied by the fee required by RCW 5.56.010 for a witness in district court. The sworn report or report under a declaration authorized by RCW 9A.72.085 of the law enforcement officer and any other evidence accompanying the report shall be admissible without further evidentiary foundation and the certifications authorized by the criminal rules for courts of limited jurisdiction shall be admissible without further evidentiary foundation. The person may be represented by counsel, may question witnesses, may present evidence, and may testify. The department shall order that the suspension, revocation, or denial either be rescinded or sustained.

(9) If the suspension, revocation, or denial is sustained after such a hearing, the person whose license, privilege, or permit is suspended, revoked, or denied has the right to file a petition in the superior court of the county of arrest to review the final order of revocation by the department in the same manner as an appeal from a decision of a court of limited jurisdiction. Notice of appeal must be filed within thirty days after the date the final order is served or the right to appeal is waived. Notwithstanding RCW 46.20.334, RALJ 1.1, or other statutes or rules referencing de novo review, the appeal shall be limited to a review of the record of the administrative hearing. The appellant must pay the costs associated with obtaining the record of the hearing before the hearing officer. The filing of the appeal does not stay the effective date of the suspension, revocation, or denial. A petition filed under this subsection must include the petitioner's grounds for requesting review. Upon granting petitioner's request for review, the court shall review the department's final order of suspension, revocation, or denial as

expeditiously as possible. The review must be limited to a determination of whether the department has committed any errors of law. The superior court shall accept those factual determinations supported by substantial evidence in the record: (a) That were expressly made by the department; or (b) that may reasonably be inferred from the final order of the department. The superior court may reverse, affirm, or modify the decision of the department or remand the case back to the department for further proceedings. The decision of the superior court must be in writing and filed in the clerk's office with the other papers in the case. The court shall state the reasons for the decision. If judicial relief is sought for a stay or other temporary remedy from the department's action, the court shall not grant such relief unless the court finds that the appellant is likely to prevail in the appeal and that without a stay the appellant will suffer irreparable injury. If the court stays the suspension, revocation, or denial it may impose conditions on such stay.

(10)(a) If a person whose driver's license, permit, or privilege to drive has been or will be suspended, revoked, or denied under subsection (7) of this section, other than as a result of a breath or blood test refusal, and who has not committed an offense for which he or she was granted a deferred prosecution under chapter 10.05 RCW, petitions a court for a deferred prosecution on criminal charges arising out of the arrest for which action has been or will be taken under subsection (7) of this section, or notifies the department of licensing of the intent to seek such a deferred prosecution, then the license suspension or revocation shall be stayed pending entry of the deferred prosecution. The stay shall not be longer than one hundred fifty days after the date charges are filed, or two years after the date of the arrest, whichever time period is shorter. If the court stays the suspension, revocation, or denial, it may impose conditions on such stay. If the person is otherwise eligible for licensing, the department shall issue a temporary license, or extend any valid temporary license marked under subsection (6) of this section, for the period of the stay. If a deferred prosecution treatment plan is not recommended in the report made under RCW 10.05.050, or if treatment is rejected by the court, or if the person declines to accept an offered treatment plan, or if the person violates any condition imposed by the court, then the court shall immediately direct the department to cancel the stay and any temporary marked license or extension of a temporary license issued under this subsection.

(b) A suspension, revocation, or denial imposed under this section, other than as a result of a breath or blood test refusal, shall be stayed if the person is accepted for deferred prosecution as provided in chapter 10.05 RCW for the incident upon which the suspension, revocation, or denial is based. If the deferred prosecution is terminated, the stay shall be lifted and the suspension, revocation, or denial reinstated. If the deferred prosecution is completed, the stay shall be lifted and the suspension, revocation, or denial canceled.

(c) The provisions of (b) of this subsection relating to a stay of a suspension, revocation, or denial and the cancellation of any suspension, revocation, or denial do not apply to the suspension, revocation, denial, or disqualification of a person's commercial driver's license or privilege to operate a commercial motor vehicle.

(11) When it has been finally determined under the procedures of this section that a nonresident's privilege to operate a motor vehicle in this state has been suspended, revoked, or denied, the department shall give information in writing of the action taken to the motor vehicle administrator of the state of the person's residence and of any state in which he or she has a license.

**Sec. 8.** RCW 46.20.385 and 2011 c 293 s 1 are each amended to read as follows:

(1)(a) Beginning January 1, 2009, any person licensed under this chapter who is convicted of a violation of RCW 46.61.502 or 46.61.504 or an equivalent local or out-of-state statute or ordinance,

or a violation of RCW 46.61.520(1)(a) or 46.61.522(1)(b), or who has had or will have his or her license suspended, revoked, or denied under RCW 46.20.3101, or who is otherwise permitted under subsection (8) of this section, may submit to the department an application for an ignition interlock driver's license. The department, upon receipt of the prescribed fee and upon determining that the petitioner is eligible to receive the license, may issue an ignition interlock driver's license.

(b) A person may apply for an ignition interlock driver's license anytime, including immediately after receiving the notices under RCW 46.20.308 or after his or her license is suspended, revoked, or denied. A person receiving an ignition interlock driver's license waives his or her right to a hearing or appeal under RCW 46.20.308.

(c) An applicant under this subsection shall provide proof to the satisfaction of the department that a functioning ignition interlock device has been installed on all vehicles operated by the person.

(i) The department shall require the person to maintain the device on all vehicles operated by the person and shall restrict the person to operating only vehicles equipped with the device, for the remainder of the period of suspension, revocation, or denial. The installation of an ignition interlock device is not necessary on vehicles owned, leased, or rented by a person's employer and on those vehicles whose care and/or maintenance is the temporary responsibility of the employer, and driven at the direction of a person's employer as a requirement of employment during working hours. The person must provide the department with a declaration pursuant to RCW 9A.72.085 from his or her employer stating that the person's employment requires the person to operate a vehicle owned by the employer or other persons during working hours. However, when the employer's vehicle is assigned exclusively to the restricted driver and used solely for commuting to and from employment, the employer exemption does not apply.

(ii) Subject to any periodic renewal requirements established by the department under this section and subject to any applicable compliance requirements under this chapter or other law, an ignition interlock driver's license granted upon a suspension or revocation under RCW 46.61.5055 or 46.20.3101 extends through the remaining portion of any concurrent or consecutive suspension or revocation that may be imposed as the result of administrative action and criminal conviction arising out of the same incident.

(iii) The time period during which the person is licensed under this section shall apply on a day-for-day basis toward satisfying the period of time the ignition interlock device restriction is required under RCW 46.20.720 and 46.61.5055. Beginning with incidents occurring on or after September 1, 2011, when calculating the period of time for the restriction under RCW 46.20.720(3), the department must also give the person a day-for-day credit for the time period, beginning from the date of the incident, during which the person kept an ignition interlock device installed on all vehicles the person operates. For the purposes of this subsection (1)(c)(iii), the term "all vehicles" does not include vehicles that would be subject to the employer exception under RCW 46.20.720(3).

(2) An applicant for an ignition interlock driver's license who qualifies under subsection (1) of this section is eligible to receive a license only if the applicant files satisfactory proof of financial responsibility under chapter 46.29 RCW.

(3) Upon receipt of evidence that a holder of an ignition interlock driver's license granted under this subsection no longer has a functioning ignition interlock device installed on all vehicles operated by the driver, the director shall give written notice by first-class mail to the driver that the ignition interlock driver's license shall be canceled. If at any time before the cancellation goes into effect the driver submits evidence that a functioning ignition interlock device has been installed on all vehicles operated by the driver, the cancellation shall be stayed. If the cancellation

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becomes effective, the driver may obtain, at no additional charge, a new ignition interlock driver's license upon submittal of evidence that a functioning ignition interlock device has been installed on all vehicles operated by the driver.

(4) A person aggrieved by the decision of the department on the application for an ignition interlock driver's license may request a hearing as provided by rule of the department.

(5) The director shall cancel an ignition interlock driver's license after receiving notice that the holder thereof has been convicted of operating a motor vehicle in violation of its restrictions, no longer meets the eligibility requirements, or has been convicted of or found to have committed a separate offense or any other act or omission that under this chapter would warrant suspension or revocation of a regular driver's license. The department must give notice of the cancellation as provided under RCW 46.20.245. A person whose ignition interlock driver's license has been canceled under this section may reapply for a new ignition interlock driver's license if he or she is otherwise qualified under this section and pays the fee required under RCW 46.20.380.

(6)(a) Unless costs are waived by the ignition interlock company or the person is indigent under RCW 10.101.010, the applicant shall pay the cost of installing, removing, and leasing the ignition interlock device and shall pay an additional fee of twenty dollars per month. Payments shall be made directly to the ignition interlock company. The company shall remit the additional twenty dollar fee to the department.

(b) The department shall deposit the proceeds of the twenty dollar fee into the ignition interlock device revolving account. Expenditures from the account may be used only to administer and operate the ignition interlock device revolving account program. The department shall adopt rules to provide monetary assistance according to greatest need and when funds are available.

(7) The department shall adopt rules to implement ignition interlock licensing. The department shall consult with the administrative office of the courts, the state patrol, the Washington association of sheriffs and police chiefs, ignition interlock companies, and any other organization or entity the department deems appropriate.

(8)(a) Any person licensed under this chapter who is convicted of a violation of RCW 46.61.500 when the charge was originally filed as a violation of RCW 46.61.502 or 46.61.504, or an equivalent local ordinance, may submit to the department an application for an ignition interlock driver's license under this section.

(b) A person who does not have any driver's license under this chapter, but who would otherwise be eligible under this section to apply for an ignition interlock license, may submit to the department an application for an ignition interlock license. The department may require the person to take any driver's licensing examination under chapter 46.20 RCW and may require the person to also apply and qualify for a temporary restricted driver's license under RCW 46.20.391.

**Sec. 9.** RCW 46.20.720 and 2011 c 293 s 6 are each amended to read as follows:

(1) The court may order that after a period of suspension, revocation, or denial of driving privileges, and for up to as long as the court has jurisdiction, any person convicted of any offense involving the use, consumption, or possession of alcohol while operating a motor vehicle may drive only a motor vehicle equipped with a functioning ignition interlock. The court shall establish a specific calibration setting at which the interlock will prevent the vehicle from being started. The court shall also establish the period of time for which interlock use will be required.

(2) Under RCW 46.61.5055 and subject to the exceptions listed in that statute, the court shall order any person convicted of a violation of RCW 46.61.502 or 46.61.504 or an equivalent local

ordinance to ~~((apply for an ignition interlock driver's license from the department under RCW 46.20.385 and to have))~~ comply with the rules and requirements of the department regarding the installation and use of a functioning ignition interlock device installed on all motor vehicles operated by the person. The court shall order any person participating in a deferred prosecution program under RCW 10.05.020 for a violation of RCW 46.61.502 or 46.61.504 or an equivalent local ordinance to have a functioning ignition interlock device installed on all motor vehicles operated by the person.

(3) The department shall require that, after any applicable period of suspension, revocation, or denial of driving privileges, a person may drive only a motor vehicle equipped with a functioning ignition interlock device if the person is convicted of a violation of RCW 46.61.502 or 46.61.504 or an equivalent local or out-of-state statute or ordinance. The department shall require that a person may drive only a motor vehicle equipped with a functioning ignition interlock device if the person is convicted of a violation of RCW 46.61.5249 or 46.61.500 and is required under RCW 46.61.5249(4) or 46.61.500(3) (a) or (b) to install an ignition interlock device on all vehicles operated by the person.

The department may waive the requirement for the use of such a device if it concludes that such devices are not reasonably available in the local area. The installation of an ignition interlock device is not necessary on vehicles owned, leased, or rented by a person's employer and on those vehicles whose care and/or maintenance is the temporary responsibility of the employer, and driven at the direction of a person's employer as a requirement of employment during working hours. The person must provide the department with a declaration pursuant to RCW 9A.72.085 from his or her employer stating that the person's employment requires the person to operate a vehicle owned by the employer or other persons during working hours. However, when the employer's vehicle is assigned exclusively to the restricted driver and used solely for commuting to and from employment, the employer exemption does not apply.

The ignition interlock device shall be calibrated to prevent the motor vehicle from being started when the breath sample provided has an alcohol concentration of 0.025 or more. Subject to the provisions of subsections (4) and (5) of this section, the period of time of the restriction will be no less than:

(a) For a person who has not previously been restricted under this section, a period of one year;

(b) For a person who has previously been restricted under (a) of this subsection, a period of five years;

(c) For a person who has previously been restricted under (b) of this subsection, a period of ten years.

(4) A restriction imposed under subsection (3) of this section shall remain in effect until the department receives a declaration from the person's ignition interlock device vendor, in a form provided or approved by the department, certifying that there have been none of the following incidents in the four consecutive months prior to the date of release:

(a) An attempt to start the vehicle with a breath alcohol concentration of 0.04 or more;

(b) Failure to take or pass any required retest; or

(c) Failure of the person to appear at the ignition interlock device vendor when required for maintenance, repair, calibration, monitoring, inspection, or replacement of the device.

(5) For a person required to install an ignition interlock device pursuant to RCW 46.61.5249(4) or 46.61.500(3), the period of time of the restriction shall be for six months and shall be subject to subsection (4) of this section.

(6) In addition to any other costs associated with the use of an ignition interlock device imposed on the person restricted under this section, the person shall pay an additional fee of twenty dollars per

month. Payments must be made directly to the ignition interlock company. The company shall remit the additional twenty dollar fee to the department to be deposited into the ignition interlock device revolving account.

**Sec. 10.** RCW 46.20.745 and 2008 c 282 s 10 are each amended to read as follows:

(1) The ignition interlock device revolving account program is created within the department to assist in covering the monetary costs of installing, removing, and leasing an ignition interlock device, and applicable licensing, for indigent persons who are required under RCW 46.20.385, 46.20.720, and 46.61.5055 to install an ignition interlock device in all vehicles owned or operated by the person. For purposes of this subsection, "indigent" has the same meaning as in RCW 10.101.010, as determined by the department.

(2) A pilot program is created within the ignition interlock device revolving account program for the purpose of monitoring compliance by persons required to use ignition interlock devices and by ignition interlock companies and vendors.

(3) The department, the state patrol, and the Washington traffic safety commission shall coordinate to establish a compliance pilot program that will target at least one county from eastern Washington and one county from western Washington, as determined by the department, state patrol, and Washington traffic safety commission.

(4) At a minimum, the compliance pilot program shall:

(a) Review the number of ignition interlock devices that are required to be installed in the targeted county and the number of ignition interlock devices actually installed;

(b) Work to identify those persons who are not complying with ignition interlock requirements or are repeatedly violating ignition interlock requirements; and

(c) Identify ways to track compliance and reduce noncompliance.

(5) As part of monitoring compliance, the Washington traffic safety commission shall also track recidivism for violations of RCW 46.61.502 and 46.61.504 by persons required to have an ignition interlock driver's license under RCW 46.20.385 and 46.20.720.

**Sec. 11.** RCW 46.61.500 and 2011 c 293 s 4 and 2011 c 96 s 34 are each reenacted and amended to read as follows:

(1) Any person who drives any vehicle in willful or wanton disregard for the safety of persons or property is guilty of reckless driving. Violation of the provisions of this section is a gross misdemeanor punishable by imprisonment for up to three hundred sixty-four days and by a fine of not more than five thousand dollars.

(2)(a) Subject to (b) of this subsection, the license or permit to drive or any nonresident privilege of any person convicted of reckless driving shall be suspended by the department for not less than thirty days.

(b) When a reckless driving conviction is a result of a charge that was originally filed as a violation of RCW 46.61.502 or 46.61.504, or an equivalent local ordinance, the department shall grant credit on a day-for-day basis for any portion of a suspension, revocation, or denial already served under an administrative action arising out of the same incident. During any period of suspension, revocation, or denial due to a conviction for reckless driving as the result of a charge originally filed as a violation of RCW 46.61.502 or 46.61.504, any person who has obtained an ignition interlock driver's license under RCW 46.20.385 may continue to drive a motor vehicle pursuant to the provision of the ignition interlock driver's license without obtaining a separate temporary restricted driver's license under RCW 46.20.391.

(3)(a) Except as provided under (b) of this subsection, a person convicted of reckless driving who has one or more prior offenses as defined in RCW 46.61.5055(14) within seven years shall be

required, under RCW 46.20.720, to install an ignition interlock device on all vehicles operated by the person if the conviction is the result of a charge that was originally filed as a violation of RCW 46.61.502, 46.61.504, or an equivalent local ordinance.

(b) A person convicted of reckless driving shall be required, under RCW 46.20.720, to install an ignition interlock device on all vehicles operated by the person if the conviction is the result of a charge that was originally filed as a violation of RCW 46.61.520 committed while under the influence of intoxicating liquor or any drug or RCW 46.61.522 committed while under the influence of intoxicating liquor or any drug.

**Sec. 12.** RCW 46.61.5055 and 2011 c 293 s 7 and 2011 c 96 s 35 are each reenacted and amended to read as follows:

(1) Except as provided in RCW 46.61.502(6) or 46.61.504(6), a person who is convicted of a violation of RCW 46.61.502 or 46.61.504 and who has no prior offense within seven years shall be punished as follows:

(a) In the case of a person whose alcohol concentration was less than 0.15, or for whom for reasons other than the person's refusal to take a test offered pursuant to RCW 46.20.308 there is no test result indicating the person's alcohol concentration:

(i) By imprisonment for not less than one day nor more than three hundred sixty-four days. Twenty-four consecutive hours of the imprisonment may not be suspended or deferred unless the court finds that the imposition of this mandatory minimum sentence would impose a substantial risk to the offender's physical or mental well-being. Whenever the mandatory minimum sentence is suspended or deferred, the court shall state in writing the reason for granting the suspension or deferral and the facts upon which the suspension or deferral is based. In lieu of the mandatory minimum term of imprisonment required under this subsection (1)(a)(i), the court may order not less than fifteen days of electronic home monitoring. The offender shall pay the cost of electronic home monitoring. The county or municipality in which the penalty is being imposed shall determine the cost. The court may also require the offender's electronic home monitoring device to include an alcohol detection breathalyzer, and the court may restrict the amount of alcohol the offender may consume during the time the offender is on electronic home monitoring; and

(ii) By a fine of not less than three hundred fifty dollars nor more than five thousand dollars. Three hundred fifty dollars of the fine may not be suspended or deferred unless the court finds the offender to be indigent; or

(b) In the case of a person whose alcohol concentration was at least 0.15, or for whom by reason of the person's refusal to take a test offered pursuant to RCW 46.20.308 there is no test result indicating the person's alcohol concentration:

(i) By imprisonment for not less than two days nor more than three hundred sixty-four days. Two consecutive days of the imprisonment may not be suspended or deferred unless the court finds that the imposition of this mandatory minimum sentence would impose a substantial risk to the offender's physical or mental well-being. Whenever the mandatory minimum sentence is suspended or deferred, the court shall state in writing the reason for granting the suspension or deferral and the facts upon which the suspension or deferral is based. In lieu of the mandatory minimum term of imprisonment required under this subsection (1)(b)(i), the court may order not less than thirty days of electronic home monitoring. The offender shall pay the cost of electronic home monitoring. The county or municipality in which the penalty is being imposed shall determine the cost. The court may also require the offender's electronic home monitoring device to include an alcohol detection breathalyzer, and the court may restrict the amount of alcohol the offender may consume during the time the offender is on electronic home monitoring; and

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(ii) By a fine of not less than five hundred dollars nor more than five thousand dollars. Five hundred dollars of the fine may not be suspended or deferred unless the court finds the offender to be indigent.

(2) Except as provided in RCW 46.61.502(6) or 46.61.504(6), a person who is convicted of a violation of RCW 46.61.502 or 46.61.504 and who has one prior offense within seven years shall be punished as follows:

(a) In the case of a person whose alcohol concentration was less than 0.15, or for whom for reasons other than the person's refusal to take a test offered pursuant to RCW 46.20.308 there is no test result indicating the person's alcohol concentration:

(i) By imprisonment for not less than thirty days nor more than three hundred sixty-four days and sixty days of electronic home monitoring. In lieu of the mandatory minimum term of sixty days electronic home monitoring, the court may order at least an additional four days in jail. The offender shall pay for the cost of the electronic monitoring. The county or municipality where the penalty is being imposed shall determine the cost. The court may also require the offender's electronic home monitoring device include an alcohol detection breathalyzer, and may restrict the amount of alcohol the offender may consume during the time the offender is on electronic home monitoring. Thirty days of imprisonment and sixty days of electronic home monitoring may not be suspended or deferred unless the court finds that the imposition of this mandatory minimum sentence would impose a substantial risk to the offender's physical or mental well-being. Whenever the mandatory minimum sentence is suspended or deferred, the court shall state in writing the reason for granting the suspension or deferral and the facts upon which the suspension or deferral is based; and

(ii) By a fine of not less than five hundred dollars nor more than five thousand dollars. Five hundred dollars of the fine may not be suspended or deferred unless the court finds the offender to be indigent; or

(b) In the case of a person whose alcohol concentration was at least 0.15, or for whom by reason of the person's refusal to take a test offered pursuant to RCW 46.20.308 there is no test result indicating the person's alcohol concentration:

(i) By imprisonment for not less than forty-five days nor more than three hundred sixty-four days and ninety days of electronic home monitoring. In lieu of the mandatory minimum term of ninety days electronic home monitoring, the court may order at least an additional six days in jail. The offender shall pay for the cost of the electronic monitoring. The county or municipality where the penalty is being imposed shall determine the cost. The court may also require the offender's electronic home monitoring device include an alcohol detection breathalyzer, and may restrict the amount of alcohol the offender may consume during the time the offender is on electronic home monitoring. Forty-five days of imprisonment and ninety days of electronic home monitoring may not be suspended or deferred unless the court finds that the imposition of this mandatory minimum sentence would impose a substantial risk to the offender's physical or mental well-being. Whenever the mandatory minimum sentence is suspended or deferred, the court shall state in writing the reason for granting the suspension or deferral and the facts upon which the suspension or deferral is based; and

(ii) By a fine of not less than seven hundred fifty dollars nor more than five thousand dollars. Seven hundred fifty dollars of the fine may not be suspended or deferred unless the court finds the offender to be indigent.

(3) Except as provided in RCW 46.61.502(6) or 46.61.504(6), a person who is convicted of a violation of RCW 46.61.502 or

46.61.504 and who has two or three prior offenses within seven years shall be punished as follows:

(a) In the case of a person whose alcohol concentration was less than 0.15, or for whom for reasons other than the person's refusal to take a test offered pursuant to RCW 46.20.308 there is no test result indicating the person's alcohol concentration:

(i) By imprisonment for not less than ninety days nor more than three hundred sixty-four days and one hundred twenty days of electronic home monitoring. In lieu of the mandatory minimum term of one hundred twenty days of electronic home monitoring, the court may order at least an additional eight days in jail. The offender shall pay for the cost of the electronic monitoring. The county or municipality where the penalty is being imposed shall determine the cost. The court may also require the offender's electronic home monitoring device include an alcohol detection breathalyzer, and may restrict the amount of alcohol the offender may consume during the time the offender is on electronic home monitoring. Ninety days of imprisonment and one hundred twenty days of electronic home monitoring may not be suspended or deferred unless the court finds that the imposition of this mandatory minimum sentence would impose a substantial risk to the offender's physical or mental well-being. Whenever the mandatory minimum sentence is suspended or deferred, the court shall state in writing the reason for granting the suspension or deferral and the facts upon which the suspension or deferral is based; and

(ii) By a fine of not less than one thousand dollars nor more than five thousand dollars. One thousand dollars of the fine may not be suspended or deferred unless the court finds the offender to be indigent; or

(b) In the case of a person whose alcohol concentration was at least 0.15, or for whom by reason of the person's refusal to take a test offered pursuant to RCW 46.20.308 there is no test result indicating the person's alcohol concentration:

(i) By imprisonment for not less than one hundred twenty days nor more than three hundred sixty-four days and one hundred fifty days of electronic home monitoring. In lieu of the mandatory minimum term of one hundred fifty days of electronic home monitoring, the court may order at least an additional ten days in jail. The offender shall pay for the cost of the electronic monitoring. The county or municipality where the penalty is being imposed shall determine the cost. The court may also require the offender's electronic home monitoring device include an alcohol detection breathalyzer, and may restrict the amount of alcohol the offender may consume during the time the offender is on electronic home monitoring. One hundred twenty days of imprisonment and one hundred fifty days of electronic home monitoring may not be suspended or deferred unless the court finds that the imposition of this mandatory minimum sentence would impose a substantial risk to the offender's physical or mental well-being. Whenever the mandatory minimum sentence is suspended or deferred, the court shall state in writing the reason for granting the suspension or deferral and the facts upon which the suspension or deferral is based; and

(ii) By a fine of not less than one thousand five hundred dollars nor more than five thousand dollars. One thousand five hundred dollars of the fine may not be suspended or deferred unless the court finds the offender to be indigent.

(4) A person who is convicted of a violation of RCW 46.61.502 or 46.61.504 shall be punished under chapter 9.94A RCW if:

(a) The person has four or more prior offenses within ten years; or

(b) The person has ever previously been convicted of:

(i) A violation of RCW 46.61.520 committed while under the influence of intoxicating liquor or any drug;



(ii) A violation of RCW 46.61.522 committed while under the influence of intoxicating liquor or any drug;

(iii) An out-of-state offense comparable to the offense specified in (b)(i) or (ii) of this subsection; or

(iv) A violation of RCW 46.61.502(6) or 46.61.504(6).

(5)(a) The court shall require any person convicted of a violation of RCW 46.61.502 or 46.61.504 or an equivalent local ordinance to ~~((apply for an ignition interlock driver's license from the department and to have))~~ comply with the rules and requirements of the department regarding the installation and use of a functioning ignition interlock device installed on all motor vehicles operated by the person.

(b) ~~((The installation of an ignition interlock device is not necessary on vehicles owned, leased, or rented by a person's employer and on those vehicles whose care and/or maintenance is the temporary responsibility of the employer, and driven at the direction of a person's employer as a requirement of employment during working hours. The person must provide the department with a declaration pursuant to RCW 9A.72.085 from his or her employer stating that the person's employment requires the person to operate a vehicle owned by the employer or other persons during working hours.~~

(c) An ignition interlock device imposed under this section shall be calibrated to prevent a motor vehicle from being started when the breath sample provided has an alcohol concentration of 0.025 or more.

(d) The court may waive the requirement that a person apply for an ignition interlock driver's license if the court makes a specific finding in writing that:

(i) The person lives out-of-state and the devices are not reasonably available in the person's local area;

(ii) The person does not operate a vehicle; or

(iii) The person is not eligible to receive an ignition interlock driver's license under RCW 46.20.385 because the person is not a resident of Washington, is a habitual traffic offender, has already applied for or is already in possession of an ignition interlock driver's license, has never had a driver's license, has been certified under chapter 74.20A RCW as noncompliant with a child support order, or is subject to any other condition or circumstance that makes the person ineligible to obtain an ignition interlock driver's license.

(e) If a court finds that a person is not eligible to receive an ignition interlock driver's license under this section, the court is not required to make any further subsequent inquiry or determination as to the person's eligibility.

(f)) If the court orders that a person refrain from consuming any alcohol ~~((and requires the person to apply for an ignition interlock driver's license, and the person states that he or she does not operate a motor vehicle or the person is ineligible to obtain an ignition interlock driver's license)),~~ the court ~~((shall))~~ may order the person to submit to alcohol monitoring through an alcohol detection breathalyzer device, transdermal sensor device, or other technology designed to detect alcohol in a person's system. ~~((Alcohol monitoring ordered under this subsection must be for the period of the mandatory license suspension or revocation.))~~ The person shall pay for the cost of the monitoring, unless the court specifies that the cost of monitoring will be paid with funds that are available from an alternative source identified by the court. The county or municipality where the penalty is being imposed shall determine the cost.

~~((g))~~ The period of time for which ignition interlock use is required will be as follows:

(i) For a person who has not previously been restricted under this section, a period of one year;

(ii) For a person who has previously been restricted under (g)(i)

of this subsection, a period of five years;

(iii) For a person who has previously been restricted under (g)(ii) of this subsection, a period of ten years.

(h) Beginning with incidents occurring on or after September 1, 2011, when calculating the period of time for the restriction under RCW 46.20.720(3), the department must also give the person a day-for-day credit for the time period, beginning from the date of the incident, during which the person kept an ignition interlock device installed on all vehicles the person operates. For the purposes of this subsection (5)(h), the term "all vehicles" does not include vehicles that would be subject to the employer exception under RCW 46.20.720(3).)

(6) If a person who is convicted of a violation of RCW 46.61.502 or 46.61.504 committed the offense while a passenger under the age of sixteen was in the vehicle, the court shall:

(a) In any case in which the installation and use of an interlock or other device is not mandatory under RCW 46.20.720 or other law, order the use of such a device for not less than sixty days following the restoration of the person's license, permit, or nonresident driving privileges; and

(b) In any case in which the installation and use of such a device is otherwise mandatory, order the use of such a device for an additional sixty days.

(7) In exercising its discretion in setting penalties within the limits allowed by this section, the court shall particularly consider the following:

(a) Whether the person's driving at the time of the offense was responsible for injury or damage to another or another's property; and

(b) Whether at the time of the offense the person was driving or in physical control of a vehicle with one or more passengers.

(8) An offender punishable under this section is subject to the alcohol assessment and treatment provisions of RCW 46.61.5056.

(9) The license, permit, or nonresident privilege of a person convicted of driving or being in physical control of a motor vehicle while under the influence of intoxicating liquor or drugs must:

(a) If the person's alcohol concentration was less than 0.15, or if for reasons other than the person's refusal to take a test offered under RCW 46.20.308 there is no test result indicating the person's alcohol concentration:

(i) Where there has been no prior offense within seven years, be suspended or denied by the department for ninety days;

(ii) Where there has been one prior offense within seven years, be revoked or denied by the department for two years; or

(iii) Where there have been two or more prior offenses within seven years, be revoked or denied by the department for three years;

(b) If the person's alcohol concentration was at least 0.15:

(i) Where there has been no prior offense within seven years, be revoked or denied by the department for one year;

(ii) Where there has been one prior offense within seven years, be revoked or denied by the department for nine hundred days; or

(iii) Where there have been two or more prior offenses within seven years, be revoked or denied by the department for four years; or

(c) If by reason of the person's refusal to take a test offered under RCW 46.20.308, there is no test result indicating the person's alcohol concentration:

(i) Where there have been no prior offenses within seven years, be revoked or denied by the department for two years;

(ii) Where there has been one prior offense within seven years, be revoked or denied by the department for three years; or

(iii) Where there have been two or more previous offenses within seven years, be revoked or denied by the department for four years.

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The department shall grant credit on a day-for-day basis for any portion of a suspension, revocation, or denial already served under this subsection for a suspension, revocation, or denial imposed under RCW 46.20.3101 arising out of the same incident.

For purposes of this subsection (9), the department shall refer to the driver's record maintained under RCW 46.52.120 when determining the existence of prior offenses.

(10) After expiration of any period of suspension, revocation, or denial of the offender's license, permit, or privilege to drive required by this section, the department shall place the offender's driving privilege in probationary status pursuant to RCW 46.20.355.

(11)(a) In addition to any nonsuspendable and nondeferrable jail sentence required by this section, whenever the court imposes up to three hundred sixty-four days in jail, the court shall also suspend but shall not defer a period of confinement for a period not exceeding five years. The court shall impose conditions of probation that include: (i) Not driving a motor vehicle within this state without a valid license to drive and proof of financial responsibility for the future; (ii) not driving a motor vehicle within this state while having an alcohol concentration of 0.08 or more within two hours after driving; and (iii) not refusing to submit to a test of his or her breath or blood to determine alcohol concentration upon request of a law enforcement officer who has reasonable grounds to believe the person was driving or was in actual physical control of a motor vehicle within this state while under the influence of intoxicating liquor. The court may impose conditions of probation that include nonrepetition, installation of an ignition interlock device on the probationer's motor vehicle, alcohol or drug treatment, supervised probation, or other conditions that may be appropriate. The sentence may be imposed in whole or in part upon violation of a condition of probation during the suspension period.

(b) For each violation of mandatory conditions of probation under (a)(i), (ii), or (iii) of this subsection, the court shall order the convicted person to be confined for thirty days, which shall not be suspended or deferred.

(c) For each incident involving a violation of a mandatory condition of probation imposed under this subsection, the license, permit, or privilege to drive of the person shall be suspended by the court for thirty days or, if such license, permit, or privilege to drive already is suspended, revoked, or denied at the time the finding of probation violation is made, the suspension, revocation, or denial then in effect shall be extended by thirty days. The court shall notify the department of any suspension, revocation, or denial or any extension of a suspension, revocation, or denial imposed under this subsection.

(12) A court may waive the electronic home monitoring requirements of this chapter when:

(a) The offender does not have a dwelling, telephone service, or any other necessity to operate an electronic home monitoring system;

(b) The offender does not reside in the state of Washington; or

(c) The court determines that there is reason to believe that the offender would violate the conditions of the electronic home monitoring penalty.

Whenever the mandatory minimum term of electronic home monitoring is waived, the court shall state in writing the reason for granting the waiver and the facts upon which the waiver is based, and shall impose an alternative sentence with similar punitive consequences. The alternative sentence may include, but is not limited to, additional jail time, work crew, or work camp.

Whenever the combination of jail time and electronic home monitoring or alternative sentence would exceed three hundred sixty-four days, the offender shall serve the jail portion of the sentence first, and the electronic home monitoring or alternative

portion of the sentence shall be reduced so that the combination does not exceed three hundred sixty-four days.

(13) An offender serving a sentence under this section, whether or not a mandatory minimum term has expired, may be granted an extraordinary medical placement by the jail administrator subject to the standards and limitations set forth in RCW 9.94A.728(3).

(14) For purposes of this section and RCW 46.61.502 and 46.61.504:

(a) A "prior offense" means any of the following:

(i) A conviction for a violation of RCW 46.61.502 or an equivalent local ordinance;

(ii) A conviction for a violation of RCW 46.61.504 or an equivalent local ordinance;

(iii) A conviction for a violation of RCW 46.61.520 committed while under the influence of intoxicating liquor or any drug, or a conviction for a violation of RCW 46.61.520 committed in a reckless manner or with the disregard for the safety of others if the conviction is the result of a charge that was originally filed as a violation of RCW 46.61.520 committed while under the influence of intoxicating liquor or any drug;

(iv) A conviction for a violation of RCW 46.61.522 committed while under the influence of intoxicating liquor or any drug, or a conviction for a violation of RCW 46.61.522 committed in a reckless manner or with the disregard for the safety of others if the conviction is the result of a charge that was originally filed as a violation of RCW 46.61.522 committed while under the influence of intoxicating liquor or any drug;

(v) A conviction for a violation of RCW 46.61.5249, 46.61.500, or 9A.36.050 or an equivalent local ordinance, if the conviction is the result of a charge that was originally filed as a violation of RCW 46.61.502 or 46.61.504, or an equivalent local ordinance, or of RCW 46.61.520 or 46.61.522;

(vi) An out-of-state conviction for a violation that would have been a violation of (a)(i), (ii), (iii), (iv), or (v) of this subsection if committed in this state;

(vii) A deferred prosecution under chapter 10.05 RCW granted in a prosecution for a violation of RCW 46.61.502, 46.61.504, or an equivalent local ordinance; ~~((viii))~~

(viii) A deferred prosecution under chapter 10.05 RCW granted in a prosecution for a violation of RCW 46.61.5249, or an equivalent local ordinance, if the charge under which the deferred prosecution was granted was originally filed as a violation of RCW 46.61.502 or 46.61.504, or an equivalent local ordinance, or of RCW 46.61.520 or 46.61.522; or

(ix) A deferred prosecution granted in another state for a violation of driving or having physical control of a vehicle while under the influence of intoxicating liquor or any drug if the out-of-state deferred prosecution is equivalent to the deferred prosecution under chapter 10.05 RCW, including a requirement that the defendant participate in a chemical dependency treatment program;

If a deferred prosecution is revoked based on a subsequent conviction for an offense listed in this subsection (14)(a), the subsequent conviction shall not be treated as a prior offense of the revoked deferred prosecution for the purposes of sentencing;

(b) "Within seven years" means that the arrest for a prior offense occurred within seven years before or after the arrest for the current offense; and

(c) "Within ten years" means that the arrest for a prior offense occurred within ten years before or after the arrest for the current offense.

**Sec. 13.** RCW 46.61.5249 and 2011 c 293 s 5 are each amended to read as follows:

(1)(a) A person is guilty of negligent driving in the first degree if he or she operates a motor vehicle in a manner that is both negligent and endangers or is likely to endanger any person or property, and

exhibits the effects of having consumed liquor or an illegal drug or exhibits the effects of having inhaled or ingested any chemical, whether or not a legal substance, for its intoxicating or hallucinatory effects.

(b) It is an affirmative defense to negligent driving in the first degree by means of exhibiting the effects of having consumed an illegal drug that must be proved by the defendant by a preponderance of the evidence, that the driver has a valid prescription for the drug consumed, and has been consuming it according to the prescription directions and warnings.

(c) Negligent driving in the first degree is a misdemeanor.

(2) For the purposes of this section:

(a) "Negligent" means the failure to exercise ordinary care, and is the doing of some act that a reasonably careful person would not do under the same or similar circumstances or the failure to do something that a reasonably careful person would do under the same or similar circumstances.

(b) "Exhibiting the effects of having consumed liquor" means that a person has the odor of liquor on his or her breath, or that by speech, manner, appearance, behavior, lack of coordination, or otherwise exhibits that he or she has consumed liquor, and either:

(i) Is in possession of or in close proximity to a container that has or recently had liquor in it; or

(ii) Is shown by other evidence to have recently consumed liquor.

(c) "Exhibiting the effects of having consumed an illegal drug" means that a person by speech, manner, appearance, behavior, lack of coordination, or otherwise exhibits that he or she has consumed an illegal drug and either:

(i) Is in possession of an illegal drug; or

(ii) Is shown by other evidence to have recently consumed an illegal drug.

(d) "Exhibiting the effects of having inhaled or ingested any chemical, whether or not a legal substance, for its intoxicating or hallucinatory effects" means that a person by speech, manner, appearance, behavior, or lack of coordination or otherwise exhibits that he or she has inhaled or ingested a chemical and either:

(i) Is in possession of the canister or container from which the chemical came; or

(ii) Is shown by other evidence to have recently inhaled or ingested a chemical for its intoxicating or hallucinatory effects.

(e) "Illegal drug" means a controlled substance under chapter 69.50 RCW for which the driver does not have a valid prescription or that is not being consumed in accordance with the prescription directions and warnings, or a legend drug under chapter 69.41 RCW for which the driver does not have a valid prescription or that is not being consumed in accordance with the prescription directions and warnings.

(3) Any act prohibited by this section that also constitutes a crime under any other law of this state may be the basis of prosecution under such other law notwithstanding that it may also be the basis for prosecution under this section.

(4) A person convicted of negligent driving in the first degree who has one or more prior offenses as defined in RCW 46.61.5055(14) within seven years shall be required, under RCW 46.20.720, to install an ignition interlock device on all vehicles operated by the person.

**Sec. 14.** RCW 46.61.540 and 1975 1st ex.s. c 287 s 5 are each amended to read as follows:

The word "drugs", as used in RCW 46.61.500 through 46.61.535, shall include but not be limited to those drugs and substances regulated by chapters 69.41 and 69.50 RCW and any chemical inhaled or ingested for its intoxicating or hallucinatory effects.

**NEW SECTION. Sec. 15.** A new section is added to chapter 43.43 RCW to read as follows:

(1) As part of the state patrol's authority to provide standards for certification, installation, repair, maintenance, monitoring, inspection, and removal of ignition interlock devices, the state patrol shall by rule establish a fee schedule and collect fees from ignition interlock manufacturers, technicians, providers, and persons required under RCW 46.20.385, 46.20.720, and 46.61.5055 to install an ignition interlock device in all vehicles owned or operated by the person. At a minimum, the fees must be set at a level necessary to support effective performance of the duties identified in this section. The state patrol must report back to the transportation committees of the legislature and the office of financial management by December 1st of each year on the level of the fees that have been adopted and whether those fees are sufficient to cover the cost of performing the duties listed in this section.

(2) Fees collected under this section must be deposited into the highway safety account to be used solely to fund the Washington state patrol impaired driving section projects.

**Sec. 16.** RCW 43.43.395 and 2010 c 268 s 2 are each amended to read as follows:

(1) The state patrol shall by rule provide standards for the certification, installation, repair, maintenance, monitoring, inspection, and removal of ignition interlock devices, as defined under RCW 46.04.215, and equipment as outlined under this section, and may inspect the records and equipment of manufacturers and vendors during regular business hours for compliance with statutes and rules and may suspend or revoke certification for any noncompliance. The state patrol may only inspect ignition interlock devices in the vehicles of customers for proper installation and functioning when installation is being done at the vendors' place of business.

(2)(a) When a certified service provider or individual installer of ignition interlock devices is found to be out of compliance, the installation privileges of that certified service provider or individual installer may be suspended or revoked until the certified service provider or individual installer comes into compliance. During any suspension or revocation period, the certified service provider or individual installer is responsible for notifying affected customers of any changes in their service agreement.

(b) A certified service provider or individual installer whose certification is suspended or revoked for noncompliance has a right to an administrative hearing under chapter 34.05 RCW to contest the suspension or revocation, or both. For the administrative hearing, the procedure and rules of evidence are as specified in chapter 34.05 RCW, except as otherwise provided in this chapter. Any request for an administrative hearing must be made in writing and must be received by the state patrol within twenty days after the receipt of the notice of suspension or revocation.

(3)(a) An ignition interlock device must employ fuel cell technology. For the purposes of this subsection, "fuel cell technology" consists of the following electrochemical method: An electrolyte designed to oxidize the alcohol and release electrons to be collected by an active electrode; a current flow is generated within the electrode proportional to the amount of alcohol oxidized on the fuel cell surface; and the electrical current is measured and reported as breath alcohol concentration. Fuel cell technology is highly specific for alcohols.

(b) When reasonably available in the area, as determined by the state patrol, an ignition interlock device must employ technology capable of taking a photo identification of the user giving the breath sample and recording on the photo the time the breath sample was given.

(c) To be certified, an ignition interlock device must:

(i) Meet or exceed the minimum test standards according to rules adopted by the state patrol. Only a notarized statement from a laboratory that is certified by the international organization of

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standardization and is capable of performing the tests specified will be accepted as proof of meeting or exceeding the standards. The notarized statement must include the name and signature of the person in charge of the tests under the following statement:

"Two samples of (model name), manufactured by (manufacturer) were tested by (laboratory) certified by the Internal Organization of Standardization. They do meet or exceed all specifications listed in the Federal Register, Volume 71, Number 31 (57 FR 11772), Breath Alcohol Ignition Interlock Devices (BAIID), NHTSA 2005-23470."; and

(ii) Be maintained in accordance with the rules and standards adopted by the state patrol.

**NEW SECTION. Sec. 17.** This act takes effect August 1, 2012."

Senators Kline and Padden spoke in favor of adoption of the committee striking amendment.

The President Pro Tempore declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Transportation to Second Substitute House Bill No. 2443.

The motion by Senator Kline carried and the committee striking amendment was adopted by voice vote.

#### MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 2 of the title, after "impaired;" strike the remainder of the title and insert "amending RCW 2.28.175, 9.94A.475, 9.94A.640, 9.95.210, 9.96.060, 38.52.430, 46.20.308, 46.20.385, 46.20.720, 46.20.745, 46.61.5249, 46.61.540, and 43.43.395; reenacting and amending RCW 46.61.500 and 46.61.5055; adding a new section to chapter 43.43 RCW; prescribing penalties; and providing an effective date."

#### MOTION

On motion of Senator Kline, the rules were suspended, Second Substitute House Bill No. 2443 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Kline spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Second Substitute House Bill No. 2443 as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of Second Substitute House Bill No. 2443 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Baumgartner, Becker, Benton, Brown, Carrell, Chase, Conway, Delvin, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hatfield, Haugen, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles, Litzow, McAuliffe, Morton, Murray, Nelson, Padden, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rolfes, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

SECOND SUBSTITUTE HOUSE BILL NO. 2443 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MOTION

On motion of Senator Eide, Second Substitute House Bill No. 2443 was immediately transmitted to the House of Representatives.

#### SECOND READING

SENATE BILL NO. 6250, by Senators Regala, Carrell, Conway, Kilmer, Becker, Roach and Kastama

Clarifying the definition of leasehold interest.

The measure was read the second time.

#### MOTION

On motion of Senator Regala, the rules were suspended, Senate Bill No. 6250 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Regala and Schoesler spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Senate Bill No. 6250.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6250 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Baumgartner, Becker, Benton, Brown, Carrell, Chase, Conway, Delvin, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hatfield, Haugen, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles, Litzow, McAuliffe, Morton, Murray, Nelson, Padden, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rolfes, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

SENATE BILL NO. 6250, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MOTION

On motion of Senator Eide, Senate Bill No. 6250 was immediately transmitted to the House of Representatives.

#### MOTION

On motion of Senator Eide, the Senate reverted to the fourth order of business.

#### MESSAGE FROM THE HOUSE

March 5, 2012

MR. PRESIDENT:

The House refuses to concur in the Senate amendment(s) to ENGROSSED HOUSE BILL NO. 2509 and asks the Senate to recede therefrom.

and the same is herewith transmitted.

BARBARA BAKER, Chief Clerk

## MOTION

Senator Holmquist Newbry moved that the Senate recede from its position in the Senate amendment(s) to Engrossed House Bill No. 2509.

The President Pro Tempore declared the question before the Senate to be motion by Senator Holmquist Newbry that the Senate recede from its position in the Senate amendment(s) to Engrossed House Bill No. 2509.

The motion by Senator Holmquist Newbry carried and the Senate receded from its position in the Senate amendment(s) to Engrossed House Bill No. 2509 by voice vote.

## MOTION

On motion of Senator Holmquist Newbry, the rules were suspended and Engrossed House Bill No. 2509 was returned to second reading for the purposes of amendment.

## SECOND READING

ENGROSSED HOUSE BILL NO. 2509, by Representatives Chandler, Bailey and Pearson

Promoting workplace safety and health by enacting the blueprint for safety program.

The measure was read the second time.

## MOTION

Senator Holmquist Newbry moved that the following striking amendment by Senators Holmquist Newbry and Kohl-Welles be adopted:

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** A new section is added to chapter 49.17 RCW to read as follows:

The blueprint for safety program is established. The goal of the program is to improve safety for employees and lower costs for employers by assisting those employers for which the traditional safety and health model has not been effective. The department shall design the program to promote management and labor leadership in safety and health as essential for long-term success. The criteria for participation may include, but are not limited to: A history with the department indicating a less than optimal leadership commitment to safety and health, a rising experience modification factor, a recent catastrophic workplace injury, a change in the employer's safety management, and a request by the employer to participate. The department shall expand the current blueprint for safety program to include an additional department region of operation. The department shall post information on its web page to provide information about the program to employers. Participation by an employer is voluntary and subject to approval by the department. The program shall supplement, but not replace any of, the department's existing compliance or consultation programs. The department shall adopt rules to establish criteria for participation in the blueprint for safety program, and shall initiate rulemaking in 2012. Funding for the blueprint for safety program created in this section cannot be appropriated from the medical aid fund or the accident fund, but shall be implemented within existing resources."

Senators Holmquist Newbry and Kohl-Welles spoke in favor of adoption of the striking amendment.

The President Pro Tempore declared the question before the Senate to be the adoption of the striking amendment by Senators Holmquist Newbry and Kohl-Welles to Engrossed House Bill No. 2509.

The motion by Senator Holmquist Newbry carried and the striking amendment was adopted by voice vote.

## MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 2 of the title, after "program;" strike the remainder of the title and insert "and adding a new section to chapter 49.17 RCW."

## MOTION

On motion of Senator Holmquist Newbry, the rules were suspended, Engrossed House Bill No. 2509 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the final passage of Engrossed House Bill No. 2509 as amended by the Senate.

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 2509 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Baumgartner, Becker, Benton, Brown, Carrell, Chase, Conway, Delvin, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hatfield, Haugen, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles, Litzow, McAuliffe, Morton, Murray, Nelson, Padden, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rolfes, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

ENGROSSED HOUSE BILL NO. 2509 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## MOTION

On motion of Senator Eide, Engrossed House Bill No. 2509 was immediately transmitted to the House of Representatives.

## MOTION

On motion of Senator Eide, the Senate advanced to the sixth order of business.

## MOTION

On motion of Senator Frockt, Senator Chase was excused.

SECOND READING  
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

## MOTION

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Senator Frockt moved that Gubernatorial Appointment No. 9267, Ryan Durkan, as a member of the Board of Regents, Washington State University, be confirmed.

Senator Frockt spoke in favor of the motion.

APPOINTMENT OF RYAN DURKAN

The President Pro Tempore declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9267, Ryan Durkan as a member of the Board of Regents, Washington State University.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9267, Ryan Durkan as a member of the Board of Regents, Washington State University and the appointment was confirmed by the following vote: Yeas, 45; Nays, 2; Absent, 1; Excused, 1.

Voting yea: Senators Becker, Benton, Brown, Carrell, Conway, Delvin, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hatfield, Haugen, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles, Litzow, McAuliffe, Morton, Murray, Padden, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rolfes, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Voting nay: Senators Baumgartner and Schoesler

Absent: Senator Nelson

Excused: Senator Chase

Gubernatorial Appointment No. 9267, Ryan Durkan, having received the constitutional majority was declared confirmed as a member of the Board of Regents, Washington State University.

MOTION

At 5:36 p.m., on motion of Senator Eide, the Senate was declared to be at ease subject to the call of the President.

EVENING SESSION

The Senate was called to order at 7:25 p.m. by President Owen.

SECOND READING

CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Frockt moved that Gubernatorial Appointment No. 9144, Judi Owens, as a member of the Investment Board, be confirmed.

Senators Frockt and Padden spoke in favor of passage of the motion.

MOTION

On motion of Senator Fain, Senator Ranker was excused.

APPOINTMENT OF JUDI OWENS

The President declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9144, Judi Owens as a member of the Investment Board.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9144, Judi Owens as a member of the Investment Board and the appointment was confirmed by the following vote: Yeas, 46; Nays, 0; Absent, 2; Excused, 1.

Voting yea: Senators Baumgartner, Becker, Benton, Brown, Carrell, Chase, Conway, Delvin, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hatfield, Haugen, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Kastama, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Morton, Murray, Nelson, Padden, Parlette, Pflug, Prentice, Regala, Roach, Rolfes, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Absent: Senators Kilmer and Pridemore

Excused: Senator Ranker

Gubernatorial Appointment No. 9144, Judi Owens, having received the constitutional majority was declared confirmed as a member of the Investment Board.

INTRODUCTION OF SPECIAL GUESTS

The President welcomed Ms. Judi Owens who was seated in the gallery.

MOTION

On motion of Senator Eide, the Senate reverted to the fourth order of business.

MESSAGE FROM THE HOUSE

March 8, 2012

MR. PRESIDENT:

The House passed SUBSTITUTE SENATE BILL NO. 6492 with the following amendment(s): 6492-S AMH ENGR H4693.E

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** The purpose of this act is to sustainably improve the timeliness of services related to competency to stand trial by setting performance expectations, establishing new mechanisms for accountability, and enacting reforms to ensure that forensic resources are expended in an efficient and clinically appropriate manner without diminishing the quality of competency services, and to reduce the time defendants with mental illness spend in jail awaiting evaluation and restoration of competency.

NEW SECTION. **Sec. 2.** A new section is added to chapter 10.77 RCW to read as follows:

(1)(a) The legislature establishes the following performance targets for the timeliness of the completion of accurate and reliable evaluations of competency to stand trial and admissions for inpatient services related to competency to proceed or stand trial for adult criminal defendants. The legislature recognizes that these targets may not be achievable in all cases without compromise to quality of evaluation services, but intends for the department to manage, allocate, and request appropriations for resources in order to meet these targets whenever possible without sacrificing the accuracy of competency evaluations, and to otherwise make sustainable improvements and track performance related to the timeliness of competency services:

(i) For a state hospital to extend an offer of admission to a defendant in pretrial custody for legally authorized treatment or evaluation services related to competency, or to extend an offer of admission for legally authorized services following dismissal of charges based on incompetent to proceed or stand trial, seven days or less;

(ii) For completion of a competency evaluation in jail and distribution of the evaluation report for a defendant in pretrial custody, seven days or less;

(iii) For completion of a competency evaluation in the community and distribution of the evaluation report for a defendant

who is released from custody and makes a reasonable effort to cooperate with the evaluation, twenty-one days or less.

(b) The time periods measured in these performance targets shall run from the date on which the state hospital receives the court referral and charging documents, discovery, and criminal history information related to the defendant. The targets in (a)(i) and (ii) of this subsection shall be phased in over a six-month period from the effective date of this section. The target in (a)(iii) of this subsection shall be phased in over a twelve-month period from the effective date of this section.

(c) The legislature recognizes the following nonexclusive list of circumstances that may place achievement of targets for completion of competency services described in (a) of this subsection out of the department's reach in an individual case without aspersion to the efforts of the department:

(i) Despite a timely request, the department has not received necessary medical clearance information regarding the current medical status of a defendant in pretrial custody for the purposes of admission to a state hospital;

(ii) The individual circumstances of the defendant make accurate completion of an evaluation of competency to proceed or stand trial dependent upon review of medical history information which is in the custody of a third party and cannot be immediately obtained by the department. Completion of a competency evaluation shall not be postponed for procurement of medical history information which is merely supplementary to the competency determination;

(iii) Completion of the referral is frustrated by lack of availability or participation by counsel, jail or court personnel, interpreters, or the defendant; or

(iv) An unusual spike in the receipt of evaluation referrals or in the number of defendants requiring restoration services has occurred, causing temporary delays until the unexpected excess demand for competency services can be resolved.

(2) The department shall:

(a) Develop, document, and implement procedures to monitor the clinical status of defendants admitted to a state hospital for competency services that allow the state hospital to accomplish early discharge for defendants for whom clinical objectives have been achieved or may be achieved before expiration of the commitment period;

(b) Investigate the extent to which patients admitted to a state hospital under this chapter overstay time periods authorized by law and take reasonable steps to limit the time of commitment to authorized periods; and

(c) Establish written standards for the productivity of forensic evaluators and utilize these standards to internally review the performance of forensic evaluators.

(3) Following any quarter in which a state hospital has failed to meet one or more of the performance targets in subsection (1) of this section after full implementation of the performance target, the department shall report to the executive and the legislature the extent of this deviation and describe any corrective action being taken to improve performance. This report must be made publicly available. An average may be used to determine timeliness under this subsection.

(4) Beginning December 1, 2013, the department shall report annually to the legislature and the executive on the timeliness of services related to competency to proceed or stand trial and the timeliness with which court referrals accompanied by charging documents, discovery, and criminal history information are provided to the department relative to the signature date of the court order. The report must be in a form that is accessible to the public and that breaks down performance by county.

(5) This section does not create any new entitlement or cause of action related to the timeliness of competency evaluations or

admission for inpatient services related to competency to proceed or stand trial, nor can it form the basis for contempt sanctions under chapter 7.21 RCW or a motion to dismiss criminal charges.

**Sec. 3.** RCW 10.77.060 and 2004 c 9 s 1 are each amended to read as follows:

(1)(a) Whenever a defendant has pleaded not guilty by reason of insanity, or there is reason to doubt his or her competency, the court on its own motion or on the motion of any party shall either appoint or request the secretary to designate ~~((at least two))~~ a qualified expert((s)) or professional person((s)), ~~((one of whom))~~ who shall be approved by the prosecuting attorney, to ~~((examine))~~ evaluate and report upon the mental condition of the defendant.

~~\_\_\_\_(b) The signed order of the court shall serve as authority for the ((experts)) evaluator to be given access to all records held by any mental health, medical, educational, or correctional facility that relate to the present or past mental, emotional, or physical condition of the defendant. ((At least one of the experts or professional persons appointed shall be a developmental disabilities professional)) If the court is advised by any party that the defendant may ((be developmentally disabled)) have a developmental disability, the evaluation must be performed by a developmental disabilities professional. ((Upon agreement of the parties, the court may designate one expert or professional person to conduct the examination and report on the mental condition of the defendant. For purposes of the examination, the court may order))~~

(c) The evaluator shall assess the defendant in a jail, detention facility, in the community, or in court to determine whether a period of inpatient commitment will be necessary to complete an accurate evaluation. If inpatient commitment is needed, the signed order of the court shall serve as authority for the evaluator to request the jail or detention facility to transport the defendant ~~((committed))~~ to a hospital or ~~((other suitably))~~ secure ~~((public or private))~~ mental health facility for a period of ~~((time necessary to complete the examination, but))~~ commitment not to exceed fifteen days from the time of admission to the facility. Otherwise, the evaluator shall complete the evaluation.

(d) The court may commit the defendant for evaluation to a hospital or secure mental health facility without an assessment if:

(i) The defendant is charged with murder in the first or second degree; (ii) the court finds that it is more likely than not that an evaluation in the jail will be inadequate to complete an accurate evaluation; or (iii) the court finds that an evaluation outside the jail setting is necessary for the health, safety, or welfare of the defendant. The court shall not order an initial inpatient evaluation for any purpose other than a competency evaluation. ~~((If the defendant is being held in jail or other detention facility, upon agreement of the parties, the court may direct that the examination be conducted at the jail or other detention facility.~~

~~((b))~~ (e) The order shall indicate whether, in the event the defendant is committed to a hospital or secure mental health facility for evaluation, all parties agree to waive the presence of the defendant or to the defendant's remote participation at a subsequent competency hearing or presentation of an agreed order if the recommendation of the evaluator is for continuation of the stay of criminal proceedings, or if the opinion of the evaluator is that the defendant remains incompetent and there is no remaining restoration period, and the hearing is held prior to the expiration of the authorized commitment period.

(f) When a defendant is ordered to be committed for inpatient ~~((examination))~~ evaluation under this subsection (1), the court may delay granting bail until the defendant has been evaluated for competency or sanity and appears before the court. Following the evaluation, in determining bail the court shall consider: (i) Recommendations of the ~~((expert or professional persons))~~ evaluator regarding the defendant's competency, sanity, or

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diminished capacity; (ii) whether the defendant has a recent history of one or more violent acts; (iii) whether the defendant has previously been acquitted by reason of insanity or found incompetent; (iv) whether it is reasonably likely the defendant will fail to appear for a future court hearing; and (v) whether the defendant is a threat to public safety.

(2) The court may direct that a qualified expert or professional person retained by or appointed for the defendant be permitted to witness the ~~((examination))~~ evaluation authorized by subsection (1) of this section, and that the defendant shall have access to all information obtained by the court appointed experts or professional persons. The defendant's expert or professional person shall have the right to file his or her own report following the guidelines of subsection (3) of this section. If the defendant is indigent, the court shall upon the request of the defendant assist him or her in obtaining an expert or professional person.

(3) The report of the ~~((examination))~~ evaluation shall include the following:

(a) A description of the nature of the ~~((examination))~~ evaluation;

(b) A diagnosis or description of the current mental ~~((condition))~~ status of the defendant;

(c) If the defendant suffers from a mental disease or defect, or ~~((is developmentally disabled))~~ has a developmental disability, an opinion as to competency;

(d) If the defendant has indicated his or her intention to rely on the defense of insanity pursuant to RCW 10.77.030, and an evaluation and report by an expert or professional person has been provided concluding that the defendant was criminally insane at the time of the alleged offense, an opinion as to the defendant's sanity at the time of the act, and an opinion as to whether the defendant presents a substantial danger to other persons, or presents a substantial likelihood of committing criminal acts jeopardizing public safety or security, unless kept under further control by the court or other persons or institutions, provided that no opinion shall be rendered under this subsection (3)(d) unless the evaluator or court determines that the defendant is competent to stand trial;

(e) When directed by the court, if an evaluation and report by an expert or professional person has been provided concluding that the defendant lacked the capacity at the time of the offense to form the mental state necessary to commit the charged offense, an opinion as to the capacity of the defendant to have a particular state of mind which is an element of the offense charged;

(f) An opinion as to whether the defendant should be evaluated by a ~~((county))~~ designated mental health professional under chapter 71.05 RCW ~~((and an opinion as to whether the defendant is a substantial danger to other persons, or presents a substantial likelihood of committing criminal acts jeopardizing public safety or security, unless kept under further control by the court or other persons or institutions))~~.

(4) The secretary may execute such agreements as appropriate and necessary to implement this section and may choose to designate more than one evaluator.

**Sec. 4.** RCW 10.77.065 and 2008 c 213 s 1 are each amended to read as follows:

(1)(a)(i) The ~~((facility))~~ expert conducting the evaluation shall provide ~~((its))~~ his or her report and recommendation to the court in which the criminal proceeding is pending. For a competency evaluation of a defendant who is released from custody, if the evaluation cannot be completed within twenty-one days due to a lack of cooperation by the defendant, the evaluator shall notify the court that he or she is unable to complete the evaluation because of such lack of cooperation.

(ii) A copy of the report and recommendation shall be provided to the designated mental health professional, the prosecuting attorney, the defense attorney, and the professional person at the

local correctional facility where the defendant is being held, or if there is no professional person, to the person designated under ~~(a)((iii))~~ (iv) of this subsection. Upon request, the ~~((facility))~~ evaluator shall also provide copies of any source documents relevant to the evaluation to the designated mental health professional. ~~((The report and recommendation shall be provided not less than twenty-four hours preceding the transfer of the defendant to the correctional facility in the county in which the criminal proceeding is pending.~~

(ii) (iii) Any facility providing inpatient services related to competency shall discharge the defendant as soon as the facility determines that the defendant is competent to stand trial. Discharge shall not be postponed during the writing and distribution of the evaluation report. Distribution of an evaluation report by a facility providing inpatient services shall ordinarily be accomplished within two working days or less following the final evaluation of the defendant. If the defendant is discharged to the custody of a local correctional facility, the local correctional facility must continue the medication regimen prescribed by the facility, when clinically appropriate, unless the defendant refuses to cooperate with medication.

(iv) If there is no professional person at the local correctional facility, the local correctional facility shall designate a professional person as defined in RCW 71.05.020 or, in cooperation with the regional support network, a professional person at the regional support network to receive the report and recommendation.

~~((iii) When a defendant is transferred to the facility conducting the evaluation, or)~~ (v) Upon commencement of a defendant's evaluation in the local correctional facility, the local correctional facility must notify the evaluator ~~((or the facility conducting the evaluation))~~ of the name of the professional person, or person designated under ~~(a)((iii))~~ (iv) of this subsection, to receive the report and recommendation.

(b) If the ~~((facility))~~ evaluator concludes, under RCW 10.77.060(3)(f), the person should be ~~((kept under further control, an evaluation shall be conducted of such person))~~ evaluated by a designated mental health professional under chapter 71.05 RCW ~~((:)), the court shall order ((an)) such~~ evaluation be conducted ~~((by the appropriate designated mental health professional: (i)) prior to release from confinement ((for such person who is convicted, if sentenced to confinement for twenty-four months or less; (ii) for any person who is acquitted; or (iii) for any person: (A) whose charges are dismissed pursuant to RCW 10.77.086(4); or (B) whose nonfelony charges are dismissed)) when the person is acquitted or convicted and sentenced to confinement for twenty-four months or less, or when charges are dismissed pursuant to a finding of incompetent to stand trial.~~

(2) The designated mental health professional shall provide written notification within twenty-four hours of the results of the determination whether to commence proceedings under chapter 71.05 RCW. The notification shall be provided to the persons identified in subsection (1)(a) of this section.

(3) The prosecuting attorney shall provide a copy of the results of any proceedings commenced by the designated mental health professional under subsection (2) of this section to the ~~((facility conducting the evaluation under this chapter))~~ secretary.

(4) The fact of admission and all information and records compiled, obtained, or maintained in the course of providing services under this chapter may also be disclosed to the courts solely to prevent the entry of any evaluation or treatment order that is inconsistent with any order entered under chapter 71.05 RCW.

**Sec. 5.** RCW 10.77.084 and 2007 c 375 s 3 are each amended to read as follows:

(1)(a) If at any time during the pendency of an action and prior to judgment the court finds, following a report as provided in RCW



10.77.060, a defendant is incompetent, the court shall order the proceedings against the defendant be stayed except as provided in subsection (4) of this section.

(b) ((A defendant found incompetent shall be evaluated at the direction of the secretary and a determination made whether the defendant is an individual with a developmental disability. Such evaluation and determination shall be accomplished as soon as possible following the court's placement of the defendant in the custody of the secretary.

(i) When appropriate, and subject to available funds, if the defendant is determined to be an individual with a developmental disability, he or she may be placed in a program specifically reserved for the treatment and training of persons with developmental disabilities where the defendant shall have the right to habilitation according to an individualized service plan specifically developed for the particular needs of the defendant. A copy of the evaluation shall be sent to the program.

(A) The program shall be separate from programs serving persons involved in any other treatment or habilitation program.

(B) The program shall be appropriately secure under the circumstances and shall be administered by developmental disabilities professionals who shall direct the habilitation efforts.

(C) The program shall provide an environment affording security appropriate with the charged criminal behavior and necessary to protect the public safety.

(ii) The department may limit admissions of such persons to this specialized program in order to ensure that expenditures for services do not exceed amounts appropriated by the legislature and allocated by the department for such services.

(iii) The department may establish admission priorities in the event that the number of eligible persons exceeds the limits set by the department.

(c)) At the end of the mental health treatment and restoration period, if any, or at any time a professional person determines competency has been, or is unlikely to be, restored, the defendant shall be returned to court for a hearing. The parties may agree to waive the defendant's presence or to remote participation by the defendant at a hearing or presentation of an agreed order if the recommendation of the evaluator is for the continuation of the stay of criminal proceedings, or if the opinion of the evaluator is that the defendant remains incompetent and there is no remaining restoration period, and the hearing is held prior to expiration of the defendant's authorized period of commitment, in which case the department shall promptly notify the court and parties of the date of the defendant's admission and expiration of commitment so that a timely hearing date may be scheduled. If, after notice and hearing, competency has been restored, the stay entered under (a) of this subsection shall be lifted. If competency has not been restored, the proceedings shall be dismissed without prejudice. If the court concludes that competency has not been restored, but that further treatment within the time limits established by RCW 10.77.086 or 10.77.088 is likely to restore competency, the court may order that treatment for purposes of competency restoration be continued. Such treatment may not extend beyond the combination of time provided for in RCW 10.77.086 or 10.77.088.

((~~(d)~~)) (c) If at any time during the proceeding the court finds, following notice and hearing, a defendant is not likely to regain competency, the proceedings shall be dismissed without prejudice and the defendant shall be evaluated for civil commitment proceedings.

(2) If the defendant is referred ((to the)) for evaluation by a designated mental health professional ((for consideration of initial detention proceedings under chapter 71.05 RCW pursuant to)) under this chapter, the designated mental health professional shall provide prompt written notification of the results of the

((determination whether to commence initial detention proceedings under chapter 71.05 RCW)) evaluation and whether the person was detained. The notification shall be provided to the court in which the criminal action was pending, the prosecutor, the defense attorney in the criminal action, and the facility that evaluated the defendant for competency.

(3) The fact that the defendant is unfit to proceed does not preclude any pretrial proceedings which do not require the personal participation of the defendant.

(4) A defendant receiving medication for either physical or mental problems shall not be prohibited from standing trial, if the medication either enables the defendant to understand the proceedings against him or her and to assist in his or her own defense, or does not disable him or her from so understanding and assisting in his or her own defense.

(5) At or before the conclusion of any commitment period provided for by this section, the facility providing evaluation and treatment shall provide to the court a written report of ((~~examination~~)) evaluation which meets the requirements of RCW 10.77.060(3). For defendants charged with a felony, the report following the second competency restoration period or first competency restoration period if the defendant's incompetence is determined to be solely due to a developmental disability or the evaluator concludes that the defendant is not likely to regain competency must include an assessment of the defendant's future dangerousness which is evidence-based regarding predictive validity.

**Sec. 6.** RCW 10.77.086 and 2007 c 375 s 4 are each amended to read as follows:

(1)(a) If the defendant is charged with a felony and determined to be incompetent, until he or she has regained the competency necessary to understand the proceedings against him or her and assist in his or her own defense, or has been determined unlikely to regain competency pursuant to RCW 10.77.084(1)((~~e~~)) (b), but in any event for a period of no longer than ninety days, the court:

((~~(a)~~)) (i) Shall commit the defendant to the custody of the secretary who shall place such defendant in an appropriate facility of the department for evaluation and treatment; or

((~~(b)~~)) (ii) May alternatively order the defendant to undergo evaluation and treatment at some other facility as determined by the department, or under the guidance and control of a professional person.

(b) For a defendant whose highest charge is a class C felony, or a class B felony that is not classified as violent under RCW 9.94A.030, the maximum time allowed for the initial period of commitment for competency restoration is forty-five days.

(2) On or before expiration of the initial ((~~ninety day~~)) period of commitment under subsection (1) of this section the court shall conduct a hearing, at which it shall determine whether or not the defendant is incompetent.

(3) If the court finds by a preponderance of the evidence that a defendant charged with a felony is incompetent, the court shall have the option of extending the order of commitment or alternative treatment for an additional ((~~ninety day~~)) period of ninety days, but the court must at the time of extension set a date for a prompt hearing to determine the defendant's competency before the expiration of the second ((~~ninety day~~)) restoration period. The defendant, the defendant's attorney, or the prosecutor has the right to demand that the hearing be before a jury. No extension shall be ordered for a second ((~~ninety day~~)) or third restoration period((~~nor for any subsequent period~~)) as provided in subsection (4) of this section((~~;~~)) if the defendant's incompetence has been determined by the secretary to be solely the result of a developmental disability which is such that competence is not reasonably likely to be regained during an extension.

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(4) For persons charged with a felony, at the hearing upon the expiration of the second (~~(ninety-day)~~) restoration period or at the end of the first (~~(ninety-day)~~) restoration period, in the case of a defendant with a developmental disability, if the jury or court finds that the defendant is incompetent, the charges shall be dismissed without prejudice, and (~~either civil commitment proceedings shall be instituted or~~) the court shall either order the release of the defendant or order the defendant be committed to a hospital or secure mental health facility for up to seventy-two hours starting from admission to the facility, excluding Saturdays, Sundays, and holidays, for evaluation for the purpose of filing a civil commitment petition. The criminal charges shall not be dismissed if the court or jury finds that: (a) The defendant (i) is a substantial danger to other persons; or (ii) presents a substantial likelihood of committing criminal acts jeopardizing public safety or security; and (b) there is a substantial probability that the defendant will regain competency within a reasonable period of time. In the event that the court or jury makes such a finding, the court may extend the period of commitment for up to an additional six months.

**NEW SECTION. Sec. 7.** A new section is added to chapter 10.77 RCW to read as follows:

(1) A defendant found incompetent by the court under RCW 10.77.084 must be evaluated at the direction of the secretary and a determination made whether the defendant is an individual with a developmental disability. Such evaluation and determination must be accomplished as soon as possible following the court's placement of the defendant in the custody of the secretary.

(2) When appropriate, and subject to available funds, if the defendant is determined to be an individual with a developmental disability, he or she may be placed in a program specifically reserved for the treatment and training of persons with developmental disabilities where the defendant has the right to habilitation according to an individualized service plan specifically developed for the particular needs of the defendant. A copy of the evaluation must be sent to the program.

(a) The program must be separate from programs serving persons involved in any other treatment or habilitation program.

(b) The program must be appropriately secure under the circumstances and must be administered by developmental disabilities professionals who shall direct the habilitation efforts.

(c) The program must provide an environment affording security appropriate with the charged criminal behavior and necessary to protect the public safety.

(3) The department may limit admissions of such persons to this specialized program in order to ensure that expenditures for services do not exceed amounts appropriated by the legislature and allocated by the department for such services.

(4) The department may establish admission priorities in the event that the number of eligible persons exceeds the limits set by the department.

**NEW SECTION. Sec. 8.** The joint legislative audit and review committee shall make an independent assessment of the performance of the state hospitals with respect to provisions specified in section 2 of this act, but shall not be required to independently evaluate the exercise of clinical judgment. A report shall be made to the legislature reflecting the committee's findings and recommendations both six and eighteen months following the effective date of this section. The department of social and health services shall cooperate in a timely manner with requests for data and assistance related to this assessment.

**NEW SECTION. Sec. 9.** The Washington state institute for public policy shall study and report to the legislature the benefit of standardizing protocols used for treatment to restore competency to stand trial in Washington and during what clinically appropriate time period said treatment may be expected to be effective. The

department of social and health services shall cooperate in a timely manner with data requests in service of this study.

**NEW SECTION. Sec. 10.** A new section is added to chapter 70.48 RCW to read as follows:

A jail may not refuse to book a patient of a state hospital solely based on the patient's status as a state hospital patient, but may consider other relevant factors that apply to the individual circumstances in each case.

**NEW SECTION. Sec. 11.** A new section is added to chapter 10.77 RCW to read as follows:

(1) A state hospital may administer antipsychotic medication without consent to an individual who is committed under this chapter as criminally insane by following the same procedures applicable to the administration of antipsychotic medication without consent to a civilly committed patient under RCW 71.05.217, except for the following:

(a) The maximum period during which the court may authorize the administration of medication without consent under a single involuntary medication petition shall be the time remaining on the individual's current order of commitment or one hundred eighty days, whichever is shorter; and

(b) A petition for involuntary medication may be filed in either the superior court of the county that ordered the commitment or the superior court of the county in which the individual is receiving treatment, provided that a copy of any order that is entered must be provided to the superior court of the county that ordered the commitment following the hearing. The superior court of the county of commitment shall retain exclusive jurisdiction over all hearings concerning the release of the patient.

(2) The state has a compelling interest in providing antipsychotic medication to a patient who has been committed as criminally insane when refusal of antipsychotic medication would result in a likelihood of serious harm or substantial deterioration or substantially prolong the length of involuntary commitment and there is no less intrusive course of treatment than medication that is in the best interest of the patient.

**NEW SECTION. Sec. 12.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect May 1, 2012."

Correct the title.  
and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

Senator Hargrove moved that the Senate insist on its position regarding to Substitute Senate Bill No. 6492 and ask the House to recede from its amendment.

Senator Hargrove spoke in favor of the motion.

The President declared the question before the Senate to be motion by Senator Hargrove that the Senate insist on its position regarding Substitute Senate Bill No. 6492 and ask the House to recede from its amendment.

The motion by Senator Hargrove carried and the Senate insisted on its position regarding Substitute Senate Bill No. 6492 and asked the House to recede from its amendment by voice vote.

MOTION

On motion of Senator Eide, the Senate advanced to the fifth order of business.

SECOND SUPPLEMENTAL AND FIRST READING

SCR 8410 by Senators Brown and Hewitt

Returning bills to their house of origin.

SCR 8411 by Senators Brown and Hewitt

Adjourning SINE DIE.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

EHB 2262 by Representatives Kagi, Hinkle, Darneille, Ladenburg, Walsh, Goodman, Carlyle, Fitzgibbon, Jinkins, Roberts, Ryu and Kenney

AN ACT Relating to constraints of expenditures for WorkFirst and child care programs; amending RCW 43.88C.010; adding a new section to chapter 74.08A RCW; repealing RCW 74.08A.340; and providing an effective date.

Referred to Committee on Ways & Means.

MOTION

On motion of Senator Eide and without objection, Senate Concurrent Resolution No. 8410; Senate Concurrent Resolution No. 8411; and Engrossed House Bill No. 2262; were placed on the second reading calendar under suspension of the rules.

MOTION

On motion of Senator Eide, the Senate reverted to the fourth order of business.

RULING BY THE PRESIDENT

President Owen: "In ruling on the Points of Order raised by Senator Padden and Senator Benton as to whether the conference committee report to Engrossed Substitute Senate Bill 6455 is outside of the scope and object of the underlying bill and also raises taxes under Initiative No. 1053, the President finds and rules as follows:

The President finds no basis to conclude that the conference committee report impermissibly introduces a new subject into the bill. The report's language is within the scope and object of the underlying measure.

With respect to whether the increase in abstract fees is a tax increase as opposed to a fee, the President believes that there is an appropriate nexus between those paying the fee and the purposes for which the fee can be used. Half of the abstract fee is used by the Department of Licensing, which must maintain the program and generate the abstracts; the other half is used for highway safety purposes. These uses are sufficiently connected to those paying the fee to avoid the supermajority requirements of I-1053. For these reasons, Senator Benton's point is not well-taken.

The fees collected for recreational vehicles, however, are not presently sufficiently tailored to benefit the class of persons paying the fee. While the President believes that a fee could be collected to support recreational vehicle purposes at parks, the conference report language allows the money collected to be used for the operation and maintenance of parks with overnight and recreational vehicle facilities. This support of parks in general is a broad purpose, and thus the fee collected is properly characterized as a tax for purposes of I-1053. For these reasons, Senator Padden's point is well-taken and the bill will take a two-thirds vote on final passage."

MOTION

On motion of Senator Eide, further consideration of Engrossed Substitute Senate Bill No. 6455 was deferred and the bill held its place on the Conference calendar.

SIGNED BY THE PRESIDENT

The President signed:

ENGROSSED SUBSTITUTE SENATE BILL NO. 6150.

SIGNED BY THE PRESIDENT

The President signed:

SUBSTITUTE HOUSE BILL NO. 1057,  
SUBSTITUTE HOUSE BILL NO. 1552,  
SUBSTITUTE HOUSE BILL NO. 1559,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1627,  
ENGROSSED THIRD SUBSTITUTE HOUSE BILL NO. 1860,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1983,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2048,  
SUBSTITUTE HOUSE BILL NO. 2177,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2197,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2233,  
SUBSTITUTE HOUSE BILL NO. 2252,  
SUBSTITUTE HOUSE BILL NO. 2254,  
SUBSTITUTE HOUSE BILL NO. 2261,  
SUBSTITUTE HOUSE BILL NO. 2263,  
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2264,  
HOUSE BILL NO. 2308,  
SUBSTITUTE HOUSE BILL NO. 2313,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2314,  
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2319,  
SUBSTITUTE HOUSE BILL NO. 2326,  
HOUSE BILL NO. 2329,  
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2337,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2347,  
SUBSTITUTE HOUSE BILL NO. 2349,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2361,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2363,  
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2373,  
SECOND SUBSTITUTE HOUSE BILL NO. 2452,  
HOUSE BILL NO. 2482,  
HOUSE BILL NO. 2485,  
HOUSE BILL NO. 2499,  
HOUSE BILL NO. 2535,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2567,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2570,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2582,  
THIRD SUBSTITUTE HOUSE BILL NO. 2585,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2586,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2614,  
SUBSTITUTE HOUSE BILL NO. 2617,  
ENGROSSED HOUSE BILL NO. 2620,  
SUBSTITUTE HOUSE BILL NO. 2640,  
SUBSTITUTE HOUSE BILL NO. 2673,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2692,  
ENGROSSED HOUSE BILL NO. 2771,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2799.

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MESSAGE FROM THE HOUSE

March 8, 2012

MR. PRESIDENT:

The House concurred in the Senate amendments to the following bills and passed the bills as amended by the Senate:

SECOND SUBSTITUTE HOUSE BILL NO. 2443,

ENGROSSED HOUSE BILL NO. 2509.

and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MESSAGE FROM THE HOUSE

March 8, 2012

MR. PRESIDENT:

The House has passed ENGROSSED HOUSE BILL NO. 2262. and the same is herewith transmitted.

BARBARA BAKER, Chief Clerk

MESSAGE FROM THE HOUSE

March 8, 2012

MR. PRESIDENT:

The House passed ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6284 with the following amendment(s): 6284-S2.E AMH LIIA HELA 079

On page 2, line 8, after "traffic infraction" insert ", failure to appear at a requested hearing, violation of a written promise to appear in court, or failure to comply with the terms of a notice of traffic infraction or citation," and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

Senator Kline moved that the Senate refuse to concur in the House amendment(s) to Engrossed Second Substitute Senate Bill No. 6284 and ask the House to recede therefrom.

Senator Pflug spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Kline that the Senate refuse to concur in the House amendment(s) to Engrossed Second Substitute Senate Bill No. 6284 and ask the House to recede therefrom.

The motion by Senator Kline carried and the Senate refused to concur in the House amendment(s) to Engrossed Second Substitute Senate Bill No. 6284 and asked the House to recede therefrom by voice vote.

MOTION

On motion of Senator Schoesler, Senator Fain was excused.

MOTION

On motion of Senator Eide, the Senate advanced to the sixth order of business.

MOTION

Senator Schoesler moved that the senate immediately reconsider the vote by which Gubernatorial Appointment No. 9144 which passed the Senate earlier in the day.

Senator Brown spoke in favor of the motion.

APPOINTMENT OF JUDI OWENS  
ON RECONSIDERATION

The President declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9144, Judi Owens on reconsideration as a member of the Investment Board.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9144, Judi Owens on reconsideration as a member of the Investment Board and the appointment was confirmed by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Baumgartner, Becker, Benton, Brown, Carrell, Chase, Conway, Delvin, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hatfield, Haugen, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles, Litzow, McAuliffe, Morton, Murray, Nelson, Padden, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rolfes, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Gubernatorial Appointment No. 9144, Judi Owens on reconsideration, having received the constitutional majority was declared confirmed as a member of the Investment Board.

MOTION

At 8:04 p.m., on motion of Senator Eide, the Senate was declared to be at ease subject to the call of the President.

The Senate was called to order at 8:47 p.m. by President Owen.

SECOND READING  
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Kline moved that Gubernatorial Appointment No. 9257, Ron Sims, as a member of the Board of Regents, Washington State University, be confirmed.

Senator Kline spoke in favor of the motion.

Senator Schoesler spoke against the motion.

MOTION

On motion of Senator Harper, Senators Kohl-Welles and Prentice were excused.

APPOINTMENT OF RON SIMS

The President declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9257, Ron Sims as a member of the Board of Regents, Washington State University.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9257, Ron Sims as a member of the Board of Regents, Washington State University and the appointment was confirmed by the following vote: Yeas, 32; Nays, 15; Absent, 1; Excused, 1.

Voting yea: Senators Brown, Chase, Conway, Eide, Fain, Fraser, Frockt, Hargrove, Harper, Hatfield, Haugen, Hobbs, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles, Litzow, McAuliffe, Murray, Nelson, Parlette, Pflug, Pridemore, Ranker, Regala, Roach, Rolfes, Sheldon, Shin and Tom

Voting nay: Senators Baumgartner, Becker, Benton, Carrell, Delvin, Hewitt, Hill, Holmquist Newbry, Honeyford, Morton, Padden, Schoesler, Stevens, Swecker and Zarelli

Absent: Senator Ericksen

Excused: Senator Prentice

Gubernatorial Appointment No. 9257, Ron Sims, having received the constitutional majority was declared confirmed as a member of the Board of Regents, Washington State University.

#### SECOND READING

ENGROSSED HOUSE BILL NO. 2262, by Representatives Kagi, Hinkle, Darneille, Ladenburg, Walsh, Goodman, Carlyle, Fitzgibbon, Jinkins, Roberts, Ryu and Kenney

Regarding constraints of expenditures for WorkFirst and child care programs.

The measure was read the second time.

#### MOTION

Senator Zarelli moved that the following amendment by Senators Zarelli and Regala be adopted:

On page 1, line 14, after "legislature", strike all material through "RCW 74.08A.260" on line 15

Senators Zarelli and Regala spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senators Zarelli and Regala on page 1, line 14 to Engrossed House Bill No. 2262.

The motion by Senator Zarelli carried and the amendment was adopted by voice vote.

#### MOTION

On motion of Senator Regala, the rules were suspended, Engrossed House Bill No. 2262 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Regala, Carrell and Hargrove spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed House Bill No. 2262 as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 2262 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Baumgartner, Becker, Benton, Brown, Carrell, Chase, Conway, Delvin, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hatfield, Haugen, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles, Litzow, McAuliffe, Morton, Murray, Nelson, Padden, Parlette, Pflug, Prentice, Pridemore, Ranker,

Regala, Roach, Rolfes, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

ENGROSSED HOUSE BILL NO. 2262 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SUBSTITUTE HOUSE BILL NO. 2357, by House Committee on Ways & Means (originally sponsored by Representatives Darneille, Kirby, Ladenburg, Green, Jinkins, Kagi and Tharinger)

Concerning sales and use tax for chemical dependency, mental health treatment, and therapeutic courts.

The measure was read the second time.

#### MOTION

On motion of Senator Hargrove, the rules were suspended, Substitute House Bill No. 2357 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Hargrove spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 2357.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2357 and the bill passed the Senate by the following vote: Yeas, 41; Nays, 8; Absent, 0; Excused, 0.

Voting yea: Senators Becker, Benton, Brown, Chase, Conway, Delvin, Eide, Fain, Fraser, Frockt, Hargrove, Harper, Hatfield, Haugen, Hewitt, Hill, Hobbs, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles, Litzow, McAuliffe, Murray, Nelson, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rolfes, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Voting nay: Senators Baumgartner, Carrell, Ericksen, Holmquist Newbry, Honeyford, Morton, Padden and Schoesler

SUBSTITUTE HOUSE BILL NO. 2357, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SUBSTITUTE HOUSE BILL NO. 2139, by House Committee on Ways & Means (originally sponsored by Representatives Cody and Hunter)

Concerning the establishment of new regional support network boundaries.

The measure was read the second time.

#### MOTION

On motion of Senator Hargrove, the rules were suspended, Substitute House Bill No. 2139 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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Senator Hargrove spoke in favor of passage of the bill.

and the same are herewith transmitted.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 2139.

BARBARA BAKER, Chief Clerk

#### MOTION

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2139 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Baumgartner, Becker, Benton, Brown, Carrell, Chase, Conway, Delvin, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hatfield, Haugen, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles, Litzow, McAuliffe, Morton, Murray, Nelson, Padden, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rolfes, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

SUBSTITUTE HOUSE BILL NO. 2139, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

Senator Roach moved that the Senate concur in the House amendment(s) to Senate Bill No. 5950.

Senator Roach spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Roach that the Senate concur in the House amendment(s) to Senate Bill No. 5950.

The motion by Senator Roach carried and the Senate concurred in the House amendment(s) to Senate Bill No. 5950 by voice vote.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5950, as amended by the House.

#### ROLL CALL

#### MOTION

On motion of Senator Eide, the Senate reverted to the fourth order of business.

The Secretary called the roll on the final passage of Senate Bill No. 5950, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Baumgartner, Becker, Benton, Brown, Carrell, Chase, Conway, Delvin, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hatfield, Haugen, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles, Litzow, McAuliffe, Morton, Murray, Nelson, Padden, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rolfes, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

SENATE BILL NO. 5950, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MESSAGE FROM THE HOUSE

March 8, 2012

MR. PRESIDENT:

The House passed SENATE BILL NO. 5950 with the following amendment(s): 5950 AMH WAYS H4676.1

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 35.27.130 and 1993 c 47 s 3 are each amended to read as follows:

The mayor and members of the town council may be reimbursed for actual expenses incurred in the discharge of their official duties upon presentation of a claim therefor and its allowance and approval by resolution of the town council. The mayor and members of the council may also receive such salary as the council may fix by ordinance.

The treasurer and treasurer-clerk shall severally receive at stated times a compensation to be fixed by ordinance.

The compensation of all other officers and employees shall be fixed from time to time by the council.

Any town that provides a pension for any of its employees under a plan not administered by the state must notify the state auditor of the existence of the plan at the time of an audit of the town by the auditor. No town may establish a pension plan for its employees that is not administered by the state, ~~((except that any))~~ with the following exceptions:

(1) Participation in a defined contribution plan in existence as of January 1, 1990, is deemed to have been authorized. No town that provides a defined contribution plan for its employees as authorized by this section may make any material changes in the terms or conditions of the plan after June 7, 1990.

(2) Participation in a defined benefit pension plan that commenced prior to January 1, 1999, is authorized to continue. No town that commenced participation in a defined benefit pension plan that is not administered by the state may make any material changes in the terms or conditions of the plan after June 7, 1999."

Correct the title.

#### PERSONAL PRIVILEGE

Senator Kohl-Welles: "Thank you Mr. President. I believe that this is a good time to mention that we have a holiday today. This is the 101<sup>st</sup> anniversary of International Women's Day. It is celebrated all over the world. It may seem frivolous to some people in this body, however, when it first began in 1911 at an International Conference in Copenhagen recommended that all countries recognized the achievements and the difficulties faced by women in the world. It was one week later on March 19, 1911 that the Triangle fire occurred in New York City which one hundred forty working women, mainly Italian and Jewish immigrants, perished because they were locked into a garment factory when the fire broke out and could not escape and died. Ever since 1975, the United Nations having proclaimed March 8 as International Women's Day, we have had celebrations all over the world including in the United States. We've had much to celebrate here in the state of Washington. We've been a leader in the country in terms of women in elected office. We're the only state in the history of the country that's had a female Governor and our two U. S. Senators being women. We've also had been a leader in women participation in the legislature. We're number six right now with thirty-two percent of us being women but from 1994 through 2006 we were number one in the entire county, for twelve years, with nearly forty-one percent of the legislature being comprised of women. There are many things that we can

recognize with the state of Washington. One other very important one is that we enacted women's right to vote ten years before it happened nationally. We did it in 1910. Mr. President, may I read just one short quote? This comes from a notable and highly regarded former first lady of the United States, Barbara Bush, of course, who has been known for her strong belief in equality for women and she said; 'Somewhere out in this audience may even be someday who will follow in my footsteps and preside over the White House as the President's spouse. I wish him well.' Thank you Mr. President."

#### PERSONAL PRIVILEGE

Senator Padden: "Well, just to follow up on some of the lady from the Thirty-sixth District. You may not remember this but the very first legislative district in the whole United States to have only women representation was my colleague from Spokane, Majority Leaders district, in 1982 was represented by Senator Margaret Hurley in the Senate and in the House by Representatives Lois Stratton and Margaret Leonard. The very first. They thought a little bit more like I did than some of the women today but anyway I thought you would be interested in that. Thank you."

#### PERSONAL PRIVILEGE

Senator Chase: "Thank you Mr. President. I rise to honor women today, this evening. You know ninety-eight years ago, ninety-nine maybe by now, Nelly Axelrod from Bellingham joined this august body to become one of the first women to serve in this legislature. You know we think about the years since that time and it was only in 1945 that women and men were finally in an international treaty positive as equals, in the Treaty of the united Nations and the Universal Declaration of the Human Rights but it was not until 1991-92 in Vienna that women's rights were considered to be human rights. You know this is an important time for women, to renew our interest in human rights and I urge to start thinking in terms of how far we have come and how far we have to go. There are young women in our society and in our state who think that the rights that they currently enjoy are there forever but you know for someone who has been in the trenches, as it were, all of my life struggling for women's rights it is something that we need to defend at all times. I thank the gentle lady from the Thirty-sixth for bringing this issue forward."

EDITOR'S NOTE: Elected to the House of Representatives in 1912, Representatives Frances C. Axtell of Whatcom County and Nena Jolidon Croake of Pierce Count were the first women to serve in the Washington State Legislature, beginning their service at the 1913 Regular Session.]

#### MESSAGE FROM THE HOUSE

March 8, 2012

MR. PRESIDENT:

The House has passed:

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5539,

SUBSTITUTE SENATE BILL NO. 6073.  
and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

#### MOTION

On motion of Senator Eide, the Senate advanced to the sixth order of business.

#### SECOND READING CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

#### MOTION

Senator Hill moved that Gubernatorial Appointment No. 9207, Wayne Martin, as a member of the State Board for Community and Technical Colleges, be confirmed.

Senator Hill spoke in favor of the motion.

#### APPOINTMENT OF WAYNE MARTIN

The President declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9207, Wayne Martin as a member of the State Board for Community and Technical Colleges.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9207, Wayne Martin as a member of the State Board for Community and Technical Colleges and the appointment was confirmed by the following vote: Yeas, 47; Nays, 1; Absent, 1; Excused, 0.

Voting yea: Senators Becker, Benton, Brown, Carrell, Chase, Conway, Delvin, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hatfield, Haugen, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles, Litzow, McAuliffe, Morton, Murray, Nelson, Padden, Parlette, Pflug, Prentice, Pridemore, Regala, Roach, Rolfes, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Voting nay: Senator Baumgartner

Absent: Senator Ranker

Gubernatorial Appointment No. 9207, Wayne Martin, having received the constitutional majority was declared confirmed as a member of the State Board for Community and Technical Colleges.

#### SECOND READING CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

#### MOTION

Senator Hill moved that Gubernatorial Appointment No. 9244, Anne Fennessy, as a member of the State Board for Community and Technical Colleges, be confirmed.

Senator Hill spoke in favor of the motion.

#### MOTION

On motion of Senator Harper, Senator Ranker was excused.

#### APPOINTMENT OF ANNE FENNESSY

The President declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9244, Anne Fennessy as a member of the State Board for Community and Technical Colleges.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9244, Anne Fennessy as a member of the State Board for Community and Technical Colleges and the appointment was confirmed by the following vote: Yeas, 47; Nays, 1; Absent, 1; Excused, 0.

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Voting yea: Senators Becker, Benton, Carrell, Chase, Conway, Delvin, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hatfield, Haugen, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles, Litzow, McAuliffe, Morton, Murray, Nelson, Padden, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rolfes, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Voting nay: Senator Baumgartner

Absent: Senator Brown

Gubernatorial Appointment No. 9244, Anne Fennessy, having received the constitutional majority was declared confirmed as a member of the State Board for Community and Technical Colleges.

#### MOTION

On motion of Senator Eide, the Senate reverted to the fourth order of business.

#### MESSAGE FROM THE HOUSE

March 8, 2012

MR. PRESIDENT:

The House receded from its amendment(s) to SUBSTITUTE SENATE BILL NO. 6492. Under suspension of the rules, the bill was returned to second reading for the purpose of an amendment. The House adopted the following amendment: 6492-S AMH PEDE H4705.1, and passed the bill as amended by the House.

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** The purpose of this act is to sustainably improve the timeliness of services related to competency to stand trial by setting performance expectations, establishing new mechanisms for accountability, and enacting reforms to ensure that forensic resources are expended in an efficient and clinically appropriate manner without diminishing the quality of competency services, and to reduce the time defendants with mental illness spend in jail awaiting evaluation and restoration of competency.

**NEW SECTION. Sec. 2.** A new section is added to chapter 10.77 RCW to read as follows:

(1)(a) The legislature establishes the following performance targets for the timeliness of the completion of accurate and reliable evaluations of competency to stand trial and admissions for inpatient services related to competency to proceed or stand trial for adult criminal defendants. The legislature recognizes that these targets may not be achievable in all cases without compromise to quality of evaluation services, but intends for the department to manage, allocate, and request appropriations for resources in order to meet these targets whenever possible without sacrificing the accuracy of competency evaluations, and to otherwise make sustainable improvements and track performance related to the timeliness of competency services:

(i) For a state hospital to extend an offer of admission to a defendant in pretrial custody for legally authorized treatment or evaluation services related to competency, or to extend an offer of admission for legally authorized services following dismissal of charges based on incompetent to proceed or stand trial, seven days or less;

(ii) For completion of a competency evaluation in jail and distribution of the evaluation report for a defendant in pretrial custody, seven days or less;

(iii) For completion of a competency evaluation in the community and distribution of the evaluation report for a defendant

who is released from custody and makes a reasonable effort to cooperate with the evaluation, twenty-one days or less.

(b) The time periods measured in these performance targets shall run from the date on which the state hospital receives the court referral and charging documents, discovery, and criminal history information related to the defendant. The targets in (a)(i) and (ii) of this subsection shall be phased in over a six-month period from the effective date of this section. The target in (a)(iii) of this subsection shall be phased in over a twelve-month period from the effective date of this section.

(c) The legislature recognizes the following nonexclusive list of circumstances that may place achievement of targets for completion of competency services described in (a) of this subsection out of the department's reach in an individual case without aspersion to the efforts of the department:

(i) Despite a timely request, the department has not received necessary medical clearance information regarding the current medical status of a defendant in pretrial custody for the purposes of admission to a state hospital;

(ii) The individual circumstances of the defendant make accurate completion of an evaluation of competency to proceed or stand trial dependent upon review of medical history information which is in the custody of a third party and cannot be immediately obtained by the department. Completion of a competency evaluation shall not be postponed for procurement of medical history information which is merely supplementary to the competency determination;

(iii) Completion of the referral is frustrated by lack of availability or participation by counsel, jail or court personnel, interpreters, or the defendant; or

(iv) An unusual spike in the receipt of evaluation referrals or in the number of defendants requiring restoration services has occurred, causing temporary delays until the unexpected excess demand for competency services can be resolved.

(2) The department shall:

(a) Develop, document, and implement procedures to monitor the clinical status of defendants admitted to a state hospital for competency services that allow the state hospital to accomplish early discharge for defendants for whom clinical objectives have been achieved or may be achieved before expiration of the commitment period;

(b) Investigate the extent to which patients admitted to a state hospital under this chapter overstay time periods authorized by law and take reasonable steps to limit the time of commitment to authorized periods; and

(c) Establish written standards for the productivity of forensic evaluators and utilize these standards to internally review the performance of forensic evaluators.

(3) Following any quarter in which a state hospital has failed to meet one or more of the performance targets in subsection (1) of this section after full implementation of the performance target, the department shall report to the executive and the legislature the extent of this deviation and describe any corrective action being taken to improve performance. This report must be made publicly available. An average may be used to determine timeliness under this subsection.

(4) Beginning December 1, 2013, the department shall report annually to the legislature and the executive on the timeliness of services related to competency to proceed or stand trial and the timeliness with which court referrals accompanied by charging documents, discovery, and criminal history information are provided to the department relative to the signature date of the court order. The report must be in a form that is accessible to the public and that breaks down performance by county.



(5) This section does not create any new entitlement or cause of action related to the timeliness of competency evaluations or admission for inpatient services related to competency to proceed or stand trial, nor can it form the basis for contempt sanctions under chapter 7.21 RCW or a motion to dismiss criminal charges.

**Sec. 3.** RCW 10.77.060 and 2004 c 9 s 1 are each amended to read as follows:

(1)(a) Whenever a defendant has pleaded not guilty by reason of insanity, or there is reason to doubt his or her competency, the court on its own motion or on the motion of any party shall either appoint or request the secretary to designate ~~((at least two))~~ a qualified expert(s) or professional person(s), ~~((one of whom))~~ who shall be approved by the prosecuting attorney, to ~~((examine))~~ evaluate and report upon the mental condition of the defendant.

~~((b))~~ (b) The signed order of the court shall serve as authority for the ~~((experts))~~ evaluator to be given access to all records held by any mental health, medical, educational, or correctional facility that relate to the present or past mental, emotional, or physical condition of the defendant. ~~((At least one of the experts or professional persons appointed shall be a developmental disabilities professional))~~ If the court is advised by any party that the defendant may ~~((be developmentally disabled))~~ have a developmental disability, the evaluation must be performed by a developmental disabilities professional. ~~((Upon agreement of the parties, the court may designate one expert or professional person to conduct the examination and report on the mental condition of the defendant. For purposes of the examination, the court may order))~~

(c) The evaluator shall assess the defendant in a jail, detention facility, in the community, or in court to determine whether a period of inpatient commitment will be necessary to complete an accurate evaluation. If inpatient commitment is needed, the signed order of the court shall serve as authority for the evaluator to request the jail or detention facility to transport the defendant ~~((committed))~~ to a hospital or ~~((other suitably))~~ secure ~~((public or private))~~ mental health facility for a period of ~~((time necessary to complete the examination, but))~~ commitment not to exceed fifteen days from the time of admission to the facility. Otherwise, the evaluator shall complete the evaluation.

(d) The court may commit the defendant for evaluation to a hospital or secure mental health facility without an assessment if: (i) The defendant is charged with murder in the first or second degree; (ii) the court finds that it is more likely than not that an evaluation in the jail will be inadequate to complete an accurate evaluation; or (iii) the court finds that an evaluation outside the jail setting is necessary for the health, safety, or welfare of the defendant. The court shall not order an initial inpatient evaluation for any purpose other than a competency evaluation. ~~((If the defendant is being held in jail or other detention facility, upon agreement of the parties, the court may direct that the examination be conducted at the jail or other detention facility.~~

~~((b))~~ (e) The order shall indicate whether, in the event the defendant is committed to a hospital or secure mental health facility for evaluation, all parties agree to waive the presence of the defendant or to the defendant's remote participation at a subsequent competency hearing or presentation of an agreed order if the recommendation of the evaluator is for continuation of the stay of criminal proceedings, or if the opinion of the evaluator is that the defendant remains incompetent and there is no remaining restoration period, and the hearing is held prior to the expiration of the authorized commitment period.

(f) When a defendant is ordered to be committed for inpatient ~~((examination))~~ evaluation under this subsection (1), the court may delay granting bail until the defendant has been evaluated for competency or sanity and appears before the court. Following the evaluation, in determining bail the court shall consider: (i)

Recommendations of the ~~((expert or professional persons))~~ evaluator regarding the defendant's competency, sanity, or diminished capacity; (ii) whether the defendant has a recent history of one or more violent acts; (iii) whether the defendant has previously been acquitted by reason of insanity or found incompetent; (iv) whether it is reasonably likely the defendant will fail to appear for a future court hearing; and (v) whether the defendant is a threat to public safety.

(2) The court may direct that a qualified expert or professional person retained by or appointed for the defendant be permitted to witness the ~~((examination))~~ evaluation authorized by subsection (1) of this section, and that the defendant shall have access to all information obtained by the court appointed experts or professional persons. The defendant's expert or professional person shall have the right to file his or her own report following the guidelines of subsection (3) of this section. If the defendant is indigent, the court shall upon the request of the defendant assist him or her in obtaining an expert or professional person.

(3) The report of the ~~((examination))~~ evaluation shall include the following:

(a) A description of the nature of the ~~((examination))~~ evaluation;

(b) A diagnosis or description of the current mental ~~((condition))~~ status of the defendant;

(c) If the defendant suffers from a mental disease or defect, or ~~((is developmentally disabled))~~ has a developmental disability, an opinion as to competency;

(d) If the defendant has indicated his or her intention to rely on the defense of insanity pursuant to RCW 10.77.030, and an evaluation and report by an expert or professional person has been provided concluding that the defendant was criminally insane at the time of the alleged offense, an opinion as to the defendant's sanity at the time of the act, and an opinion as to whether the defendant presents a substantial danger to other persons, or presents a substantial likelihood of committing criminal acts jeopardizing public safety or security, unless kept under further control by the court or other persons or institutions, provided that no opinion shall be rendered under this subsection (3)(d) unless the evaluator or court determines that the defendant is competent to stand trial;

(e) When directed by the court, if an evaluation and report by an expert or professional person has been provided concluding that the defendant lacked the capacity at the time of the offense to form the mental state necessary to commit the charged offense, an opinion as to the capacity of the defendant to have a particular state of mind which is an element of the offense charged;

(f) An opinion as to whether the defendant should be evaluated by a ~~((county))~~ designated mental health professional under chapter 71.05 RCW ~~((, and an opinion as to whether the defendant is a substantial danger to other persons, or presents a substantial likelihood of committing criminal acts jeopardizing public safety or security, unless kept under further control by the court or other persons or institutions)).~~

(4) The secretary may execute such agreements as appropriate and necessary to implement this section and may choose to designate more than one evaluator.

**Sec. 4.** RCW 10.77.065 and 2008 c 213 s 1 are each amended to read as follows:

(1)(a)(i) The ~~((facility))~~ expert conducting the evaluation shall provide ~~((its))~~ his or her report and recommendation to the court in which the criminal proceeding is pending. For a competency evaluation of a defendant who is released from custody, if the evaluation cannot be completed within twenty-one days due to a lack of cooperation by the defendant, the evaluator shall notify the court that he or she is unable to complete the evaluation because of such lack of cooperation.

(ii) A copy of the report and recommendation shall be provided

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to the designated mental health professional, the prosecuting attorney, the defense attorney, and the professional person at the local correctional facility where the defendant is being held, or if there is no professional person, to the person designated under (a)(~~(iii)~~) (iv) of this subsection. Upon request, the (~~(facility)~~) evaluator shall also provide copies of any source documents relevant to the evaluation to the designated mental health professional. (~~The report and recommendation shall be provided not less than twenty four hours preceding the transfer of the defendant to the correctional facility in the county in which the criminal proceeding is pending.~~

(~~ii~~) (iii) Any facility providing inpatient services related to competency shall discharge the defendant as soon as the facility determines that the defendant is competent to stand trial. Discharge shall not be postponed during the writing and distribution of the evaluation report. Distribution of an evaluation report by a facility providing inpatient services shall ordinarily be accomplished within two working days or less following the final evaluation of the defendant. If the defendant is discharged to the custody of a local correctional facility, the local correctional facility must continue the medication regimen prescribed by the facility, when clinically appropriate, unless the defendant refuses to cooperate with medication.

(iv) If there is no professional person at the local correctional facility, the local correctional facility shall designate a professional person as defined in RCW 71.05.020 or, in cooperation with the regional support network, a professional person at the regional support network to receive the report and recommendation.

(~~iii~~) ~~When a defendant is transferred to the facility conducting the evaluation, or~~ (v) Upon commencement of a defendant's evaluation in the local correctional facility, the local correctional facility must notify the evaluator (~~or the facility conducting the evaluation~~) of the name of the professional person, or person designated under (a)(~~(iii)~~) (iv) of this subsection, to receive the report and recommendation.

(b) If the (~~(facility)~~) evaluator concludes, under RCW 10.77.060(3)(f), the person should be (~~kept under further control, an evaluation shall be conducted of such person~~) evaluated by a designated mental health professional under chapter 71.05 RCW(-), the court shall order (~~(iii)~~) such evaluation be conducted (~~(by the appropriate designated mental health professional: (i))~~) prior to release from confinement (~~(for such person who is convicted, if sentenced to confinement for twenty four months or less; (ii) for any person who is acquitted; or (iii) for any person: (A) whose charges are dismissed pursuant to RCW 10.77.086(4); or (B) whose nonfelony charges are dismissed)~~) when the person is acquitted or convicted and sentenced to confinement for twenty-four months or less, or when charges are dismissed pursuant to a finding of incompetent to stand trial.

(2) The designated mental health professional shall provide written notification within twenty-four hours of the results of the determination whether to commence proceedings under chapter 71.05 RCW. The notification shall be provided to the persons identified in subsection (1)(a) of this section.

(3) The prosecuting attorney shall provide a copy of the results of any proceedings commenced by the designated mental health professional under subsection (2) of this section to the (~~(facility conducting the evaluation under this chapter)~~) secretary.

(4) The fact of admission and all information and records compiled, obtained, or maintained in the course of providing services under this chapter may also be disclosed to the courts solely to prevent the entry of any evaluation or treatment order that is inconsistent with any order entered under chapter 71.05 RCW.

**Sec. 5.** RCW 10.77.084 and 2007 c 375 s 3 are each amended to read as follows:

(1)(a) If at any time during the pendency of an action and prior to judgment the court finds, following a report as provided in RCW 10.77.060, a defendant is incompetent, the court shall order the proceedings against the defendant be stayed except as provided in subsection (4) of this section.

(b) (~~(A~~) A defendant found incompetent shall be evaluated at the direction of the secretary and a determination made whether the defendant is an individual with a developmental disability. Such evaluation and determination shall be accomplished as soon as possible following the court's placement of the defendant in the custody of the secretary.

(i) When appropriate, and subject to available funds, if the defendant is determined to be an individual with a developmental disability, he or she may be placed in a program specifically reserved for the treatment and training of persons with developmental disabilities where the defendant shall have the right to habilitation according to an individualized service plan specifically developed for the particular needs of the defendant. A copy of the evaluation shall be sent to the program.

(A) The program shall be separate from programs serving persons involved in any other treatment or habilitation program.

(B) The program shall be appropriately secure under the circumstances and shall be administered by developmental disabilities professionals who shall direct the habilitation efforts.

(C) The program shall provide an environment affording security appropriate with the charged criminal behavior and necessary to protect the public safety.

(ii) The department may limit admissions of such persons to this specialized program in order to ensure that expenditures for services do not exceed amounts appropriated by the legislature and allocated by the department for such services.

(iii) The department may establish admission priorities in the event that the number of eligible persons exceeds the limits set by the department.

(c)) At the end of the mental health treatment and restoration period, if any, or at any time a professional person determines competency has been, or is unlikely to be, restored, the defendant shall be returned to court for a hearing. The parties may agree to waive the defendant's presence or to remote participation by the defendant at a hearing or presentation of an agreed order if the recommendation of the evaluator is for the continuation of the stay of criminal proceedings, or if the opinion of the evaluator is that the defendant remains incompetent and there is no remaining restoration period, and the hearing is held prior to expiration of the defendant's authorized period of commitment, in which case the department shall promptly notify the court and parties of the date of the defendant's admission and expiration of commitment so that a timely hearing date may be scheduled. If, after notice and hearing, competency has been restored, the stay entered under (a) of this subsection shall be lifted. If competency has not been restored, the proceedings shall be dismissed without prejudice. If the court concludes that competency has not been restored, but that further treatment within the time limits established by RCW 10.77.086 or 10.77.088 is likely to restore competency, the court may order that treatment for purposes of competency restoration be continued. Such treatment may not extend beyond the combination of time provided for in RCW 10.77.086 or 10.77.088.

(~~(d)~~) (c) If at any time during the proceeding the court finds, following notice and hearing, a defendant is not likely to regain competency, the proceedings shall be dismissed without prejudice and the defendant shall be evaluated for civil commitment proceedings.

(2) If the defendant is referred (~~(to the)~~) for evaluation by a designated mental health professional (~~(for consideration of initial detention proceedings under chapter 71.05 RCW pursuant to)~~

under this chapter, the designated mental health professional shall provide prompt written notification of the results of the ~~((determination whether to commence initial detention proceedings under chapter 71.05 RCW))~~ evaluation and whether the person was detained. The notification shall be provided to the court in which the criminal action was pending, the prosecutor, the defense attorney in the criminal action, and the facility that evaluated the defendant for competency.

(3) The fact that the defendant is unfit to proceed does not preclude any pretrial proceedings which do not require the personal participation of the defendant.

(4) A defendant receiving medication for either physical or mental problems shall not be prohibited from standing trial, if the medication either enables the defendant to understand the proceedings against him or her and to assist in his or her own defense, or does not disable him or her from so understanding and assisting in his or her own defense.

(5) At or before the conclusion of any commitment period provided for by this section, the facility providing evaluation and treatment shall provide to the court a written report of ~~((examination))~~ evaluation which meets the requirements of RCW 10.77.060(3). For defendants charged with a felony, the report following the second competency restoration period or first competency restoration period if the defendant's incompetence is determined to be solely due to a developmental disability or the evaluator concludes that the defendant is not likely to regain competency must include an assessment of the defendant's future dangerousness which is evidence-based regarding predictive validity.

**Sec. 6.** RCW 10.77.086 and 2007 c 375 s 4 are each amended to read as follows:

(1)(a) If the defendant is charged with a felony and determined to be incompetent, until he or she has regained the competency necessary to understand the proceedings against him or her and assist in his or her own defense, or has been determined unlikely to regain competency pursuant to RCW 10.77.084(1)(~~((e))~~) (b), but in any event for a period of no longer than ninety days, the court:

~~((a))~~ (i) Shall commit the defendant to the custody of the secretary who shall place such defendant in an appropriate facility of the department for evaluation and treatment; or

~~((b))~~ (ii) May alternatively order the defendant to undergo evaluation and treatment at some other facility as determined by the department, or under the guidance and control of a professional person.

(b) For a defendant whose highest charge is a class C felony, or a class B felony that is not classified as violent under RCW 9.94A.030, the maximum time allowed for the initial period of commitment for competency restoration is forty-five days.

(2) On or before expiration of the initial ~~((ninety-day))~~ period of commitment under subsection (1) of this section the court shall conduct a hearing, at which it shall determine whether or not the defendant is incompetent.

(3) If the court finds by a preponderance of the evidence that a defendant charged with a felony is incompetent, the court shall have the option of extending the order of commitment or alternative treatment for an additional ~~((ninety-day))~~ period of ninety days, but the court must at the time of extension set a date for a prompt hearing to determine the defendant's competency before the expiration of the second ~~((ninety-day))~~ restoration period. The defendant, the defendant's attorney, or the prosecutor has the right to demand that the hearing be before a jury. No extension shall be ordered for a second ~~((ninety-day))~~ or third restoration period ~~((nor for any subsequent period))~~ as provided in subsection (4) of this section(~~(c)~~) if the defendant's incompetence has been determined by the secretary to be solely the result of a developmental disability

which is such that competence is not reasonably likely to be regained during an extension.

(4) For persons charged with a felony, at the hearing upon the expiration of the second ~~((ninety-day))~~ restoration period or at the end of the first ~~((ninety-day))~~ restoration period, in the case of a defendant with a developmental disability, if the jury or court finds that the defendant is incompetent, the charges shall be dismissed without prejudice, and ~~((either civil commitment proceedings shall be instituted or))~~ the court shall either order the release of the defendant or order the defendant be committed to a hospital or secure mental health facility for up to seventy-two hours starting from admission to the facility, excluding Saturdays, Sundays, and holidays, for evaluation for the purpose of filing a civil commitment petition. The criminal charges shall not be dismissed if the court or jury finds that: (a) The defendant (i) is a substantial danger to other persons; or (ii) presents a substantial likelihood of committing criminal acts jeopardizing public safety or security; and (b) there is a substantial probability that the defendant will regain competency within a reasonable period of time. In the event that the court or jury makes such a finding, the court may extend the period of commitment for up to an additional six months.

**NEW SECTION. Sec. 7.** A new section is added to chapter 10.77 RCW to read as follows:

(1) A defendant found incompetent by the court under RCW 10.77.084 must be evaluated at the direction of the secretary and a determination made whether the defendant is an individual with a developmental disability. Such evaluation and determination must be accomplished as soon as possible following the court's placement of the defendant in the custody of the secretary.

(2) When appropriate, and subject to available funds, if the defendant is determined to be an individual with a developmental disability, he or she may be placed in a program specifically reserved for the treatment and training of persons with developmental disabilities where the defendant has the right to habilitation according to an individualized service plan specifically developed for the particular needs of the defendant. A copy of the evaluation must be sent to the program.

(a) The program must be separate from programs serving persons involved in any other treatment or habilitation program.

(b) The program must be appropriately secure under the circumstances and must be administered by developmental disabilities professionals who shall direct the habilitation efforts.

(c) The program must provide an environment affording security appropriate with the charged criminal behavior and necessary to protect the public safety.

(3) The department may limit admissions of such persons to this specialized program in order to ensure that expenditures for services do not exceed amounts appropriated by the legislature and allocated by the department for such services.

(4) The department may establish admission priorities in the event that the number of eligible persons exceeds the limits set by the department.

**Sec. 8.** RCW 71.05.310 and 2005 c 504 s 709 are each amended to read as follows:

The court shall conduct a hearing on the petition for ninety-day treatment within five judicial days of the first court appearance after the probable cause hearing, or within ten judicial days for a petition filed under RCW 71.05.280(3). The court may continue the hearing for good cause upon the written request of the person named in the petition or the person's attorney(~~(s)~~). The court may continue for good cause ~~((shown, which continuance shall not exceed five additional judicial days))~~ the hearing on a petition filed under RCW 71.05.280(3) upon written request by the person named in the petition, the person's attorney, or the petitioner. If the person named in the petition requests a jury trial, the trial shall commence

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within ten judicial days of the first court appearance after the probable cause hearing. The burden of proof shall be by clear, cogent, and convincing evidence and shall be upon the petitioner. The person shall be present at such proceeding, which shall in all respects accord with the constitutional guarantees of due process of law and the rules of evidence pursuant to RCW 71.05.360 (8) and (9).

During the proceeding, the person named in the petition shall continue to be treated until released by order of the superior court. If no order has been made within thirty days after the filing of the petition, not including extensions of time requested by the detained person or his or her attorney, or the petitioner in the case of a petition filed under RCW 71.05.280(3), the detained person shall be released.

**NEW SECTION. Sec. 9.** The joint legislative audit and review committee shall make an independent assessment of the performance of the state hospitals with respect to provisions specified in section 2 of this act, but shall not be required to independently evaluate the exercise of clinical judgment. A report shall be made to the legislature reflecting the committee's findings and recommendations both six and eighteen months following the effective date of this section. The department of social and health services shall cooperate in a timely manner with requests for data and assistance related to this assessment.

**NEW SECTION. Sec. 10.** The Washington state institute for public policy shall study and report to the legislature the benefit of standardizing protocols used for treatment to restore competency to stand trial in Washington and during what clinically appropriate time period said treatment may be expected to be effective. The department of social and health services shall cooperate in a timely manner with data requests in service of this study.

**NEW SECTION. Sec. 11.** A new section is added to chapter 70.48 RCW to read as follows:  
A jail may not refuse to book a patient of a state hospital solely based on the patient's status as a state hospital patient, but may consider other relevant factors that apply to the individual circumstances in each case.

**NEW SECTION. Sec. 12.** A new section is added to chapter 10.77 RCW to read as follows:

(1) A state hospital may administer antipsychotic medication without consent to an individual who is committed under this chapter as criminally insane by following the same procedures applicable to the administration of antipsychotic medication without consent to a civilly committed patient under RCW 71.05.217, except for the following:

(a) The maximum period during which the court may authorize the administration of medication without consent under a single involuntary medication petition shall be the time remaining on the individual's current order of commitment or one hundred eighty days, whichever is shorter; and

(b) A petition for involuntary medication may be filed in either the superior court of the county that ordered the commitment or the superior court of the county in which the individual is receiving treatment, provided that a copy of any order that is entered must be provided to the superior court of the county that ordered the commitment following the hearing. The superior court of the county of commitment shall retain exclusive jurisdiction over all hearings concerning the release of the patient.

(2) The state has a compelling interest in providing antipsychotic medication to a patient who has been committed as criminally insane when refusal of antipsychotic medication would result in a likelihood of serious harm or substantial deterioration or substantially prolong the length of involuntary commitment and there is no less intrusive course of treatment than medication that is in the best interest of the patient.

**NEW SECTION. Sec. 13.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

**NEW SECTION. Sec. 14.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect May 1, 2012."

Correct the title.  
and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

Senator Hargrove moved that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 6492.

Senator Hargrove spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Hargrove that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 6492.

The motion by Senator Hargrove carried and the Senate concurred in the House amendment(s) to Substitute Senate Bill No. 6492 by voice vote.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6492, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6492, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Baumgartner, Becker, Benton, Brown, Carrell, Chase, Conway, Delvin, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hatfield, Haugen, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles, Litzow, McAuliffe, Morton, Murray, Nelson, Padden, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rolfes, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

SUBSTITUTE SENATE BILL NO. 6492, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

March 8, 2012

MR. PRESIDENT:

The House passed ENGROSSED SUBSTITUTE SENATE BILL NO. 5978 with the following amendment(s): 5978-S.E AMH WAYS H4692.1

Strike everything after the enacting clause and insert the following:

"PART I

WASHINGTON MEDICAID FRAUD PROVISIONS

**NEW SECTION. Sec. 101.** The legislature intends to enact a state false claims act in order to provide this state with another tool to combat medicaid fraud. The legislature finds that between 1996 and 2009 state-initiated false claims acts resulted in over five billion

dollars in total recoveries to those states. The highest recoveries in those cases were from claims relating to billing fraud, off-label marketing, and withholding safety information; these cases were primarily related to the pharmaceuticals industry and hospital networks, hospitals, and medical centers. By this act, the legislature does not intend to target a certain industry, profession, or retailer of medical equipment, or to place an undue burden on health care professionals. This act is not intended to harass health care professionals, nor is intended to be used as a tool to target actions that are related to incidental errors or clerical errors, which should not be considered fraud. The intent is to use the false claims act to root out significant areas of fraud that result in higher health care costs to this state and to use the false claims act to recover state money that could and should be used to support the medicaid program.

**Sec. 102.** RCW 74.09.210 and 2011 1st sp.s. c 15 s 15 are each amended to read as follows:

(1) No person, firm, corporation, partnership, association, agency, institution, or other legal entity, but not including an individual public assistance recipient of health care, shall, on behalf of himself or others, obtain or attempt to obtain benefits or payments under this chapter in a greater amount than that to which entitled by means of:

(a) A willful false statement;

(b) By willful misrepresentation, or by concealment of any material facts; or

(c) By other fraudulent scheme or device, including, but not limited to:

(i) Billing for services, drugs, supplies, or equipment that were unfurnished, of lower quality, or a substitution or misrepresentation of items billed; or

(ii) Repeated billing for purportedly covered items, which were not in fact so covered.

(2) Any person or entity knowingly violating any of the provisions of subsection (1) of this section shall be liable for repayment of any excess benefits or payments received, plus interest at the rate and in the manner provided in RCW 43.20B.695. Such person or other entity shall further, in addition to any other penalties provided by law, be subject to civil penalties. The ~~((secretary or))~~ director ~~((, as appropriate,))~~ or the attorney general may assess civil penalties in an amount not to exceed three times the amount of such excess benefits or payments: PROVIDED, That these civil penalties shall not apply to any acts or omissions occurring prior to September 1, 1979. RCW 43.20A.215 governs notice of a civil fine assessed by the director and provides the right to an adjudicative proceeding.

(3) A criminal action need not be brought against a person for that person to be civilly liable under this section.

(4) In all administrative proceedings under this section, service, adjudicative proceedings, and judicial review of such determinations shall be in accordance with chapter 34.05 RCW, the administrative procedure act.

(5) Civil penalties shall be deposited ~~((in the general fund))~~ upon their receipt into the medicaid fraud penalty account established in section 103 of this act.

(6) The attorney general may contract with private attorneys and local governments in bringing actions under this section as necessary.

**NEW SECTION. Sec. 103.** A new section is added to chapter 74.09 RCW to read as follows:

The medicaid fraud penalty account is created in the state treasury. All receipts from civil penalties collected under RCW 74.09.210, all receipts received under judgments or settlements that originated under a filing under the federal false claims act, and all receipts received under judgments or settlements that originated under the

state medicaid fraud false claims act, chapter 74.--- RCW (the new chapter created in section 215 of this act) must be deposited into the account. Moneys in the account may be spent only after appropriation and must be used only for medicaid services, fraud detection and prevention activities, recovery of improper payments, and for other medicaid fraud enforcement activities.

**NEW SECTION. Sec. 104.** A new section is added to chapter 74.09 RCW to read as follows:

(1) For the purposes of this section:

(a) "Employer" means any person, firm, corporation, partnership, association, agency, institution, or other legal entity.

(b) "Whistleblower" means an employee of an employer that obtains or attempts to obtain benefits or payments under this chapter in violation of RCW 74.09.210, who in good faith reports a violation of RCW 74.09.210 to the authority.

(c) "Workplace reprisal or retaliatory action" includes, but is not limited to: Denial of adequate staff to fulfill duties; frequent staff changes; frequent and undesirable office changes; refusal to assign meaningful work; unwarranted and unsubstantiated report of misconduct under Title 18 RCW; unwarranted and unsubstantiated letters of reprimand or unsatisfactory performance evaluations; demotion; reduction in pay; denial of promotion; suspension; dismissal; denial of employment; or a supervisor or superior behaving in or encouraging coworkers to behave in a hostile manner toward the whistleblower; or a change in the physical location of the employee's workplace or a change in the basic nature of the employee's job, if either are in opposition to the employee's expressed wish.

(2) A whistleblower who has been subjected to workplace reprisal or retaliatory action has the remedies provided under chapter 49.60 RCW. RCW 4.24.500 through 4.24.520, providing certain protection to persons who communicate to government agencies, apply to complaints made under this section. The identity of a whistleblower who complains, in good faith, to the authority about a suspected violation of RCW 74.09.210 may remain confidential if requested. The identity of the whistleblower must subsequently remain confidential unless the authority determines that the complaint was not made in good faith.

(3) This section does not prohibit an employer from exercising its authority to terminate, suspend, or discipline an employee who engages in workplace reprisal or retaliatory action against a whistleblower. The protections provided to whistleblowers under this chapter do not prevent an employer from: (a) Terminating, suspending, or disciplining a whistleblower for other lawful purposes; or (b) reducing the hours of employment or terminating employment as a result of the demonstrated inability to meet payroll requirements. The authority shall determine if the employer cannot meet payroll in cases where a whistleblower has been terminated or had hours of employment reduced due to the inability of a facility to meet payroll.

(4) The authority shall adopt rules to implement procedures for filing, investigation, and resolution of whistleblower complaints that are integrated with complaint procedures under this chapter. The authority shall adopt rules designed to discourage whistleblower complaints made in bad faith or for retaliatory purposes.

**NEW SECTION. Sec. 105.** A new section is added to chapter 74.09 RCW to read as follows:

The following must be medicare providers in order to be paid under the medicaid program: Providers of durable medical equipment and related supplies and providers of medical supplies and related services.

## PART II MEDICAID FRAUD FALSE CLAIMS ACT

SIXTIETH DAY, MARCH 8, 2012

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**NEW SECTION. Sec. 201.** Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter:

(1)(a) "Claim" means any request or demand made for a medicaid payment under chapter 74.09 RCW, whether under a contract or otherwise, for money or property and whether or not a government entity has title to the money or property, that:

(i) Is presented to an officer, employee, or agent of a government entity; or

(ii) Is made to a contractor, grantee, or other recipient, if the money or property is to be spent or used on the government entity's behalf or to advance a government entity program or interest, and the government entity:

(A) Provides or has provided any portion of the money or property requested or demanded; or

(B) Will reimburse such contractor, grantee, or other recipient for any portion of the money or property which is requested or demanded.

(b) A "claim" does not include requests or demands for money or property that the government entity has paid to an individual as compensation for employment or as an income subsidy with no restrictions on that individual's use of the money or property.

(2) "Custodian" means the custodian, or any deputy custodian, designated by the attorney general.

(3) "Documentary material" includes the original or any copy of any book, record, report, memorandum, paper, communication, tabulation, chart, or other document, or data compilations stored in or accessible through computer or other information retrieval systems, together with instructions and all other materials necessary to use or interpret the data compilations, and any product of discovery.

(4) "False claims act investigation" means any inquiry conducted by any false claims act investigator for the purpose of ascertaining whether any person is or has been engaged in any violation of this chapter.

(5) "False claims act investigator" means any attorney or investigator employed by the state attorney general who is charged with the duty of enforcing or carrying into effect any provision of this chapter, or any officer or employee of the state of Washington acting under the direction and supervision of the attorney or investigator in connection with an investigation pursuant to this chapter.

(6) "Government entity" means all Washington state agencies that administer medicaid funded programs under this title.

(7)(a) "Knowing" and "knowingly" mean that a person, with respect to information:

(i) Has actual knowledge of the information;

(ii) Acts in deliberate ignorance of the truth or falsity of the information; or

(iii) Acts in reckless disregard of the truth or falsity of the information.

(b) "Knowing" and "knowingly" do not require proof of specific intent to defraud.

(8) "Material" means having a natural tendency to influence, or be capable of influencing, the payment or receipt of money or property.

(9) "Obligation" means an established duty, whether or not fixed, arising from an express or implied contractual, grantor-grantee, or licensor-licensee relationship, from a fee-based or similar relationship, from statute or rule, or from the retention of any overpayment.

(10) "Official use" means any use that is consistent with the law, and the rules and policies of the attorney general, including use in connection with: Internal attorney general memoranda and reports; communications between the attorney general and a federal, state, or

local government agency, or a contractor of a federal, state, or local government agency, undertaken in furtherance of an investigation or prosecution of a case; interviews of any qui tam relator or other witness; oral examinations; depositions; preparation for and response to civil discovery requests; introduction into the record of a case or proceeding; applications, motions, memoranda, and briefs submitted to a court or other tribunal; and communications with attorney general investigators, auditors, consultants and experts, the counsel of other parties, and arbitrators or mediators, concerning an investigation, case, or proceeding.

(11) "Person" means any natural person, partnership, corporation, association, or other legal entity, including any local or political subdivision of a state.

(12) "Product of discovery" includes:

(a) The original or duplicate of any deposition, interrogatory, document, thing, result of the inspection of land or other property, examination, or admission, which is obtained by any method of discovery in any judicial or administrative proceeding of an adversarial nature;

(b) Any digest, analysis, selection, compilation, or derivation of any item listed in (a) of this subsection; and

(c) Any index or other manner of access to any item listed in (a) of this subsection.

(13) "Qui tam action" is an action brought by a person under section 205 of this act.

(14) "Qui tam relator" or "relator" is a person who brings an action under section 205 of this act.

**NEW SECTION. Sec. 202.** (1) Subject to subsections (2) and (4) of this section, a person is liable to the government entity for a civil penalty of not less than five thousand five hundred dollars and not more than eleven thousand dollars, plus three times the amount of damages which the government entity sustains because of the act of that person, if the person:

(a) Knowingly presents, or causes to be presented, a false or fraudulent claim for payment or approval;

(b) Knowingly makes, uses, or causes to be made or used, a false record or statement material to a false or fraudulent claim;

(c) Conspires to commit one or more of the violations in this subsection (1);

(d) Has possession, custody, or control of property or money used, or to be used, by the government entity and knowingly delivers, or causes to be delivered, less than all of that money or property;

(e) Is authorized to make or deliver a document certifying receipt of property used, or to be used, by the government entity and, intending to defraud the government entity, makes or delivers the receipt without completely knowing that the information on the receipt is true;

(f) Knowingly buys, or receives as a pledge of an obligation or debt, public property from an officer or employee of the government entity who lawfully may not sell or pledge property; or

(g) Knowingly makes, uses, or causes to be made or used, a false record or statement material to an obligation to pay or transmit money or property to the government entity, or knowingly conceals or knowingly and improperly avoids or decreases an obligation to pay or transmit money or property to the government entity.

(2) The court may assess not less than two times the amount of damages which the government entity sustains because of the act of a person, if the court finds that:

(a) The person committing the violation of subsection (1) of this section furnished the Washington state attorney general with all information known to him or her about the violation within thirty days after the date on which he or she first obtained the information;

(b) The person fully cooperated with any investigation by the attorney general of the violation; and

(c) At the time the person furnished the attorney general with the information about the violation, no criminal prosecution, civil action, or administrative action had commenced under this title with respect to the violation, and the person did not have actual knowledge of the existence of an investigation into the violation.

(3) A person violating this section is liable to the attorney general for the costs of a civil action brought to recover any such penalty or damages.

(4) For the purposes of determining whether an insurer has a duty to provide a defense or indemnification for an insured and if coverage may be denied if the terms of the policy exclude coverage for intentional acts, a violation of subsection (1) of this section is an intentional act.

(5) The office of the attorney general must, by rule, annually adjust the civil penalties established in subsection (1) of this section so that they are equivalent to the civil penalties provided under the federal false claims act and in accordance with the federal civil penalties inflation adjustment act of 1990.

**NEW SECTION. Sec. 203.** Any information furnished pursuant to this chapter is exempt from disclosure under the public records act, chapter 42.56 RCW, until final disposition and all court ordered seals are lifted.

**NEW SECTION. Sec. 204.** The attorney general must diligently investigate a violation under section 202 of this act. If the attorney general finds that a person has violated or is violating section 202 of this act, the attorney general may bring a civil action under this section against the person.

**NEW SECTION. Sec. 205.** (1) A person may bring a civil action for a violation of section 202 of this act for the person and for the government entity. The action may be known as a qui tam action and the person bringing the action as a qui tam relator. The action must be brought in the name of the government entity. The action may be dismissed only if the court, and the attorney general give written consent to the dismissal and their reason for consenting.

(2) A relator filing an action under this chapter must serve a copy of the complaint and written disclosure of substantially all material evidence and information the person possesses on the attorney general in electronic format. The relator must file the complaint in camera. The complaint must remain under seal for at least sixty days, and may not be served on the defendant until the court so orders. The attorney general may elect to intervene and proceed with the action within sixty days after it receives both the complaint and the material evidence and information.

(3) The attorney general may, for good cause shown, move the court for extensions of the time during which the complaint remains under seal under subsection (2) of this section. The motions may be supported by affidavits or other submissions in camera. The defendant may not be required to respond to any complaint filed under this section until twenty days after the complaint is unsealed and served upon the defendant.

(4) If the attorney general does not proceed with the action prior to the expiration of the sixty-day period or any extensions obtained under subsection (3) of this section, then the relator has the right to conduct the action.

(5) When a person brings an action under this section, no person other than the attorney general may intervene or bring a related action based on the facts underlying the pending action.

**NEW SECTION. Sec. 206.** (1) If the attorney general proceeds with the qui tam action, the attorney general shall have the primary responsibility for prosecuting the action, and is not bound by an act of the relator. The relator has the right to continue as a party to the action, subject to the limitations set forth in subsection (2) of this section.

(2)(a) The attorney general may move to dismiss the qui tam action notwithstanding the objections of the relator if the relator has

been notified by the attorney general of the filing of the motion and the court has provided the relator with an opportunity for a hearing on the motion.

(b) The attorney general may settle the action with the defendant notwithstanding the objections of the relator if the court determines, after a hearing, that the proposed settlement is fair, adequate, and reasonable under all the circumstances. Upon a showing of good cause, the hearing may be held in camera.

(c) Upon a showing by the attorney general that unrestricted participation during the course of the litigation by the relator would interfere with or unduly delay the attorney general's prosecution of the case, or would be repetitious, irrelevant, or for purposes of harassment, the court may, in its discretion, impose limitations on the relator's participation, such as:

- (i) Limiting the number of witnesses the relator may call;
- (ii) Limiting the length of the testimony of the witnesses;
- (iii) Limiting the relator's cross-examination of witnesses; or
- (iv) Otherwise limiting the participation by the relator in the litigation.

(d) Upon a showing by the defendant that unrestricted participation during the course of the litigation by the relator would be for purposes of harassment or would cause the defendant undue burden or unnecessary expense, the court may limit the participation by the relator in the litigation.

(3) If the attorney general elects not to proceed with the qui tam action, the relator has the right to conduct the action. If the attorney general so requests, the relator must serve on the attorney general copies of all pleadings filed in the action and shall supply copies of all deposition transcripts, at the attorney general's expense. When the relator proceeds with the action, the court, without limiting the status and rights of the relator, may nevertheless permit the attorney general to intervene at a later date upon a showing of good cause.

(4) Whether or not the attorney general proceeds with the qui tam action, upon a showing by the attorney general that certain actions of discovery by the relator would interfere with the attorney general's investigation or prosecution of a criminal or civil matter arising out of the same facts, the court may stay such discovery for a period of not more than sixty days. The showing must be conducted in camera. The court may extend the sixty-day period upon a further showing in camera that the attorney general has pursued the criminal or civil investigation or proceedings with reasonable diligence and any proposed discovery in the civil action will interfere with the ongoing criminal or civil investigation or proceedings.

(5) Notwithstanding section 205 of this act, the attorney general may elect to pursue its claim through any alternate remedy available to the state, including any administrative proceeding to determine a civil money penalty. If any alternate remedy is pursued in another proceeding, the relator has the same rights in the proceeding as the relator would have had if the action had continued under this section. Any finding of fact or conclusion of law made in the other proceeding that has become final is conclusive on all parties to an action under this section. For purposes of this subsection, a finding or conclusion is final if it has been finally determined on appeal to the appropriate court of the state of Washington, if all time for filing the appeal with respect to the finding or conclusion has expired, or if the finding or conclusion is not subject to judicial review.

**NEW SECTION. Sec. 207.** (1)(a) Subject to (b) of this subsection, if the attorney general proceeds with a qui tam action, the relator must receive at least fifteen percent but not more than twenty-five percent of the proceeds of the action or settlement of the claim, depending upon the extent to which the relator substantially contributed to the prosecution of the action.

(b) Where the action is one which the court finds to be based primarily on disclosures of specific information, other than

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information provided by the relator, relating to allegations or transactions in a criminal, civil, or administrative hearing, in a legislative or administrative report, hearing, audit, or investigation, or from the news media, the court may award an amount it considers appropriate, but in no case more than ten percent of the proceeds, taking into account the significance of the information and the role of the relator in advancing the case to litigation.

(c) Any payment to a relator under (a) or (b) of this subsection must be made from the proceeds. The relator must also receive an amount for reasonable expenses which the court finds to have been necessarily incurred, plus reasonable attorneys' fees and costs. All expenses, fees, and costs must be awarded against the defendant.

(2) If the attorney general does not proceed with a qui tam action, the relator shall receive an amount which the court decides is reasonable for collecting the civil penalty and damages. The amount may not be less than twenty-five percent and not more than thirty percent of the proceeds of the action or settlement and must be paid out of the proceeds. The relator must also receive an amount for reasonable expenses, which the court finds to have been necessarily incurred, plus reasonable attorneys' fees and costs. All expenses, fees, and costs must be awarded against the defendant.

(3) Whether or not the attorney general proceeds with the qui tam action, if the court finds that the action was brought by a person who planned and initiated the violation of section 202 of this act upon which the action was brought, then the court may, to the extent the court considers appropriate, reduce the share of the proceeds of the action which the person would otherwise receive under subsection (1) or (2) of this section, taking into account the role of that person in advancing the case to litigation and any relevant circumstances pertaining to the violation. If the person bringing the action is convicted of criminal conduct arising from his or her role in the violation of section 202 of this act, that person must be dismissed from the civil action and may not receive any share of the proceeds of the action. The dismissal may not prejudice the right of the state to continue the action, represented by the attorney general.

(4) If the attorney general does not proceed with the qui tam action and the relator conducts the action, the court may award to the defendant reasonable attorneys' fees and expenses if the defendant prevails in the action and the court finds that the claim of the relator was clearly frivolous, clearly vexatious, or brought primarily for purposes of harassment.

(5) Any funds recovered that remain after calculation and distribution under subsections (1) through (3) of this section must be deposited into the medicaid fraud penalty account established in section 103 of this act.

**NEW SECTION. Sec. 208.** (1) In no event may a person bring a qui tam action which is based upon allegations or transactions which are the subject of a civil suit or an administrative civil money penalty proceeding in which the state is already a party.

(2)(a) The court must dismiss an action or claim under this section, unless opposed by the attorney general, if substantially the same allegations or transactions as alleged in the action or claim were publicly disclosed:

(i) In a state criminal, civil, or administrative hearing in which the attorney general or other governmental entity is a party;

(ii) In a legislative report, or other state report, hearing, audit, or investigation; or

(iii) By the news media;

unless the action is brought by the attorney general or the relator is an original source of the information.

(b) For purposes of this section, "original source" means an individual who either (i) prior to a public disclosure under (a) of this subsection, has voluntarily disclosed to the attorney general the information on which allegations or transactions in a claim are based, or (ii) has knowledge that is independent of, and materially

adds to, the publicly disclosed allegations or transactions, and who has voluntarily provided the information to the attorney general before filing an action under this section.

**NEW SECTION. Sec. 209.** (1) Any employee, contractor, or agent is entitled to all relief necessary to make that employee, contractor, or agent whole, if that employee, contractor, or agent, is discharged, demoted, suspended, threatened, harassed, or in any other manner discriminated against in the terms and conditions of employment because of lawful acts done by the employee, contractor, agent, or associated others in furtherance of an action under this chapter or other efforts to stop one or more violations of this chapter.

(2) Relief under subsection (1) of this section must include reinstatement with the same seniority status that employee, contractor, or agent would have had but for the discrimination, two times the amount of back pay, interest on the back pay, and compensation for any special damages sustained as a result of the discrimination, including litigation costs and reasonable attorneys' fees, and any and all relief available under RCW 49.60.030(2). An action under this subsection may be brought in the appropriate superior court of the state of Washington for the relief provided in this subsection.

(3) A civil action under this section may not be brought more than three years after the date when the retaliation occurred.

**NEW SECTION. Sec. 210.** (1) A subpoena requiring the attendance of a witness at a trial or hearing conducted under section 204 or 205 of this act may be served at any place in the state of Washington.

(2) A civil action under section 204 or 205 of this act may be brought at any time, without limitation after the date on which the violation of section 202 of this act is committed.

(3) If the attorney general elects to intervene and proceed with a qui tam action, the attorney general may file its own complaint or amend the complaint of a relator to clarify or add detail to the claims in which the attorney general is intervening and to add any additional claims with respect to which the attorney general contends it is entitled to relief.

(4) In any action brought under section 204 or 205 of this act, the attorney general is required to prove all essential elements of the cause of action, including damages, by a preponderance of the evidence.

(5) Notwithstanding any other provision of law or the rules for superior court, a final judgment rendered in favor of the government entity in any criminal proceeding charging fraud or false statements, whether upon a verdict after trial or upon a plea of guilty or nolo contendere, estops the defendant from denying the essential elements of the offense in any action which involves the same transaction as in the criminal proceeding and which is brought under section 204 or 205 of this act.

**NEW SECTION. Sec. 211.** (1) Any action under section 204 or 205 of this act may be brought in the superior court in any county in which the defendant or, in the case of multiple defendants, any one defendant can be found, resides, transacts business, or in which any act proscribed by section 202 of this act occurred. The appropriate court must issue a summons as required by the superior court civil rules and service must occur at any place within the state of Washington.

(2) The superior courts have jurisdiction over any action brought under the laws of any city or county for the recovery of funds paid by a government entity if the action arises from the same transaction or occurrence as an action brought under section 204 or 205 of this act.

(3) With respect to any local government that is named as a coplaintiff with the state in an action brought under section 205 of this act, a seal on the action ordered by the court under section 205



of this act does not preclude the attorney general or the person bringing the action from serving the complaint, any other pleadings, or the written disclosure of substantially all material evidence and information possessed by the person bringing the action on the law enforcement authorities that are authorized under the law of the local government to investigate and prosecute the action on behalf of the local government, except that the seal applies to the law enforcement authorities so served to the same extent as the seal applies to other parties in the action.

**NEW SECTION. Sec. 212.** (1)(a) Whenever the attorney general, or a designee, for purposes of this section, has reason to believe that any person may be in possession, custody, or control of any documentary material or information relevant to a false claims act investigation, the attorney general, or a designee, may, before commencing a civil proceeding under section 204 of this act or making an election under section 205 of this act, issue in writing and serve upon the person, a civil investigative demand requiring the person:

- (i) To produce the documentary material for inspection and copying;
- (ii) To answer in writing written interrogatories with respect to the documentary material or information;
- (iii) To give oral testimony concerning the documentary material or information; or
- (iv) To furnish any combination of such material, answers, or testimony.

(b) The attorney general may delegate the authority to issue civil investigative demands under this subsection (1). Whenever a civil investigative demand is an express demand for any product of discovery, the attorney general, the deputy attorney general, or an assistant attorney general must serve, in any manner authorized by this section, a copy of the demand upon the person from whom the discovery was obtained and must notify the person to whom the demand is issued of the date on which the copy was served. Any information obtained by the attorney general or a designee of the attorney general under this section may be shared with any qui tam relator if the attorney general or designee determines it is necessary as part of any false claims act investigation.

(2)(a) Each civil investigative demand issued under subsection (1) of this section must state the nature of the conduct constituting the alleged violation of this chapter which is under investigation, and the applicable provision of law alleged to be violated.

(b) If the demand is for the production of documentary material, the demand must:

- (i) Describe each class of documentary material to be produced with such definiteness and certainty as to permit the material to be fairly identified;
- (ii) Prescribe a return date for each class which will provide a reasonable period of time within which the material so demanded may be assembled and made available for inspection and copying; and
- (iii) Identify the false claims act investigator to whom such material must be made available.

(c) If the demand is for answers to written interrogatories, the demand must:

- (i) Set forth with specificity the written interrogatories to be answered;
- (ii) Prescribe dates at which time answers to written interrogatories must be submitted; and
- (iii) Identify the false claims law investigator to whom such answers must be submitted.

(d) If the demand is for the giving of oral testimony, the demand must:

- (i) Prescribe a date, time, and place at which oral testimony must be commenced;

(ii) Identify a false claims act investigator who must conduct the examination and the custodian to whom the transcript of the examination must be submitted;

(iii) Specify that the attendance and testimony are necessary to the conduct of the investigation;

(iv) Notify the person receiving the demand of the right to be accompanied by an attorney and any other representative; and

(v) Describe the general purpose for which the demand is being issued and the general nature of the testimony, including the primary areas of inquiry, which will be taken pursuant to the demand.

(e) Any civil investigative demand issued under this section which is an express demand for any product of discovery is not due until thirty days after a copy of the demand has been served upon the person from whom the discovery was obtained.

(f) The date prescribed for the commencement of oral testimony pursuant to a civil investigative demand issued under this section may not be sooner than six days after the date on which demand is received, unless the attorney general or an assistant attorney general designated by the attorney general determines that exceptional circumstances are present which warrant the commencement of the testimony sooner.

(g) The attorney general may not authorize the issuance under this section of more than one civil investigative demand for oral testimony by the same person unless the person requests otherwise or unless the attorney general, after investigation, notifies that person in writing that an additional demand for oral testimony is necessary.

(3) A civil investigative demand issued under subsection (1) or (2) of this section may not require the production of any documentary material, the submission of any answers to written interrogatories, or the giving of any oral testimony if the material, answers, or testimony would be protected from disclosure under:

(a) The standards applicable to subpoenas or subpoenas duces tecum issued by a court to aid in a special inquiry investigation; or

(b) The standards applicable to discovery requests under the superior court civil rules, to the extent that the application of these standards to any demand is appropriate and consistent with the provisions and purposes of this section.

(4) Any demand which is an express demand for any product of discovery supersedes any inconsistent order, rule, or provision of law, other than this section, preventing or restraining disclosure of the product of discovery to any person. Disclosure of any product of discovery pursuant to any express demand does not constitute a waiver of any right or privilege which the person making such disclosure may be entitled to invoke to resist discovery of trial preparation materials.

(5) Any civil investigative demand issued under this section may be served by a false claims act investigator, or by a commissioned law enforcement official, at any place within the state of Washington.

(6) Service of any civil investigative demand issued under (a) of this subsection or of any petition filed under subsection (25) of this section may be made upon a partnership, corporation, association, or other legal entity by:

(a) Delivering an executed copy of the demand or petition to any partner, executive officer, managing agent, or general agent of the partnership, corporation, association, or entity, or to any agent authorized by appointment or by law to receive service of process on behalf of such partnership, corporation, association, or entity;

(b) Delivering an executed copy of the demand or petition to the principal office or place of business of the partnership, corporation, association, or entity; or

(c) Depositing an executed copy of the demand or petition in the United States mail by registered or certified mail, with a return

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receipt requested, addressed to such partnership, corporation, association, or entity at its principal office or place of business.

(7) Service of any demand or petition may be made upon any natural person by:

(a) Delivering an executed copy of the demand or petition to the person; or

(b) Depositing an executed copy of the demand or petition in the United States mail by registered or certified mail, with a return receipt requested, addressed to the person at the person's residence or principal office or place of business.

(8) A verified return by the individual serving any civil investigative demand issued under subsection (1) or (2) of this section or any petition filed under subsection (25) of this section setting forth the manner of the service constitutes proof of the service. In the case of service by registered or certified mail, the return must be accompanied by the return post office receipt of delivery of the demand.

(9)(a) The production of documentary material in response to a civil investigative demand served under this section must be made under a sworn certificate, in the form as the demand designates, by:

(i) In the case of a natural person, the person to whom the demand is directed; or

(ii) In the case of a person other than a natural person, a person having knowledge of the facts and circumstances relating to the production and authorized to act on behalf of the person.

(b) The certificate must state that all of the documentary material required by the demand and in the possession, custody, or control of the person to whom the demand is directed has been produced and made available to the false claims act investigator identified in the demand.

(10) Any person upon whom any civil investigative demand for the production of documentary material has been served under this section shall make such material available for inspection and copying to the false claims act investigator identified in the demand at the principal place of business of the person, or at another place as the false claims act investigator and the person thereafter may agree and prescribe in writing, or as the court may direct under subsection (25) of this section. The material must be made available on the return date specified in the demand, or on a later date as the false claims act investigator may prescribe in writing. The person may, upon written agreement between the person and the false claims act investigator, substitute copies for originals of all or any part of the material.

(11)(a) Each interrogatory in a civil investigative demand served under this section must be answered separately and fully in writing under oath and must be submitted under a sworn certificate, in the form as the demand designates, by:

(i) In the case of a natural person, the person to whom the demand is directed; or

(ii) In the case of a person other than a natural person, the person or persons responsible for answering each interrogatory.

(b) If any interrogatory is objected to, the reasons for the objection must be stated in the certificate instead of an answer. The certificate must state that all information required by the demand and in the possession, custody, control, or knowledge of the person to whom the demand is directed has been submitted. To the extent that any information is not furnished, the information must be identified and reasons set forth with particularity regarding the reasons why the information was not furnished.

(12) The examination of any person pursuant to a civil investigative demand for oral testimony served under this section must be taken before an officer authorized to administer oaths and affirmations by the laws of the state of Washington or of the place where the examination is held. The officer before whom the testimony is to be taken must put the witness on oath or affirmation

and must, personally or by someone acting under the direction of the officer and in the officer's presence, record the testimony of the witness. The testimony must be recorded and must be transcribed. When the testimony is fully transcribed, the officer before whom the testimony is taken shall promptly transmit a copy of the transcript of the testimony to the custodian. This subsection does not preclude the taking of testimony by any means authorized by, and in a manner consistent with, the superior court civil rules.

(13) The false claims act investigator conducting the examination shall exclude from the place where the examination is held all persons except the person giving the testimony, the attorney for and any other representative of the person giving the testimony, the attorney general, any person who may be agreed upon by the attorney for the government and the person giving the testimony, the officer before whom the testimony is to be taken, and any stenographer taking the testimony.

(14) The oral testimony of any person taken pursuant to a civil investigative demand served under this section must be taken in the county within which such person resides, is found, or transacts business, or in another place as may be agreed upon by the false claims act investigator conducting the examination and the person.

(15) When the testimony is fully transcribed, the false claims act investigator or the officer before whom the testimony is taken must afford the witness, who may be accompanied by counsel, a reasonable opportunity to examine and read the transcript, unless the examination and reading are waived by the witness. Any changes in form or substance which the witness desires to make must be entered and identified upon the transcript by the officer or the false claims act investigator, with a statement of the reasons given by the witness for making the changes. The transcript must then be signed by the witness, unless the witness in writing waives the signing, is ill, cannot be found, or refuses to sign. If the transcript is not signed by the witness within thirty days after being afforded a reasonable opportunity to examine it, the officer or the false claims act investigator must sign it and state on the record the fact of the waiver, illness, absence of the witness, or the refusal to sign, together with the reasons given.

(16) The officer before whom the testimony is taken must certify on the transcript that the witness was sworn by the officer and that the transcript is a true record of the testimony given by the witness, and the officer or false claims act investigator must promptly deliver the transcript, or send the transcript by registered or certified mail, to the custodian.

(17) Upon payment of reasonable charges therefor, the false claims act investigator must furnish a copy of the transcript to the witness only, except that the attorney general, the deputy attorney general, or an assistant attorney general may, for good cause, limit the witness to inspection of the official transcript of the witness' testimony.

(18)(a) Any person compelled to appear for oral testimony under a civil investigative demand issued under subsection (1) or (2) of this section may be accompanied, represented, and advised by counsel. Counsel may advise the person, in confidence, with respect to any question asked of the person. The person or counsel may object on the record to any question, in whole or in part, and must briefly state for the record the reason for the objection. An objection may be made, received, and entered upon the record when it is claimed that the person is entitled to refuse to answer the question on the grounds of any constitutional or other legal right or privilege, including the privilege against self-incrimination. The person may not otherwise object to or refuse to answer any question, and may not directly or through counsel otherwise interrupt the oral examination. If the person refuses to answer any question, a special injury proceeding petition may be filed in the superior court under

subsection (25) of this section for an order compelling the person to answer the question.

(b) If the person refuses to answer any question on the grounds of the privilege against self-incrimination, the testimony of the person may be compelled in accordance with the provisions of the superior court civil rules.

(19) Any person appearing for oral testimony under a civil investigative demand issued under subsection (1) or (2) of this section is entitled to the same fees and allowances which are paid to witnesses in the superior courts.

(20) The attorney general must designate a false claims act investigator to serve as custodian of documentary material, answers to interrogatories, and transcripts of oral testimony received under this section, and must designate such additional false claims act investigators as the attorney general determines from time to time to be necessary to serve as deputies to the custodian.

(21)(a) A false claims act investigator who receives any documentary material, answers to interrogatories, or transcripts of oral testimony under this section must transmit them to the custodian. The custodian shall take physical possession of the material, answers, or transcripts and is responsible for the use made of them and for the return of documentary material under subsection (23) of this section.

(b) The custodian may cause the preparation of the copies of the documentary material, answers to interrogatories, or transcripts of oral testimony as may be required for official use by any false claims act investigator, or employee of the attorney general. The material, answers, and transcripts may be used by any authorized false claims act investigator or other officer or employee in connection with the taking of oral testimony under this section.

(c)(i) Except as otherwise provided in this subsection (21), no documentary material, answers to interrogatories, or transcripts of oral testimony, or copies thereof, while in the possession of the custodian, may be available for examination by any individual other than a false claims act investigator or other officer or employee of the attorney general authorized under (b) of this subsection.

(ii) The prohibition in (c)(i) of this subsection on the availability of material, answers, or transcripts does not apply if consent is given by the person who produced the material, answers, or transcripts, or, in the case of any product of discovery produced pursuant to an express demand for the material, consent is given by the person from whom the discovery was obtained. Nothing in this subsection (c)(ii) is intended to prevent disclosure to the legislature, including any committee or subcommittee for use by such an agency in furtherance of its statutory responsibilities.

(d) While in the possession of the custodian and under the reasonable terms and conditions as the attorney general shall prescribe:

(i) Documentary material and answers to interrogatories must be available for examination by the person who produced the material or answers, or by a representative of that person authorized by that person to examine the material and answers; and

(ii) Transcripts of oral testimony must be available for examination by the person who produced the testimony, or by a representative of that person authorized by that person to examine the transcripts.

(22) Whenever any official has been designated to appear before any court, special inquiry judge, or state administrative judge in any case or proceeding, the custodian of any documentary material, answers to interrogatories, or transcripts of oral testimony received under this section may deliver to the official the material, answers, or transcripts for official use in connection with any case or proceeding as the official determines to be required. Upon the completion of such a case or proceeding, the official must return to the custodian any material, answers, or transcripts so delivered

which have not passed into the control of any court, grand jury, or agency through introduction into the record of such a case or proceeding.

(23) If any documentary material has been produced by any person in the course of any false claims act investigation pursuant to a civil investigative demand under this section, and:

(a) Any case or proceeding before the court or special inquiry judge arising out of the investigation, or any proceeding before any administrative judge involving the material, has been completed; or

(b) No case or proceeding in which the material may be used has been commenced within a reasonable time after completion of the examination and analysis of all documentary material and other information assembled in the course of the investigation:

Then, the custodian shall, upon written request of the person who produced the material, return to the person the material, other than copies furnished to the false claims act investigator under subsection (10) of this section or made for the attorney general under subsection (21)(b) of this section, which has not passed into the control of any court, grand jury, or agency through introduction into the record of the case or proceeding.

(24)(a) In the event of the death, disability, or separation from service of the attorney general of the custodian of any documentary material, answers to interrogatories, or transcripts of oral testimony produced pursuant to civil investigative demand under this section, or in the event of the official relief of the custodian from responsibility for the custody and control of the material, answers, or transcripts, the attorney general must promptly:

(i) Designate another false claims act investigator to serve as custodian of the material, answers, or transcripts; and

(ii) Transmit in writing to the person who produced the material, answers, or testimony notice of the identity and address of the successor so designated.

(b) Any person who is designated to be a successor under this subsection (24) has, with regard to the material, answers, or transcripts, the same duties and responsibilities as were imposed by this section upon that person's predecessor in office, except that the successor may not be held responsible for any default or dereliction which occurred before that designation.

(25) Whenever any person fails to comply with any civil investigative demand issued under subsection (1) or (2) of this section, or whenever satisfactory copying or reproduction of any material requested in the demand cannot be done and the person refuses to surrender the material, the attorney general may file, in any superior court of the state of Washington for any county in which the person resides, is found, or transacts business, and serve upon the person a petition for an order of the court for the enforcement of the civil investigative demand.

(26)(a) Any person who has received a civil investigative demand issued under subsection (1) or (2) of this section may file, in the superior court of the state of Washington for the county within which the person resides, is found, or transacts business, and serve upon the false claims act investigator identified in the demand a petition for an order of the court to modify or set aside the demand. In the case of a petition addressed to an express demand for any product of discovery, a petition to modify or set aside the demand may be brought only in the district court of the United States for the judicial district in which the proceeding in which the discovery was obtained is or was last pending. Any petition filed under this subsection (26)(a) must be filed:

(i) Within thirty days after the date of service of the civil investigative demand, or at any time before the return date specified in the demand, whichever date is earlier; or

(ii) Within a longer period as may be prescribed in writing by any false claims act investigator identified in the demand.

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(b) The petition must specify each ground upon which the petitioner relies in seeking relief under (a) of this subsection, and may be based upon any failure of the demand to comply with the provisions of this section or upon any constitutional or other legal right or privilege of the person. During the pendency of the petition in the court, the court may stay, as it deems proper, the running of the time allowed for compliance with the demand, in whole or in part, except that the person filing the petition shall comply with any portions of the demand not sought to be modified or set aside.

(27)(a) In the case of any civil investigative demand issued under subsection (1) or (2) of this section which is an express demand for any product of discovery, the person from whom the discovery was obtained may file, in the superior court of the state of Washington for the county in which the proceeding in which the discovery was obtained is or was last pending, and serve upon any false claims act investigator identified in the demand and upon the recipient of the demand, a petition for an order of the court to modify or set aside those portions of the demand requiring production of any product of discovery. Any petition under this subsection (27)(a) must be filed:

(i) Within twenty days after the date of service of the civil investigative demand, or at any time before the return date specified in the demand, whichever date is earlier; or

(ii) Within a longer period as may be prescribed in writing by any false claims act investigator identified in the demand.

(b) The petition must specify each ground upon which the petitioner relies in seeking relief under (a) of this subsection, and may be based upon any failure of the portions of the demand from which relief is sought to comply with the provisions of this section, or upon any constitutional or other legal right or privilege of the petitioner. During the pendency of the petition, the court may stay, as it deems proper, compliance with the demand and the running of the time allowed for compliance with the demand.

(28) At any time during which any custodian is in custody or control of any documentary material or answers to interrogatories produced, or transcripts of oral testimony given, by any person in compliance with any civil investigative demand issued under subsection (1) or (2) of this section, the person, and in the case of an express demand for any product of discovery, the person from whom the discovery was obtained, may file, in the superior court of the state of Washington for the county within which the office of the custodian is situated, and serve upon the custodian, a petition for an order of the court to require the performance by the custodian of any duty imposed upon the custodian by this section.

(29) Whenever any petition is filed in any superior court of the state of Washington under this section, the court has jurisdiction to hear and determine the matter so presented, and to enter an order or orders as may be required to carry out the provisions of this section. Any final order so entered is subject to appeal under the rules of appellate procedure. Any disobedience of any final order entered under this section by any court must be punished as a contempt of the court.

(30) The superior court civil rules apply to any petition under this section, to the extent that the rules are not inconsistent with the provisions of this section.

(31) Any documentary material, answers to written interrogatories, or oral testimony provided under any civil investigative demand issued under subsection (1) or (2) of this section are exempt from disclosure under the public records act, chapter 42.56 RCW.

**NEW SECTION. Sec. 213.** Beginning November 15, 2012, and annually thereafter, the attorney general in consultation with the health care authority must report results of implementing the medicaid fraud false claims act. This report must include:

(1) The number of attorneys assigned to qui tam initiated actions;

(2) The number of cases brought by qui tam actions and indicate how many cases are brought by the attorney general and how many by the qui tam relator without attorney general participation;

(3) The results of any actions brought under subsection (2) of this section, delineated by cases brought by the attorney general and cases brought by the qui tam relator without attorney general participation;

(4) The amount of recoveries attributable to the medicaid false claims; and

(5) Information on the costs, attorneys' fees, and any other expenses incurred by defendants in investigating and defending against qui tam actions, to the extent this information is provided to the attorney general or health care authority.

**NEW SECTION. Sec. 214.** This chapter may be known and cited as the medicaid fraud false claims act.

**NEW SECTION. Sec. 215.** Sections 201 through 214 of this act constitute a new chapter in Title 74 RCW.

**NEW SECTION. Sec. 216.** A new section is added to chapter 43.131 RCW to read as follows:

The medicaid fraud false claims act as established under chapter 74.-- RCW (the new chapter created in sections 201 through 214 of this act) shall be terminated on June 30, 2016, as provided in section 217 of this act.

**NEW SECTION. Sec. 217.** A new section is added to chapter 43.131 RCW to read as follows:

The following acts or parts of acts, as now existing or hereafter amended, are each repealed, effective June 30, 2017:

- (1) Section 201 of this act;
- (2) Section 202 of this act;
- (3) Section 203 of this act;
- (4) Section 204 of this act;
- (5) Section 205 of this act;
- (6) Section 206 of this act;
- (7) Section 207 of this act;
- (8) Section 208 of this act;
- (9) Section 209 of this act;
- (10) Section 210 of this act;
- (11) Section 211 of this act;
- (12) Section 212 of this act;
- (13) Section 213 of this act; and
- (14) Section 214 of this act.

**NEW SECTION. Sec. 218.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

Correct the title.  
and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

Senator Pflug moved that the Senate concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 5978.

Senator Pflug spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Pflug that the Senate concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 5978.

The motion by Senator Pflug carried and the Senate concurred in the House amendment(s) to Engrossed Substitute Senate Bill No. 5978 by voice vote.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5978, as amended by the House.

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5978, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 40; Nays, 9; Absent, 0; Excused, 0.

Voting yea: Senators Baumgartner, Becker, Benton, Brown, Carrell, Chase, Conway, Eide, Fain, Fraser, Frockt, Hargrove, Harper, Hatfield, Haugen, Hewitt, Hill, Hobbs, Kastama, Keiser, Kilmer, Kline, Kohl-Welles, Litzow, McAuliffe, Murray, Nelson, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rolfes, Sheldon, Shin, Swecker, Tom and Zarelli

Voting nay: Senators Delvin, Ericksen, Holmquist Newbry, Honeyford, King, Morton, Padden, Schoesler and Stevens

ENGROSSED SUBSTITUTE SENATE BILL NO. 5978, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## MOTION

On motion of Senator Eide, the Senate advanced to the sixth order of business.

## SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2571, by House Committee on Health & Human Services Appropriations & Oversight (originally sponsored by Representatives Parker, Cody, Dammeier, Darneille, Alexander, Schmick, Orcutt, Hurst and Kelley)

Concerning waste, fraud, and abuse prevention, detection, and recovery to improve program integrity for medical services programs. Revised for 1st Substitute: Concerning waste, fraud, and abuse prevention, detection, and recovery to improve program integrity for medical services programs. (REVISED FOR ENGROSSED: Concerning waste, fraud, and abuse detection, prevention, and recovery solutions to improve program integrity for medical services programs. )

The measure was read the second time.

## MOTION

On motion of Senator Keiser, the rules were suspended, Engrossed Substitute House Bill No. 2571 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Keiser spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 2571.

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 2571 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Baumgartner, Becker, Benton, Brown, Carrell, Chase, Conway, Delvin, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hatfield, Haugen, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Kastama, Keiser, Kilmer, King,

Kline, Kohl-Welles, Litzow, McAuliffe, Morton, Murray, Nelson, Padden, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rolfes, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2571, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## MOTION

On motion of Senator Eide, Rule 15 was suspended for the remainder of the day for the purpose of allowing continued floor action.

EDITOR'S NOTE: Senate Rule 15 establishes the floor schedule and calls for a lunch and dinner break of 90 minutes each per day during regular daily sessions.

## MOTION

At 9:58 p.m., on motion of Senator Eide, the Senate was declared to be at ease subject to the call of the President.

The Senate was called to order at 10:37 p.m. by President Owen.

SECOND READING  
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

## MOTION

Senator Chase moved that Gubernatorial Appointment No. 9066, Shoubee Liaw, as a member of the Board of Trustees, Shoreline Community College District No. 7, be confirmed.

Senator Chase spoke in favor of the motion.

## APPOINTMENT OF SHOUBEE LIAW

The President declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9066, Shoubee Liaw as a member of the Board of Trustees, Shoreline Community College District No. 7.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9066, Shoubee Liaw as a member of the Board of Trustees, Shoreline Community College District No. 7 and the appointment was confirmed by the following vote: Yeas, 47; Nays, 1; Absent, 1; Excused, 0.

Voting yea: Senators Becker, Benton, Brown, Carrell, Chase, Conway, Delvin, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hatfield, Haugen, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Kastama, Keiser, Kilmer, King, Kohl-Welles, Litzow, McAuliffe, Morton, Murray, Nelson, Padden, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rolfes, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Voting nay: Senator Baumgartner

Absent: Senator Kline

Gubernatorial Appointment No. 9066, Shoubee Liaw, having received the constitutional majority was declared confirmed as a member of the Board of Trustees, Shoreline Community College District No. 7.

## MOTION

On motion of Senator Eide, the Senate reverted to the fourth order of business.

ROLL CALL

MESSAGE FROM THE HOUSE

March 8, 2012

MR. PRESIDENT:

The House has passed ENGROSSED HOUSE BILL NO. 2660. and the same is herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

On motion of Senator Eide, the Senate advanced to the fifth order of business.

THIRD SUPPLEMENTAL AND FIRST READING OF HOUSE BILLS

EHB 2660 by Representatives Clibborn, Ryu, Moeller, Finn, Billig, Eddy, Fitzgibbon and Moscoso

AN ACT Relating to transportation revenue; amending RCW 46.17.100, 46.17.140, 46.17.200, 46.20.293, 46.29.050, 46.52.130, 46.70.061, 46.70.180, 46.10.420, 46.12.675, and 46.16A.320; reenacting and amending RCW 88.02.640; adding a new section to chapter 46.68 RCW; adding a new section to chapter 46.17 RCW; creating a new section; providing an effective date; providing an expiration date; and providing a contingent expiration date.

MOTION

On motion of Senator Eide, the rules were suspended, and without objection Engrossed House Bill No. 2660 was placed on the second reading calendar.

MOTION

On motion of Senator Eide, the Senate advanced to the sixth order of business.

SECOND READING

ENGROSSED HOUSE BILL NO. 2660, by Representatives Clibborn, Ryu, Moeller, Finn, Billig, Eddy, Fitzgibbon and Moscoso

Addressing transportation revenue.

The measure was read the second time.

MOTION

On motion of Senator Haugen, the rules were suspended, Engrossed House Bill No. 2660 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Haugen spoke in favor of passage of the bill. Senator King spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed House Bill No. 2660.

The Secretary called the roll on the final passage of Engrossed House Bill No. 2660 and the bill passed the Senate by the following vote: Yeas, 30; Nays, 19; Absent, 0; Excused, 0.

Voting yea: Senators Brown, Chase, Conway, Delvin, Eide, Fain, Fraser, Frockt, Hargrove, Harper, Hatfield, Haugen, Hobbs, Kastama, Keiser, Kilmer, Kline, Kohl-Welles, Litzow, McAuliffe, Murray, Nelson, Prentice, Pridemore, Ranker, Regala, Rolfes, Shin, Swecker and Tom

Voting nay: Senators Baumgartner, Becker, Benton, Carrell, Ericksen, Hewitt, Hill, Holmquist Newbry, Honeyford, King, Morton, Padden, Parlette, Pflug, Roach, Schoesler, Sheldon, Stevens and Zarelli

ENGROSSED HOUSE BILL NO. 2660, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Eide, the Senate reverted to the fourth order of business.

REPORT OF THE CONFERENCE COMMITTEE

Engrossed Substitute House Bill No. 2190

March 8, 2012

MR. PRESIDENT:

MR. SPEAKER:

We of your conference committee, to whom was referred Engrossed Substitute House Bill No. 2190, have had the same under consideration and recommend that all previous amendments not be adopted and that the following striking amendment be adopted:

Strike everything after the enacting clause and insert the following:

"2011-2013 FISCAL BIENNIUM GENERAL GOVERNMENT AGENCIES—OPERATING

Sec. 101. 2011 c 367 s 101 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF ARCHAEOLOGY AND HISTORIC PRESERVATION

Motor Vehicle Account--State Appropriation .....((~~\$430,000~~)) .....\$416,000

The appropriation in this section is subject to the following conditions and limitations: The entire appropriation is provided solely for staffing costs to be dedicated to state transportation activities. Staff hired to support transportation activities must have practical experience with complex construction projects.

Sec. 102. 2011 c 367 s 103 (uncodified) is amended to read as follows:

FOR THE OFFICE OF FINANCIAL MANAGEMENT

Motor Vehicle Account--State Appropriation .....((~~\$2,216,000~~)) .....\$2,128,000

Puget Sound Ferry Operations Account--State Appropriation .....((~~\$4,624,000~~)) .....\$1,260,000

Multimodal Transportation Account--State Appropriation .....\$350,000

TOTAL APPROPRIATION.....((~~\$6,840,000~~))

.....\$3,738,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The office of financial management, in consultation with the transportation committees of the legislature, shall conduct a budget evaluation study for the new traffic management center proposed by the department of transportation. The study must consider data resulting from the plan identified in section 604 of this act. The budget evaluation study team approach using value engineering techniques must be utilized by the office of financial management in conducting the study. The office of financial management shall select the budget evaluation study team members, contract for the study, and report the results to the transportation committees of the legislature and the department of transportation in a timely manner following the study. Options reviewed must include use of existing facilities, including the Wheeler building data center in Olympia. Funds allocated for the new traffic management center must be used by the office of financial management through an interagency agreement with the department of transportation to cover the cost of the study.

(2) ((\$4,480,000 of the Puget Sound ferry operations account--state appropriation is provided solely for marine insurance. The appropriation is intended to fully fund a two-year policy, and the office of financial management shall increase the deductible to \$10,000,000 and reduce components of the policy in order to keep the total cost of the two-year policy at or below the appropriation in this subsection.

(5))) \$1,116,000 of the Puget Sound ferry operations account--state appropriation is provided solely for marine insurance. The amount in this subsection as well as the amount in section 103(2) of this act is intended to fully fund a two-year policy. For fiscal year 2012, the office of financial management shall increase the deductible to ten million dollars and reduce components of the policy in order to keep the total cost of the two-year policy at or below the appropriation in this subsection and section 103(2) of this act.

(3) \$840,000 of the motor vehicle account--state appropriation is provided out of funds set aside out of statewide fuel taxes distributed to counties according to RCW 46.68.120(3) solely for the office of financial management to contract with the Washington state association of counties to identify, evaluate, and implement performance measures associated with county transportation activities. The performance measures must include, at a minimum, those related to safety, system preservation, mobility, environmental protection, and project completion. A report on the county transportation performance implementation project must be provided to the transportation committees of the legislature by December 31, 2012.

~~((6)))~~ (4) \$169,000 of the motor vehicle account--state appropriation is provided solely for the office of regulatory assistance integrated permitting project.

~~((7)))~~ (5) \$40,000 of the Puget Sound ferry operations account--state appropriation is provided solely for the state's share of the marine salary survey.

~~((8)))~~ (6) The office of financial management shall study the available data regarding statewide transit, bicycle, and pedestrian trips and recommend additional performance measures that will effectively measure the state's performance in increasing transit ridership and bicycle and pedestrian trips. The office of financial management shall report its findings and recommendations to the transportation committees of the legislature by November 15, 2011, and integrate the new performance measures into the report prepared by the office of financial management pursuant to RCW 47.04.280 regarding progress towards achieving Washington state's transportation system policy goals.

(7) \$350,000 of the multimodal transportation account--state appropriation is provided solely for the office of financial management to contract with a statewide organization representing Washington cities and a statewide organization representing Washington counties to work with the Washington state governor's office of regulatory assistance to:

(a) Fulfill completion of recent iPRMT enhancements developed to consolidate applications and expedite local, state, and regional transportation and public works maintenance permitting related to (i) general hydraulic project approval permits issued consistent with section 103(3), chapter 247, Laws of 2010 and (ii) section 106 consultations completed under the national historic preservation act;

(b) Work with local, state, and regional transportation and public works maintenance agencies to continue to support development of iPRMT enhancements and customizations based on applicant needs; and

(c) Provide outreach and training to advance the state's interest in continuing to leverage iPRMT web infrastructure to support and accelerate local, regional, and state transportation and public works planning, permitting, and compliance.

(8) \$400,000 of the motor vehicle account--state appropriation is from the cities statewide fuel tax distributions under RCW 46.68.110(2) for the department of transportation to contract with the department of fish and wildlife to inventory, assess, and prioritize fish passage barriers associated with city roads and streets in the Puget Sound region. The department of transportation shall submit the results to the office of financial management and the transportation committees of the legislature by December 31, 2013.

(9) The office of financial management through the chief information officer shall conduct a technical review of the Washington state patrol's conversion to narrowbanding and the decision to utilize the United States department of justice's integrated wireless network for that transition. The technical review must include an analysis of whether the conversion constitutes an appropriate opportunity for the state to leverage existing infrastructure, mitigates any communication gaps, provides for a risk mitigation strategy, provides opportunities to move to future emerging technologies, and is consistent with the elements of the chief information officer's state technology strategy. The chief information officer must provide a report of findings to the joint transportation committee by September 1, 2012. The recommendations must include any essential elements of the conversion that are necessary to ensure the existence of a comprehensive, interoperable, and reliable communication system within the United States department of justice's integrated wireless network with appropriate risk mitigation plans in place.

NEW SECTION. Sec. 103. A new section is added to 2011 c 367 (uncodified) to read as follows:

<b>FOR THE DEPARTMENT OF ENTERPRISE SERVICES</b>	
Motor Vehicle Account--State Appropriation .....	\$462,000
Puget Sound Ferry Operations Account--State	
Appropriation .....	\$3,360,000
<b>TOTAL APPROPRIATION.....</b>	<b>\$3,822,000</b>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$462,000 of the motor vehicle account--state appropriation is provided solely for the transportation executive information system.

(2) \$3,360,000 of the Puget Sound ferry operations account--state appropriation is provided solely for marine insurance. The amount in this subsection as well as the amount in section 102(2) of this act is intended to fully fund a two-year policy. For fiscal year 2013, the department of enterprise services shall increase the deductible to ten million dollars and reduce components of the

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policy in order to keep the total cost of the two-year policy at or below the appropriation in this subsection and section 102(2) of this act.

**NEW SECTION. Sec. 104.** A new section is added to 2011 c 367 (uncodified) to read as follows:

**FOR THE PUBLIC EMPLOYMENT RELATIONS COMMISSION**

Puget Sound Ferry Operations Account--State

Appropriation .....\$75,000

The appropriation in this section is subject to the following conditions and limitations: \$75,000 of the Puget Sound ferry operations account--state appropriation is provided solely for implementing chapter 16, Laws of 2011 1st sp. sess. (Washington state ferry system). \$43,200 of the appropriation is provided solely for closing out the marine employees' commission lease agreement in fiscal year 2012, and the remainder of the appropriation is provided solely for costs associated with marine employees' commission commissioner payments and travel.

**Sec. 105.** 2011 c 367 s 105 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF AGRICULTURE**

Motor Vehicle Account--State Appropriation .....(((\$1,210,000)) .....\$1,185,000

The appropriation in this section is subject to the following conditions and limitations:

(1) \$351,000 of the motor vehicle account--state appropriation is provided solely for costs associated with the motor fuel quality program.

(2) \$686,000 of the motor vehicle account--state appropriation is provided solely to test the quality of biofuel. The department must test fuel quality at the biofuel manufacturer, distributor, and retailer.

**Sec. 106.** 2011 c 367 s 106 (uncodified) is amended to read as follows:

**FOR THE LEGISLATIVE EVALUATION AND ACCOUNTABILITY PROGRAM COMMITTEE**

Motor Vehicle Account--State Appropriation .....(((\$513,000)) .....\$494,000

**TRANSPORTATION AGENCIES—OPERATING**

**Sec. 201.** 2011 c 367 s 201 (uncodified) is amended to read as follows:

**FOR THE WASHINGTON TRAFFIC SAFETY COMMISSION**

Highway Safety Account--State Appropriation.....(((\$3,003,000)) .....\$2,983,000

Highway Safety Account--Federal Appropriation...(((\$42,625,000)) .....\$42,507,000

Highway Safety Account--Private/Local Appropriation .....\$50,000

School Zone Safety Account--State Appropriation .....\$3,340,000

**TOTAL APPROPRIATION.....(((\$49,018,000)) .....\$48,880,000**

The appropriations in this section are subject to the following conditions and limitations:

(1) \$1,673,900 of the highway safety account--federal appropriation is provided solely for the conclusion of the target zero trooper pilot program, which the commission has developed and implemented in collaboration with the Washington state patrol. The pilot program must continue to demonstrate the effectiveness of intense, high visibility, driving under the influence enforcement in Washington. The commission shall continue to apply to the national highway traffic safety administration for federal highway safety grants to cover the cost of the pilot program. State funding is provided in section 207 of this act for the state patrol to continue the target zero trooper program in fiscal year 2013.

(2) The commission may oversee pilot projects implementing the use of automated traffic safety cameras to detect speed violations within cities west of the Cascade mountains that have a population over one hundred ninety-five thousand. For the purposes of pilot projects in this subsection, no more than one automated traffic safety camera may be used to detect speed violations within any one jurisdiction.

(a) The commission shall comply with RCW 46.63.170 in administering the pilot projects.

(b) In order to ensure adequate time in the 2011-2013 fiscal biennium to evaluate the effectiveness of the pilot projects, any projects authorized by the commission must be authorized by December 31, 2011.

(c) By January 1, 2013, the commission shall provide a report to the legislature regarding the use, public acceptance, outcomes, and other relevant issues regarding automated traffic safety cameras demonstrated by the pilot projects.

(3) \$460,000 of the highway safety account--state appropriation is provided solely for the implementation of chapter ... (Engrossed Second Substitute House Bill No. 1789), Laws of 2011 (addressing DUI accountability). If chapter ... (Engrossed Second Substitute House Bill No. 1789), Laws of 2011 is not enacted by June 30, 2011, the amount provided in this subsection lapses.

(4) The commission shall conduct a review of the literature on potential safety benefits realized from drivers using their headlights and windshield wipers simultaneously and shall report to the transportation committees of the legislature by December 1, 2011.

(5) \$22,000,000 of the highway safety account--federal appropriation is provided solely for federal funds that may be obligated to the commission pursuant to 23 U.S.C. Sec. 164 during the 2011-2013 fiscal biennium.

**Sec. 202.** 2011 c 367 s 202 (uncodified) is amended to read as follows:

**FOR THE COUNTY ROAD ADMINISTRATION BOARD**

Rural Arterial Trust Account--State Appropriation.....(((\$948,000)) .....\$915,000

Motor Vehicle Account--State Appropriation .....(((\$2,161,000)) .....\$2,088,000

County Arterial Preservation Account--State Appropriation .....(((\$1,480,000)) .....\$1,428,000

**TOTAL APPROPRIATION.....(((\$4,589,000)) .....\$4,431,000**

The appropriations in this section are subject to the following conditions and limitations: The county road administration board shall submit a report to the transportation committees of the legislature by December 1, 2011, on the implementation of the recommendations that resulted from the evaluation of efficiencies in the delivery of transportation funding and services to local governments that was required under section 204(8), chapter 247, Laws of 2010. The report must include a description of how recommendations were implemented, what efficiencies were achieved, and an explanation of any recommendations that were not implemented.

**Sec. 203.** 2011 c 367 s 203 (uncodified) is amended to read as follows:

**FOR THE TRANSPORTATION IMPROVEMENT BOARD**

Transportation Improvement Account--State Appropriation .....(((\$3,707,000)) .....\$3,625,000

The appropriation in this section is subject to the following conditions and limitations: The transportation improvement board shall submit a report to the transportation committees of the legislature by December 1, 2011, on the implementation of the recommendations that resulted from the evaluation of efficiencies in



the delivery of transportation funding and services to local governments that was required under section 204(8), chapter 247, Laws of 2010. The report must include a description of how recommendations were implemented, what efficiencies were achieved, and an explanation of any recommendations that were not implemented.

**Sec. 204.** 2011 c 367 s 204 (uncodified) is amended to read as follows:

**FOR THE JOINT TRANSPORTATION COMMITTEE**

Motor Vehicle Account--State Appropriation .....((\$2,060,000))  
 .....\$2,028,000

The appropriation in this section is subject to the following conditions and limitations:

(1) \$200,000 of the motor vehicle account--state appropriation is for a study of Washington state ferries fares that recommends the most appropriate fare media for use with the reservation system and the implementation of demand management pricing and interoperability with other payment methods. The study must include direct collaboration with transportation commission members.

~~((3))~~ (2) \$200,000 of the motor vehicle account--state appropriation is from the cities statewide fuel tax distributions under RCW 46.68.110(2) for the joint transportation committee to study and make recommendations on RCW 90.03.525. The study must include: (a) An inventory of state highways subject to the federal clean water act (40 C.F.R. Parts 122 through 124) (national pollutant discharge elimination system) that are within city boundaries; (b) a survey of cities that impose storm water fees or charges to the department of transportation, or otherwise manage storm water runoff from state highways within their jurisdiction; (c) case studies from a representative cross-section of cities on how the department and cities have used RCW 90.03.525; and (d) recommendations on how to achieve efficiencies in the cost and management of state highway storm water runoff within cities under RCW 90.03.525.

~~((4))~~ (3) \$425,000 of the motor vehicle account--state appropriation is for the joint transportation committee to conduct a study to evaluate the potential for financing state transportation projects using public-private partnerships. The study must compare the costs, advantages, and disadvantages of various forms of public-private partnerships with conventional financing. Projects to be evaluated include Interstate 405, state route number 509, state route number 167, the Columbia River crossing, and the Monroe bypass. At a minimum, the study must identify the public interest in the financing and construction of transportation projects, the public interest in the operation of transportation projects, and the provisions in public-private partnership agreements that best protect the public interest. To the extent possible, the study must identify the lowest-cost and best-value model for each project that best protects the public interest. In addition, the study must evaluate whether public-private partnerships serve the defined public interest including, but not limited to, the advantage and disadvantage of risk allocation, the effects of private versus public financing on the state's bonding capacity, the state's ability to retain public ownership of the asset, the process that would allow for the most transparency during the negotiation of terms of a public-private partnership agreement, and the state's ability to oversee the private entity's management of the asset. The study must identify any barriers to the implementation of funding models that best protect the public interest, including statutory and constitutional barriers. The committee shall issue a report of its evaluation to the house of representatives and senate transportation committees by December 16, 2011.

~~((5))~~ (4) \$100,000 of the motor vehicle account--state appropriation is for an investigation of the use of liquid natural gas

on existing Washington state ferry vessels as well as the 144-car class vessels and report to the legislature by December 31, 2011.

(5) The joint transportation committee shall convene a study group to evaluate the most appropriate organization for the aviation search and rescue program, currently operating from the department of transportation's aviation division. The joint transportation committee shall invite a representative from the following organizations to participate in meetings in the city of Olympia: The aircraft owners and pilots association; the Washington pilots association; the Washington wing of the civil air patrol; the civil air patrol - United States air force; the Washington department of transportation, aviation division; the emergency management division of the military department; the Washington association of search and rescue; and the Washington state patrol. The committee shall issue a report of its findings to the legislature by December 14, 2012, to include the following information:

(a) Where should aviation search and rescue operations be located to provide the maximum benefit for these searches?

(b) How should the duplication of services and training be addressed?

(c) Is the current structure the best use of state and federal funding?

(d) If aviation search and rescue is relocated, what should be the source of funding?

(6) The joint transportation committee shall convene a series of meetings between representatives of the Washington state ferries and British Columbia ferries services as well as the respective shipyard contractors for new vessel construction for each system. The purpose of the meetings is to explore joint procurement of additional 144-car capacity ferry vessels for use in either ferry system. Benefits from this joint procurement include, but are not limited to, construction savings accruing to both ferry systems due to the economies of scale of purchasing multiple vessels, additional relief vessel capacity available to both ferry systems, and enhanced service on the international route connecting Washington and British Columbia.

(7) The Columbia River Crossing bridge project is a major initiative to address congestion problems on Interstate 5 between Portland, Oregon and Vancouver, Washington that requires support by not only the governors of both states but the legislatures as well. The joint transportation committee must convene a subcommittee for legislative oversight of the I-5/Columbia River Crossing bridge replacement project. The Columbia River Crossing legislative oversight subcommittee must be made up of six members, two appointed by the chair and ranking member of the senate transportation committee, two appointed by the chair and ranking member of the house of representatives transportation committee, one designee of the governor, and one citizen jointly appointed by the four members of the joint transportation executive committee. The citizen appointee must be a Washington state resident of the area served by the bridge. At least two of the legislative members must be from the legislative districts served by the bridge. In addition to reviewing project and financing information, the subcommittee must also coordinate with the Oregon legislative oversight committee for the Columbia River Crossing bridge.

(8)(a) The joint transportation committee shall convene a study group to evaluate the effectiveness, transparency, and priorities by which the department of transportation expends federal transportation funds. The study group must include representatives from the department of transportation, the office of financial management, and local representatives of the federal highway administration. The study group shall make recommendations on how to:

(i) Make the process for programming federal funds more transparent;

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(ii) Evaluate assumptions used to predict the availability of federal funds in future biennia and how those funds will be programmed between different federal funding programs;

(iii) Develop a process for linking statewide priorities to distributing federal funds from project savings and the redistribution of federal funds from other states; and

(iv) Develop a process for incorporating stakeholder feedback when developing federal grant and loan applications.

(b) The joint transportation committee shall issue a report of its evaluation to the house of representatives and senate transportation committees by December 16, 2012.

(9) Within the amounts provided in this section, the joint transportation committee shall conduct research to evaluate the fiscal health of public transportation in Washington. With the assistance of staff from the standing transportation committees of the legislature, the joint transportation committee shall collect and review known and conventional sources of transit financial and operational data as it pertains to Washington transit entities. The joint transportation committee shall evaluate changes to the fiscal and operational status of transit entities over the last fifteen years. The joint transportation committee shall compare fiscal results in aggregate during selected years of the time period examined with state funding for transportation in the same years. The joint transportation committee shall report its findings to the standing transportation committees of the legislature by December 1, 2012.

Sec. 205. 2011 c 367 s 205 (uncodified) is amended to read as follows:

FOR THE TRANSPORTATION COMMISSION

Motor Vehicle Account--State Appropriation .....	(\$2,142,000)
.....	\$3,028,000
Multimodal Transportation Account--State Appropriation .....	
.....	\$112,000
TOTAL APPROPRIATION.....	(\$2,254,000)
.....	\$3,140,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Consistent with RCW 43.135.055, 47.60.290, and 47.60.315, during the 2011-2013 fiscal biennium, the legislature authorizes the transportation commission to periodically review and, if necessary, adjust the schedule of fares for the Washington state ferry system only in amounts not greater than those sufficient to generate the amount of revenue required by the biennial transportation budget. When adjusting ferry fares, the commission must consider input from affected ferry users by public hearing and by review with the affected ferry advisory committees, in addition to the data gathered from the current ferry user survey.

(2) Consistent with RCW 43.135.055 and 47.46.100, during the 2011-2013 fiscal biennium, the legislature authorizes the transportation commission to periodically review and, if necessary, adjust the schedule of toll charges applicable to the Tacoma Narrows bridge only in amounts not greater than those sufficient to support (a) any required costs for operating and maintaining the toll bridge, including the cost of insurance, (b) any amount required by law to meet the redemption of bonds and applicable interest payments, and (c) repayment of the motor vehicle fund.

((4)) (3) Consistent with its authority in RCW 47.56.840, the transportation commission shall consider the need for a citizen advisory group that provides oversight on new tolled facilities.

(4) \$775,000 of the motor vehicle account--state appropriation is provided solely to determine the feasibility of transitioning from the gas tax to a road user assessment system of paying for transportation.

(a) The transportation commission, with direction from the steering committee created in (b) of this subsection, must: Review relevant reports and data related to models of road user assessments

and methods of transitioning to a road user assessment system; analyze the research to identify issues for policy decisions in Washington; make recommendations for the design of systemwide trials; develop a plan to assess public perspectives and educate the public on the current transportation funding system and options for a new system; and perform other tasks as deemed necessary by the steering committee.

(b) The transportation commission must convene a steering committee to provide direction to and guide the transportation commission's work. Membership of the steering committee must include, but is not limited to, members representing the following interests: The trucking industry; business; cities and counties; public transportation; environmental; user fee technology; auto and light truck manufacturers; and the motoring public. In addition, a member from each of the two largest caucuses of the senate, appointed by the president of the senate, and a member from each of the two largest caucuses of the house of representatives, appointed by the speaker of the house of representatives, must serve on the steering committee.

(c) The transportation commission must update the governor and the legislature on this work by January 1, 2013. In addition, this update must include a plan and budget request for work to be completed during the 2013-2015 fiscal biennium.

(5) \$160,000 of the motor vehicle account--state appropriation is provided solely for the transportation commission to establish a statewide transportation survey panel and conduct two surveys on transportation funding and policy issues during the 2011-2013 fiscal biennium. At a minimum, the results of the first survey must be submitted to the legislature by January 2013.

Sec. 206. 2011 c 367 s 206 (uncodified) is amended to read as follows:

FOR THE FREIGHT MOBILITY STRATEGIC INVESTMENT BOARD

Motor Vehicle Account--State Appropriation .....	(\$702,000)
.....	\$781,000

The appropriation in this section is subject to the following conditions and limitations:

(1) \$100,000 of the motor vehicle account--state appropriation is provided solely for an additional staff person for the freight mobility strategic investment board.

(2) The freight mobility strategic investment board shall submit a report to the transportation committees of the legislature by December 1, 2011, on the implementation of the recommendations that resulted from the evaluation of efficiencies in the delivery of transportation funding and services to local governments that was required under section 204(8), chapter 247, Laws of 2010. The report must include a description of how recommendations were implemented, what efficiencies were achieved, and an explanation of any recommendations that were not implemented.

Sec. 207. 2011 c 367 s 207 (uncodified) is amended to read as follows:

FOR THE WASHINGTON STATE PATROL

((Vehicle Licensing Fraud Account--State Appropriation .....	\$100,000)
Multimodal Transportation Account--State Appropriation .....	
.....	\$132,000
Ignition Interlock Device Revolving Account--	
State Appropriation .....	\$212,000
State Patrol Highway Account--State	
Appropriation .....	(\$349,812,000)
.....	\$350,605,000
State Patrol Highway Account--Federal	
Appropriation .....	\$10,903,000
State Patrol Highway Account--Private/Local	
Appropriation .....	(\$3,369,000)

.....	\$3,494,000
Highway Safety Account--State Appropriation.....	\$432,000
TOTAL APPROPRIATION.....	(((\$364,184,000))
.....	\$365,778,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Washington state patrol officers engaged in off-duty uniformed employment providing traffic control services to the department of transportation or other state agencies may use state patrol vehicles for the purpose of that employment, subject to guidelines adopted by the chief of the Washington state patrol. The Washington state patrol must be reimbursed for the use of the vehicle at the prevailing state employee rate for mileage and hours of usage, subject to guidelines developed by the chief of the Washington state patrol. Cessna pilots funded from the state patrol highway account who are certified to fly the King Airs may pilot those aircraft for general fund purposes with the general fund reimbursing the state patrol highway account an hourly rate to cover the costs incurred during the flights since the aviation section is no longer part of the Washington state patrol cost allocation system as of July 1, 2009.

(2) The Washington state patrol shall continue to collaborate with the Washington traffic safety commission on the target zero trooper pilot program referenced in section 201(1) of this act.

(3) \$370,000 of the state patrol highway account--state appropriation is provided solely for costs associated with the pilot program described under section 216(5) of this act. The Washington state patrol may incur costs related only to the assignment of cadets and necessary computer equipment and to the reimbursement of the Washington state department of transportation for contract costs. The appropriation in this subsection must be funded from the portion of the automated traffic safety camera fines deposited into the state patrol highway account; however, if the fines deposited into the state patrol highway account from automated traffic safety camera infractions do not reach three hundred seventy thousand dollars, the department of transportation shall remit funds necessary to the Washington state patrol to ensure the completion of the pilot program. The Washington state patrol may not incur overtime as a result of this pilot program. The Washington state patrol shall not assign troopers to operate or deploy the pilot program equipment used in the roadway construction zones.

(4) (~~(\$12,655,000)~~) \$12,160,000 of the total appropriation is provided solely for automobile fuel in the 2011-2013 fiscal biennium. The Washington state patrol shall analyze their fuel consumption and submit a report to the legislative transportation committees by December 31, 2011, on fuel conservation methods that could be used to minimize costs and ensure that the Washington state patrol is managing fuel consumption effectively.

(5) (~~(\$7,421,000)~~) \$7,672,000 of the total appropriation is provided solely for the purchase of pursuit vehicles.

(6) (~~(\$6,611,000)~~) \$6,686,000 of the total appropriation is provided solely for vehicle repair and maintenance costs of vehicles used for highway purposes.

(7) \$1,724,000 of the total appropriation is provided solely for the purchase of mission vehicles used for highway purposes in the commercial vehicle and traffic investigation sections of the Washington state patrol.

(8) \$1,200,000 of the total appropriation is provided solely for outfitting officers. The Washington state patrol shall prepare a cost-benefit analysis of the standard trooper uniform as compared to a battle dress uniform and uniforms used by other states and jurisdictions. The Washington state patrol shall report the results of the analysis to the transportation committees of the legislature by December 1, 2011.

(9) The Washington state patrol shall not account for or record locally provided DUI cost reimbursement payments as expenditure credits to the state patrol highway account. The patrol shall report the amount of expected locally provided DUI cost reimbursements to the office of financial management and transportation committees of the legislature by September 30th of each year.

(10) During the 2011-2013 fiscal biennium, the Washington state patrol shall continue to perform traffic accident investigations on Thurston county roads, and shall work with Thurston county to transition the traffic accident investigations on Thurston county roads to Thurston county by July 1, 2013.

(11) (~~(\$100,000 of the vehicle licensing fraud account--state appropriation is provided solely to support the transportation portion of the vehicle license fraud program during the 2011-2013 fiscal biennium)~~) \$2,187,000 of the state patrol highway account--state appropriation is provided solely for mobile office platforms.

(12) \$2,731,000 of the state patrol highway account--state appropriation is provided solely for the continuation of the target zero trooper program.

(13) \$432,000 of the highway safety account--state appropriation is provided solely for the implementation of chapter . . . (Second Substitute House Bill No. 2443), Laws of 2012 (DUI accountability). If chapter . . . (Second Substitute House Bill No. 2443), Laws of 2012 is not enacted by June 30, 2012, the amount provided in this subsection lapses. Additionally, the total highway safety account--state appropriation in this section assumes the revenue generated by the fees that the Washington state patrol is authorized to charge manufacturers, technicians, and other providers under Second Substitute House Bill No. 2443. Within the amounts provided in this subsection is funding for three additional troopers to provide oversight of the ignition interlock industry.

(14) \$212,000 of the ignition interlock device revolving account--state appropriation is provided solely for two additional troopers to provide oversight of the ignition interlock industry. If chapter . . . (Second Substitute House Bill No. 2443), Laws of 2012 is enacted by June 30, 2012, the amount provided in this subsection lapses.

(15) \$132,000 of the multimodal transportation account--state appropriation is provided solely for the implementation of chapter . . . (Engrossed Substitute House Bill No. 1820), Laws of 2012 (blue alert system). If chapter . . . (Engrossed Substitute House Bill No. 1820), Laws of 2012 is not enacted by June 30, 2012, the amount provided in this subsection lapses.

**Sec. 208.** 2011 c 367 s 208 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF LICENSING

Marine Fuel Tax Refund Account--State Appropriation.....	\$32,000
Motorcycle Safety Education Account--State	
Appropriation.....	(((\$4,411,000))
.....	\$4,367,000
Wildlife Account--State Appropriation .....	(((\$859,000))
.....	\$826,000
Highway Safety Account--State Appropriation.....	(((\$149,904,000))
.....	\$148,666,000
Highway Safety Account--Federal Appropriation.....	(((\$2,884,000))
.....	\$4,299,000
Highway Safety Account--Private/Local Appropriation .....	\$200,000
Motor Vehicle Account--State Appropriation .....	(((\$78,586,000))
.....	\$76,511,000
Motor Vehicle Account--Private/Local Appropriation	
.....	(((\$1,721,000))
.....	\$1,714,000
Motor Vehicle Account--Federal Appropriation .....	(((\$242,000))
.....	\$380,000
Department of Licensing Services Account--State	

Appropriation.....	(\$5,815,000)
.....	\$6,095,000
Ignition Interlock Device Revolving Account--State	
Appropriation.....	(\$1,315,000)
.....	\$1,971,000
TOTAL APPROPRIATION.....	(\$245,769,000)
.....	\$245,061,000

The appropriations in this section are subject to the following conditions and limitations:

(1) ((62,000 of the motor vehicle account--state appropriation is provided solely for the implementation of chapter ... (Engrossed Substitute Senate Bill No. 5251), Laws of 2011 (electric vehicle fee). If chapter ... (Engrossed Substitute Senate Bill No. 5251), Laws of 2011 is not enacted by June 30, 2011, the amount provided in this subsection lapses.

(2)) \$231,000 of the motor vehicle account--state appropriation is provided solely for the implementation of chapter ... (Substitute Senate Bill No. 5800), Laws of 2011 (off-road motorcycles). If chapter ... (Substitute Senate Bill No. 5800), Laws of 2011 is not enacted by June 30, 2011, the amount provided in this subsection lapses.

((3)) (2) \$193,000 of the department of licensing services account--state appropriation is provided solely for a phased implementation of chapter ... (Substitute House Bill No. 1046), Laws of 2011 (vehicle and vessel quick titles). Funding is contingent upon revenues associated with the vehicle and vessel quick title program paying all direct and indirect expenditures associated with the department's implementation of this subsection. If chapter ... (Substitute House Bill No. 1046), Laws of 2011 is not enacted by June 30, 2011, the amount provided in this subsection lapses.

((4) The department may seek federal funds to implement a driver's license and identicard biometric matching system pilot program to verify the identity of applicants for, and holders of, drivers' licenses and identicards if applicants are provided the opportunity to opt out of participating in the program, which meets the requirement of RCW 46.20.037 that such a program be voluntary. If funds are received, the department shall report any benefits or problems identified during the course of the pilot program to the transportation committees of the legislature upon the completion of the program.

(5) \$1,938,000) (3) \$4,299,000 of the highway safety account--federal appropriation is for federal funds that may be received during the 2011-2013 fiscal biennium. Upon receipt of the funds, the department shall provide a report on the use of the funds to the transportation committees of the legislature and the office of financial management.

((6)) (4) By December 31, 2011, the department shall submit to the office of financial management and the transportation committees of the legislature draft legislation that rewrites the tow truck statutes (chapter 46.55 RCW) in plain language and is revenue and policy neutral.

((7)) (5) \$128,000 of the highway safety account--state appropriation is provided solely for the implementation of chapter ... (Engrossed Substitute House Bill No. 1635), Laws of 2011 (driver's license exams). If chapter ... (Engrossed Substitute House Bill No. 1635), Laws of 2011 is not enacted by June 30, 2011, the amount provided in this subsection lapses.

((8)) (6) \$68,000 of the highway safety account--state appropriation is provided solely for the implementation of chapter ... (Engrossed Second Substitute House Bill No. 1789), Laws of 2011 ((driving under the influence)) (addressing DUI accountability). If chapter ... (Engrossed Second Substitute House Bill No. 1789), Laws of 2011 is not enacted by June 30, 2011, the amount provided in this subsection lapses.

((9)) (7) \$63,000 of the highway safety account--state appropriation is provided solely for the implementation of chapter ... (Substitute House Bill No. 1237), Laws of 2011 (selective service system). If chapter ... (Substitute House Bill No. 1237), Laws of 2011 is not enacted by June 30, 2011, the amount provided in this subsection lapses.

((10)) (8) \$340,000 of the motor vehicle account--private/local appropriation is provided solely for the implementation of chapter ... (Engrossed Substitute Senate Bill No. 5457), Laws of 2011 (congestion reduction charge). If chapter ... (Engrossed Substitute Senate Bill No. 5457), Laws of 2011 is not enacted by June 30, 2011, the amount provided in this subsection lapses.

((11)) (9) \$1,738,000 of the department of licensing services account--state appropriation is provided solely for purchasing equipment for field licensing service offices and subagent offices.

(10) \$2,500,000 of the highway safety account--state appropriation is provided solely for information technology field system modernization.

(11) \$963,000 of the highway safety account--state appropriation is provided solely for implementation of chapter 374, Laws of 2011 (limousine carriers) and chapter 298, Laws of 2011 (master license service program).

(12) \$99,000 of the motor vehicle account--state appropriation is provided solely for the implementation of chapter ... (Substitute House Bill No. 2299), Laws of 2012 (special license plates). If chapter ... (Substitute House Bill No. 2299), Laws of 2012 is not enacted by June 30, 2012, the amount provided in this subsection lapses.

(13) \$174,000 of the highway safety account--state appropriation is provided solely for the implementation of chapter ... (Substitute Senate Bill No. 6075), Laws of 2012 (vehicle owner information). If chapter ... (Substitute Senate Bill No. 6075), Laws of 2012 is not enacted by June 30, 2012, the amount provided in this subsection lapses. Additionally, the total appropriation in this section assumes the revenue generated by the fee established in Substitute Senate Bill No. 6075. Within the amounts provided in this subsection, the department must improve on the information that the department makes publicly available to victims of domestic violence and sexual assault on how to better protect their personal information, especially their residential addresses. Specifically, the department must provide a link to the secretary of state's address confidentiality program web site. The department also must provide information regarding a person's ability to provide a mailing address in addition to the person's residential address when registering a vehicle with the department.

(14) \$289,000 of the highway safety account--state appropriation is provided solely for the implementation of chapter ... (Engrossed Substitute Senate Bill No. 6150), Laws of 2012 (facial recognition matching system). If chapter ... (Engrossed Substitute Senate Bill No. 6150), Laws of 2012 is not enacted by June 30, 2012, the amount provided in this subsection lapses.

(15) \$397,000 of the highway safety account--state appropriation is provided solely for the implementation of chapter ... (Engrossed Substitute Senate Bill No. 6284), Laws of 2012 (civil traffic infractions). If chapter ... (Engrossed Substitute Senate Bill No. 6284), Laws of 2012 is not enacted by June 30, 2012, the amount provided in this subsection lapses. Additionally, the total highway safety account--state appropriation in this section assumes the revenue generated by the policy changes in chapter ... (Engrossed Substitute Senate Bill No. 6284), Laws of 2012.

(16) \$222,000 of the motor vehicle account--state appropriation and \$36,000 of the highway safety account--state appropriation are provided solely for the implementation of chapter ... (Engrossed Substitute Senate Bill No. 6455), Laws of 2012 (transportation revenue). If chapter ... (Engrossed Substitute Senate Bill No.

6455), Laws of 2012 is not enacted by June 30, 2012, the amount provided in this subsection lapses.

(17) \$274,000 of the motor vehicle account--state appropriation is provided solely for the implementation of chapter . . . (Engrossed Substitute Senate Bill No. 6582), Laws of 2012 (local transportation revenue options). If chapter . . . (Engrossed Substitute Senate Bill No. 6582), Laws of 2012 is not enacted by June 30, 2012, the amount provided in this subsection lapses.

(18) Within the amounts provided in this section, the department must develop a transition plan for moving to a paperless renewal notice for drivers' licenses and vehicle registrations. The plan must consider people that do not have access to the internet and must include an opportunity for people to opt-in to a paper renewal notice. Prior to the implementation of a paperless renewal system, the department must consult with the joint transportation committee.

(19) Within existing resources, the department shall develop a plan to transition to a ten-year license plate replacement cycle. At a minimum, the plan must include the following provisions: (a) A ten-year replacement cycle for license plates only on vehicles that are subject to annual vehicle registration renewal; (b) a requirement that new license plates and registration, including all fees and taxes due upon annual registration, are required when a vehicle changes ownership, except when a vehicle is sold to a vehicle dealer for resale, in which case they are due only when the dealer sells the vehicle; (c) an original issue license plate fee that is equal to the current license plate replacement fee; and (d) an estimate of the plan's costs to implement and revenues generated. The department shall submit the plan with draft legislation implementing the plan to the transportation committees of the legislature by December 31, 2012.

(20) Consistent with RCW 43.135.055 and 43.24.086, during the 2011-2013 fiscal biennium, the legislature authorizes the department to adjust the business and vehicle fees for the for hire licensing program in amounts sufficient to recover the costs of administering the for hire licensing program.

(21) The legislature intends to establish a veteran designation for drivers' licenses and identicards issued under chapter 46.20 RCW, as proposed under House Bill No. 2378, during the 2013 legislative session. The designation would serve to establish a person's service in the armed forces and be granted to a person who provides a United States department of defense discharge document, DD Form 214, that shows a discharge status of "honorable" or "general under honorable conditions." The department shall report to the transportation committees of the legislature by December 1, 2012, with a plan to implement the designation. The plan must include the most cost-effective options for implementation, a proposed fee amount to cover the costs of the designation, and any other recommendations on the implementation of the designation.

(22) \$59,000 of the motor vehicle account--state appropriation is provided solely for the implementation of chapter . . . (Substitute House Bill No. 2312), Laws of 2012 (military service award emblems). If chapter . . . (Substitute House Bill No. 2312), Laws of 2012 is not enacted by June 30, 2012, the amount provided in this subsection lapses.

(23) \$656,000 of the ignition interlock device revolving account--state appropriation is provided solely for the implementation of chapter . . . (Second Substitute House Bill No. 2443), Laws of 2012 (DUI accountability). If chapter . . . (Second Substitute House Bill No. 2443), Laws of 2012 is not enacted by June 30, 2012, the amount provided in this subsection lapses.

(24) \$134,000 of the highway safety account--state appropriation and \$134,000 of the motor vehicle account--state appropriation are provided solely for the implementation of chapter . . . (Engrossed Second Substitute House Bill No. 2373), Laws of 2012 (state recreational resources). If chapter . . . (Engrossed

Second Substitute House Bill No. 2373), Laws of 2012 is not enacted by June 30, 2012, the amount provided in this subsection lapses.

**Sec. 209.** 2011 c 367 s 209 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION--TOLL OPERATIONS AND MAINTENANCE--PROGRAM B

High Occupancy Toll Lanes Operations Account--State	
Appropriation.....	(\$1,295,000)
.....	\$1,276,000
Motor Vehicle Account--State Appropriation.....	(\$550,000)
.....	\$538,000
Tacoma Narrows Toll Bridge Account--State	
Appropriation.....	(\$23,429,000)
.....	\$23,365,000
State Route Number 520 Corridor Account--State	
Appropriation.....	\$27,295,000
State Route Number 520 Civil Penalties	
Account--State Appropriation.....	(\$4,622,000)
.....	\$3,622,000
<b>TOTAL APPROPRIATION.....</b>	<b>(\$57,191,000)</b>
.....	\$56,096,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The department shall make detailed quarterly expenditure reports available to the transportation commission and to the public on the department's web site using current department resources. The reports must include a summary of toll revenue by facility on all operating toll facilities and high occupancy toll lane systems, and an itemized depiction of the use of that revenue.

(2) (~~(\$4,622,000)~~) \$3,622,000 of the state route number 520 civil penalties account--state appropriation and \$1,458,000 of the Tacoma Narrows toll bridge account--state appropriation are provided solely for expenditures related to the toll adjudication process. All costs associated with the toll adjudication process are anticipated to be covered by revenue collected from the toll adjudication process. The department shall report quarterly on the civil penalty process to the office of financial management and the house of representatives and senate transportation committees beginning September 30, 2011. The reports must include a summary table for each toll facility that includes: The number of notices of civil penalty issued; the number of recipients who pay before the notice becomes a penalty; the number of recipients who request a hearing and the number who do not respond; workload costs related to hearings; the cost and effectiveness of debt collection activities; and revenues generated from notices of civil penalty.

(3) It is the intent of the legislature that transitioning to a statewide tolling operations center and preparing for all-electronic tolling on certain toll facilities will have no adverse revenue or expenditure impact on the Tacoma Narrows toll bridge account. Any increased costs related to this transition shall not be allocated to the Tacoma Narrows toll bridge account. All costs associated with the toll adjudication process are anticipated to be covered by revenue collected from the toll adjudication process.

(4) The department shall ensure that, at no cost to the Tacoma Narrows toll bridge account, new electronic tolling tag readers are installed on the Tacoma Narrows bridge as soon as practicable that are able to read existing and new electronic tolling tags.

(5) \$17,786,000 of the state route number 520 corridor account--state appropriation is provided solely for nonvendor costs associated with tolling the state route number 520 bridge. Funds from the state route number 520 corridor account--state appropriation shall not be used to pay for items prohibited by Executive Order No. 1057, including subscriptions to technical

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publications, employee educational expenses, professional membership dues and fees, employee recognition and safety awards, meeting meals and light refreshments, commute trip reduction incentives, and employee travel.

Sec. 210. 2011 c 367 s 210 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION--INFORMATION TECHNOLOGY--PROGRAM C

Motor Vehicle Account--State Appropriation .....	(\$69,107,000)
.....	\$67,398,000
Transportation Partnership Account--State Appropriation .....	\$1,460,000
Multimodal Transportation Account--State Appropriation .....	\$363,000
Transportation 2003 Account (Nickel Account)--State Appropriation .....	\$1,460,000
TOTAL APPROPRIATION.....	(\$72,390,000)
.....	\$70,681,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The department shall consult with the office of financial management and the department of ((information)) enterprise services to: (a) Ensure that the department's current and future system development is consistent with the overall direction of other key state systems; and (b) when possible, use or develop common statewide information systems to encourage coordination and integration of information used by the department and other state agencies and to avoid duplication.

(2) \$1,460,000 of the transportation partnership account--state appropriation and \$1,460,000 of the transportation 2003 account (nickel account)--state appropriation are provided solely for maintaining the department's project management reporting system.

(3) \$210,000 of the motor vehicle account--state appropriation is provided solely for the department's compliance with its national pollution discharge elimination system permit.

((S)) (4) \$502,000 of the motor vehicle account--state appropriation is provided solely to provide support for the transportation executive information system.

Sec. 211. 2011 c 367 s 211 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION--FACILITY MAINTENANCE, OPERATIONS AND CONSTRUCTION--PROGRAM D--OPERATING

Motor Vehicle Account--State Appropriation .....	(\$25,851,000)
.....	\$25,466,000

The appropriation in this section is subject to the following conditions and limitations:

(1) The department shall submit a predesign proposal for a new traffic management center to the office of financial management consistent with the process followed by nontransportation capital construction projects. The department shall not award a contract for construction of a new traffic management center until the predesign proposal has been submitted and the office of financial management has completed a budget evaluation study that indicates a new building is the recommended option for accommodating additional traffic management operations.

(2) \$850,000 of the motor vehicle account--state appropriation is provided solely for the department's compliance with its national pollution discharge elimination system permit.

Sec. 212. 2011 c 367 s 212 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION--AVIATION--PROGRAM F

Aeronautics Account--State Appropriation .....	(\$6,066,000)
.....	\$6,002,000
Aeronautics Account--Federal Appropriation .....	\$2,150,000
TOTAL APPROPRIATION.....	(\$8,216,000)
.....	\$8,152,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$200,000 of the aeronautics account--state appropriation is a reappropriation provided solely to complete runway preservation projects.

(2) The department of transportation's aviation stakeholder forum shall submit a final report regarding the possible move of the aviation division from Arlington, Washington to Olympia, Washington by December 31, 2012, to the legislature. The legislature shall consider the recommendations and make a final determination on the proposed move during the 2013 legislative session. Until that decision has been made, the aviation division must remain in its existing location.

Sec. 213. 2011 c 367 s 213 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION--PROGRAM DELIVERY MANAGEMENT AND SUPPORT--PROGRAM H

Motor Vehicle Account--State Appropriation .....	(\$47,418,000)
.....	\$45,796,000
Motor Vehicle Account--Federal Appropriation .....	\$500,000
Multimodal Transportation Account--State Appropriation .....	\$250,000
TOTAL APPROPRIATION.....	(\$48,168,000)
.....	\$46,546,000

The appropriations in this section are subject to the following conditions and limitations:

(1) ((The department shall provide updated information on six project milestones for all active projects, funded in part or in whole with 2005 transportation partnership account funds or 2003 nickel account funds, on a quarterly basis in the transportation executive information system. The department shall also provide updated information on six project milestones for projects funded with preexisting funds and that are agreed to by the legislature, office of financial management, and the department, on a quarterly basis.

(2)) \$3,754,000 of the motor vehicle account--state appropriation is provided solely for the department's compliance with its national pollution discharge elimination system permit.

((S)) (2) It is the intent of the legislature that the real estate services division of the department will recover the cost of its efforts from future sale proceeds.

((S)) (3) The legislature recognizes that the Dryden pit site (WSDOT Inventory Control (IC) No. 2-04-00103) is unused state-owned real property under the jurisdiction of the department of transportation, and that the public would benefit significantly from the complete enjoyment of the natural scenic beauty and recreational opportunities available at the site. Therefore, pursuant to RCW 47.12.080, the legislature declares that transferring the property to the department of fish and wildlife for recreational use and fish and wildlife restoration efforts is consistent with the public interest in order to preserve the area for the use of the public and the betterment of the natural environment. The department of transportation shall work with the department of fish and wildlife, and shall transfer and convey the Dryden pit site to the department of fish and wildlife as is for an adjusted fair market value reflecting site conditions, the proceeds of which must be deposited in the motor vehicle fund. The department of transportation is not responsible for any costs associated with the cleanup or transfer of this property. By July 1, 2011, and annually thereafter until the entire Dryden pit property has been transferred, the department shall

submit a status report regarding the transaction to the chairs of the legislative transportation committees.

(4) The legislature recognizes that the trail known as the Apple Capital Loop, and its extensions, serve to separate motor vehicle traffic from pedestrians and bicyclists, increasing motor vehicle safety on existing state route number 28. Consistent with chapter 47.30 RCW and pursuant to RCW 47.12.080, the legislature declares that transferring portions of WSDOT Inventory Control (IC) Nos. 2-09-04537 and 2-09-04569 to Douglas county and the city of East Wenatchee is consistent with the public interest. The legislature directs the department to transfer the property to Douglas county and the city of East Wenatchee. The department must be paid fair market value for any portions of the transferred real property that is later abandoned, vacated, or ceases to be publicly maintained for trail purposes. Douglas county and the city of East Wenatchee must agree to accept responsibility for trail segments within their respective jurisdictions and sign an agreement with the state that the transfer of these parcels to their respective jurisdictions extinguishes any state obligations to improve, maintain, or be in any way responsible for these assets. The department shall report to the transportation committees of the legislature by June 30, 2013, and annually thereafter, on the status of the transfer until complete.

Sec. 214. 2011 c 367 s 214 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION--ECONOMIC PARTNERSHIPS--PROGRAM K

Motor Vehicle Account--State Appropriation .....	(\$622,000))
.....	\$827,000
Multimodal Transportation Account--State Appropriation .....	\$110,000
TOTAL APPROPRIATION.....	(\$732,000))
.....	\$937,000

The appropriations in this section are subject to the following conditions and limitations:

(1)(a) \$225,000 of the motor vehicle account--state appropriation is provided solely to carry out work related to assessing the operational feasibility of a road user assessment, including technology, agency administration, multistate and federal standards, and other necessary elements. This work must be carried out under the guidance of the steering committee and in coordination with the transportation commission's policy assessment and public outreach planning authorized in section 205(4) of this act.

(b) If subsequent appropriations are provided, the department may conduct a limited scope pilot project to test the feasibility of a road user assessment system to be applied to electric vehicles. The pilot project must be carried out under the guidance of the steering committee described under section 205(4) of this act and in coordination with the transportation commission.

(2) The department shall conduct a study on the potential to generate revenue from off-premise outdoor advertising signs that are erected or maintained adjacent and visible to the interstate system highways, primary system highways, or scenic system highways. The study must provide an evaluation of the market for outdoor advertising signs, including an evaluation of the number of potential advertisers and the amount charged by other jurisdictions for sign permits, and must provide a recommendation for a revised fee structure that recognizes the market value for off-premise signs and considers charging differential fees based on the size, type, and location of the sign.

(3) The public-private partnerships office must explore retail partnerships at state-owned park-and-ride facilities, as authorized in RCW 47.04.295, and if feasible, solicit proposals to implement a retail partnership pilot project at one park-and-ride facility by June 30, 2013.

Sec. 215. 2011 c 367 s 215 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION--HIGHWAY MAINTENANCE--PROGRAM M

Motor Vehicle Account--State Appropriation .....	(\$380,327,000))
.....	\$373,709,000
Motor Vehicle Account--Federal Appropriation .....	\$7,000,000
TOTAL APPROPRIATION.....	(\$387,327,000))
.....	\$380,709,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The department shall request an unanticipated receipt for any federal moneys received for emergency snow and ice removal and shall place an equal amount of the motor vehicle account--state appropriation into unallotted status. This exchange shall not affect the amount of funding available for snow and ice removal.

(2) \$7,000,000 of the motor vehicle account--state appropriation is provided solely for third-party damages to the highway system where the responsible party is known and reimbursement is anticipated. The department shall request additional appropriation authority for any funds received for reimbursements of third-party damages that are in excess of this appropriation.

(3) \$7,000,000 of the motor vehicle account--federal appropriation is for unanticipated federal funds that may be received during the 2011-2013 fiscal biennium. Upon receipt of the funds, the department shall provide a report on the use of the funds to the transportation committees of the legislature and the office of financial management.

(4) The department may work with the department of corrections to utilize corrections crews for the purposes of litter pickup on state highways.

(5) \$4,530,000 of the motor vehicle account--state appropriation is provided solely for the department's compliance with its national pollution discharge elimination system permit.

(6) The department shall continue to report maintenance accountability process (MAP) targets and achievements on an annual basis. The department shall use available funding to target and deliver a minimum MAP grade of C for the activity of roadway striping.

(7) \$6,884,000 of the motor vehicle account--state appropriation is provided solely for the high priority maintenance backlog. Addressing the maintenance backlog must result in increased levels of service. If chapter . . . (Engrossed Substitute Senate Bill No. 5251), Laws of 2011 (electric vehicle fee) is not enacted by June 30, 2011, \$500,000 of the appropriation provided in this subsection lapses.

(8) ((\$317,000 of the motor vehicle account--state appropriation is provided solely for maintaining a new active traffic management system on Interstate 5, Interstate 90, and state route number 520.)) The department shall track the costs associated with ((these)) active traffic management systems on a corridor basis and report to the transportation committees of the legislature on the costs and benefits of the systems by December 1, ((2011)) 2012.

Sec. 216. 2011 c 367 s 216 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION--TRAFFIC OPERATIONS--PROGRAM Q--OPERATING

Motor Vehicle Account--State Appropriation .....	(\$50,166,000))
.....	\$48,818,000
Motor Vehicle Account--Federal Appropriation.....	\$2,050,000
Motor Vehicle Account--Private/Local Appropriation.....	(\$127,000))
.....	\$250,000
TOTAL APPROPRIATION.....	(\$52,343,000))

.....\$51,118,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$6,000,000 of the motor vehicle account--state appropriation is provided solely for low-cost enhancements. Of this amount, \$10,000 of the motor vehicle account--state appropriation is provided solely for the department to install additional farm machinery signs to promote safety in agricultural areas along state highways. The department shall give priority to low-cost enhancement projects that improve safety or provide congestion relief. The department shall prioritize low-cost enhancement projects on a statewide rather than regional basis. By September 1st of each even-numbered year, the department shall provide a report to the legislature listing all low-cost enhancement projects prioritized on a statewide rather than regional basis completed in the prior year.

(2) \$145,000 of the motor vehicle account--state appropriation is provided solely for the department to continue a pilot tow truck incentive program and to expand the program to other areas of the state. The department may provide incentive payments to towing companies that meet clearance goals on accidents that involve heavy trucks.

(3) During the 2011-2013 fiscal biennium, the department shall implement a pilot program that expands private transportation providers' access to high occupancy vehicle lanes. Under the pilot program, when the department reserves a portion of a highway based on the number of passengers in a vehicle, the following vehicles must be authorized to use the reserved portion of the highway if the vehicle has the capacity to carry eight or more passengers, regardless of the number of passengers in the vehicle:

(a) Auto transportation company vehicles regulated under chapter 81.68 RCW; (b) passenger charter carrier vehicles regulated under chapter 81.70 RCW, except marked or unmarked stretch limousines and stretch sport utility vehicles as defined under department of licensing rules; (c) private nonprofit transportation provider vehicles regulated under chapter 81.66 RCW; and (d) private employer transportation service vehicles. For purposes of this subsection, "private employer transportation service" means regularly scheduled, fixed-route transportation service that is offered by an employer for the benefit of its employees. By June 30, 2013, the department shall report to the transportation committees of the legislature on whether private transportation provider use of high occupancy vehicle lanes under the pilot program reduces the speeds of high occupancy vehicle lanes. Nothing in this subsection is intended to authorize the conversion of public infrastructure to private, for-profit purposes or to otherwise create an entitlement or other claim by private users to public infrastructure. If chapter ... (Substitute Senate Bill No. 5836), Laws of 2011 is enacted by June 30, 2011, this subsection is null and void.

(4) \$9,000,000 of the motor vehicle account--state appropriation is provided solely for the department's incident response program.

(5) The department, in consultation with the Washington state patrol, must continue a pilot program for the patrol to issue infractions based on information from automated traffic safety cameras in roadway construction zones on state highways. The department must report to the joint transportation committee by January 1, 2012, and January 1, 2013, on the status of this pilot program. For the purpose of this pilot program, during the 2011-2013 fiscal biennium, a roadway construction zone includes areas where public employees or private contractors may be present or where a driving condition exists that would make it unsafe to drive at higher speeds, such as, when the department is redirecting or realigning lanes on any public roadway pursuant to ongoing construction. The department shall use the following guidelines to administer the program:

(a) Automated traffic safety cameras may only take pictures of the vehicle and vehicle license plate and only while an infraction is occurring. The picture must not reveal the face of the driver or of passengers in the vehicle;

(b) The department shall plainly mark the locations where the automated traffic safety cameras are used by placing signs on locations that clearly indicate to a driver that he or she is entering a roadway construction zone where traffic laws are enforced by an automated traffic safety camera;

(c) Notices of infractions must be mailed to the registered owner of a vehicle within fourteen days of the infraction occurring;

(d) The owner of the vehicle is not responsible for the violation if the owner of the vehicle, within fourteen days of receiving notification of the violation, mails to the patrol, a declaration under penalty of perjury, stating that the vehicle involved was, at the time, stolen or in the care, custody, or control of some person other than the registered owner, or any other extenuating circumstances;

(e) For purposes of the 2011-2013 fiscal biennium pilot program, infractions detected through the use of automated traffic safety cameras are not part of the registered owner's driving record under RCW 46.52.101 and 46.52.120. Additionally, infractions generated by the use of automated traffic safety cameras must be processed in the same manner as parking infractions for the purposes of RCW 3.50.100, 35.20.220, 46.16A.120, and 46.20.270(3). However, the amount of the fine issued under this subsection (5) for an infraction generated through the use of an automated traffic safety camera is one hundred thirty-seven dollars. The court shall remit thirty-two dollars of the fine to the state treasurer for deposit into the state patrol highway account; and

(f) If a notice of infraction is sent to the registered owner and the registered owner is a rental car business, the infraction must be dismissed against the business if it mails to the patrol, within fourteen days of receiving the notice, a declaration under penalty of perjury of the name and known mailing address of the individual driving or renting the vehicle when the infraction occurred. If the business is unable to determine who was driving or renting the vehicle at the time the infraction occurred, the business must sign a declaration under penalty of perjury to this effect. The declaration must be mailed to the patrol within fourteen days of receiving the notice of traffic infraction. Timely mailing of this declaration to the issuing agency relieves a rental car business of any liability under this section for the notice of infraction. A declaration form suitable for this purpose must be included with each automated traffic infraction notice issued, along with instructions for its completion and use.

(6) The department shall track the costs associated with active traffic management systems on a corridor basis and report to the transportation committees of the legislature on the cost and benefits of the systems by December 1, 2011.

(7) State university research and extension centers serve as important research hubs for university graduate students and, as such, there is a safety concern with any centers being located on a state highway. Therefore, consistent with RCW 46.61.415, and upon request of a county with a state university research and extension center located on a state highway within its respective jurisdiction, the secretary of transportation shall approve a reduction of the maximum speed limit on the state highway in the vicinity of the center. The speed on the state highway may be less than the maximum speed permitted under RCW 46.61.400(2).

**Sec. 217.** 2011 c 367 s 217 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION--TRANSPORTATION MANAGEMENT AND SUPPORT--PROGRAM S Motor Vehicle Account--State Appropriation .....((\$28,430,000))



.....	\$27,389,000
Motor Vehicle Account--Federal Appropriation.....	\$30,000
Multimodal Transportation Account--State	
Appropriation.....	\$973,000
TOTAL APPROPRIATION.....	(\$29,433,000)
.....	\$28,392,000

The appropriations in this section are subject to the following conditions and limitations: The department shall utilize existing resources and customer service staff to develop and implement new policies and procedures to ensure compliance with new federal passenger vessel Americans with disabilities act requirements.

Sec. 218. 2011 c 367 s 218 (unclassified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION--TRANSPORTATION PLANNING, DATA, AND RESEARCH--PROGRAM T

Motor Vehicle Account--State Appropriation.....	(\$23,394,000)
.....	\$22,304,000
Motor Vehicle Account--Federal Appropriation.....	\$21,885,000
Multimodal Transportation Account--State	
Appropriation.....	\$662,000
Multimodal Transportation Account--Federal	
Appropriation.....	\$3,559,000
Multimodal Transportation Account--Private/Local	
Appropriation.....	\$100,000
TOTAL APPROPRIATION.....	(\$49,600,000)
.....	\$48,510,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$70,000 of the motor vehicle account--state appropriation is a reappropriation provided solely for a corridor study of state route number 516 from the eastern border of Maple Valley to state route number 167 to determine whether improvements are needed and the costs of any needed improvements.

(2) \$200,000 of the motor vehicle account--state appropriation is provided solely for extending the freight database pilot project that began in 2009. Global positioning system (GPS) data is intended to help guide freight investment decisions and track highway project effectiveness as it relates to freight traffic.

(3) Within available resources, the department must collaborate with the affected metropolitan planning organizations, regional transportation planning organizations, transit agencies, and private transportation providers to develop a plan to reduce vehicle demand, increase public transportation options, and reduce vehicle miles traveled on corridors affected by growth at Joint Base Lewis-McChord.

(4) As part of their ongoing regional transportation planning, the regional transportation planning organizations across the state shall work together to provide a comprehensive framework for sources and uses of next-stage investments in transportation needed to improve structural conditions and ongoing operations and lay the groundwork for the transportation systems to support the long-term economic vitality of the state. This planning must include all forms of transportation to reflect the state's interests, including: Highways, streets, and roads; ferries; public transportation; systems for freight; and walking and biking systems. The department shall support this planning by providing information on potential state transportation uses and an analysis of potential sources of revenue to implement investments. In carrying out this planning, regional transportation planning organizations must be broadly inclusive of business, civic, labor, governmental, and environmental interests in regional communities across the state.

(5) \$190,000 of the motor vehicle account--state appropriation is provided solely for the regional transportation planning organizations across the state to implement the comprehensive

transportation planning and data framework. The framework must provide regional transportation planning organizations with the ability to identify the spatial and temporal status of current and future high priority projects, and the next stage investment necessary to implement those projects. The framework must be accessible to the public and provide transparency and accountability to the regional transportation planning process.

(6) Within existing resources, the department shall work with the department of archaeology and historic preservation to develop a statewide policy regarding the curation of artifacts and the use of museums and information centers as potential mitigation under the national environmental policy act. This policy must address the following issues: How to minimize costs associated with information centers and museums; when to use existing facilities to preserve and display artifacts; how to minimize the time that stand-alone facilities are needed; and how to transfer artifacts and other items to facilities that are not owned or rented by the department. A report regarding this policy must be submitted to the joint transportation committee by September 1, 2012.

Sec. 219. 2011 c 367 s 219 (unclassified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION--CHARGES FROM OTHER AGENCIES--PROGRAM U

Motor Vehicle Account--State Appropriation.....	(\$85,209,000)
.....	\$74,734,000
Motor Vehicle Account--Federal Appropriation.....	\$400,000
Multimodal Transportation Account--State	
Appropriation.....	(\$3,320,000)
.....	\$1,798,000
TOTAL APPROPRIATION.....	(\$88,929,000)
.....	\$76,932,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The ((office of financial management)) department of enterprise services must provide a detailed accounting of the revenues and expenditures of the self-insurance fund to the transportation committees of the legislature on December 31st and June 30th of each year.

(2) Payments in this section represent charges from other state agencies to the department of transportation.

((a) FOR PAYMENT OF OFFICE OF FINANCIAL MANAGEMENT

DIVISION OF RISK MANAGEMENT FEES .....\$1,639,000

(b) FOR PAYMENT OF COSTS OF THE OFFICE OF THE STATE AUDITOR.....\$937,000

(c) FOR PAYMENT OF COSTS OF THE DEPARTMENT OF GENERAL ADMINISTRATION .....\$6,060,000

(d) FOR PAYMENT OF COSTS OF THE DEPARTMENT OF PERSONNEL.....\$6,347,000

(e) FOR PAYMENT OF SELF-INSURANCE LIABILITY PREMIUMS AND ADMINISTRATION .....\$44,418,000

(f) FOR ARCHIVES AND RECORDS MANAGEMENT .....\$623,000

(g) FOR OFFICE OF MINORITIES AND WOMEN BUSINESS ENTERPRISES.....\$1,008,000

(h) FOR USE OF FINANCIAL AND REPORTING SYSTEMS PROVIDED BY THE OFFICE OF FINANCIAL MANAGEMENT.....\$1,143,000

(i) FOR POLICY AND SYSTEM ASSISTANCE FROM THE DEPARTMENT OF INFORMATION SERVICES.....\$1,980,000

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(j) FOR LEGAL SERVICE PROVIDED BY THE ATTORNEY GENERAL'S OFFICE.....	\$8,526,000
(k) FOR LEGAL SERVICE PROVIDED BY THE ATTORNEY GENERAL'S OFFICE FOR THE SECOND PHASE OF THE BOLDT LITIGATION .....	\$672,000))
(a) TO THE SECRETARY OF STATE--ARCHIVES AND RECORDS MANAGEMENT .....	\$512,000
(b) TO THE OFFICE OF THE STATE AUDITOR--AUDITOR SERVICES .....	\$488,000
(c) TO THE OFFICE OF THE ATTORNEY GENERAL--ATTORNEY GENERAL SERVICES .....	\$7,127,000
(d) TO THE OFFICE OF FINANCIAL MANAGEMENT--LABOR RELATIONS SERVICES .....	\$266,000
(e) TO THE OFFICE OF FINANCIAL MANAGEMENT--OFFICE OF CHIEF INFORMATION OFFICER.....	\$473,000
(f) TO THE OFFICE OF MINORITY AND WOMEN'S BUSINESS ENTERPRISES .....	\$840,000
(g) TO CONSOLIDATED TECHNICAL SERVICES .....	\$182,000
(h) TO THE DEPARTMENT OF ENTERPRISE SERVICES--HUMAN RESOURCE MANAGEMENT SYSTEM. ....	\$3,495,000
(i) TO THE DEPARTMENT OF ENTERPRISE SERVICES--PRODUCTION SUPPORT.....	\$974,000
(j) TO THE DEPARTMENT OF ENTERPRISE SERVICES--REAL ESTATE SERVICES .....	\$108,000
(k) TO THE DEPARTMENT OF ENTERPRISE SERVICES--PUBLICATIONS AND HISTORICAL SERVICES.. ..	\$691,000
(l) TO THE DEPARTMENT OF ENTERPRISE SERVICES--CAMPUS RENT .....	\$3,293,000
(m) TO THE DEPARTMENT OF ENTERPRISE SERVICES--CAPITAL PROJECT SURCHARGE .....	\$879,000
(n) TO THE DEPARTMENT OF ENTERPRISE SERVICES--PERSONAL SERVICE CONTRACTS .....	\$100,000
(o) TO THE DEPARTMENT OF ENTERPRISE SERVICES--SECURE FILE TRANSFER SERVICES .....	\$39,000
(p) TO THE DEPARTMENT OF ENTERPRISE SERVICES--ACCESS SERVICES .....	\$179,000
(q) TO THE DEPARTMENT OF ENTERPRISE SERVICES--RISK MANAGEMENT SERVICES .....	\$1,290,000
(r) TO THE DEPARTMENT OF ENTERPRISE SERVICES--INFORMATION TECHNOLOGY SERVICES .....	\$1,557,000

Sec. 220. 2011 c 367 s 220 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION--PUBLIC TRANSPORTATION--PROGRAM V

Motor Vehicle Account--Federal Appropriation.....	\$160,000
State Vehicle Parking Account--State Appropriation.....	\$452,000
Regional Mobility Grant Program Account--State Appropriation .....	\$48,942,000
Multimodal Transportation Account--State Appropriation .....	(\$41,706,000))
.....	\$42,939,000
Multimodal Transportation Account--Federal Appropriation .....	\$2,582,000
Multimodal Transportation Account--Private/Local Appropriation .....	\$1,027,000

Rural Mobility Grant Program Account--State Appropriation .....	\$17,000,000
TOTAL APPROPRIATION.....	(\$111,709,000))
.....	\$113,102,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$25,000,000 of the multimodal transportation account--state appropriation is provided solely for a grant program for special needs transportation provided by transit agencies and nonprofit providers of transportation.

(a) \$5,500,000 of the ~~((amount provided in this subsection)) multimodal transportation account--state appropriation~~ is provided solely for grants to nonprofit providers of special needs transportation. Grants for nonprofit providers must be based on need, including the availability of other providers of service in the area, efforts to coordinate trips among providers and riders, and the cost effectiveness of trips provided.

(b) \$19,500,000 of the ~~((amount provided in this subsection)) multimodal transportation account--state appropriation~~ is provided solely for grants to transit agencies to transport persons with special transportation needs. To receive a grant, the transit agency must have a maintenance of effort for special needs transportation that is no less than the previous year's maintenance of effort for special needs transportation. Grants for transit agencies must be prorated based on the amount expended for demand response service and route deviated service in calendar year 2009 as reported in the "Summary of Public Transportation - 2009" published by the department of transportation. No transit agency may receive more than thirty percent of these distributions.

(2) Funds are provided for the rural mobility grant program as follows:

(a) \$8,500,000 of the rural mobility grant program account--state appropriation is provided solely for grants for those transit systems serving small cities and rural areas as identified in the "Summary of Public Transportation - 2009" published by the department of transportation. Noncompetitive grants must be distributed to the transit systems serving small cities and rural areas in a manner similar to past disparity equalization programs. If the funding provided in this subsection (2)(a) exceeds the amount required for recipient counties to reach eighty percent of the average per capita sales tax, funds in excess of that amount may be used for the competitive grant process established in (b) of this subsection.

(b) \$8,500,000 of the rural mobility grant program account--state appropriation is provided solely to providers of rural mobility service in areas not served or underserved by transit agencies through a competitive grant process.

(3)(a) \$6,000,000 of the multimodal transportation account--state appropriation is provided solely for a vanpool grant program for: (a) Public transit agencies to add vanpools or replace vans; and (b) incentives for employers to increase employee vanpool use. The grant program for public transit agencies will cover capital costs only; operating costs for public transit agencies are not eligible for funding under this grant program. Additional employees may not be hired from the funds provided in this section for the vanpool grant program, and supplanting of transit funds currently funding vanpools is not allowed. The department shall encourage grant applicants and recipients to leverage funds other than state funds.

(b) At least \$1,600,000 of the amount provided in this subsection must be used for vanpool grants in congested corridors.

(c) \$520,000 of the amount provided in this subsection is provided solely for the purchase of additional vans for use by vanpools serving soldiers and civilian employees at Joint Base Lewis-McChord.

(4) \$8,942,000 of the regional mobility grant program account--state appropriation is reappropriated and provided solely for the regional mobility grant projects identified in LEAP Transportation Document ((2007 B, as developed April 20, 2007, or LEAP Transportation Document 2009 B, as developed April 24, 2009)) 2012-1 ALL PROJECTS -Public Transportation - Program (V) as developed March 8, 2012. The department shall continue to review all projects receiving grant awards under this program at least semiannually to determine whether the projects are making satisfactory progress. The department shall promptly close out grants when projects have been completed, and any remaining funds must be used only to fund projects identified in((~~the~~) the LEAP Transportation Document ((2007 B, as developed April 20, 2007; LEAP Transportation Document 2009 B, as developed April 24, 2009; or LEAP Transportation Document 2011 B, as developed April 19, 2011)) referenced in this subsection. It is the intent of the legislature to appropriate funds through the regional mobility grant program only for projects that will be completed on schedule and that all funds in the regional mobility grant program be used as soon as practicable to advance eligible projects.

(5)(a) \$40,000,000 of the regional mobility grant program account--state appropriation is provided solely for the regional mobility grant projects identified in LEAP Transportation Document ((2011 B, as developed April 19, 2011)) 2012-1 ALL PROJECTS - Public Transportation - Program (V) as developed March 8, 2012. The department shall review all projects receiving grant awards under this program at least semiannually to determine whether the projects are making satisfactory progress. Any project that has been awarded funds, but does not report activity on the project within one year of the grant award, must be reviewed by the department to determine whether the grant should be terminated. The department shall promptly close out grants when projects have been completed, and any remaining funds must be used only to fund projects identified in the LEAP Transportation Document ((2011 B, as developed April 19, 2011)) referenced in this subsection. The department shall provide annual status reports on December 15, 2011, and December 15, 2012, to the office of financial management and the transportation committees of the legislature regarding the projects receiving the grants. It is the intent of the legislature to appropriate funds through the regional mobility grant program only for projects that will be completed on schedule.

(b) In order to be eligible to receive a grant under (a) of this subsection during the 2011-2013 fiscal biennium, a transit agency must establish a process for private transportation providers to apply for the use of park and ride facilities. For purposes of this subsection, (i) "private transportation provider" means: An auto transportation company regulated under chapter 81.68 RCW; a passenger charter carrier regulated under chapter 81.70 RCW, except marked or unmarked stretch limousines and stretch sport utility vehicles as defined under department of licensing rules; a private nonprofit transportation provider regulated under chapter 81.66 RCW; or a private employer transportation service provider; and (ii) "private employer transportation service" means regularly scheduled, fixed-route transportation service that is offered by an employer for the benefit of its employees.

(6) \$2,309,000 of the multimodal transportation account--state appropriation is provided solely for the tri-county connection service for Island, Skagit, and Whatcom transit agencies.

(7) \$200,000 of the multimodal transportation account--state appropriation is contingent on the timely development of an annual report summarizing the status of public transportation systems as identified under RCW 35.58.2796.

(8) Funds provided for the commute trip reduction program may also be used for the growth and transportation efficiency center program.

(9) An affected urban growth area that has not previously implemented a commute trip reduction program is exempt from the requirements in RCW 70.94.527 if a solution to address the state highway deficiency that exceeds the person hours of delay threshold has been funded and is in progress during the 2011-2013 fiscal biennium.

(10) \$300,000 of the multimodal transportation account--state appropriation is provided solely for the continuation of state support for the Whatcom smart trips commute trip reduction program.

(11) \$818,000 of the multimodal transportation account--state appropriation is provided solely for state support of the Everett connector bus service.

(12) The department shall contact all transit agencies with a nonvoting member recommended by a labor organization and request information regarding the participation of board members, both voting and nonvoting, for all transit agency meetings in 2012 and the three previous calendar years. The department shall provide a report to the transportation committees of the legislature regarding the findings of this survey, which must include the transit agencies, if any, that refuse to respond either in whole or in part, by January 15, 2013.

(13) \$250,000 of the multimodal transportation account--state appropriation is provided solely for the Clark county public transportation benefit area to comply with the requirements of RCW 81.104.110 regarding the formation of an expert review panel to provide an independent technical review of any plan that relies on any voter-approved local funding options.

(14) \$100,000 of the multimodal transportation account--state appropriation is provided solely for community transit to conduct a federally mandated alternatives analysis study to allow a second swift line to be funded through the federal transit administration's new starts or small starts process.

(15) \$160,000 of the motor vehicle account--federal appropriation is provided solely for King county metro to study demand potential for a state route number 18 and Interstate 90 park-and-ride location, to size the facilities appropriately, to perform site analysis, and to develop preliminary design concepts.

**Sec. 221.** 2011 c 367 s 221 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF  
TRANSPORTATION--MARINE--PROGRAM X  
Puget Sound Ferry Operations Account--State

Appropriation .....(((\$467,773,000))  
.....\$468,135,000

The appropriation in this section is subject to the following conditions and limitations:

(1) The office of financial management budget instructions require agencies to recast enacted budgets into activities. The Washington state ferries shall include a greater level of detail in its 2011-2013 supplemental and 2013-2015 omnibus transportation appropriations act requests, as determined jointly by the office of financial management, the Washington state ferries, and the transportation committees of the legislature. This level of detail must include the administrative functions in the operating as well as capital programs.

(2) When purchasing uniforms that are required by collective bargaining agreements, the department shall contract with the lowest cost provider.

((~~(5)~~)) (3) Until a reservation system is operational on the San Juan islands inner-island route, the department shall provide the same priority loading benefits on the San Juan islands inner-island route to home health care workers as are currently provided to patients traveling for purposes of receiving medical treatment.

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~~((6))~~ (4) The department shall request from the United States coast guard variable minimum staffing levels on all of its vessels by December 31, 2011.

~~((49))~~ (5) The department shall continue to provide service to Sidney, British Columbia and shall explore the option of purchasing a foreign built vehicle and passenger ferry vessel either with safety of life at sea (SOLAS) certification or the ability to be retrofitted for SOLAS certification to operate solely on the Anacortes to Sidney, British Columbia route currently served by vessels of the Washington state ferries fleet. The vessel should have the capability of carrying at least one hundred standard vehicles and approximately four hundred to five hundred passengers. Further, the department shall explore the possibilities of contracting a commercial company to operate the vessel exclusively on this route so long as the contractor's employees assigned to the vessel are represented by the same employee organizations as the Washington state ferries. The department shall report back to the transportation committees of the legislature regarding: The availability of a vessel; the cost of the vessel, including transport to the Puget Sound region; and the need for any statutory changes for the operation of the Sydney, British Columbia service by a private company.

~~((44))~~ (6) For the 2011-2013 fiscal biennium, the department of transportation may enter into a distributor controlled fuel hedging program and other methods of hedging approved by the fuel hedging committee.

((12) The department shall target service reductions totaling \$4,000,000, such that the shortening of shoulder seasons and eliminations of off-peak runs on all routes are considered. Prior to implementing the reductions, the department shall consult with ferry employees and ferry advisory committees to determine which reductions would impact the fewest number of riders. The reductions must be identified and implementation must begin no later than the fall 2011 schedule.

(13) ~~\$135,248,000~~) (7) \$136,648,000 of the Puget Sound ferry operations account--state appropriation is provided solely for auto ferry vessel operating fuel in the 2011-2013 fiscal biennium. The amount provided in this appropriation represents the fuel budget for the purposes of calculating any ferry fare fuel surcharge.

~~((44))~~ (8) \$150,000 of the Puget Sound ferry operations account--state appropriation is provided solely for the department to increase recreation and tourist ridership by entering into agreements for marketing and outreach strategies with local economic development agencies. The department shall identify the number of tourist and recreation riders on the applicable ferry routes both before and after implementation of marketing and outreach strategies developed through the agreements. The department shall report results of the marketing and outreach strategies to the transportation committees of the legislature by October 15, 2012.

~~((45))~~ (9) The Washington state ferries shall participate in the facilities plan included in section 604 of this act and shall include an investigation and identification of less costly relocation options for the Seattle headquarters office. The department shall include relocation options for the Washington state ferries Seattle headquarters office in the facilities plan. Until September 1, 2012, the department may not enter into a lease renewal for the Seattle headquarters office.

~~((46))~~ (10) The department, office of financial management, and transportation committees of the legislature shall make recommendations regarding an appropriate budget structure for the Washington state ferries. The recommendation may include a potential restructuring of the Washington state ferries budget. The recommendation must facilitate transparency in reporting and budgeting as well as provide the opportunity to link revenue sources with expenditures. Findings and recommendations must be

reported to the office of financial management and the joint transportation committee by September 1, 2011.

~~((47))~~ (11) Two Kwa-di-tabil class ferry vessels must be placed on the Port Townsend/Coupeville (Keystone) route to provide service at the same levels provided when the steel electric vessels were in service. After the vessels as funded under section 308(~~((7))~~) (5) of this act are in service, the two most appropriate of these vessels for the Port Townsend/Coupeville (Keystone) route must be placed on the route. \$100,000 of the Puget Sound ferry operations account--state appropriation is provided solely for the additional staffing required to maintain a reservation system at this route when the second vessel is in service.

~~((49))~~ (12) \$706,000 of the Puget Sound ferry operations account--state appropriation is provided solely for terminal operations to implement new federal passenger vessel Americans with disabilities act requirements.

~~((20))~~ (13) \$152,000 of the Puget Sound ferry operations account--state appropriation is provided solely for the department's compliance with its national pollution discharge elimination system permit.

((21) If chapter ... (Substitute House Bill No. 2053), Laws of 2011 (additive transportation funding) is not enacted by June 30, 2011, the \$4,000,000 in service reductions identified in subsection (12) of this section must be restored and an identical amount must be reduced from the amount provided for the second 144-car vessel identified in section 308(8) of this act.))

**Sec. 222.** 2011 c 367 s 222 (unmodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION--RAIL--PROGRAM Y--OPERATING Multimodal Transportation Account--State	
Appropriation.....	((29,688,000))
.....	\$33,642,000
Multimodal Transportation Account--Federal	
Appropriation.....	((300,000))
.....	\$400,000
TOTAL APPROPRIATION.....	((29,988,000))
.....	\$34,042,000

The appropriations in this section are subject to the following conditions and limitations:

(1) ~~((24,091,000))~~ \$27,816,000 of the multimodal transportation account--state appropriation is provided solely for the Amtrak service contract and Talgo maintenance contract associated with providing and maintaining state-supported passenger rail service. The department is directed to continue to pursue efforts to reduce costs, increase ridership, and review fares or fare schedules. Within thirty days of each annual cost/revenue reconciliation under the Amtrak service contract, the department shall report annual credits to the office of financial management and the legislative transportation committees. Annual credits from Amtrak to the department including, but not limited to, credits for increased revenue due to higher ridership, and fare or fare schedule adjustments, must be used to offset corresponding amounts of the multimodal transportation account--state appropriation, which must be placed in reserve. Upon completion of the rail platform project in the city of Stanwood, the department shall continue to provide daily Amtrak Cascades service to the city.

(2) Amtrak Cascade runs may not be eliminated.

(3) The department shall plan for a third roundtrip Cascades train between Seattle and Vancouver, B.C.

(4) The department shall conduct a pilot program by partnering with the travel industry on the Amtrak Cascades service between Vancouver, British Columbia, and Seattle to test opportunities for increasing ridership, maximizing farebox recovery, and stimulating private investment. The pilot program must run from July 1, 2011,

to June 30, 2012. The department shall report on the results of the pilot program to the office of financial management and the legislature by September 30, 2012.

(5) \$300,000 of the multimodal transportation account--state appropriation is provided solely for the department to conduct a study to examine the interconnectivity benefits of, and potential for, a future Amtrak Cascades stop in the vicinity of the city of Auburn. As part of its consideration, the department shall conduct a thorough market analysis of the potential for adding or changing stops on the Amtrak Cascades route.

**Sec. 223.** 2011 c 367 s 223 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION--LOCAL PROGRAMS--PROGRAM Z--OPERATING

Motor Vehicle Account--State Appropriation .....	(\$8,853,000)
.....	\$8,518,000
Motor Vehicle Account--Federal Appropriation .....	\$2,567,000
TOTAL APPROPRIATION .....	(\$11,420,000)
.....	\$11,085,000

The appropriations in this section are subject to the following conditions and limitations: The department shall submit a report to the transportation committees of the legislature by December 1, 2011, on the implementation of the recommendations that resulted from the evaluation of efficiencies in the delivery of transportation funding and services to local governments that was required under section 204(8), chapter 247, Laws of 2010. The report must include a description of how recommendations were implemented, what efficiencies were achieved, and an explanation of any recommendations that were not implemented.

TRANSPORTATION AGENCIES--CAPITAL

Sec. 301. 2011 c 367 s 301 (uncodified) is amended to read as follows:

FOR THE WASHINGTON STATE PATROL

State Patrol Highway Account--State Appropriation .....	(\$6,487,000)
.....	\$6,681,000

The appropriation in this section is subject to the following conditions and limitations:

(1) ((\$653,000)) \$1,357,000 of the state patrol highway account--state appropriation is provided solely for the following minor works projects: \$200,000 for emergency infrastructure repairs; \$75,000 for water and sewer upgrades; \$210,000 for emergency backup system replacement; \$85,000 for chiller replacement; ((and)) \$83,000 for roof replacements; \$128,000 for septic system repairs; and \$576,000 for HVAC replacement and energy upgrades.

(2) ((\$3,226,000)) \$4,903,000 of the state patrol highway account--state appropriation is provided solely for the Shelton academy of the Washington state patrol for the new waste water treatment lines, waste water plants, water lines, and water systems. ((However, \$2,129,000 of this amount is contingent on the department of corrections receiving funding for its portion of the regional water project in the 2011-2013 omnibus capital appropriations act. If this funding is not provided by June 30, 2011, \$2,129,000 of the appropriation provided in this subsection lapses.)) Of the amount provided in this subsection, \$1,758,000 is for the Washington state patrol's portion of the costs associated with constructing a water line to the Shelton academy and \$2,047,000 is for the department of corrections' portion to construct the water line as far as the Washington state patrol's Shelton academy. If funding is provided in the 2012 supplemental omnibus capital appropriations act for any portion of the project to construct a water line to the Washington state patrol's Shelton academy, that portion of the funds included in this subsection lapses.

(3) \$421,000 of the state patrol highway account--state appropriation is provided solely for the reappropriation of the Shelton regional water project.

(4) ((\$2,187,000 of the total appropriation is provided solely for mobile office platforms.

(5)) It is the intent of the legislature that the omnibus operating appropriations act provide funding for the portion of any applicable debt service payments, resulting from financial contracts identified under section 601 of this act, that are attributable to the general fund as identified in the Washington state patrol's cost allocation model. Sec. 302. 2011 c 367 s 302 (uncodified) is amended to read as follows:

FOR THE COUNTY ROAD ADMINISTRATION BOARD

Motor Vehicle Account--State Appropriation .....	\$874,000
Rural Arterial Trust Account--State Appropriation .....	.....
.....	(\$37,417,000)
.....	\$62,510,000
County Arterial Preservation Account--State	
Appropriation .....	\$29,360,000
TOTAL APPROPRIATION .....	(\$67,651,000)
.....	\$92,744,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$874,000 of the motor vehicle account--state appropriation may be used for county ferry projects as developed pursuant to RCW 47.56.725(4).

(2) ((\$37,417,000)) \$62,510,000 of the rural arterial trust account--state appropriation is provided solely for county road preservation grant projects as approved by the county road administration board. These funds may be used to assist counties recovering from federally declared emergencies by providing capitalization advances and local match for federal emergency funding, and may only be made using existing fund balances. It is the intent of the legislature that the rural arterial trust account be managed based on cash flow. The county road administration board shall specifically identify any of the selected projects and shall include information concerning the selected projects in its next annual report to the legislature.

**Sec. 303.** 2011 c 367 s 303 (uncodified) is amended to read as follows:

FOR THE TRANSPORTATION IMPROVEMENT BOARD

Small City Pavement and Sidewalk Account--State	
Appropriation .....	(\$3,812,000)
.....	\$5,270,000
Transportation Improvement Account--State	
Appropriation .....	(\$201,050,000)
\$237,545,000	
TOTAL APPROPRIATION .....	(\$204,862,000)
.....	\$242,815,000

The appropriations in this section are subject to the following conditions and limitations: The transportation improvement account--state appropriation includes up to \$22,143,000 in proceeds from the sale of bonds authorized in RCW 47.26.500.

Sec. 304. 2011 c 367 s 304 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION--FACILITIES--PROGRAM D--(DEPARTMENT OF TRANSPORTATION-ONLY PROJECTS)--CAPITAL

Motor Vehicle Account--State Appropriation .....	(\$5,433,000)
.....	\$5,545,000
Transportation Partnership Account--State	
Appropriation .....	\$1,575,000
TOTAL APPROPRIATION .....	\$7,120,000

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The appropriation in this section is subject to the following conditions and limitations:

(1) \$1,364,000 of the motor vehicle account--state appropriation is provided solely for the Olympic region site acquisition debt service payments and administrative costs associated with capital improvement and preservation project and financial management.

(2) ~~(\$3,669,000)~~ \$3,781,000 of the motor vehicle account--state appropriation is provided solely for high priority safety projects that are directly linked to employee safety, environmental risk, or minor works that prevent facility deterioration.

(3) \$400,000 of the motor vehicle account--state appropriation is provided solely for the department's compliance with its national pollution discharge elimination system permit.

(4) \$1,575,000 of the transportation partnership account--state appropriation is provided solely for the traffic management center (100010T).

**Sec. 305.** 2011 c 367 s 305 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION--IMPROVEMENTS--PROGRAM I ((Multimodal Transportation Account--State

Appropriation .....	\$1,000))
Transportation Partnership Account--State	
Appropriation .....	(((\$1,991,547,000))
.....	\$1,636,316,000
Motor Vehicle Account--State Appropriation .....	(((\$86,139,000))
.....	\$103,889,000
Motor Vehicle Account--Federal Appropriation .....	(((\$450,691,000))
.....	\$790,068,000
Motor Vehicle Account--Private/Local	
Appropriation .....	(((\$50,485,000))
.....	\$124,917,000
Transportation 2003 Account (Nickel Account)--State	
Appropriation .....	(((\$436,005,000))
.....	\$416,125,000
State Route Number 520 Corridor Account--State	
Appropriation .....	(((\$1,019,460,000))
.....	\$1,752,138,000
Special Category C Account--State Appropriation .....	\$124,000
Tacoma Narrows Toll Bridge Account--State	
Appropriation .....	\$5,791,000
TOTAL APPROPRIATION .....	(((\$4,034,328,000))
.....	\$4,829,368,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Except as provided otherwise in this section, the entire transportation 2003 account (nickel account) appropriation and the entire transportation partnership account appropriation are provided solely for the projects and activities as listed by fund, project, and amount in LEAP Transportation Document ~~((2011-4))~~ 2012-2 as developed ~~((April 19, 2011))~~ March 8, 2012, Program - Highway Improvement Program (I). However, limited transfers of specific line-item project appropriations may occur between projects for those amounts listed subject to the conditions and limitations in section 603 of this act.

(2) ((The department shall, on a quarterly basis beginning July 1, 2011, provide to the office of financial management and the legislature reports providing the status on each active project funded in part or whole by the transportation 2003 account (nickel account) or the transportation partnership account. Funding provided at a programmatic level for transportation partnership account and transportation 2003 account (nickel account) projects relating to bridge rail, guard rail, fish passage barrier removal, and roadside safety projects must be reported on a programmatic basis. Projects

within this programmatic level funding must be completed on a priority basis and scoped to be completed within the current programmatic budget. Report formatting and elements must be consistent with the October 2009 quarterly project report. The department shall also provide the information required under this subsection on a quarterly basis.

(3)) Within the motor vehicle account--state appropriation and motor vehicle account--federal appropriation, the department may transfer funds between programs I and P, except for funds that are otherwise restricted in this act.

~~((4))~~ (3) The department shall apply for surface transportation program enhancement funds to be expended in lieu of or in addition to state funds for eligible costs of projects in programs I and P including, but not limited to, the state route number 518, state route number 520, Columbia river crossing, and Alaskan Way viaduct projects.

~~((5))~~ (4) The department shall apply for the competitive portion of federal transit administration funds for eligible transit-related costs of the state route number 520 bridge replacement and HOV project and the Columbia river crossing project. The federal funds described in this subsection must not include those federal transit administration funds distributed by formula. The department shall provide a report regarding this effort to the legislature by October 1, 2011.

~~((7))~~ (5) The department shall work with the department of archaeology and historic preservation to ensure that the cultural resources investigation is properly conducted on all mega-highway projects and large ferry terminal projects. These projects must be conducted with active archaeological management. Additionally, the department shall establish a scientific peer review of independent archaeologists that are knowledgeable about the region and its cultural resources.

~~((8))~~ (6) For highway construction projects where the department considers agricultural lands of long-term commercial significance, as defined in RCW 36.70A.030, in reviewing and selecting sites to meet environmental mitigation requirements under the national environmental policy act (42 U.S.C. Sec. 4321 et seq.) and the state environmental policy act (chapter 43.21C RCW), the department shall, to the greatest extent possible, consider using public land first. If public lands are not available that meet the required environmental mitigation needs, the department may use other sites while making every effort to avoid any net loss of agricultural lands that have a designation of long-term commercial significance.

~~((9) \$361,000)~~ (7) \$561,000 of the transportation partnership account--state appropriation and ~~(((\$1,245,000))~~ \$1,176,000 of the transportation 2003 account (nickel account)--state appropriation are provided solely for project OBI4ENV, Environmental Mitigation Reserve -Nickel/TPA project, as indicated in the LEAP transportation document referenced in subsection (1) of this section. Funds may be used only for environmental mitigation work that is required by permits that were issued for projects funded by the transportation partnership account or transportation 2003 account (nickel account). ~~((As part of the 2012 budget submittal, the department shall provide a list of all projects and associated amounts that are being charged to project OBI4ENV during the 2011-2013 fiscal biennium.~~

~~((10))~~ (8) The transportation 2003 account (nickel account)--state appropriation includes up to ~~(((\$361,005,000))~~ \$339,608,000 in proceeds from the sale of bonds authorized by RCW 47.10.861.

~~((11))~~ (9) The transportation partnership account--state appropriation includes up to ~~(((\$1,427,696,000))~~ \$972,392,000 in proceeds from the sale of bonds authorized in RCW 47.10.873.

~~((12))~~ (10) The motor vehicle account--state appropriation includes up to ~~((66,373,000))~~ \$55,870,000 in proceeds from the sale of bonds authorized in RCW 47.10.843.

~~((13))~~ (11) The state route number 520 corridor account--state appropriation includes up to ~~((987,717,000))~~ \$1,779,000,000 in proceeds from the sale of bonds authorized in RCW 47.10.879.

~~((14) \$391,000)~~ (12) \$767,000 of the motor vehicle account--state appropriation and ~~((4,027,000))~~ \$3,736,000 of the motor vehicle account--federal appropriation are provided solely for the US 2 High Priority Safety project (100224I). Expenditure of these funds is for safety projects on state route number 2 between Monroe and Gold Bar, which may include median rumble strips, traffic cameras, and electronic message signs.

~~((15) \$687,000)~~ (13) \$820,000 of the motor vehicle account--federal appropriation, \$16,308,000 of the motor vehicle account--private/local appropriation, and ~~((22,000))~~ \$48,000 of the motor vehicle account--state appropriation are provided solely for the US 2/Bickford Avenue - Intersection Safety Improvements project (100210E).

~~((16) \$435,000)~~ (14) \$1,025,000 of the motor vehicle account--state appropriation is provided solely for environmental work on the Belfair Bypass project (300344C).

~~((17) \$108,000)~~ (15) \$372,000 of the motor vehicle account--federal appropriation and ~~((3,000))~~ \$9,000 of the motor vehicle account--state appropriation are provided solely for the I-5/Vicinity of Joint Base Lewis-McChord - Install Ramp Meters project (300596M).

~~((18) \$253,444,000)~~ (16) \$202,863,000 of the transportation partnership account--state appropriation and ~~((66,034,000))~~ \$51,138,000 of the transportation 2003 account (nickel account)--state appropriation are provided solely for the I-5/Tacoma HOV Improvements (Nickel/TPA) project (300504A). The use of funds in this subsection to renovate any buildings is subject to the requirements of section 604 of this act. The department shall report to the legislature and the office of financial management on any costs associated with building renovations funded in this subsection.

~~((19))~~ (17)(a) ~~((8,321,000))~~ \$7,423,000 of the transportation partnership account--state appropriation and ~~((31,380,000))~~ \$54,461,000 of the motor vehicle account--federal appropriation are provided solely for the I-5/Columbia River Crossing project (400506A). ~~((Of this amount,))~~ Of the amounts appropriated in this subsection, \$15,000,000 of the motor vehicle account--federal appropriation must be put into unallotted status and is subject to the review of the office of financial management. This funding may only be allotted once the state of Oregon's total contribution of shared expenses on the project are within five million dollars of the state of Washington's shared expenses.

(b) It is the intent of the legislature that Washington and Oregon have equal funding commitments and equal total expenditures to date on the shared components of the Columbia river crossing project. The department shall provide a quarterly report on this project beginning March 31, 2012. This report must include:

(i) An update on preliminary engineering and right-of-way acquisition for the previous quarter;

(ii) Planned objectives for right-of-way and preliminary engineering for the ensuing quarter;

(iii) An updated comparison of the total appropriation authority for the project by state;

(iv) An updated comparison of the total expenditures to date on the project by state; and

(v) The committed funding provided by the state of Oregon to right-of-way acquisition.

(c) \$200,000 of the transportation partnership account--state appropriation in this subsection is provided solely for the department to work with the department of archaeology and historic

preservation to ensure that the cultural resources investigation is properly conducted on the Columbia river crossing project. This project must be conducted with active archaeological management and result in one report that spans the single cultural area in Oregon and Washington. Additionally, the department shall establish a scientific peer review of independent archaeologists that are knowledgeable about the region and its cultural resources. ~~((No funding from any account may be expended until written confirmation has been received by the department that the state of Oregon is providing an equal amount of additional funding to the project.~~

~~((b))~~ (d) Consistent with the draft environmental impact statement and the Columbia river crossing project's independent review panel report, the Columbia river crossing project's financial plan must include recognition of state transportation funding contributions from both Washington and Oregon, federal transportation funding, and a funding contribution from toll bond proceeds. Following the refinement of the finance plan as recommended by the independent review panel, the department may seek authorization from the legislature to collect tolls on the existing Columbia river crossing or on a replacement crossing over Interstate 5.

(e) The Washington state department of transportation budget includes resources to continue work on solutions that advance the Columbia river crossing project to completion of the required environmental impact statement. The department must report to the Columbia river crossing legislative oversight subcommittee of the joint transportation committee, established in section 204(7) of this act, on the progress made on the Columbia river crossing project at each meeting of the oversight subcommittee. Reporting must include updated information on cost estimates, rights-of-way purchases and procurement schedules, and financing plans for the Columbia river crossing project, including projected traffic volumes, fuel and gas price assumptions, toll rates, costs of toll collections, as well as potential need for general transportation funding. By January 1, 2013, the department shall provide to the oversight subcommittee of the joint transportation committee a phased master plan for the Columbia river crossing project.

~~((20) \$107,000)~~ (18) Within the amounts provided for the Columbia river crossing project (400506A), the department shall conduct a traffic and revenue analysis for the Columbia river crossing project that will lay the foundation for investment grade traffic and revenue analysis. While conducting the analysis, the department must coordinate with the Oregon department of transportation, the Washington state transportation commission, and the Washington state legislative oversight committee.

(a) The department's analysis must include the assessment and review of the following variables within the project:

(i) Exemptions from tolls for vehicles with two or more occupants;

(ii) A variable toll where the tolls vary by time of day and day of the week; and

(iii) A frequency-based toll rate for the facility.

(b) The analysis must also assess the following:

(i) The impact that light rail service in the corridor will have on estimated toll revenues;

(ii) The level of diversion from the Interstate 5 corridor and the impact on estimated toll revenues; and

(iii) The estimated toll revenues from vehicle trips originating within the region and outside the region by vehicle type.

(c) The department must submit a report of findings to the transportation committees of the legislature by July 1, 2013.

(19) \$309,000 of the motor vehicle account--federal appropriation and ~~((27,000))~~ \$78,000 of the motor vehicle

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account--state appropriation are provided solely for the SR 9/SR 204 Intersection Improvement project (L2000040).

~~((21) \$2,134,000)~~ (20) \$3,385,000 of the motor vehicle account--federal appropriation and ~~((47,000))~~ \$50,000 of the motor vehicle account--state appropriation are provided solely for the US 12/Nine Mile Hill to Woodward Canyon Vic - Build New Highway project (501210T).

~~((22) \$294,000)~~ (21) \$5,791,000 of the Tacoma Narrows toll bridge account--state appropriation is provided solely for deferred sales tax expenses on the construction of the new Tacoma Narrows bridge. However, if chapter . . . (Senate Bill No. 6073), Laws of 2012 (sales tax exemption on SR 16 projects) is enacted by June 30, 2012, the amount provided in this subsection lapses.

(22) \$391,000 of the motor vehicle account--federal appropriation and ~~((13,000))~~ \$16,000 of the motor vehicle account--state appropriation are provided solely for the SR 16/Rosedale Street NW Vicinity - Frontage Road project (301639C). The frontage road must be built for driving speeds of no more than thirty-five miles per hour.

(23) ~~((1,000,000))~~ \$621,000 of the motor vehicle account--federal appropriation is provided solely for the SR 20/Race Road to Jacob's Road safety project (L2200042).

(24) ~~((24,002,000))~~ \$32,162,000 of the transportation partnership account--state appropriation is provided solely for the SR 28/ US 2 and US 97 Eastmont Avenue Extension project (202800D).

(25) ~~((569,000))~~ \$1,227,000 of the motor vehicle account--federal appropriation and ~~((9,000))~~ \$38,000 of the motor vehicle account--state appropriation are provided solely for design and right-of-way work on the I-82/Red Mountain Vicinity project (508208M). The department shall continue to work with the local partners in developing transportation solutions necessary for the economic growth in the Red Mountain American viticulture area of Benton county.

(26) \$1,500,000 of the motor vehicle account--federal appropriation is provided solely for the I-90 Comprehensive Tolling Study and Environmental Review project (100067T). The department shall undertake a comprehensive environmental review of tolling Interstate 90 between Interstate 5 and Interstate 405 for the purposes of both managing traffic and providing funding for construction of the unfunded state route number 520 from Interstate 5 to Medina project. The environmental review must include significant outreach to potentially affected communities. The department may consider traffic management options that extend as far east as Issaquah.

(27) ~~((9,422,000))~~ \$12,149,000 of the motor vehicle account--federal appropriation and ~~((193,000))~~ \$362,000 of the motor vehicle account--state appropriation are provided solely for the I-90/Sullivan Road to Barker Road - Additional Lanes project (609049N).

(28) Up to \$8,000,000 in savings realized on the I-90/Snoqualmie Pass East - Hyak to Keechelus Dam - Corridor project (509009B) may be used for design work on the next two-mile segment of the corridor. Any additional savings on this project must remain on the corridor. ~~((590,000 of the funds appropriated for this project may be used to purchase land currently owned by the state parks department.))~~ Project funds may not be used to build or improve buildings until the plan described in section 604 of this act is complete.

(29) ~~((932,000))~~ \$657,000 of the motor vehicle account--federal appropriation is provided solely for the US 97A/North of Wenatchee - Wildlife Fence project (209790B).

(30) The department shall reconvene an expert review panel of no more than three members as described under RCW 47.01.400 for the purpose of updating the work that was previously completed by

the panel on the Alaskan Way viaduct replacement project and to ensure that an appropriate and viable financial plan is created and regularly reviewed. The expert review panel must be selected cooperatively by the chairs of the senate and house of representatives transportation committees, the secretary of transportation, and the governor. The expert review panel must report findings and recommendations to the transportation committees of the legislature, the governor's Alaskan Way viaduct project oversight committee, and the transportation commission by October 2011, and annually thereafter until the project is operationally complete.

(31) It is important that the public and policymakers have accurate and timely access to information related to the Alaskan Way viaduct replacement project as it proceeds to, and during, the construction of all aspects of the project including, but not limited to, information regarding costs, schedules, contracts, project status, and neighborhood impacts. Therefore, it is the intent of the legislature that the state, city, and county departments of transportation establish a single source of accountability for integration, coordination, tracking, and information of all requisite components of the replacement project, which must include, at a minimum:

(a) A master schedule of all subprojects included in the full replacement project or program; and

(b) A single point of contact for the public, media, stakeholders, and other interested parties.

(32) Within the amounts provided in this section, \$20,000 of the motor vehicle account--state appropriation and \$980,000 of the motor vehicle account--federal appropriation are provided solely for the department to continue work on a comprehensive tolling study of the state route number 167 corridor (project 316718S). As funding allows, the department shall also continue work on a comprehensive tolling study of the state route number 509 corridor.

(33)(a) ~~((131,303,000))~~ \$137,022,000 of the transportation partnership account--state appropriation ~~((51,410,000))~~ and \$50,623,000 of the transportation 2003 account (nickel account)--state appropriation ~~((and \$10,000,000 of the motor vehicle account--federal appropriation))~~ are provided solely for the I-405/Kirkland Vicinity Stage 2 - Widening project (8BI1002). This project must be completed as soon as practicable as a design-build project and must be constructed with a footprint that would accommodate potential future express toll lanes.

(b) As part of the project, the department shall conduct a traffic and revenue analysis and complete a financial plan to provide additional information on the revenues, expenditures, and financing options available for active traffic management and congestion relief in the Interstate 405 and state route number 167 corridors. A report must be provided to the transportation committees of the legislature and the office of financial management by January 2012. However, this subsection (33)(b) is null and void if chapter . . . (Engrossed House Bill No. 1382), Laws of 2011 (I-405 express toll lanes) is enacted by June 30, 2011.

(c) Of the amount appropriated in (a) of this subsection, \$15,000,000 of the transportation partnership account--state appropriation is provided solely for the preliminary design and purchase of rights-of-way on the state route number 167 direct connector. It is the intent of the legislature to fund an additional \$25,000,000 of the transportation partnership account--state appropriation for the preliminary design and purchase of rights-of-way on the state route number 167 direct connector during the 2013-2015 biennium.

(34) Funding for a signal at state route number 507 and Yew Street is included in the appropriation for intersection and spot improvements (0BI2002).



(35) ~~(\$226,809,000)~~ \$224,592,000 of the transportation partnership account--state appropriation and ~~(\$1,019,460,000)~~ \$898,286,000 of the state route number 520 corridor account--state appropriation are provided solely for the state route number 520 bridge replacement and HOV program (8BI1003). When developing the financial plan for the program, the department shall assume that all maintenance and operation costs for the new facility are to be covered by tolls collected on the toll facility, and not by the motor vehicle account.

(36) ~~(\$650,000~~ of the motor vehicle account--federal appropriation is provided solely for the SR 522 Improvements/61st Avenue NE and NE 181st Street project (L1000055).

(37)) \$500,000 of the motor vehicle account--state appropriation is provided solely for a multimodal corridor plan on state route number 520 between Interstate 405 and Avondale Road in Redmond (L1000054).

(37) \$300,000 of the motor vehicle account--federal appropriation is provided solely for the SR 523 Corridor study (L1000059).

(38) The department shall consider using the city of Mukilteo's off-site mitigation program in the event any projects on state route number 525 or 526 require environmental mitigation.

(39) Any savings on projects on the state route number 532 corridor must be used within the corridor to begin work on flood prevention and raising portions of the highway above flood and storm influences.

(40) The total appropriation provided in this section assumes enactment of chapter . . . (Second Substitute Senate Bill No. 5250), Laws of 2012 (design-build procedures) and reflects efficiencies and cost savings generated by this innovative design and contracting tool.

(41) Construction of a new traffic management center may not commence until the budget evaluation study in section 102(1) of this act is complete and the office of financial management has determined that a new traffic management center is the preferred option and has approved this project.

(42) The department shall itemize all future requests for the construction of new buildings on a project list. Each building construction project must be listed in the project list along with all other highway construction projects and submitted by the department as part of its budget submittal. It is the intent of the legislature that new facility construction must be transparent and not appropriated within larger highway construction projects.

(43) \$250,000 of the motor vehicle account--federal appropriation is provided solely for planning a proposed off-ramp eastbound from state route number 518 to Des Moines Memorial Drive in Burien (L1100045).

(44) \$1,100,000 of the motor vehicle account--federal appropriation is provided solely for preliminary engineering on the I-5/Marvin Road Interchange study (L2200087).

(45) \$400,000 of the motor vehicle account--federal appropriation is provided solely for the SR 150/No-See-Um Road Intersection -Realignment project (L2200092).

(46) \$750,000 of the motor vehicle account--federal appropriation is provided solely for preliminary engineering on the SR 305/Suquamish Way Intersection Improvements project (L2200093).

(47) \$700,000 of the motor vehicle account--federal appropriation is provided solely for the US 395/Lind Road Intersection project (L2200086).

**Sec. 306.** 2011 c 367 s 306 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION--PRESERVATION--PROGRAM P Transportation Partnership Account--State

Appropriation.....	(\$34,182,000)
.....	\$44,463,000
Motor Vehicle Account--State Appropriation.....	(\$67,790,000)
.....	\$81,741,000
Motor Vehicle Account--Federal Appropriation.....	(\$632,489,000)
.....	\$540,306,000
Motor Vehicle Account--Private/Local Appropriation.....	
.....	(\$19,253,000)
.....	\$21,585,000
Tacoma Narrows Toll Bridge Account--State	
Appropriation.....	\$259,000
Transportation 2003 Account (Nickel Account)--State	
Appropriation.....	\$23,000
TOTAL APPROPRIATION.....	(\$753,714,000)
.....	\$691,877,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Except as provided otherwise in this section, the entire transportation 2003 account (nickel account) appropriation and the entire transportation partnership account appropriation are provided solely for the projects and activities as listed by fund, project, and amount in LEAP Transportation Document (~~(2011-4)~~) 2012-2 as developed (~~(April 19, 2011)~~) March 8, 2012, Program - Highway Preservation Program (P). However, limited transfers of specific line-item project appropriations may occur between projects for those amounts listed subject to the conditions and limitations in section 603 of this act.

(2) (The department shall, on a quarterly basis beginning July 1, 2011, provide to the office of financial management and the legislature reports providing the status on each active project funded in part or whole by the transportation 2003 account (nickel account) or the transportation partnership account. Funding provided at a programmatic level for transportation partnership account projects relating to seismic bridges must be reported on a programmatic basis. Projects within this programmatic level funding must be completed on a priority basis and scoped to be completed within the current programmatic budget. The department shall work with the office of financial management and the transportation committees of the legislature to agree on report formatting and elements. Elements must include, but not be limited to, project scope, schedule, and costs. The department shall also provide the information required under this subsection on a quarterly basis.

(3)) The department of transportation shall continue to implement the lowest life-cycle cost planning approach to pavement management throughout the state to encourage the most effective and efficient use of pavement preservation funds. Emphasis should be placed on increasing the number of roads addressed on time and reducing the number of roads past due.

~~((5))~~ (3) Within the motor vehicle account--state appropriation and motor vehicle account--federal appropriation, the department may transfer funds between programs I and P, except for funds that are otherwise restricted in this act.

~~((6))~~ (4) The department shall apply for surface transportation program enhancement funds to be expended in lieu of or in addition to state funds for eligible costs of projects in programs I and P.

~~((7))~~ (5) The motor vehicle account--state appropriation includes up to \$17,652,000 in proceeds from the sale of bonds authorized in RCW 47.10.843.

~~((8))~~ (6) The department must work with cities and counties to develop a comparison of direct and indirect labor costs, overhead rates, and other costs for high-cost bridge inspections charged by the state, counties, and other entities. The comparison is due to the transportation committees of the legislature on September 1, 2011.

~~((9) \$277,000)~~ (7) \$789,000 of the motor vehicle account--federal appropriation and ~~(\$10,000)~~ \$6,000 of the motor

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vehicle account--state appropriation are provided solely for the environmental impact statement and preliminary planning for the replacement of the state route number 9 Snohomish river bridge (project L2000018).

~~((10) \$9,641,000)~~ (8) \$10,843,000 of the motor vehicle account--federal appropriation, ~~((2,000,000))~~ \$1,992,000 of the motor vehicle account--private/local appropriation, and ~~((361,000))~~ \$390,000 of the motor vehicle account--state appropriation are provided solely for the SR 21/Keller Ferry - Replacement Boat project (602110J).

~~((11) \$3,093,000)~~ (9) \$165,000 of the motor vehicle account--federal appropriation is provided solely for the I-90/Ritzville to Tokio - Paving of Outside Lanes project (609041G).

~~((12) \$2,733,000)~~ (10) \$5,565,000 of the motor vehicle account--federal appropriation and ~~((114,000))~~ \$232,000 of the motor vehicle account--state appropriation are provided solely for the SR 167/Puyallup River Bridge Replacement project (316725A). This project must be completed as a design-build project. The department must work with local jurisdictions and the community during the environmental review process to develop appropriate esthetic design elements, at no additional cost to the department, and traffic management plans pertaining to this project. The department must report to the transportation committees of the legislature on estimated cost and/or time savings realized as a result of using the design-build process.

~~((13) \$295,000)~~ (11) \$507,000 of the motor vehicle account--federal appropriation and ~~((5,000))~~ \$13,000 of the motor vehicle account--state appropriation are provided solely for the SR 906/Travelers Rest - Building Renovation project (090600A).

(12) The department shall submit a renewal and rehabilitation plan for the new state route number 16 Tacoma Narrows bridge as a decision package as part of its 2013-2015 biennial budget submittal.

**Sec. 307.** 2011 c 367 s 307 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION--TRAFFIC OPERATIONS--PROGRAM Q--CAPITAL

Motor Vehicle Account--State Appropriation .....	(\$6,439,000))
.....	\$8,779,000
Motor Vehicle Account--Federal Appropriation .....	((5,600,000))
.....	\$7,283,000
TOTAL APPROPRIATION .....	((12,039,000))
.....	\$16,062,000

The appropriations in this section are subject to the following conditions and limitations: \$1,000,000 of the motor vehicle account--state appropriation for project 000005Q is provided solely for state matching funds for federally selected competitive grants or congressional earmark projects. These moneys must be placed into reserve status until such time as federal funds are secured that require a state match.

Sec. 308. 2011 c 367 s 308 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION--WASHINGTON STATE FERRIES CONSTRUCTION--PROGRAM W

Puget Sound Capital Construction Account--State	
Appropriation .....	((68,013,000))
.....	\$61,965,000
Puget Sound Capital Construction Account--Federal	
Appropriation .....	((41,500,000))
.....	\$61,736,000
Puget Sound Capital Construction Account--Private/Local	
Appropriation .....	\$200,000
Transportation 2003 Account (Nickel Account)--State	
Appropriation .....	((118,027,000))

.....	\$119,000,000
Transportation Partnership Account--State	
Appropriation .....	((12,536,000))
.....	\$12,838,000
Multimodal Transportation Account--State	
Appropriation .....	((43,265,000))
.....	\$27,527,000
TOTAL APPROPRIATION .....	((283,341,000))
.....	\$284,194,000

The appropriations in this section are subject to the following conditions and limitations:

(1) ((68,013,000 of the Puget Sound capital construction account--state appropriation, \$41,500,000 of the Puget Sound capital construction account--federal appropriation, \$12,536,000 of the transportation partnership account--state appropriation, \$118,027,000 of the transportation 2003 account (nickel account)--state appropriation, and \$43,265,000 of the multimodal transportation account--state appropriation are provided solely for ferry projects.)) Except as provided otherwise in this section, the entire appropriations in this section are provided solely for the projects and activities as listed in LEAP Transportation Document ((2011-2)) 2012-1 ALL PROJECTS as developed ((April 19, 2011)) March 8, 2012, Program - Washington State Ferries Capital Program (W).

(2) The department shall work with the department of archaeology and historic preservation to ensure that the cultural resources investigation is properly conducted on all large ferry terminal projects. These projects must be conducted with active archaeological management.

(3) The multimodal transportation account--state appropriation includes up to ~~((43,265,000))~~ \$27,527,000 in proceeds from the sale of bonds authorized in RCW 47.10.867.

(4) ((The transportation 2003 account (nickel account)--state appropriation includes up to \$82,143,000 in proceeds from the sale of bonds authorized in RCW 47.10.861.

(5)) The Puget Sound capital construction account--state appropriation includes up to ~~((52,516,000))~~ \$45,000,000 in proceeds from the sale of bonds authorized in RCW 47.10.843.

~~((7) \$20,906,000)~~ (5) \$17,970,000 of the transportation 2003 account (nickel account)--state appropriation, (\$9,711,000 of the multimodal transportation account--state appropriation, and \$1,537,000 of the Puget Sound capital construction account--state appropriation are) is provided solely for the acquisition of new Kwa-di-tabil class ferry vessels (project 944470A) subject to the conditions of RCW 47.56.780.

~~((8) \$33,404,000)~~ (6) \$25,404,000 of the multimodal transportation account--state appropriation, ~~((2,000,000))~~ \$1,000,000 of the Puget Sound capital construction account--~~(state)~~ federal appropriation, \$11,500,000 of the transportation partnership account--state appropriation, and ~~((81,085,000))~~ \$85,924,000 of the transportation 2003 account (nickel account)--state appropriation are provided solely for the acquisition of ~~((two))~~ one 144-car vessel ~~((contingent upon new and sufficient resources. Of these amounts, \$123,828,000 is provided solely for the first 144-car vessel))~~ (project L2200038).

The department shall use as much already procured equipment as practicable on the 144-car vessel. The vendor must present to the joint transportation committee and the office of financial management, by August 15, 2011, a list of options that will result in significant cost savings changes in terms of construction or the long-term maintenance and operations of the vessel. The vendor must allow for exercising the options without a penalty. If neither chapter ... (Engrossed Substitute Senate Bill No. 5742), Laws of 2011 nor chapter ... (House Bill No. 2083), Laws of 2011 is enacted

by June 30, 2011, \$75,000,000 of the transportation 2003 account (nickel account)--state appropriation in this subsection lapses.

((9)) The department shall provide to the office of financial management and the legislature quarterly reports providing the status on each project listed in this section and in the project lists submitted pursuant to this act and on any additional projects for which the department has expended funds during the 2011-2013 fiscal biennium. Elements must include, but not be limited to, project scope, schedule, and costs. The department shall also provide the information required under this subsection via the transportation executive information system. The quarterly report regarding the status of projects identified on the list referenced in subsection (1) of this section must be developed according to an earned value method of project monitoring.

((11) \$3,932,000)) (7) \$5,749,000 of the total appropriation is provided solely for continued permitting work on the Mukilteo ferry terminal (project 952515P). The department shall seek additional federal funding for this project. Prior to beginning terminal improvements, the department shall report to the legislature on the final environmental impact statement by December 31, 2012. The report must include an overview of the costs and benefits of each of the alternatives considered, as well as an identification of costs and a funding plan for the preferred alternative.

~~((43))~~ (8) The department shall review all terminal project cost estimates to identify projects where similar design requirements could result in reduced preliminary engineering or miscellaneous items costs. The department shall report to the legislature by September 1, 2011. The report must use programmatic design and include estimated cost savings by reducing repetitive design costs or miscellaneous costs, or both, applied to projects.

~~((44) \$2,000,000))~~ (9) \$3,000,000 of the Puget Sound capital construction account--state appropriation is provided solely for emergency capital repair costs (project 999910K). Funds may be spent only after approval from the office of financial management.

~~((45) \$7,167,000))~~ (10) \$4,851,000 of the Puget Sound capital construction account--state appropriation is provided solely for the reservation and communications system projects (L200041 & L200042).

(11) \$1,000,000 of the Puget Sound capital construction account--state appropriation is provided solely for security and operational planning as a first step in introducing liquid natural gas (LNG) to the Washington ferry fleet, including the issuance of a request for proposals (RFP). \$750,000 is provided solely for the department to work with appropriate agencies of the state and federal government to amend the state's current alternative security plan to account for the use of LNG as a propulsion fuel in the ferry fleet, and to begin public outreach efforts. \$250,000 is provided solely to issue an RFP for a design-build contract to fully convert the existing diesel powered Issaquah class fleet to be solely powered by LNG. The successful bidder must be awarded the \$250,000 appropriation and must be able to offer detailed design services, attain coast guard approval regarding vessel safety and any other requirements pertaining to design, acquire engines with LNG as a sole fuel source, provide public outreach and education regarding the conversion of ferry vessels to LNG, perform all conversion work, and supply dependable and suitable quantities of LNG. The RFP must include incentives for proposals that include alternative financing arrangements, such as a delayed payment plan based on fuel savings. To the extent allowable under current law, the bidder awarded the design-build contract for converting the Issaquah fleet to LNG under this subsection must be given bidding preferences in any future LNG-related ferry proposals or projects. The RFP referenced in this subsection must be issued by the department by August 1, 2012. The department must provide a report to the joint transportation committee on the development of the RFP in July

2012 and an update report again in September 2012.

(12) \$500,000 of the Puget Sound capital construction account--state appropriation is provided solely for the ADA visual paging project (L2200083). If any new federal grants are received by the department that may supplant the state funds in this appropriation, the state funds in this appropriation must be placed in unallotted status.

(13) Consistent with RCW 47.60.662, which requires the Washington state ferry system to collaborate with passenger-only ferry and transit providers to provide service at existing terminals, the department shall ensure that multimodal access, including for passenger-only ferries and transit service providers, is not precluded by any future modifications at the terminal.

**Sec. 309.** 2011 c 367 s 309 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION--RAIL--PROGRAM Y--CAPITAL Essential Rail Assistance Account--State	
Appropriation .....	(((\$1,000,000))
.....	\$1,565,000
Transportation Infrastructure Account--State	
Appropriation .....	(((\$5,838,000))
.....	\$5,693,000
Multimodal Transportation Account--State	
Appropriation .....	(((\$52,000,000))
.....	\$58,220,000
Multimodal Transportation Account--Federal	
Appropriation .....	(((\$366,314,000))
.....	\$236,597,000
Multimodal Transportation Account--Private/Local	
Appropriation .....	(((\$1,292,000))
.....	\$1,010,000
TOTAL APPROPRIATION.....	(((\$426,444,000))
.....	\$303,085,000

The appropriations in this section are subject to the following conditions and limitations:

(1)(a) Except as provided otherwise in this section, the entire appropriations in this section are provided solely for the projects and activities as listed by project and amount in LEAP Transportation Document ~~((2011-2))~~ 2012-1 ALL PROJECTS as developed ~~((April 19, 2011))~~ March 8, 2012, Program-Rail Capital Program (Y).

(b) Within the amounts provided in this section, ~~(((\$2,903,000))~~ \$4,757,000 of the transportation infrastructure account--state appropriation is for low-interest loans through the freight rail investment bank program for specific projects listed as recipients of these loans in the LEAP transportation document identified in (a) of this subsection. The department shall issue freight rail investment bank program loans with a repayment period of no more than ten years, and only so much interest as is necessary to recoup the department's costs to administer the loans.

(c) Within the amounts provided in this section, ~~(((\$1,754,000))~~ \$2,047,000 of the multimodal transportation account--state appropriation, \$10,000 of the multimodal transportation account--private/local appropriation, and \$1,000,000 of the essential rail assistance account--state appropriation are for statewide emergent freight rail assistance projects identified in the LEAP transportation document identified in (a) of this subsection.

(2)(a) ((If any funds remain in the program reserves (F01001A & F01000A) for the program and projects listed in subsection (1)(b) and (c) of this section.)) The department shall issue a call for projects for the freight rail investment bank (FRIB) loan program and the emergent freight rail assistance program (FRAP) grants, and shall evaluate the applications according to the cost-benefit methodology developed during the 2008 interim using the

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legislative priorities specified in (c) of this subsection. Unsuccessful FRAP grant applicants should be encouraged to apply to the FRIB loan program, if eligible. By November 1, ((2011)) 2012, the department shall submit a prioritized list of recommended projects to the office of financial management and the transportation committees of the legislature.

(b) When the department identifies a prospective rail project that may have strategic significance for the state, or at the request of a proponent of a prospective rail project or a member of the legislature, the department shall evaluate the prospective project according to the cost-benefit methodology developed during the 2008 interim using the legislative priorities specified in (c) of this subsection. The department shall report its cost-benefit evaluation of the prospective rail project, as well as the department's best estimate of an appropriate construction schedule and total project costs, to the office of financial management and the transportation committees of the legislature.

(c) The legislative priorities to be used in the cost-benefit methodology are, in order of relative importance:

- (i) Economic, safety, or environmental advantages of freight movement by rail compared to alternative modes;
- (ii) Self-sustaining economic development that creates family-wage jobs;
- (iii) Preservation of transportation corridors that would otherwise be lost;
- (iv) Increased access to efficient and cost-effective transport to market for Washington's agricultural and industrial products;
- (v) Better integration and cooperation within the regional, national, and international systems of freight distribution; and
- (vi) Mitigation of impacts of increased rail traffic on communities.

(3) The department is directed to expend unallocated federal rail crossing funds in lieu of or in addition to state funds for eligible costs of projects in program Y.

(4) The department shall provide quarterly reports to the office of financial management and the transportation committees of the legislature regarding applications that the department submits for federal funds and the status of such applications.

(5) ((The department shall, on a quarterly basis, provide to the office of financial management and the legislature reports providing the status on active projects identified in the LEAP transportation document described in subsection (1)(a) of this section. Report formatting and elements must be consistent with the October 2009 quarterly project report.

(6)) The multimodal transportation account--state appropriation includes up to (((\$19,684,000)) \$12,103,000 in proceeds from the sale of bonds authorized in RCW 47.10.867.

((7) When the balance of that portion of the miscellaneous program account apportioned to the department for the grain train program reaches \$1,180,000, the department shall acquire additional grain train railcars.

(8) \$1,087,000 of the multimodal transportation account--state appropriation is provided solely as state matching funds for successful grant applications to either the federal rail line relocation and improvement program (project 798999D) or new federal high-speed rail grants.

(9)) (6) The Burlington Northern Santa Fe Skagit river bridge is an integral part of the rail system. Constructed in 1916, the bridge does not meet current design standards and is at risk during flood events that occur on the Skagit river. The department shall work with Burlington Northern Santa Fe and local jurisdictions to secure federal funding for the Skagit river bridge and to develop an appropriate replacement plan and schedule.

((10) \$339,139,000) (7) \$218,341,000 of the multimodal transportation account--federal appropriation and (((\$5,099,000))

\$3,639,000 of the multimodal transportation account--state appropriation are provided solely for expenditures related to passenger high-speed rail grants. At one and one-half percent of the total project funds, the multimodal transportation account--state funds are provided solely for expenditures that are not federally reimbursable. Funding in this subsection is the initial portion of multiyear high-speed rail program grants awarded to Washington state for high-speed intercity passenger rail investments. Funding will allow for two additional round trips between Seattle and Portland and other rail improvements.

((44)) (8) \$750,000 of the multimodal transportation account--state appropriation is provided solely for the Port of Royal Slope rehabilitation project (L1000053). Funding is contingent upon the project completing the rail cost-benefit methodology process developed during the 2008 interim using the legislative priorities outlined in subsection (2)(c) of this section.

(9) As allowable under federal rail authority rules and existing competitive bidding practices, when purchasing new train sets, the department shall give preference to bidders that propose train sets with characteristics and maintenance requirements most similar to those currently owned by the department.

(10) Funds generated by the grain train program are solely for operating, sustaining, and enhancing the grain train program including, but not limited to, operations, capital investments, inspection, developing business plans for future growth, and fleet management. Any funds deemed by the department, in consultation with relevant port districts, to be in excess of current operating needs or capital reserves of the grain train program may be transferred from the miscellaneous program account to the essential rail assistance account for the purpose of sustaining the grain train program through maintaining the Palouse river and Coulee City railroad line, on which the grain train program operates.

(11) \$500,000 of the essential rail assistance account--state appropriation is provided solely for the purpose of rehabilitation and maintenance of the Palouse river and Coulee City railroad line. Expenditures from this appropriation may not exceed the combined total of:

(a) The revenues deposited into the essential rail assistance account from leases and sale of property pursuant to RCW 47.76.290; and

(b) Revenues transferred from the miscellaneous program account for the purpose of sustaining the grain train program through maintaining the Palouse river and Coulee City railroad line.

(12) \$200,000 of the multimodal transportation account--state appropriation is provided solely for the Clark county chelatchie prairie rail road (project L2200085).

**Sec. 310.** 2011 c 367 s 310 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION--LOCAL PROGRAMS--PROGRAM Z--CAPITAL

Highway Infrastructure Account--State Appropriation .....	\$207,000
Highway Infrastructure Account--Federal	
Appropriation .....	\$1,602,000
Motor Vehicle Account--State Appropriation .....	(((\$3,754,000))
.....	\$4,179,000
Motor Vehicle Account--Federal Appropriation .....	(((\$31,856,000))
.....	\$37,935,000
Freight Mobility Investment Account--State	
Appropriation .....	\$11,278,000
Transportation Partnership Account--State	
Appropriation .....	(((\$6,035,000))
.....	\$7,181,000
Freight Mobility Multimodal Account--State	
Appropriation .....	(((\$15,117,000))
.....	\$15,668,000

Freight Mobility Multimodal Account--Local	
Appropriation.....	(\$4,752,000))
.....	\$2,834,000
Multimodal Transportation Account--State	
Appropriation.....	(\$18,453,000))
.....	\$22,575,000
Passenger Ferry Account--State Appropriation.....	\$1,115,000
TOTAL APPROPRIATION.....	(\$94,169,000))
.....	\$104,574,000

The appropriations in this section are subject to the following conditions and limitations:

(1) ((The department shall, on a quarterly basis beginning July 1, 2011, provide to the office of financial management and the legislature reports providing the status on each active project funded in part or whole by the transportation 2003 account (nickel account) or the transportation partnership account. Report formatting and elements must be consistent with the October 2009 quarterly project report. The department shall also provide the information required under this subsection on a quarterly basis via the transportation executive information system.

(2)) \$1,115,000 of the passenger ferry account--state appropriation is provided solely for near and long-term costs of capital improvements and operating expenses that are consistent with the business plan approved by the governor for passenger ferry service.

((3)) (2) The department shall apply for surface transportation program enhancement funds to be expended in lieu of or in addition to state funds for eligible costs of projects in local programs, program Z--capital.

((4)) (3) Federal funds may be transferred from program Z to programs I and P and state funds must be transferred from programs I and P to program Z to replace those federal funds in a dollar-for-dollar match. Fund transfers authorized under this subsection shall not affect project prioritization status. Appropriations must initially be allotted as appropriated in this act. The department may not transfer funds as authorized under this subsection without approval of the office of financial management. The department shall submit a report on those projects receiving fund transfers to the office of financial management and the transportation committees of the legislature by December 1, 2011, and December 1, 2012.

((5)) (4) The city of Winthrop may utilize a design-build process for the Winthrop bike path project.

((6) ~~\$11,557,000~~) (5) \$14,813,000 of the multimodal transportation account--state appropriation, ((~~\$12,136,000~~)) \$12,804,000 of the motor vehicle account--federal appropriation, and ((~~\$5,195,000~~)) \$6,241,000 of the transportation partnership account--state appropriation are provided solely for the pedestrian and bicycle safety program projects and safe routes to schools program projects identified in: LEAP Transportation Document 2011-A, pedestrian and bicycle safety program projects and safe routes to schools program projects, as developed April 19, 2011; LEAP Transportation Document 2009-A, pedestrian and bicycle safety program projects and safe routes to schools program projects, as developed March 30, 2009; LEAP Transportation Document 2007-A, pedestrian and bicycle safety program projects and safe routes to schools program projects, as developed April 20, 2007; and LEAP Transportation Document 2006-B, pedestrian and bicycle safety program projects and safe routes to schools program projects, as developed March 8, 2006. Projects must be allocated funding based on order of priority. The department shall review all projects receiving grant awards under this program at least semiannually to determine whether the projects are making satisfactory progress. Any project that has been awarded funds, but does not report activity on the project within one year of the grant

award must be reviewed by the department to determine whether the grant should be terminated. The department shall promptly close out grants when projects have been completed, and identify where unused grant funds remain because actual project costs were lower than estimated in the grant award.

((7)) (6) Except as provided otherwise in this section, the entire appropriations in this section are provided solely for the projects and activities as listed by project and amount in LEAP Transportation Document ((~~2011-2~~)) 2012-1 ALL PROJECTS as developed ((~~April 19, 2011~~)) March 8, 2012, Program - Local Program (Z).

((8)) (7) For the 2011-2013 project appropriations, unless otherwise provided in this act, the director of the office of financial management may authorize a transfer of appropriation authority between projects managed by the freight mobility strategic investment board and may also advance projects in future biennia, as identified in LEAP Transportation Document 2012-1 ALL PROJECTS as developed March 8, 2012, into the current biennium in order for the board to manage project spending and efficiently deliver all projects in the respective program.

((9)) (8) With each department budget submittal, the department shall provide an update on the status of the repayment of the twenty million dollars of unobligated federal funds authority advanced by the department in September 2010 to the city of Tacoma for the Murray Morgan/11th Street bridge project.

((10) The department shall prepare a list of main street projects, consistent with chapter ... (Engrossed Substitute House Bill No. 1071), Laws of 2011, for approval in the 2013-2015 fiscal biennium. In order to ensure that any proposed list of projects is consistent with legislative intent, the department shall provide a report to the joint transportation committee by December 1, 2011. The report must identify the eligible segments of main streets highways, the department's proposed project selection and ranking method, criteria to be considered, and a plan for soliciting project proposals.

((11)) (9) If funding is specifically designated in this act for main street projects, the department shall prepare a list of projects that is consistent with chapter 257, Laws of 2011, for approval in the 2013-2015 fiscal biennium.

((12) \$267,000 of the motor vehicle account--state appropriation and \$2,859,000 of the motor vehicle account--federal appropriation are provided solely for completion of the US 101 northeast peninsula safety rest area and associated roadway improvements east of Port Angeles at the Deer Park scenic view point (3LP187A). The department must surplus any right-of-way previously purchased for this project near Sequim. Approval to proceed with construction is contingent on surplus of previously purchased right-of-way.

((13)) (11) Up to ((~~\$3,650,000~~)) \$3,702,000 of the motor vehicle account--federal appropriation and ((~~\$23,000~~)) \$75,000 of the motor vehicle account--state appropriation are provided solely to reimburse the cities of Kirkland and Redmond for pavement and bridge deck rehabilitation on state route number 908 (1LP611A). These funds may not be expended unless the cities sign an agreement stating that the cities agree to take ownership of state route number 908 in its entirety and agree that the payment of these funds represents the entire state commitment to the cities for state route number 908 expenditures.

((14)) (12) \$225,000 of the multimodal transportation account--state appropriation is provided solely for the Shell Valley emergency road and bicycle/pedestrian path (L1000036).

((15) ~~\$150,000~~) (13) \$188,000 of the motor vehicle account--state appropriation is provided solely for flood reduction solutions on state route number 522 caused by the lower McAleer and Lyon creek basins (L1000041).

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~~((14))~~ (14) \$896,000 of the multimodal transportation account--state appropriation is provided solely for realignment of Parker Road and construction of secondary access off of state route number 20 (L2200040).

~~((15))~~ (15) An additional \$2,500,000 of the motor vehicle account--federal appropriation is provided solely for the Strander Blvd/SW 27th St Connection project (1LP902F), which amount is reflected in the LEAP transportation document identified in subsection ~~((7))~~ (6) of this section. These funds may only be committed if needed, may not be used to supplant any other committed project partnership funding, and must be the last funds expended.

~~((16))~~ (16) \$500,000 of the motor vehicle account--federal appropriation is provided solely for safety improvements at the intersection of South Wapato and McDonald Road (L1000052).

~~((17))~~ (17) \$2,000,000 of the multimodal transportation account--state appropriation is provided solely for the state route number 432 rail realignment and highway improvements project (L1000056).

~~((18))~~ (18) \$500,000 of the multimodal transportation account--state appropriation is provided solely for a multimodal corridor plan on state route number 520 between Interstate 405 and Avondale Road in Redmond (L1000054).

~~((19))~~ (19) \$100,000 of the motor vehicle account--federal appropriation is provided solely for state route number 164 and Auburn Way South pedestrian improvements (L1000057).

~~((20))~~ (20) \$115,000 of the motor vehicle account--federal appropriation is provided solely for median street lighting on state route number 410 (L1000058).

~~((21))~~ (21) \$60,000 of the multimodal transportation account--state appropriation is provided solely for a cross docking study for the port of Douglas county (L1000060).

~~((22))~~ (22) \$100,000 of the motor vehicle account--federal appropriation is provided solely for city of Auburn - 8th and R Street NE intersection improvements (L2200043).

~~((23))~~ (23) \$65,000 of the multimodal transportation account--state appropriation is provided solely for the Puget Sound regional council to further the implementation of multimodal concurrency practice through a transit service overlay zone implemented at the local level (L1000061). This approach will improve the linkage of land use and transportation investment decisions, improve the efficiency of transit service by encouraging transit-supportive development, provide incentives for developers, and support integrated regional growth, economic development, and transportation plans. In carrying out this work, the council shall involve representatives from cities and counties, developers, transit agencies, and other interested stakeholders, and shall consult with other regional transportation planning organizations across the state. The council shall report the results of their work and recommendations to the joint transportation committee by December 2011, with a final report to the transportation committees of the legislature by January 31, 2012.

~~((24))~~ (24) \$1,750,000 of the motor vehicle account--federal appropriation is provided solely for the SR 522 Improvements/61st Avenue NE and NE 181st Street project (L1000055).

~~((25))~~ (25) The department shall implement a call for projects eligible for the bicycle and pedestrian grant program similar to the call for projects conducted in 2010, although the department may adjust the criteria to include mobility and connectivity. The department shall include a list of prioritized bicycle and pedestrian grant projects for approval in the 2013-2015 biennial transportation budget.

~~((26))~~ (26) \$100,000 of the multimodal transportation account--state appropriation is provided solely for the design of a stand-alone ADA accessible bicycle/pedestrian bridge across the Sultan river in the city of Sultan (L1100044).

~~((27))~~ (27) \$445,000 of the motor vehicle account--federal appropriation is provided solely for pedestrian lighting on the main span of the Chehalis river bridge in Aberdeen (L1100046).

~~((28))~~ (28) \$500,000 of the motor vehicle account--federal appropriation is provided solely for resurfacing Alder Avenue in the city of Sultan (L1100047).

~~((29))~~ (29) \$800,000 of the motor vehicle account--federal appropriation is provided solely for rights-of-way acquisition on state route number 516 from Jenkins creek to 185th (L2000017).

~~((30))~~ (30) \$1,100,000 of the motor vehicle account--federal appropriation is provided solely for traffic analysis, right-of-way, and design work on the 31st Avenue Southwest overpass on Puyallup's South Hill (L1100048).

~~((31))~~ (31) \$2,000,000 of the motor vehicle account--federal appropriation is provided solely for environmental documentation and preliminary engineering for the Scott Avenue Reconnection Project in the city of Woodland (L1100049).

~~((32))~~ (32) \$350,000 of the motor vehicle account--federal appropriation is provided solely for preliminary engineering and rights-of-way on the Slater Road Bridge project (L2200089).

~~((33))~~ (33) \$380,000 of the motor vehicle account--federal appropriation is provided solely for rehabilitation work for 156th/160th Avenue in the city of Covington (L2200088).

~~((34))~~ (34) \$380,000 of the motor vehicle account--federal appropriation is provided solely for improvements to Penney Avenue in the town of Naches (L2200090).

~~((35))~~ (35) \$450,000 of the motor vehicle account--federal appropriation is provided solely for preliminary engineering on NW Friberg Street and Goodwin Road in the city of Camas (L2200091).

NEW SECTION. Sec. 311. A new section is added to 2011 c 367 (uncodified) to read as follows:

**REPORTING REQUIREMENTS FOR CAPITAL PROGRAM**

On a quarterly basis, the department of transportation shall provide to the office of financial management and the legislative transportation committees the following reports for all capital programs:

(1) For active projects, the report must include:

(a) A TEIS version containing actual capital expenditures for all projects consistent with the structure of the most recently enacted budget;

(b) Anticipated cost savings, cost increases, reappropriations, and schedule adjustments for all projects consistent with the structure of the most recently enacted budget;

(c) The award amount, the engineer's estimate, and the number of bidders for all active projects consistent with the structure of the most recently enacted budget;

(d) Projected costs and schedule for individual projects that are funded at a programmatic level for projects relating to bridge rail, guard rail, fish passage barrier removal, roadside safety projects, and seismic bridges. Projects within this programmatic level funding must be completed on a priority basis and scoped to be completed within the current programmatic budget;

(e) Highway projects that may be reduced in scope and still achieve a functional benefit;

(f) Highway projects that have experienced scope increases and that can be reduced in scope;

(g) Highway projects that have lost significant local or regional contributions that were essential to completing the project; and

(h) Contingency amounts for all projects consistent with the structure of the most recently enacted budget.

(2) For completed projects, the report must:

(a) Compare the original project cost estimates and schedule approved in the transportation 2003 and 2005 transportation partnership project lists to the completed cost of the project;

(b) Compare the costs and operationally complete date for projects on the transportation 2003 and 2005 transportation partnership project lists to the last legislatively adopted project list prior to the completion of a project;

(c) Compare the costs and operationally complete date for projects with budgets of twenty million dollars that are funded with preexisting funds to the original project cost estimates and schedule; and

(d) Provide a list of nickel and TPA projects charging to the nickel/TPA environmental mitigation reserve (OBI4ENV) and the amount each project is charging.

(3) For prospective projects, the report must:

(a) Identify the estimated advertisement date for all projects consistent with the structure of the most recently enacted budget that are going to advertisement during the current biennium;

(b) Identify the anticipated operationally complete date for all projects consistent with the structure of the most recently enacted budget that are going to advertisement during the current biennium; and

(c) Identify the estimated cost of completion for all projects consistent with the structure of the most recently enacted budget that are going to advertisement during the current biennium.

**TRANSFERS AND DISTRIBUTIONS**

**Sec. 401.** 2011 c 367 s 401 (uncodified) is amended to read as follows:

FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR BOND SALES DISCOUNTS AND DEBT TO BE PAID BY MOTOR VEHICLE ACCOUNT AND TRANSPORTATION FUND REVENUE

Highway Bond Retirement Account--State	
Appropriation .....	(\$920,560,000)
.....	\$879,501,000
Ferry Bond Retirement Account--State Appropriation	.\$31,801,000
State Route Number 520 Corridor Account--State	
Appropriation .....	(\$1,075,000)
.....	\$3,818,000
Transportation Improvement Board Bond Retirement Account--State Appropriation	.....(\$16,544,000)
.....	\$16,482,000
Nondebt-Limit Reimbursable Account Appropriation	.....
.....	(\$25,200,000)
.....	\$22,476,000
Transportation Partnership Account--State	
Appropriation .....	(\$3,142,000)
.....	\$3,654,000
Motor Vehicle Account--State Appropriation	.....(\$333,000)
.....	\$382,000
Transportation 2003 Account (Nickel Account)--State	
Appropriation .....	(\$1,140,000)
.....	\$1,305,000
Transportation Improvement Account--State	
Appropriation .....	\$29,000
Multimodal Transportation Account--State	
Appropriation .....	(\$138,000)
.....	\$158,000
Toll Facility Bond Retirement Account--State	
Appropriation .....	(\$33,792,000)
.....	\$48,807,000
Toll Facility Bond Retirement Account--Federal	
Appropriation .....	(\$14,649,000)
.....	\$7,500,000
TOTAL APPROPRIATION	.....(\$1,048,403,000)

.....\$1,015,913,000  
 ((The appropriations in this section are subject to the following conditions and limitations:

(1) \$4,610,000 of the highway bond retirement account--state appropriation is provided solely for debt service on bonds issued to construct a ferry boat vessel with a carrying capacity of one hundred forty-four cars. If neither chapter ... (House Bill No. 2083), Laws of 2011 nor chapter ... (Engrossed Substitute Senate Bill No. 5742) is enacted by June 30, 2011, the amount provided in this subsection lapses.

(2) \$165,000 of the transportation 2003 account (nickel account)--state appropriation is provided solely for discounts on bonds sold to construct a ferry boat vessel with a carrying capacity of one hundred forty-four cars. If neither chapter ... (House Bill No. 2083), Laws of 2011 nor chapter ... (Engrossed Substitute Senate Bill No. 5742) is enacted by June 30, 2011, the amount provided in this subsection lapses.)

Sec. 402. 2011 c 367 s 402 (uncodified) is amended to read as follows:

FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR BOND SALE EXPENSES AND FISCAL AGENT CHARGES

State Route Number 520 Corridor Account--State	
Appropriation .....	(\$68,000)
.....	\$960,000
Transportation Partnership Account--State	
Appropriation .....	(\$608,000)
.....	\$587,000
Motor Vehicle Account--State Appropriation	.....(\$60,000)
.....	\$58,000
Transportation 2003 Account (Nickel Account)--State	
Appropriation .....	(\$219,000)
.....	\$255,000
Transportation Improvement Account--State Appropriation	.\$5,000
Multimodal Transportation Account--State	
Appropriation .....	(\$26,000)
.....	\$23,000
TOTAL APPROPRIATION	.....(\$986,000)
.....	\$1,888,000

((The appropriations in this section are subject to the following conditions and limitations: \$30,000 of the transportation 2003 account (nickel account)--state appropriation is provided solely for expenses associated with bonds sold to construct a ferry boat vessel with a carrying capacity of one hundred forty-four cars. If neither chapter ... (House Bill No. 2083), Laws of 2011 nor chapter ... (Engrossed Substitute Senate Bill No. 5742) is enacted by June 30, 2011, the amount provided in this subsection lapses.))

Sec. 403. 2011 c 367 s 403 (uncodified) is amended to read as follows:

FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR MVFT BONDS AND TRANSFERS

Motor Vehicle Account--State Appropriation: For transfer to the Puget Sound Capital Construction Account	.....
.....	(\$52,516,000)
.....	\$45,000,000

The department of transportation is authorized to sell up to ~~(\$52,516,000)~~ \$45,000,000 in bonds authorized by RCW 47.10.843 for vessel and terminal acquisition, major and minor improvements, and long lead-time materials acquisition for the Washington state ferries. ~~((Of the authorized amounts, \$14,500,000 is provided solely for expenditures made during the fiscal biennium ending June 30, 2011.))~~

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Sec. 404. 2011 c 367 s 404 (uncodified) is amended to read as follows:

FOR THE STATE TREASURER--STATE REVENUES FOR DISTRIBUTION

Motor Vehicle Account--State Appropriation for motor vehicle fuel tax distributions to cities and counties.....(((\$478,155,000)) .....\$470,701,000

Sec. 405. 2011 c 367 s 405 (uncodified) is amended to read as follows:

FOR THE STATE TREASURER--TRANSFERS

Motor Vehicle Account--State Appropriation: For motor vehicle fuel tax refunds and statutory transfers .....(((\$1,246,357,000)) .....\$1,227,005,000

Sec. 406. 2011 c 367 s 406 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF LICENSING--TRANSFERS

Motor Vehicle Account--State Appropriation: For motor vehicle fuel tax refunds and transfers .....(((\$127,984,000)) .....\$151,870,000

Sec. 407. 2011 c 367 s 407 (uncodified) is amended to read as follows:

FOR THE STATE TREASURER--ADMINISTRATIVE TRANSFERS

(1) ((Tacoma Narrows Toll Bridge Account--State Appropriation: For transfer to the Motor Vehicle Account--State .....\$543,000

(2)) Motor Vehicle Account--State Appropriation: For transfer to the Puget Sound Ferry Operations Account--State .....(((\$46,500,000)) .....\$45,500,000

((3)) (2) Recreational Vehicle Account--State Appropriation: For transfer to the Motor Vehicle Account--State .....(((\$1,450,000)) .....\$1,150,000

((4)) (3) License Plate Technology Account--State Appropriation: For transfer to the Highway Safety Account--State .....(((\$3,200,000)) .....\$3,000,000

((5)) (4) Multimodal Transportation Account--State Appropriation: For transfer to the Puget Sound Ferry Operations Account--State .....(((\$43,000,000)) .....\$42,000,000

((6)) (5) Highway Safety Account--State Appropriation: For transfer to the Motor Vehicle Account--State .....\$23,000,000

((7) Department of Licensing Services Account -State Appropriation: For transfer to the Motor Vehicle Account--State .....\$400,000

(8)) (6) Advanced Right-of-Way Revolving Fund: For transfer to the Motor Vehicle Account--State.....\$5,000,000

((9) State Route Number 520 Civil Penalties Account--State Appropriation: For transfer to the State Route Number 520 Corridor Account--State.....\$754,000

(10)) (7) Rural Mobility Grant Program Account--State Appropriation: For transfer to the Multimodal Transportation Account--State.....\$3,000,000

((11)) (8) Motor Vehicle Account--State Appropriation: For transfer to the State Patrol Highway Account--State.....(((\$14,000,000)) .....\$16,000,000

((12)) (9) State Route Number 520 Corridor Account--State Appropriation: For transfer to the

Motor Vehicle Account--State(, in an amount equal to funds dispersed during the 2009-2011 fiscal biennium authorized under section 805(7) of this act.) .....\$58,000

((13)) (10) Motor Vehicle Account--State Appropriation: For transfer to the Special Category C Account--State .....(((\$1,500,000)) .....\$2,500,000

((14)) (11) Regional Mobility Grant Program Account--State Appropriation: For transfer to the Multimodal Transportation Account--State.....\$1,000,000

((15)) (12) State Patrol Highway Account--State Appropriation: For transfer to the Vehicle Licensing Fraud Account.....\$100,000

((16) State Route Number 520 Corridor Account--State Appropriation: For transfer to the Motor Vehicle Account.....\$2,435,000))

(13) Capital Vessel Replacement Account--State Appropriation: For transfer to the Transportation 2003 Account (Nickel Account)--State .....\$6,367,000

((47)) (14) The transfers identified in this section are subject to the following conditions and limitations:

(a) ((The amount transferred in subsection (1) of this section represents repayment of operating loans and reserve payments provided to the Tacoma Narrows toll bridge account from the motor vehicle account in the 2005-2007 fiscal biennium.

(b) The transfer in subsection (9) of this section represents toll revenue collected from toll violations)) The transfer in subsection (9) of this section represents the repayment of an amount equal to subprogram B5 expenditures that occurred in the motor vehicle account in the 2009-2011 fiscal biennium.

(b) The amount transferred in subsection (2) of this section shall not exceed the expenditures incurred from the motor vehicle account--state for the recreational vehicle sanitary disposal systems program.

COMPENSATION

Sec. 501. 2011 c 367 s 502 (uncodified) is amended to read as follows:

COLLECTIVE BARGAINING AGREEMENTS--WSP TROOPERS ASSOCIATION

(1) No agreement has been reached between the governor and the Washington state patrol trooper's association under chapter 41.56 RCW for ~~((the 2011-2013 fiscal biennium))~~ fiscal year 2012. Appropriations for the Washington state patrol in this act are sufficient to fund the provisions of the 2009-2011 agreement.

(2) An agreement has been reached between the governor and the Washington state patrol troopers association under chapter 41.56 RCW for fiscal year 2013. Appropriations for the Washington state patrol in this act provide funding to implement the fiscal year 2013 agreement. The fiscal year 2013 agreement contains no change in compensation from the 2009-2011 agreement; therefore, no additional funding is appropriated.

Sec. 502. 2011 c 367 s 503 (uncodified) is amended to read as follows:

COLLECTIVE BARGAINING AGREEMENTS--WSP LIEUTENANTS ASSOCIATION

(1) No agreement has been reached between the governor and the Washington state patrol lieutenant's association under chapter 41.56 RCW for ~~((the 2011-2013 fiscal biennium))~~ fiscal year 2012. Appropriations for the Washington state patrol in this act are sufficient to fund the provisions of the 2009-2011 agreement.

(2) An agreement has been reached between the governor and the Washington state patrol lieutenants association under chapter 41.56 RCW for fiscal year 2013. Appropriations for the Washington



state patrol in this act provide funding to implement the fiscal year 2013 agreement. The fiscal year 2013 agreement contains no change in compensation from the 2009-2011 agreement; therefore, no additional funding is appropriated.

**Sec. 503.** 2011 c 367 s 505 (uncodified) is amended to read as follows:

**DEPARTMENT OF TRANSPORTATION MARINE DIVISION  
COLLECTIVE BARGAINING AGREEMENTS--TERMS AND  
CONDITIONS**

No agreement has been reached between the governor and the masters, mates, and pilots marine operations watch supervisors under chapter 47.64 RCW for the 2011-2013 fiscal biennium. Appropriations in this act reflect funding to maintain the provisions or terms and conditions of the 2009-2011 agreements for fiscal year 2012. Fiscal year 2013 appropriations are reduced to reflect a 6.0 percent temporary salary reduction effective July 1, 2012, through June 29, 2013, a reduction to overtime calculation, reduced vacation accruals, and other management priorities in collective bargaining. Effective June 30, 2013, the salary schedules effective July 1, 2009, through June 30, 2011, will be reinstated.

**NEW SECTION. Sec. 504. TRANSPORTATION  
EMPLOYEES--COMPENSATION**

The following acts or parts of acts are each repealed:

(1) 2011 1st sp.s. c 50 s 718 (uncodified) (FOR THE OFFICE OF FINANCIAL MANAGEMENT--TRANSPORTATION EMPLOYEES--RETIREMENT SYSTEM CONTRIBUTIONS);

(2) 2011 1st sp.s. c 50 s 719 (uncodified) (FOR THE OFFICE OF FINANCIAL MANAGEMENT--TRANSPORTATION EMPLOYEES--RETIREMENT SYSTEM CONTRIBUTIONS);

(3) 2011 1st sp.s. c 50 s 720 (uncodified) (FOR THE OFFICE OF FINANCIAL MANAGEMENT--TRANSPORTATION EMPLOYEE SALARY REDUCTIONS); and

(4) 2011 1st sp.s. c 50 s 721 (uncodified) (FOR THE OFFICE OF FINANCIAL MANAGEMENT--TRANSPORTATION EMPLOYEES RETIREMENT SYSTEM CONTRIBUTIONS).

**IMPLEMENTING PROVISIONS**

**NEW SECTION. Sec. 601.** A new section is added to 2011 c 367 (uncodified) to read as follows:

The department of transportation may provide up to \$163,000 in toll credits to the Port of Kingston for its role in the new passenger-only ferry service and ferry corridor-related projects. The number of toll credits provided to the Port of Kingston must be equal to, but no more than, the number sufficient to meet federal match requirements for grant funding for passenger-only ferry service, but shall not exceed the amount authorized in this section.

**Sec. 602.** 2011 c 367 s 608 (uncodified) is amended to read as follows:

**STAFFING LEVELS**

(1) As the department of transportation completes delivery of the projects funded by the 2003 and 2005 transportation revenue packages, it is clear that the current staffing levels necessary to deliver these projects are not sustainable into the future. Therefore, the department is directed to quickly move forward to develop and implement new business practices so that a smaller, more nimble state workforce can effectively and efficiently deliver transportation improvement programs as they are approved in the future, in strong partnership with the private sector, while protecting the public's interests and assets.

(2) To this end, the department of transportation is directed to reduce the size of its engineering and technical workforce to a level sustained by current law revenue levels currently estimated at two thousand FTEs by the end of the 2013-2015 fiscal biennium. The department's current two thousand eight hundred FTE engineering

and technical workforce levels for highway construction will be reduced in the 2011-2013 fiscal biennium, with a target of two thousand four hundred FTEs by June 30, 2013, and to a level of two thousand FTEs by June 30, 2015.

(3) In order to successfully deliver the highway construction program as funded, the department of transportation may continue to contract out engineering and technical services. In addition, the department may continue the incentive program for retirements and employee separations. ~~((The department shall report quarterly to the office of financial management and the transportation committees of the legislature on its progress and plans to reduce highway construction workforce levels to two thousand FTEs by June 2015. This report must also be posted on the department's web site.))~~

(4) The department of transportation is directed to reduce the size of its administrative operating programs for the 2013-2015 biennium. As part of the department's biennial budget submittal, the department shall reduce its workforce in Programs C, H, T, and S by three percent. The ratio of executive management service or Washington management services employee staff must be at least six staff for every manager by the end of the 2013-2015 biennium.

**Sec. 603.** 2011 c 367 s 603 (uncodified) is amended to read as follows:

**FUND TRANSFERS**

(1) The transportation 2003 projects or improvements and the 2005 transportation partnership projects or improvements are listed in LEAP Transportation Document ~~((2011-4))~~ 2012-2 as developed ~~((April 19, 2011))~~ March 8, 2012, which consists of a list of specific projects by fund source and amount over a sixteen-year period. Current fiscal biennium funding for each project is a line-item appropriation, while the outer year funding allocations represent a sixteen-year plan. The department is expected to use the flexibility provided in this section to assist in the delivery and completion of all transportation partnership account and transportation 2003 account (nickel account) projects on the LEAP transportation documents referenced in this act. For the 2009-2011 and 2011-2013 project appropriations, unless otherwise provided in this act, the director of financial management may authorize a transfer of appropriation authority between projects funded with transportation 2003 account (nickel account) appropriations, or transportation partnership account appropriations, in order to manage project spending and efficiently deliver all projects in the respective program under the following conditions and limitations:

(a) Transfers may only be made within each specific fund source referenced on the respective project list;

(b) Transfers from a project may not be made as a result of the reduction of the scope of a project or be made to support increases in the scope of a project;

(c) Each transfer between projects may only occur if the director of financial management finds that any resulting change will not hinder the completion of the projects as approved by the legislature. Until the legislature reconvenes to consider the 2012 supplemental transportation budget, any unexpended 2009-2011 appropriation balance as approved by the office of financial management, in consultation with the legislative staff of the house of representatives and senate transportation committees, may be considered when transferring funds between projects;

(d) Transfers from a project may be made if the funds appropriated to the project are in excess of the amount needed to complete the project;

(e) Transfers may not occur for projects not identified on the applicable project list;

(f) Transfers may not be made while the legislature is in session; and

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(g) Transfers between projects may be made by the department of transportation until the transfer amount by project exceeds two hundred fifty thousand dollars, or ten percent of the total project, whichever is less. These transfers must be reported quarterly to the director of financial management and the chairs of the house of representatives and senate transportation committees.

(2) At the time the department submits a request to transfer funds under this section, a copy of the request must be submitted to the transportation committees of the legislature.

(3) The office of financial management shall work with legislative staff of the house of representatives and senate transportation committees to review the requested transfers in a timely manner.

(4) The office of financial management shall document approved transfers and schedule changes in the transportation executive information system, compare changes to the legislative baseline funding and schedules identified by project identification number identified in the LEAP transportation documents referenced in this act, and transmit revised project lists to chairs of the transportation committees of the legislature on a quarterly basis.

**NEW SECTION. Sec. 604.** A new section is added to 2011 c 367 (uncodified) to read as follows:

A narrowbanding financing contract adopted by the Washington state patrol is contingent upon the completion of an independent financial, technical, and compliance review that must include the review of the utilization of the United States department of justice's integrated wireless network, which includes a risk mitigation strategy and plans, age and platform of the communication equipment's technology, and contractual services and obligations, to be completed and approved by the office of financial management by July 31, 2012, before any financial contracts using certificates of participation can be executed. The office of financial management must request from the federal communications commission an extension of ninety days for meeting the January 1, 2013, narrowbanding mandate to allow the time required to perform the review.

**CONDITIONALLY ADDITIVE APPROPRIATIONS**

**NEW SECTION. Sec. 701.** A new section is added to 2011 c 367 (uncodified) to read as follows:

It is the intent of the legislature that the appropriations in sections 702 through 713 of this act be an initial commitment to the programs and activities funded and that the commitment continue through the 2013-2015 fiscal biennium. To that end, it is the intent of the legislature that the spending plan for the 2013-2015 fiscal biennium reflect the programmatic areas and amounts described in LEAP Transportation Document 2012-4, as developed March 8, 2012.

**NEW SECTION. Sec. 702.** A new section is added to 2011 c 367 (uncodified) to read as follows:

**FOR THE WASHINGTON STATE PATROL**  
State Patrol Highway Account--State Appropriation .....\$3,500,000  
Highway Safety Account--State Appropriation.....\$6,000,000  
**TOTAL APPROPRIATION** .....\$9,500,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$1,642,000 of the state patrol highway account--state appropriation is provided solely for the auto theft investigation units in King county, the city of Spokane, and the city of Tacoma.

(2) \$5,000,000 of the highway safety account--state appropriation is provided solely to train an additional trooper cadet class in the current biennium.

**NEW SECTION. Sec. 703.** A new section is added to 2011 c 367 (uncodified) to read as follows:

**FOR THE COUNTY ROAD ADMINISTRATION BOARD--CAPITAL**  
Highway Safety Account--State Appropriation.....\$3,500,000

The appropriation in this section is subject to the following conditions and limitations: The appropriation in this section is provided solely for the county arterial preservation program to help counties meet urgent preservation needs.

**NEW SECTION. Sec. 704.** A new section is added to 2011 c 367 (uncodified) to read as follows:

**FOR THE TRANSPORTATION IMPROVEMENT BOARD--CAPITAL**  
Highway Safety Account--State Appropriation.....\$3,500,000

The appropriation in this section is subject to the following conditions and limitations:

(1) \$3,150,000 of the highway safety account--state appropriation is provided solely for the urban arterial program to help cities meet urgent preservation and storm water needs.

(2) \$350,000 of the highway safety account--state appropriation is provided solely for the small city pavement program to help cities meet urgent preservation and storm water needs.

**NEW SECTION. Sec. 705.** A new section is added to 2011 c 367 (uncodified) to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION--IMPROVEMENTS--PROGRAM I**  
Motor Vehicle Account--State Appropriation .....\$8,303,000

The appropriation in this section is subject to the following conditions and limitations: The appropriation in this section is provided solely to advance the design, preliminary engineering, and rights-of-way acquisition for the priority projects identified in LEAP Transportation Document 2012-3 as developed March 8, 2012. Funds must be used to advance the emergent, initial development of these projects for the purpose of expediting delivery of the associated major investments when funding for such investments becomes available. Funding may be reallocated between projects to maximize the accomplishment of design and preliminary engineering work and rights-of-way acquisition, provided that all projects are addressed. It is the intent of the legislature that, while seeking to maximize the outcomes in this section, the department shall provide for continuity of both the state and consulting engineer workforce, while strategically utilizing private sector involvement to ensure consistency with the department's business plan for staffing in the highway construction program in the current and next biennium.

**NEW SECTION. Sec. 706.** A new section is added to 2011 c 367 (uncodified) to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION--HIGHWAY MAINTENANCE--PROGRAM M**  
Highway Safety Account--State Appropriation.....\$3,500,000

The appropriation in this section is subject to the following conditions and limitations: The appropriation in this section is provided solely to further reduce the highway maintenance backlog in order to maintain or increase levels of service.

**NEW SECTION. Sec. 707.** A new section is added to 2011 c 367 (uncodified) to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION--PRESERVATION--PROGRAM P**  
Highway Safety Account--State Appropriation.....\$3,500,000

The appropriation in this section is subject to the following conditions and limitations: The appropriation in this section is provided solely for urgent preservation needs on the state highway system.

**NEW SECTION. Sec. 708.** A new section is added to 2011 c 367 (uncodified) to read as follows:

FOR THE STATE TREASURER: FOR DISTRIBUTION TO TRANSIT ENTITIES

Public Transportation Grant Program Account--State  
Appropriation .....\$9,000,000

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation in this section must be distributed statewide to transit authorities according to the distribution formula in subsection (2) of this section. Funding must be used for operations.

(2) Of the amounts provided in this section:

(a) One-third must be distributed based on vehicle miles of service provided;

(b) One-third must be distributed based on the number of vehicle hours of service provided; and

(c) One-third must be distributed based on the number of passenger trips.

(3) For the purposes of this section:

(a) "Transit authorities" has the same meaning as in RCW 9.91.025(2)(c).

(b) "Vehicle miles of service," "vehicle hours of service," and "passenger trips" are transit service metrics as reported by the public transportation program of the department of transportation in the annual report required in RCW 35.58.2796 for calendar year 2010.

**NEW SECTION. Sec. 709.** A new section is added to 2011 c 367 (uncodified) to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION--MARINE--PROGRAM X  
Highway Safety Account--State Appropriation.....\$7,000,000

The appropriation in this section is subject to the following conditions and limitations: The appropriation in this section is provided solely for the purchase of fuel for marine operations.

**NEW SECTION. Sec. 710.** A new section is added to 2011 c 367 (uncodified) to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION--WASHINGTON STATE FERRIES CONSTRUCTION--PROGRAM W  
Transportation 2003 Account

(Nickel Account)--State Appropriation.....\$130,000,000

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation in this section is provided solely for the purposes of constructing a ferry boat vessel with a carrying capacity of at least one hundred forty-four cars.

(2) The appropriation in this section includes up to \$130,000,000 in proceeds from the sale of bonds authorized in RCW 47.10.861.

**NEW SECTION. Sec. 711.** A new section is added to 2011 c 367 (uncodified) to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION--LOCAL PROGRAMS--PROGRAM Z--CAPITAL  
Highway Safety Account--State Appropriation.....\$3,000,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$750,000 of the highway safety account--state appropriation is provided solely to the freight mobility strategic investment board for grants to meet urgent freight corridor improvement and preservation needs, including advancing projects that are identified in LEAP Transportation Document 2012-1 ALL PROJECTS as developed March 8, 2012, and for other projects that meet the board's criteria.

(2) \$2,250,000 of the highway safety account--state appropriation is provided solely for safe routes to schools program projects, in rank order, and identified as contingency projects in the LEAP Transportation Document 2011-A, pedestrian and bicycle

safety program projects and safe routes to school program projects, referenced in chapter 367, Laws of 2011 (the omnibus transportation appropriations act).

**NEW SECTION. Sec. 712.** A new section is added to 2011 c 367 (uncodified) to read as follows:

FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR BOND SALES DISCOUNTS AND DEBT TO BE PAID BY MOTOR VEHICLE ACCOUNT AND TRANSPORTATION FUND REVENUE

Highway Bond Retirement Account--State Appropriation .....\$6,500,000

**NEW SECTION. Sec. 713.** A new section is added to 2011 c 367 (uncodified) to read as follows:

FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR BOND SALE EXPENSES AND FISCAL AGENT CHARGES

Transportation 2003 Account  
(Nickel Account)--State Appropriation.....\$58,000

**NEW SECTION. Sec. 714.** Sections 702 through 709 and 711 of this act take effect November 1, 2012.

**NEW SECTION. Sec. 715.** Sections 701, 710, 712, and 713 of this act take effect July 1, 2012.

**NEW SECTION. Sec. 716.** If chapter . . . (Engrossed Substitute Senate Bill No. 6150), Laws of 2012 is not enacted by June 30, 2012, the appropriations in sections 703, 704, 706, 707, 709, and 711(1) of this act are null and void.

**NEW SECTION. Sec. 717.** If chapter . . . (Engrossed Substitute Senate Bill No. 6455), Laws of 2012 is not enacted by June 30, 2012, the appropriations in sections 702, 705, 708, 710, 711(2), 712, and 713 of this act are null and void.

**MISCELLANEOUS 2011-2013 FISCAL BIENNIUM**

**NEW SECTION. Sec. 801.** A new section is added to chapter 47.76 RCW to read as follows:

Funds deemed by the department of transportation, in consultation with relevant port districts, to be in excess of current operating needs or capital reserves of the grain train program may be transferred from the miscellaneous program account to the essential rail assistance account created in RCW 47.76.250 for the purpose of sustaining the grain train program.

**Sec. 802.** RCW 43.19.642 and 2010 c 247 s 701 are each amended to read as follows:

(1) Effective June 1, 2006, for agencies complying with the ultra-low sulfur diesel mandate of the United States environmental protection agency for on-highway diesel fuel, agencies shall use biodiesel as an additive to ultra-low sulfur diesel for lubricity, provided that the use of a lubricity additive is warranted and that the use of biodiesel is comparable in performance and cost with other available lubricity additives. The amount of biodiesel added to the ultra-low sulfur diesel fuel shall be not less than two percent.

(2) Except as provided in subsection (5) of this section, effective June 1, 2009, state agencies are required to use a minimum of twenty percent biodiesel as compared to total volume of all diesel purchases made by the agencies for the operation of the agencies' diesel-powered vessels, vehicles, and construction equipment.

(3) All state agencies using biodiesel fuel shall, beginning on July 1, 2006, file biannual reports with the department of (~~general administration~~) enterprise services documenting the use of the fuel and a description of how any problems encountered were resolved.

(4) ((For the 2009-2011 fiscal biennium, all fuel purchased by the Washington state ferries at Harbor Island for the operation of the Washington state ferries diesel-powered vessels must be a minimum

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of five percent biodiesel blend so long as the per gallon price of diesel containing a five percent biodiesel blend level does not exceed the per gallon price of diesel by more than five percent. If the per gallon price of diesel containing a five percent biodiesel blend level exceeds the per gallon price of diesel by more than five percent, the requirements of this section do not apply to vessel fuel purchases by the Washington state ferries.

(5)) By December 1, 2009, the department of ((general administration)) enterprise services shall:

(a) Report to the legislature on the average true price differential for biodiesel by blend and location; and

(b) Examine alternative fuel procurement methods that work to address potential market barriers for in-state biodiesel producers and report these findings to the legislature.

(5) During the 2011-2013 fiscal biennium, the Washington state ferries is required to use a minimum of five percent biodiesel as compared to total volume of all diesel purchased made by the Washington state ferries for the operation of the Washington state ferries diesel-powered vessels, as long as the price of a B5 biodiesel blend does not exceed the price of conventional diesel fuel by five percent or more.

**Sec. 803.** RCW 46.12.630 and 2011 c 171 s 37 are each amended to read as follows:

In addition to any other authority which it may have, the department of licensing may furnish lists of registered and legal owners of motor vehicles only for the purposes specified in this section to:

(1) The manufacturers of motor vehicles, or their authorized agents, to be used;

(a) To enable those manufacturers to carry out the provisions of the national traffic and motor vehicle safety act of 1966 (15 U.S.C. Sec. 1382-1418), including amendments or additions thereto, respecting safety-related defects in motor vehicles; or

(b) During the 2011-2013 fiscal biennium, in research activities, and in producing statistical reports, as long as the personal information is not published, redisclosed, or used to contact individuals;

(2) Any governmental agency of the United States or Canada, or political subdivisions thereof, to be used by it or by its authorized commercial agents or contractors only in connection with the enforcement of motor vehicle or traffic laws by, or programs related to traffic safety of, that government agency. Only such parts of the list as are required for completion of the work required of the agent or contractor shall be provided to such agent or contractor;

(3) A commercial parking company requiring the names and addresses of registered owners to notify them of outstanding parking violations. Subject to the disclosure agreement provisions of RCW 46.12.635 and the requirements of Executive Order 97-01, the department may provide only the parts of the list that are required for completion of the work required of the company;

(4) An authorized agent or contractor of the department, to be used only in connection with providing motor vehicle excise tax, licensing, title, and registration information to motor vehicle dealers;

(5) Any business regularly making loans to other persons to finance the purchase of motor vehicles, to be used to assist the person requesting the list to determine ownership of specific vehicles for the purpose of determining whether or not to provide such financing; or

(6) A company or its agents operating a toll facility under chapter 47.46 RCW or other applicable authority requiring the names, addresses, and vehicle information of motor vehicle registered owners to identify toll violators.

Where both a mailing address and residence address are recorded on the vehicle record and are different, only the mailing

address will be disclosed. Both addresses will be disclosed in response to requests for disclosure from courts, law enforcement agencies, or government entities with enforcement, investigative, or taxing authority and only for use in the normal course of conducting their business.

If a list of registered and legal owners of motor vehicles is used for any purpose other than that authorized in this section, the manufacturer, governmental agency, commercial parking company, authorized agent, contractor, financial institution, toll facility operator, or their authorized agents or contractors responsible for the unauthorized disclosure or use will be denied further access to such information by the department of licensing.

**Sec. 804.** RCW 46.44.0915 and 2011 c 115 s 1 are each amended to read as follows:

(1)(a) Except as provided in (b) of this subsection, the department of transportation, with respect to state highways maintained within port district property, may, at the request of a port commission, make and enter into agreements with port districts and adjacent jurisdictions or agencies of the districts, for the purpose of identifying, managing, and maintaining short heavy haul industrial corridors within port district property for the movement of overweight sealed containers used in international trade.

(b) The department of transportation shall designate that portion of state route number 97 from the Canadian border to milepost 331.12 as a heavy haul industrial corridor for the movement of overweight vehicles to and from the Oroville railhead. The department may issue special permits to vehicles operating in the heavy haul industrial corridor to carry weight in excess of weight limits established in RCW 46.44.041, but not to exceed a gross vehicle weight of 139,994 pounds.

(2) Except as provided in subsection (1)(b) of this section, the department may issue special permits to vehicles operating in a heavy haul industrial corridor to carry weight in excess of weight limits established in RCW 46.44.041. However, the excess weight on a single axle, tandem axle, or any axle group must not exceed that allowed by RCW 46.44.091 (1) and (2), weight per tire must not exceed six hundred pounds per inch width of tire, and gross vehicle weight must not exceed one hundred five thousand five hundred pounds.

(3) The entity operating or hiring vehicles under subsection (1)(b) of this section or moving overweight sealed containers used in international trade must pay a fee for each special permit of one hundred dollars per month or one thousand dollars annually, beginning from the date of issue, for all movements under the special permit made on state highways within a heavy haul industrial corridor. Within a port district property, under no circumstances are the for hire carriers or rail customers responsible for the purchase or cost of the permits. All funds collected, except the amount retained by authorized agents of the department under RCW 46.44.096, must be forwarded to the state treasurer and deposited in the motor vehicle fund.

(4) For purposes of this section, an overweight sealed container used in international trade, including its contents, is considered nondivisible when transported within a heavy haul industrial corridor defined by the department.

(5) Any agreement entered into by the department as authorized under this section with a port district adjacent to Puget Sound and located within a county that has a population of more than seven hundred thousand, but less than one million, must limit the applicability of any established heavy haul corridor to that portion of state route no. 509 beginning at milepost 0.25 in the vicinity of East 'D' Street and ending at milepost 3.88 in the vicinity of Taylor Way. For the 2011-2013 fiscal biennium, the limit for any established heavy haul corridor established pursuant to this subsection (5) must be within that portion of state route number 509 beginning at

milepost 0.25 in the vicinity of East 'D' Street and ending at milepost 5.7 in the vicinity of Norpoint Way Northeast.

(6) The department of transportation may adopt reasonable rules to implement this section.

**NEW SECTION. Sec. 805.** A new section is added to chapter 72.09 RCW to read as follows:

Prior to connection of the Washington correction center in Shelton to the city water system and consistent with Article II, section 40 of the state Constitution, the department must reimburse the state patrol highway account created in RCW 46.68.030 for any expenses incurred by the Washington state patrol for the department's share of the cost to construct a water line to the Washington state patrol's Shelton academy as identified in this act.

**NEW SECTION. Sec. 806.** If funding is provided in the 2012 supplemental omnibus capital appropriations act for more than \$2,047,000, for the purposes of constructing a water line to the Washington state patrol's Shelton academy, section 805 of this act is null and void.

**MISCELLANEOUS**

**NEW SECTION. Sec. 901.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

**NEW SECTION. Sec. 902.** Except for sections 701 through 713, 805, and 806 of this act, this act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately.

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On page 1, beginning on line 2 of the title, strike the remainder of the title and insert "amending RCW 43.19.642, 46.12.630, and 46.44.0915; amending 2011 c 367 ss 101, 103, 105, 106, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 401, 402, 403, 404, 405, 406, 407, 502, 503, 505, 603, and 608 (uncodified); adding a new section to chapter 47.76 RCW; adding a new section to chapter 72.09 RCW; adding new sections to 2011 c 367 (uncodified); creating new sections; repealing 2011 1st sp.s. c 50 ss 718, 719, 720, and 721 (uncodified); making appropriations and authorizing expenditures for capital improvements; providing effective dates; and declaring an emergency."

On page 52, line 25, strike "\$790,068,000" and insert "\$790,703,000"

On page 53, line 2, strike "\$4,829,368,000" and insert "4,830,003,000"

On page 61, after line 22, insert the following:

"(d) Within the amounts provided for this project, funding is provided solely for tolling equipment, such as gantries, barriers, or cameras, on Interstate 405, consistent with chapter 369, Laws of 2011. The department shall place amounts for tolling equipment into unallotted status until the traffic and revenue analysis required in RCW 47.56.886 is submitted to the governor and the legislature. Once the report has been submitted, the office of financial management may approve the allotment of funds for tolling equipment only after consultation with the joint transportation committee."

On page 66, line 22, strike "\$119,000,000" and insert "\$119,928,000"

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And the bill do pass as recommended by the conference committee.

Signed by Senators Eide, Haugen and King; Representatives Armstrong, Billig and Clibborn.

MOTION

Senator Haugen moved that the Report of the Conference Committee on Engrossed Substitute House Bill No. 2190 be adopted.

Senators Haugen and King spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Haugen that the Report of the Conference Committee on Engrossed Substitute House Bill No. 2190 be adopted.

The motion by Senator Haugen carried and the Report of the Conference Committee was adopted by voice vote.

The President declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 2190, as recommended by the Conference Committee.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 2190, as recommended by the Conference Committee, and the bill passed the Senate by the following vote: Yeas, 43; Nays, 6; Absent, 0; Excused, 0.

Voting yea: Senators Baumgartner, Becker, Brown, Carrell, Chase, Conway, Delvin, Eide, Fain, Fraser, Frockt, Hargrove, Harper, Hatfield, Haugen, Hewitt, Hobbs, Honeyford, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles, Litzow, McAuliffe, Morton, Murray, Nelson, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rolfes, Schoesler, Sheldon, Shin, Swecker, Tom and Zarelli

Voting nay: Senators Benton, Ericksen, Hill, Holmquist Newbry, Padden and Stevens

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2190, as recommended by the Conference Committee, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SIGNED BY THE PRESIDENT

The President signed:

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5539,  
SENATE BILL NO. 5950,  
SUBSTITUTE SENATE BILL NO. 6073.

MOTION

On motion of Senator Eide, Engrossed Substitute House Bill No. 2190 was immediately transmitted to the House of Representatives.

MOTION

At 10:58 p.m., on motion of Senator Eide, the Senate was declared to be at ease subject to the call of the President.

The Senate was called to order at 11:23 p.m. by President Owen.

MESSAGE FROM THE HOUSE

MR. PRESIDENT:

The Speaker has signed:

SECOND SUBSTITUTE SENATE BILL NO. 5355,  
SUBSTITUTE SENATE BILL NO. 5766,  
SUBSTITUTE SENATE BILL NO. 6135,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 6150,  
SENATE BILL NO. 6159,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 6383,  
SUBSTITUTE SENATE BILL NO. 6494,  
SUBSTITUTE SENATE BILL NO. 6600.

and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MESSAGE FROM THE HOUSE

March 8, 2012

MR. PRESIDENT:

The Speaker has signed:

ENGROSSED HOUSE BILL NO. 1398,  
SUBSTITUTE HOUSE BILL NO. 2139,  
SUBSTITUTE HOUSE BILL NO. 2149,  
SUBSTITUTE HOUSE BILL NO. 2357,  
SECOND SUBSTITUTE HOUSE BILL NO. 2443,  
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2483,  
ENGROSSED HOUSE BILL NO. 2509,  
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2536,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2571,  
HOUSE BILL NO. 2803.

and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MESSAGE FROM THE HOUSE

March 8, 2012

MR. PRESIDENT:

The House receded from its amendment to ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6284 and passed the bill without the House amendment.  
and the same is herewith transmitted.

BARBARA BAKER, Chief Clerk

MESSAGE FROM THE HOUSE

March 8, 2012

MR. PRESIDENT:

The House concurred in the Senate amendment to ENGROSSED HOUSE BILL NO. 2262 and passed the bill as amended by the Senate.  
and the same is herewith transmitted.

BARBARA BAKER, Chief Clerk

MESSAGE FROM THE HOUSE

March 8, 2012

MR. PRESIDENT:

The House passed SUBSTITUTE SENATE BILL NO. 6277 with the following amendment(s): 6277-S AMH HUNT PETE 026; 6277-S AMH LAND OLSE 040; 6277-S AMH DARN H4699.1

On page 1, line 11, strike "and counties"

On page 1, line 13, strike "or county"

On page 2, line 4, after "affordable housing." insert "It is an additional purpose of this chapter to allow certain counties to stimulate housing opportunities near college campuses to promote dense, transit-oriented, walkable college communities."

On page 7, line 5, after "(1)(a)(ii)(B)" insert ". For any multi-unit housing located in an unincorporated area of a county, a property owner seeking tax incentives under this chapter must commit to renting or selling at least twenty percent of the multi-family housing units as affordable housing units to low-and moderate-income households. In the case of multi-unit housing intended exclusively for owner occupancy, the minimum requirement of this subsection (6) may be satisfied solely through housing affordable to moderate-income households"

On page 4, beginning on line 3, after "plan." strike all material through "RCW 36.70A.110." on line 6

On page 4, line 17, after "systems;" strike "~~((and))~~" and insert "and"

On page 4, beginning on line 20, after "use" strike all material through "section" on line 24

On page 5, line 32, after "available;" strike "and" and insert "~~((and))~~"

On page 5, line 36, after "chapter" insert "; and

(d) If the residential targeted area is designated by a county, the area must be located in an unincorporated area of the county that is within an urban growth area under RCW 36.70A.110 and the area must include a campus of an institution of higher education, as defined in RCW 28B.92.030, where at least one thousand two hundred students live on campus during the academic year"

On page 8, line 16, after "plan" strike all material through "(d)" and insert ", except as provided in RCW 84.14.040(1)(d)" and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

#### MOTION

Senator Conway moved that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 6277.

Senator Conway spoke in favor of the motion.

#### MOTION

On motion of Senator Harper, Senators Haugen and Hobbs were excused.

The President declared the question before the Senate to be the motion by Senator Conway that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 6277.

The motion by Senator Conway carried and the Senate concurred in the House amendment(s) to Substitute Senate Bill No. 6277 by voice vote.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6277, as amended by the House.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6277, as amended by the House, and the bill

passed the Senate by the following vote: Yeas, 42; Nays, 6; Absent, 0; Excused, 1.

Voting yea: Senators Baumgartner, Becker, Brown, Carrell, Chase, Conway, Delvin, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hatfield, Hewitt, Hill, Hobbs, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles, Litzow, McAuliffe, Morton, Murray, Nelson, Padden, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rolfes, Sheldon, Shin, Swecker, Tom and Zarelli

Voting nay: Senators Benton, Holmquist Newbry, Honeyford, Parlette, Schoesler and Stevens

Excused: Senator Haugen

SUBSTITUTE SENATE BILL NO. 6277, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### STATEMENT FOR THE JOURNAL

I support Substitute Senate Bill No. 6277 and accidentally voted 'No'.

SENATOR PARLETTE, 12<sup>TH</sup> Legislative District

#### SIGNED BY THE PRESIDENT

The President signed:

ENGROSSED HOUSE BILL NO. 1398,  
SUBSTITUTE HOUSE BILL NO. 2139,  
SUBSTITUTE HOUSE BILL NO. 2149,  
SUBSTITUTE HOUSE BILL NO. 2357,  
SECOND SUBSTITUTE HOUSE BILL NO. 2443,  
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2483,  
ENGROSSED HOUSE BILL NO. 2509,  
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2536,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2571,  
HOUSE BILL NO. 2803.

Senator Prentice assumed the chair.

#### MOTION

On motion of Senator Eide, the Senate advanced to the sixth order of business.

#### SECOND READING

SENATE CONCURRENT RESOLUTION NO. 8410, by Senators Brown and Hewitt

Returning bills to their house of origin.

The measure was read the second time.

#### MOTION

On motion of Senator Eide, the rules were suspended, Senate Concurrent Resolution No. 8410 was advanced to third reading, the second reading considered the third and the resolution was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the final passage of Senate Concurrent Resolution No. 8410.

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SENATE CONCURRENT RESOLUTION NO. 8410 was adopted on third reading by voice vote.

SECOND READING

SENATE CONCURRENT RESOLUTION NO. 8411, by Senators Brown and Hewitt

Adjourning SINE DIE.

The measure was read the second time.

MOTION

On motion of Senator Eide, the rules were suspended, Senate Concurrent Resolution No. 8411 was advanced to third reading, the second reading considered the third and the resolution was placed on final passage.

The President Pro Tempore declared the question before the senate to be the final passage of Senate Concurrent Resolution No. 8411.

SENATE CONCURRENT RESOLUTION NO. 8411 was adopted on third reading by voice vote.

MOTION

On motion of Senator Eide, the Senate advanced to the eighth order of business.

MOTION

Senator Eide moved adoption of the following resolution:

SENATE RESOLUTION  
8706

By Senators Brown and Hewitt

WHEREAS, The 2012 Regular Session of the Sixty-second Legislature is drawing to a close; and

WHEREAS, It is necessary to provide for the completion of the work of the Senate after its adjournment and during the interim period between the close of the 2012 Regular Session of the Sixty-second Legislature and the convening of the next regular session; and

WHEREAS, The state is experiencing extreme budget pressures and the Senate desires to promote efficiencies and savings within its own internal budget by maintaining certain travel, salary, hiring, contract, and expenditure controls and limitations throughout the fiscal year;

NOW, THEREFORE, BE IT RESOLVED, That the Senate Facilities and Operations Committee shall have full authority and direction over the authorization and execution of any contracts or subcontracts that necessitate the expenditure of Senate appropriations, subject to all applicable budget controls and limitations; and

BE IT FURTHER RESOLVED, That the Senate Facilities and Operations Committee may, as they deem appropriate, authorize travel for which members and staff may receive therefor their actual necessary expenses, and such per diem as may be authorized by law, subject to all applicable budget controls and limitations, to be paid upon receipt of their vouchers out of funds appropriated for legislative expenses; and

BE IT FURTHER RESOLVED, That the Secretary of the Senate and the Senate Facilities and Operations Committee be, and they hereby are, authorized to retain such employees as they may deem necessary and that said employees be allowed such rate of pay therefor, subject to all applicable budget controls and limitations, as the Secretary of the Senate and the Senate Facilities and Operations Committee shall deem proper; and

BE IT FURTHER RESOLVED, That the Secretary of the Senate be, and he or she hereby is, authorized and directed to make out and execute the necessary vouchers upon which warrants for legislative expenses and expenditures shall be drawn from funds provided therefor; and

BE IT FURTHER RESOLVED, That the Secretary of the Senate and the Facilities and Operations Committee be, and they hereby are, authorized to approve written requests by standing committees to meet during the interim period; and

BE IT FURTHER RESOLVED, That the Secretary of the Senate be, and hereby is, authorized and directed to have printed a copy of the Senate Journals of the 2012 Regular Session of the Sixty-second Legislature; and

BE IT FURTHER RESOLVED, That the Rules Committee is authorized to assign subject matters to standing committees for study during the interim, and the Majority Leader is authorized to create special committees as may be necessary to carry out the functions of the Senate in an orderly manner and appoint members thereto with the approval of the Facilities and Operations Committee; and

BE IT FURTHER RESOLVED, That the Secretary of the Senate is authorized to express the sympathy of the Senate by sending flowers or memorials in the event of a bereavement in the legislative "family"; and

BE IT FURTHER RESOLVED, That such use of the Senate facilities is permitted upon such terms as the Secretary of the Senate shall deem proper.

The President Pro Tempore declared the question before the Senate to be the adoption of Senate Resolution No. 8706.

The motion by Senator Eide carried and the resolution was adopted by voice vote.

MOTION

On motion of Senator Eide and without objection, all measures remaining on the second and third reading calendars and those that are held at the desk were referred to the Committee on Rules.

MOTION

On motion of Senator Eide, the reading of the Journal for the 60<sup>th</sup> day of the Regular Session of the 62<sup>nd</sup> Legislature was dispensed with and it was approved.

MOTION

On motion of Senator Eide, the Senate reverted to the fourth order of business.

MESSAGE FROM THE HOUSE

March 8, 2012

MR. PRESIDENT:

The House has adopted:

SENATE CONCURRENT RESOLUTION NO. 8410,

SENATE CONCURRENT RESOLUTION NO. 8411.

and the same are herewith transmitted.



BARBARA BAKER, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:  
SENATE CONCURRENT RESOLUTION NO. 8410,  
SENATE CONCURRENT RESOLUTION NO. 8411.

SIGNED BY THE PRESIDENT

The President signed:  
SUBSTITUTE SENATE BILL NO. 6277,  
ENGROSSED SECOND SUBSTITUTE SENATE BILL  
NO. 6284,  
SUBSTITUTE SENATE BILL NO. 6492,

MESSAGE FROM THE HOUSE

March 8, 2012

MR. PRESIDENT:  
The Speaker has signed:  
ENGROSSED SECOND SUBSTITUTE SENATE BILL  
NO. 5539,  
SENATE BILL NO. 5950,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5978,  
SUBSTITUTE SENATE BILL NO. 6073,  
SUBSTITUTE SENATE BILL NO. 6277,  
ENGROSSED SECOND SUBSTITUTE SENATE BILL  
NO. 6284,  
SUBSTITUTE SENATE BILL NO. 6492,  
SENATE CONCURRENT RESOLUTION NO. 8410,  
SENATE CONCURRENT RESOLUTION NO. 8411  
and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MESSAGE FROM THE HOUSE

March 8, 2012

MR. PRESIDENT:  
The House has adopted the report of the Conference Committee  
on ENGROSSED SUBSTITUTE HOUSE BILL NO. 2190 and  
has passed the bill as recommended by the Conference  
Committee.  
and the same is herewith transmitted.

BARBARA BAKER, Chief Clerk

MESSAGE FROM THE HOUSE

March 8, 2012

MR. PRESIDENT:  
The Speaker has signed:  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2190,  
ENGROSSED HOUSE BILL NO. 2262,  
ENGROSSED HOUSE BILL NO. 2660.  
and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2190,  
ENGROSSED HOUSE BILL NO. 2262,  
ENGROSSED HOUSE BILL NO. 2660.

MESSAGE FROM THE HOUSE

March 8, 2012

MR. PRESIDENT:  
Under the provisions of SENATE CONCURRENT  
RESOLUTION NO. 8410, the following Senate bills are returned  
to the Senate:  
SUBSTITUTE SENATE BILL NO. 5069,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5154,  
SUBSTITUTE SENATE BILL NO. 5190,  
SUBSTITUTE SENATE BILL NO. 5197,  
ENGROSSED SECOND SUBSTITUTE SENATE BILL  
NO. 5250,  
SECOND SUBSTITUTE SENATE BILL NO. 5251,  
ENGROSSED SECOND SUBSTITUTE SENATE BILL  
NO. 5366,  
SENATE BILL NO. 5401,  
SENATE BILL NO. 5404,  
SECOND SUBSTITUTE SENATE BILL NO. 5553,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5556,  
SECOND SUBSTITUTE SENATE BILL NO. 5576,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5697,  
ENGROSSED SECOND SUBSTITUTE SENATE BILL  
NO. 5730,  
SECOND ENGROSSED SENATE BILL NO. 5873,  
SUBSTITUTE SENATE BILL NO. 5977,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5990,  
SUBSTITUTE SENATE BILL NO. 5996,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 6009,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 6010,  
ENGROSSED SECOND SUBSTITUTE SENATE BILL  
NO. 6023,  
SUBSTITUTE SENATE BILL NO. 6025,  
SUBSTITUTE SENATE BILL NO. 6027,  
SUBSTITUTE SENATE BILL NO. 6056,  
SUBSTITUTE SENATE BILL NO. 6068,  
SUBSTITUTE SENATE BILL NO. 6070,  
SUBSTITUTE SENATE BILL NO. 6075,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 6078,  
SENATE BILL NO. 6079,  
SUBSTITUTE SENATE BILL NO. 6088,  
SENATE BILL NO. 6109,  
SECOND SUBSTITUTE SENATE BILL NO. 6120,  
SUBSTITUTE SENATE BILL NO. 6123,  
SUBSTITUTE SENATE BILL NO. 6142,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 6147,  
ENGROSSED SENATE BILL NO. 6162,  
SECOND SUBSTITUTE SENATE BILL NO. 6165,  
SUBSTITUTE SENATE BILL NO. 6169,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 6170,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 6180,  
SUBSTITUTE SENATE BILL NO. 6197,  
ENGROSSED SECOND SUBSTITUTE SENATE BILL  
NO. 6204,  
ENGROSSED SECOND SUBSTITUTE SENATE BILL  
NO. 6211,  
SUBSTITUTE SENATE BILL NO. 6216,  
ENGROSSED SENATE BILL NO. 6217,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 6227,

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ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6232,  
 SENATE BILL NO. 6250,  
 ENGROSSED SUBSTITUTE SENATE BILL NO. 6260,  
 ENGROSSED SUBSTITUTE SENATE BILL NO. 6280,  
 ENGROSSED SUBSTITUTE SENATE BILL NO. 6312,  
 SENATE BILL NO. 6324,  
 SENATE BILL NO. 6340,  
 ENGROSSED SUBSTITUTE SENATE BILL NO. 6345,  
 SENATE BILL NO. 6349,  
 SENATE BILL NO. 6350,  
 ENGROSSED SUBSTITUTE SENATE BILL NO. 6356,  
 SUBSTITUTE SENATE BILL NO. 6365,  
 ENGROSSED SENATE BILL NO. 6378,  
 ENGROSSED SUBSTITUTE SENATE BILL NO. 6392,  
 ENGROSSED SUBSTITUTE SENATE BILL NO. 6406,  
 SUBSTITUTE SENATE BILL NO. 6407,  
 SENATE BILL NO. 6440,  
 ENGROSSED SUBSTITUTE SENATE BILL NO. 6462,  
 ENGROSSED SUBSTITUTE SENATE BILL NO. 6477,  
 SENATE BILL NO. 6498,  
 SUBSTITUTE SENATE BILL NO. 6507,  
 ENGROSSED SUBSTITUTE SENATE BILL NO. 6512,  
 SENATE BILL NO. 6523,  
 SENATE BILL NO. 6571,  
 ENGROSSED SUBSTITUTE SENATE BILL NO. 6582,  
 ENGROSSED SENATE BILL NO. 6589,  
 SUBSTITUTE SENATE BILL NO. 6598,  
 ENGROSSED SUBSTITUTE SENATE BILL NO. 6607,  
 SENATE BILL NO. 6615,  
 SENATE BILL NO. 6616,  
 ENGROSSED SENATE JOINT RESOLUTION NO. 8221,  
 ENGROSSED SENATE JOINT RESOLUTION NO. 8222,  
 and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

Under the provisions of SENATE CONCURRENT RESOLUTION NO. 8410, the following House Bills were returned to the House of Representatives:  
 ENGROSSED HOUSE BILL NO. 1050,  
 HOUSE BILL NO. 1221,  
 SUBSTITUTE HOUSE BILL NO. 1259,  
 HOUSE BILL NO. 1327,  
 SUBSTITUTE HOUSE BILL NO. 1349,  
 SUBSTITUTE HOUSE BILL NO. 1615,  
 SUBSTITUTE HOUSE BILL NO. 1650,  
 SUBSTITUTE HOUSE BILL NO. 1699,  
 HOUSE BILL NO. 2232,  
 HOUSE BILL NO. 2275,  
 HOUSE BILL NO. 2280,  
 HOUSE BILL NO. 2283,  
 HOUSE BILL NO. 2285,  
 SUBSTITUTE HOUSE BILL NO. 2296,  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2330,  
 SUBSTITUTE HOUSE BILL NO. 2375,  
 SUBSTITUTE HOUSE BILL NO. 2395,  
 HOUSE BILL NO. 2396,  
 HOUSE BILL NO. 2400,  
 SUBSTITUTE HOUSE BILL NO. 2439,  
 ENGROSSED HOUSE BILL NO. 2449,  
 ENGROSSED HOUSE BILL NO. 2457,  
 HOUSE BILL NO. 2474,

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2501,  
 ENGROSSED HOUSE BILL NO. 2513,  
 SUBSTITUTE HOUSE BILL NO. 2601,  
 SUBSTITUTE HOUSE BILL NO. 2603,  
 SUBSTITUTE HOUSE BILL NO. 2608,  
 HOUSE BILL NO. 2639,  
 HOUSE BILL NO. 2643,  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2669,  
 HOUSE BILL NO. 2697,  
 HOUSE BILL NO. 2698,  
 SUBSTITUTE HOUSE BILL NO. 2736.

MOTION

Under the provisions of SENATE CONCURRENT RESOLUTION NO. 8410, the following House Bills were returned to the House of Representatives:  
 SUBSTITUTE HOUSE BILL NO. 1081,  
 HOUSE BILL NO. 1207,  
 SUBSTITUTE HOUSE BILL NO. 1217,  
 SUBSTITUTE HOUSE BILL NO. 1470,  
 SUBSTITUTE HOUSE BILL NO. 1518,  
 HOUSE BILL NO. 1669,  
 SUBSTITUTE HOUSE BILL NO. 1753,  
 HOUSE BILL NO. 1833,  
 SUBSTITUTE HOUSE BILL NO. 1852,  
 SUBSTITUTE HOUSE BILL NO. 2010,  
 SUBSTITUTE HOUSE BILL NO. 2196,  
 ENGROSSED HOUSE BILL NO. 2205,  
 SUBSTITUTE HOUSE BILL NO. 2218,  
 HOUSE BILL NO. 2219,  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2228,  
 SUBSTITUTE HOUSE BILL NO. 2234,  
 HOUSE BILL NO. 2235,  
 HOUSE BILL NO. 2240,  
 HOUSE BILL NO. 2242,  
 ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2253,  
 HOUSE BILL NO. 2256,  
 SUBSTITUTE HOUSE BILL NO. 2272,  
 HOUSE BILL NO. 2287,  
 HOUSE BILL NO. 2339,  
 HOUSE BILL NO. 2343,  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2344,  
 ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2365,  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2372,  
 HOUSE BILL NO. 2401,  
 SUBSTITUTE HOUSE BILL NO. 2407,  
 SUBSTITUTE HOUSE BILL NO. 2416,  
 ENGROSSED HOUSE BILL NO. 2417,  
 SUBSTITUTE HOUSE BILL NO. 2421,  
 HOUSE BILL NO. 2441,  
 HOUSE BILL NO. 2442,  
 HOUSE BILL NO. 2476,  
 HOUSE BILL NO. 2488,  
 SUBSTITUTE HOUSE BILL NO. 2491,  
 SUBSTITUTE HOUSE BILL NO. 2503,  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2510,  
 SUBSTITUTE HOUSE BILL NO. 2512,  
 HOUSE BILL NO. 2524,  
 ENGROSSED HOUSE BILL NO. 2558,  
 HOUSE BILL NO. 2566,  
 SUBSTITUTE HOUSE BILL NO. 2578,  
 SUBSTITUTE HOUSE BILL NO. 2590,

HOUSE BILL NO. 2595,  
 SUBSTITUTE HOUSE BILL NO. 2605,  
 SUBSTITUTE HOUSE BILL NO. 2607,  
 SUBSTITUTE HOUSE BILL NO. 2615,  
 HOUSE BILL NO. 2624,  
 SUBSTITUTE HOUSE BILL NO. 2658,  
 SUBSTITUTE HOUSE BILL NO. 2668,  
 SECOND SUBSTITUTE HOUSE BILL NO. 2717,  
 HOUSE BILL NO. 2735,  
 SUBSTITUTE HOUSE BILL NO. 2748.

BRAD OWEN, President of the Senate

THOMAS HOEMANN, Secretary of the Senate

MOTION

Under the provisions of SENATE CONCURRENT RESOLUTION NO. 8410, the following House Bills were returned to the House of Representatives:

SECOND ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1144,

SUBSTITUTE HOUSE BILL NO. 1253,  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1256,  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1508,  
 SUBSTITUTE HOUSE BILL NO. 1556,  
 SUBSTITUTE HOUSE BILL NO. 1568,  
 SUBSTITUTE HOUSE BILL NO. 1865,  
 ENGROSSED HOUSE BILL NO. 1900,  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2127,  
 SECOND SUBSTITUTE HOUSE BILL NO. 2170,  
 SUBSTITUTE HOUSE BILL NO. 2176,  
 HOUSE BILL NO. 2179,  
 SECOND SUBSTITUTE HOUSE BILL NO. 2211,  
 HOUSE BILL NO. 2257,  
 ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO.

2265,

SUBSTITUTE HOUSE BILL NO. 2270,  
 SECOND SUBSTITUTE HOUSE BILL NO. 2289,  
 HOUSE BILL NO. 2292,  
 SUBSTITUTE HOUSE BILL NO. 2297,  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2331,  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2335,  
 HOUSE BILL NO. 2353,  
 SUBSTITUTE HOUSE BILL NO. 2355,  
 ENGROSSED HOUSE BILL NO. 2368,  
 HOUSE BILL NO. 2370,  
 HOUSE BILL NO. 2405,  
 SUBSTITUTE HOUSE BILL NO. 2458,  
 HOUSE BILL NO. 2471,  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2553,  
 ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO.

2565,

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO.

2587,

ENGROSSED HOUSE BILL NO. 2602,  
 HOUSE BILL NO. 2604,  
 HOUSE BILL NO. 2610,  
 SUBSTITUTE HOUSE BILL NO. 2648,  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2650,  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2722,  
 HOUSE BILL NO. 2725,  
 SUBSTITUTE HOUSE BILL NO. 2733,  
 HOUSE BILL NO. 2738,  
 HOUSE BILL NO. 2741.

MOTION

At 12:06 a.m., on motion of Senator Eide, the 2012 Regular Session of the Sixty-Second Legislature adjourned SINE DIE.

**SENATE JOURNAL**  
**SIXTY-SECOND LEGISLATURE**  
**STATE OF WASHINGTON**  
**AT**  
**OLYMPIA, THE STATE CAPITOL**

*2012 First Special Session Convened March 12, 2012  
Adjourned Sine Die April 10, 2012*

Official Record of All Senate Actions Compiled, Edited and Indexed  
Pursuant to Article II, Section 11 of the Constitution of the State of  
Washington, by Thomas Hoemann, Secretary of the Senate



Linda Jansson,  
Minute and Journal Clerk

---

Lieutenant Governor Brad Owen, *President of the Senate*  
Senator Margarita Prentice, *President Pro Tempore*  
Senator Paull Shin, *Vice President Pro Tempore*

**SENATE CAUCUS OFFICERS**

**2012**

**DEMOCRATIC CAUCUS**

*Majority Leader*.....Lisa Brown  
*Majority Caucus Chair*.....Karen Fraser  
*Majority Floor Leader* .....Tracey J. Eide  
*Majority Whip* .....Nick Harper  
*Majority Assistant Floor Leader*.....David Frockt  
*Majority Caucus Vice Chair* .....Debbie Regala  
*Majority Assistant Whip* .....Kevin Ranker

**REPUBLICAN CAUCUS**

*Republican Leader*.....Mike Hewitt  
*Republican Caucus Chair* .....Linda Evans Parlette  
*Republican Floor Leader*.....Mark Schoesler  
*Republican Whip*.....Doug Ericksen  
*Republican Deputy Leader*.....Mike Carrell  
*Republican Caucus Vice Chair*.....Dan Swecker  
*Republican Deputy Floor Leader*.....Jim Honeyford  
*Republican Deputy Whip*.....Jerome Delvin

=====

*Secretary of the Senate* ..... Thomas Hoemann  
*Deputy Secretary* ..... Brad Hendrickson  
*Sergeant at Arms* ..... Jim Ruble  
*Minute and Journal Clerk* ..... Linda Jansson  
*Readers* ..... Kenneth Edmonds and Dave Whitmore

FIRST DAY

NOON SESSION

Senate Chamber, Olympia, Monday, March 12, 2012

The Senate was called to order at 12:00 noon by President Owen. No roll call was taken.

MOTION

On motion of Senator Regala, the Senate advanced to the third order of business.

MESSAGE FROM THE GOVERNOR

PROCLAMATION BY THE GOVERNOR  
12-03

WHEREAS, in accordance with Article II, Section 12 (Amendment 68) of the Washington State Constitution, the Legislature adjourned its 2012 regular session on March 8, 2012, the 60<sup>th</sup> day of the session; and

WHEREAS, work remains to be done with respect to the supplemental biennial operating and capital budgets; bills necessary to implement those budgets; revenue measures related to the supplemental operating budget; limitations on state debt; bonds to support the supplemental capital budget; local transportation revenues; and addressing the requirement to provide funding for a student achievement program; and

WHEREAS, the Speaker of the House, House Minority Leader, Senate Majority Leader, and Senate Republican Leader working together with the Governor may agree upon additional matters that are necessary for the Legislature to address;

NOW, THEREFORE, I, Christine O. Gregoire, Governor of the state of Washington, by virtue of the authority vested in me by Article II, Section 12 (Amendment 68) and Article III, Section 7 of the Washington State Constitution, do hereby convene the Washington State Legislature in Special Session in the Capitol at Olympia on Monday, March 12, 2012 at 12:00 noon for the purpose of enacting legislation as described above.

Signed and sealed with the official seal of the state of Washington this 9<sup>th</sup> day of March, A. D. Two-thousand and Twelve at Olympia, Washington

Seal

CHRISTINE O. GREGOIRE  
Governor of Washington

BY THE GOVERNOR  
SAM REED  
Secretary of State

MESSAGE FROM THE GOVERNOR  
GUBERNATORIAL APPOINTMENTS

March 6, 2012

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following reappointment, subject to your confirmation.

David Boerner, reappointed February 10, 2012, for the term ending August 2, 2013, as Member of the Sentencing Guidelines Commission.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Judiciary.

March 6, 2012

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

Chris Liu, appointed February 14, 2012, for the term ending September 30, 2012, as Member, Board of Trustees, Central Washington University.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Higher Education & Workforce Development.

March 6, 2012

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following reappointment, subject to your confirmation.

Lenell Nussbaum, reappointed February 10, 2012, for the term ending August 2, 2014, as Member of the Sentencing Guidelines Commission.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Judiciary.

March 6, 2012

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

Dan Rubin, appointed March 1, 2012, for the term ending January 19, 2016, as Member of the Board of Pharmacy.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Health & Long-Term Care.

March 6, 2012

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following reappointment, subject to your confirmation.

Daniel T. Satterberg, reappointed February 10, 2012, for the term ending August 2, 2013, as Member of the Sentencing Guidelines Commission.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Judiciary.

March 8, 2012

TO THE HONORABLE, THE SENATE OF THE STATE OF  
WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject  
to your confirmation.

Emma Zavala-Suarez, appointed March 1, 2012, for the term  
ending January 19, 2014, as Member of the Board of Pharmacy.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Health & Long-Term Care.

MOTION

On motion of Senator Regala, all appointees listed on the  
Gubernatorial Appointments report were referred to the  
committees as designated.

MOTION

At 12:01 p.m., on motion of Senator Regala, the Senate  
adjourned until 12:00 noon, Tuesday, March 13, 2012.

BRAD OWEN, President of the Senate

THOMAS HOEMANN, Secretary of the Senate

**SECOND DAY**

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NOON SESSION

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Senate Chamber, Olympia, Tuesday, March 13, 2012

The Senate was called to order at 12:00 noon by President Owen. No roll call was taken.

**MOTION**

On motion of Senator Frockt, the reading of the Journal of the previous day was dispensed with and it was approved.

**MOTION**

On motion of Senator Frockt, the Senate advanced to the third order of business.

**MESSAGE FROM THE GOVERNOR  
GUBERNATORIAL APPOINTMENTS**

March 12, 2012

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

Stephen J. Hunt, appointed March 6, 2012, for the term ending June 17, 2014, as Member of the Human Rights Commission.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Judiciary.

**MOTION**

On motion of Senator Frockt, the appointee listed on the Gubernatorial Appointment report was referred to the committee as designated.

**MOTION**

At 12:01 p.m., on motion of Senator Frockt, the Senate adjourned until 12:00 noon, Wednesday, March 14, 2012.

BRAD OWEN, President of the Senate

THOMAS HOEMANN, Secretary of the Senate



**THIRD DAY**


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 NOON SESSION
 

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Senate Chamber, Olympia, Wednesday, March 14, 2012

The Senate was called to order at 12:00 noon by President Owen. No roll call was taken.

## MOTION

On motion of Senator Frockt, the reading of the Journal of the previous day was dispensed with and it was approved.

## MOTION

On motion of Senator Frockt, the Senate advanced to the third order of business.

MESSAGE FROM THE GOVERNOR  
GUBERNATORIAL APPOINTMENTS

March 12, 2012

TO THE HONORABLE, THE SENATE OF THE STATE OF  
WASHINGTON  
Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

Sepi Soleimanpour, appointed March 1, 2012, for the term ending January 19, 2016, as Member of the Board of Pharmacy.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Health & Long-Term Care.

## MOTION

On motion of Senator Frockt, the appointee listed on the Gubernatorial Appointment report was referred to the committee as designated.

## MOTION

At 12:02 p.m., on motion of Senator Frockt, the Senate adjourned until 12:00 noon, Friday, March 16, 2012.

BRAD OWEN, President of the Senate

THOMAS HOEMANN, Secretary of the Senate

FIFTH DAY, MARCH 16, 2012

2012 1ST SPECIAL SESSION

**FIFTH DAY**

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**NOON SESSION**

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Senate Chamber, Olympia, Friday, March 16, 2012

The Senate was called to order at 12:00 noon by President Owen. No roll call was taken.

**MOTION**

On motion of Senator Frockt, the reading of the Journal of the previous day was dispensed with and it was approved.

**MOTION**

On motion of Senator Frockt, the Senate advanced to the third order of business.

**MESSAGE FROM THE GOVERNOR  
GUBERNATORIAL APPOINTMENTS**

March 15, 2012

**TO THE HONORABLE, THE SENATE OF THE STATE OF  
WASHINGTON**

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

Charles Adams, appointed September 29, 2009, for the term ending December 26, 2012, as Member of the Board of Pilotage Commissioners.

Sincerely,

**CHRISTINE O. GREGOIRE**, Governor

Referred to Committee on Transportation.

**MOTION**

On motion of Senator Frockt, the appointee listed on the Gubernatorial Appointment report was referred to the committee as designated.

**MOTION**

At 12:01 p.m., on motion of Senator Frockt, the Senate adjourned until 12:00 noon, Monday, March 19, 2012.

**BRAD OWEN**, President of the Senate**THOMAS HOEMANN**, Secretary of the Senate

**EIGHTH DAY**

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**NOON SESSION**

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Senate Chamber, Olympia, Monday, March 19, 2012

The Senate was called to order at 12:00 noon by President Owen. No roll call was taken.

**MOTION**

On motion of Senator Frockt, the reading of the Journal of the previous day was dispensed with and it was approved.

**MOTION**

At 12:01 p.m., on motion of Senator Frockt, the Senate adjourned until 12:00 noon, Wednesday, March 21, 2012.

BRAD OWEN, President of the Senate

THOMAS HOEMANN, Secretary of the Senate

TENTH DAY, MARCH 21, 2012

2012 1ST SPECIAL SESSION

## TENTH DAY

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NOON SESSION

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Senate Chamber, Olympia, Wednesday, March 21, 2012

The Senate was called to order at 12:00 noon by President Owen. No roll call was taken.

## MOTION

On motion of Senator Frockt, the reading of the Journal of the previous day was dispensed with and it was approved.

## MOTION

On motion of Senator Frockt, the Senate advanced to the fifth order of business.

## INTRODUCTION AND FIRST READING

SB 6630 by Senators Nelson, Kohl-Welles and Chase

AN ACT Relating to children's safe products; amending RCW 70.240.010; and adding new sections to chapter 70.240 RCW.

Referred to Committee on Environment.

SB 6631 by Senators McAuliffe, Kohl-Welles and Chase

AN ACT Relating to establishing a medical emergency response program for high schools; and adding a new section to chapter 28A.210 RCW.

Referred to Committee on Early Learning & K-12 Education.

SJM 8020 by Senators McAuliffe, Litzow, Carrell, Kohl-Welles, Chase and Roach

Promoting the use of the Eddie Eagle Gun Safety Program in preschools, early learning programs, and schools.

Referred to Committee on Early Learning & K-12 Education.

## MOTION

On motion of Senator Frockt, all measures listed on the Introduction and First Reading report were referred to the committees as designated.

## MOTION

At 12:01 p.m., on motion of Senator Frockt, the Senate adjourned until 12:00 noon, Friday, March 23, 2012.

BRAD OWEN, President of the Senate

THOMAS HOEMANN, Secretary of the Senate

## TWELFTH DAY

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NOON SESSION

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Senate Chamber, Olympia, Friday, March 23, 2012

The Senate was called to order at 12:00 noon by President Owen. No roll call was taken.

## MOTION

On motion of Senator Schoesler, the reading of the Journal of the previous day was dispensed with and it was approved.

## MOTION

On motion of Senator Schoesler, the Senate advanced to the fifth order of business.

## INTRODUCTION AND FIRST READING

SB 6632 by Senators Keiser, Frockt, Kline and Chase

AN ACT Relating to the disposition of the state's revenues from the tobacco litigation national master settlement agreement; amending RCW 43.79.487; reenacting and amending RCW 74.09.035; adding new sections to chapter 43.340 RCW; and providing for submission of this act to a vote of the people.

Referred to Committee on Ways & Means.

## MOTION

On motion of Senator Schoesler, the measure listed on the Introduction and First Reading report was referred to the committee as designated.

## MOTION

At 12:01 p.m., on motion of Senator Schoesler, the Senate adjourned until 12:00 noon, Monday, March 26, 2012.

BRAD OWEN, President of the Senate

THOMAS HOEMANN, Secretary of the Senate

## FIFTEENTH DAY

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**NOON SESSION**

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Senate Chamber, Olympia, Monday, March 26, 2012

The Senate was called to order at 12:00 noon by President Owen. No roll call was taken.

**MOTION**

On motion of Senator Eide, the reading of the Journal of the previous day was dispensed with and it was approved.

**MOTION**

On motion of Senator Eide, the Senate advanced to the third order of business.

**MESSAGE FROM THE GOVERNOR  
GUBERNATORIAL APPOINTMENTS**

March 22, 2012

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

Donald R. Mcquary, appointed March 22, 2012, for the term ending September 30, 2016, as Member, Board of Trustees, Community College District No. 20 (Walla Walla Community College).

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Higher Education & Workforce Development.

**MOTION**

On motion of Senator Eide, the appointee listed on the Gubernatorial Appointment report was referred to the committee as designated.

**MOTION**

At 12:01 p.m., on motion of Senator Eide, the Senate adjourned until 12:00 noon, Wednesday, March 28, 2012.

BRAD OWEN, President of the Senate

THOMAS HOEMANN, Secretary of the Senate

## SEVENTEENTH DAY

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NOON SESSION

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Senate Chamber, Olympia, Wednesday, March 28, 2012

The Senate was called to order at 12:00 noon by President Owen. No roll call was taken.

## MOTION

On motion of Senator Eide, the reading of the Journal of the previous day was dispensed with and it was approved.

## MOTION

On motion of Senator Eide, the Senate advanced to the third order of business.

MESSAGE FROM THE GOVERNOR  
GUBERNATORIAL APPOINTMENTS

March 27, 2012

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following reappointment, subject to your confirmation.

Robin Arnold-Williams, reappointed January 3, 2012, for the term ending at the governor's pleasure, as Secretary of the Department of Social and Health Services.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Human Services & Corrections.

March 27, 2012

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

John G. Stewart, appointed March 16, 2012, for the term ending December 26, 2012, as Member of the Board of Pilotage Commissioners.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Transportation.

## MOTION

On motion of Senator Eide, all appointees listed on the Gubernatorial Appointments report were referred to the committees as designated.

## MOTION

At 12:01 p.m., on motion of Senator Eide, the Senate adjourned until 12:00 noon, Friday, March 30, 2012.

BRAD OWEN, President of the Senate

THOMAS HOEMANN, Secretary of the Senate

NINETEENTH DAY, MARCH 30, 2012

2012 1ST SPECIAL SESSION

## NINETEENTH DAY

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NOON SESSION

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Senate Chamber, Olympia, Friday, March 30, 2012

The Senate was called to order at 12:00 noon by Senator Fraser. No roll call was taken.

## MOTION

On motion of Senator Schoesler, the reading of the Journal of the previous day was dispensed with and it was approved.

## MOTION

On motion of Senator Schoesler, the Senate advanced to the third order of business.

MESSAGE FROM THE GOVERNOR  
GUBERNATORIAL APPOINTMENTS

March 28, 2012

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

Anna C. Franz, appointed March 15, 2012, for the term ending September 30, 2015, as Member, Board of Trustees, Community College District No. 18 (Big Bend Community College).

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Higher Education & Workforce Development.

## MOTION

On motion of Senator Schoesler, the appointee listed on the Gubernatorial Appointment report was referred to the committee as designated.

## MOTION

At 12:04 p.m., on motion of Senator Schoesler, the Senate adjourned until 12:00 noon, Monday, April 2, 2012.

BRAD OWEN, President of the Senate

THOMAS HOEMANN, Secretary of the Senate



**TWENTY SECOND DAY**

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**NOON SESSION**

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Senate Chamber, Olympia, Monday, April 2, 2012

The Senate was called to order at 12:00 noon by Senator Eide.  
No roll call was taken.

**MOTION**

On motion of Senator Becker, the reading of the Journal of the previous day was dispensed with and it was approved.

**MOTION**

At 12:01 p.m., on motion of Senator Becker, the Senate adjourned until 12:00 noon, Wednesday, April 4, 2012.

BRAD OWEN, President of the Senate

THOMAS HOEMANN, Secretary of the Senate

TWENTY FOURTH DAY

NOON SESSION

Senate Chamber, Olympia, Wednesday, April 4, 2012

The Senate was called to order at 12:00 p.m. by the President Pro Tempore. No roll was taken.

MOTION

On motion of Senator Eide the reading of the Journal of the previous day was dispensed with and it was approved.

MOTION

On motion of Senator Eide, the Senate advanced to the fourth order of business.

MESSAGE FROM THE HOUSE

April 4, 2012

MR. PRESIDENT:

The House has adopted:

HOUSE CONCURRENT RESOLUTION NO. 4411, and the same is herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

On motion of Senator Eide, the Senate advanced to the fifth order of business.

INTRODUCTION AND FIRST READING

SB 6633 by Senators Fraser, Murray, Conway and Kohl-Welles

AN ACT Relating to local sales and use tax account deposits and distributions; and amending RCW 82.14.050.

Referred to Committee on Ways & Means.

SB 6634 by Senators Murray, Harper, Conway, Kline and Kohl-Welles

AN ACT Relating to language access providers; amending RCW 41.56.030, 41.56.510, and 74.04.025; creating new sections; and declaring an emergency.

Referred to Committee on Ways & Means.

ESB 6635 by Senators Murray and Kline

AN ACT Relating to improving revenue and budget sustainability by repealing, modifying, or revising tax preference and license fees; amending RCW 82.04.4292, 82.04.4266, 82.04.4268, 82.04.4269, 82.04.260, 82.08.986, 82.08.986, 82.12.986, 66.24.630, 82.29A.020, 82.04.214, and 82.04.260; adding a new section to chapter 82.04 RCW; creating new sections; providing an effective date; providing a contingent effective date; providing expiration dates; and declaring an emergency.

Referred to Committee on Ways & Means.

SB 6636 by Senators Kastama, Zarelli and Tom

AN ACT Relating to requiring a balanced state budget for the current and ensuing fiscal biennium; amending RCW 82.33.010; adding a new section to chapter 43.88 RCW; and adding new sections to chapter 82.33 RCW.

Referred to Committee on Ways & Means.

MOTION

On motion of Senator Eide, all measures listed on the Introduction and First Reading report were referred to the committees as designated.

SUPPLEMENTAL INTRODUCTION AND FIRST READING OF HOUSE BILLS

HCR 4411 by Representatives Sullivan and Kretz

Specifying the status of bills.

MOTION

On motion of Senator Eide, House Concurrent Resolution No. 4411 was placed on the second reading calendar under suspension of the rules.

MOTION

On motion of Senator Eide, the Senate advanced to the sixth order of business.

SECOND READING

HOUSE CONCURRENT RESOLUTION NO. 4411, by Representatives Sullivan and Kretz

Specifying the status of bills.

The measure was read the second time.

MOTION

On motion of Senator Eide, the rules were suspended, House Concurrent Resolution No. 4411 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be final passage of House Concurrent Resolution No. 4411.

HOUSE CONCURRENT RESOLUTION NO. 4411 was adopted on third reading by voice vote.

MOTION

At 12:10 p.m., on motion of Senator Eide, the Senate was declared to be at ease subject to the call of the President.

The Senate was called to order at 1:38 p.m. by the President Pro Tempore.

MOTION

At 1:38 p.m., on motion of Senator Eide, the Senate adjourned until 10:00 a.m. Thursday, April 5, 2012.

BRAD OWEN, President of the Senate

THOMAS HOEMANN, Secretary of the Senate

**TWENTY FIFTH DAY**

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**MORNING SESSION**

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Senate Chamber, Olympia, Thursday, April 5, 2012

The Senate was called to order at 10:00 a.m. by President Owen. The Secretary called the roll and announced to the President that all Senators were present with the exception of Senator Hewitt.

The Sergeant at Arms Color Guard consisting of Senate Security Staff Loren Gregory and Delano Bradford, presented the Colors. Senator Morton offered the prayer.

**MOTION**

On motion of Senator Eide, the reading of the Journal of the previous day was dispensed with and it was approved.

**MOTION**

At 10:08 a.m., on motion of Senator Eide, the Senate was declared to be at ease subject to the call of the President.

**AFTERNOON SESSION**

The Senate was called to order at 1:42 p.m. by President Owen.

**MOTION**

On motion of Senator Eide, the Senate advanced to the seventh order of business.

**THIRD READING**

ENGROSSED SENATE JOINT RESOLUTION NO. 8221, by Senators Parlette, Kilmer, Benton, Murray, Brown, King, Hewitt, Becker and Morton.

Amending the Constitution to include the recommendations of the commission on state debt.

The bill was read on Third Reading.

**MOTION**

On motion of Senator Ericksen, Senators Benton, Delvin, Hewitt and Zarelli were excused.

Senators Parlette, Kilmer and Ericksen spoke in favor of passage of the resolution.

The President declared the question before the Senate to be the final passage of Engrossed Senate Joint Resolution No. 8221.

**ROLL CALL**

The Secretary called the roll on the final passage of Engrossed Senate Joint Resolution No. 8221 and the resolution passed the Senate by the following vote: Yeas, 41; Nays, 7; Absent, 0; Excused, 1.

Voting yea: Senators Baumgartner, Becker, Benton, Brown, Carrell, Delvin, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hatfield, Haugen, Hill, Hobbs, Holmquist Newbry,

Honeyford, Kastama, Kilmer, King, Kline, Litzow, McAuliffe, Morton, Murray, Padden, Parlette, Pflug, Prentice, Regala, Roach, Rolfes, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Voting nay: Senators Chase, Conway, Keiser, Kohl-Welles, Nelson, Pridemore and Ranker

Excused: Senator Hewitt

ENGROSSED SENATE JOINT RESOLUTION NO. 8221, having received the constitutional majority, was declared passed.

**PERSONAL PRIVILEGE**

Senator Swecker: "I just wanted to point out to the members, on your desk is an invitation to Easter Services. let me first say that I hope your all home in your home churches for Easter Service but for any reason you're here in the Olympia area either Good Friday or Sunday morning, your welcome at Mars Hill Church. The service is going to be held at Kenneth J. Minnaert Center for the Arts at South Puget Sound Community College. Good Friday service starts at 7 and the services on Sunday morning are listed on the back. I put a parentheses around the Olympia campus. If you're from anywhere else in the Puget Sound area, there are campuses spread throughout, so would welcome you for Easter Services if you happen to be in the area. Thank you."

**MOTION**

At 1:51 p.m., on motion of Senator Eide, the Senate adjourned until 10:00 a.m. Friday, April 6, 2012.

BRAD OWEN, President of the Senate

THOMAS HOEMANN, Secretary of the Senate

## TWENTY SIXTH DAY

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MORNING SESSION

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Senate Chamber, Olympia, Friday, April 6, 2012

The Senate was called to order at 10:00 a.m. by President Owen. The Secretary called the roll and announced to the President that all Senators were present with the exception of Senators Hewitt, Hill, Holmquist Newbry and Morton.

The Sergeant at Arms Color Guard consisting of Senator Chase and Senator Regala, presented the Colors. Senator Kline offered the prayer.

## MOTION

On motion of Senator Eide, the reading of the Journal of the previous day was dispensed with and it was approved.

## MOTION

On motion of Senator Eide, the Senate advanced to the fourth order of business.

## MESSAGE FROM THE HOUSE

April 5, 2012

MR. PRESIDENT:

The House has passed:

SECOND ENGROSSED SUBSTITUTE HOUSE BILL NO. 2127.

and the same is herewith transmitted.

BARBARA BAKER, Chief Clerk

## MESSAGE FROM THE HOUSE

April 5, 2012

MR. PRESIDENT:

The House has passed:

HOUSE BILL NO. 2822,

SUBSTITUTE HOUSE BILL NO. 2828.

and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

## MESSAGE FROM THE HOUSE

April 5, 2012

MR. PRESIDENT:

The House has passed:

SECOND ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2565.

and the same is herewith transmitted.

BARBARA BAKER, Chief Clerk

## MOTION

On motion of Senator Eide, the Senate advanced to the fifth order of business.

## INTRODUCTION AND FIRST READING

SB 6637 by Senators Hobbs, Kline, Harper, Frockt, Pridemore, Hatfield, Keiser, Kohl-Welles, Haugen and Conway

AN ACT Relating to social networking accounts and profiles; adding new sections to chapter 49.44 RCW; and prescribing penalties.

Referred to Committee on Labor, Commerce & Consumer Protection.

## INTRODUCTION AND FIRST READING OF HOUSE BILLS

2E2SHB 2565 by House Committee on Ways & Means (originally sponsored by Representatives Kirby, Harris, Dammeier, Walsh, Orwall, Kelley, Moscoso and Zeiger)

AN ACT Relating to persons who operate a roll-your-own cigarette machine at retail establishments; amending RCW 82.24.010, 82.24.030, 82.24.035, 82.24.050, 82.24.060, 82.24.110, 82.24.120, 82.24.180, 82.24.295, 82.24.500, and 82.24.530; reenacting and amending RCW 82.24.130; prescribing penalties; providing an effective date; and declaring an emergency.

Referred to Committee on Ways & Means.

HB 2822 by Representative Hunter

AN ACT Relating to local sales and use tax account deposits and distributions; and amending RCW 82.14.050.

Referred to Committee on Ways & Means.

SHB 2828 by House Committee on Ways & Means (originally sponsored by Representative Hunter)

AN ACT Relating to removing the requirement that the department of social and health services or the department of early learning take appropriate action to establish or enforce support obligations whenever it receives an application for subsidized child care services or working connections child care services; amending RCW 74.20.040 and 74.20.330; providing an effective date; and declaring an emergency.

## MOTION

On motion of Senator Eide, all measures listed on the Introduction and First Reading report were referred to the committees as designated with the exception of Substitute House Bill No. 2828 which was placed on the second reading calendar.

## SUPPLEMENTAL INTRODUCTION AND FIRST READING OF HOUSE BILLS

2ESHB 2127 by House Committee on Ways & Means (originally sponsored by Representative Hunter)

AN ACT Relating to fiscal matters; amending RCW 28B.15.067, 38.52.540, 41.06.560, 43.07.129, 43.17.390, 43.30.720, 43.88.110, 74.48.090, 76.04.610, 77.12.201, 77.12.203, 77.95.090, 79.22.010, 79.22.040, 79.64.100, 79.105.150, 79A.25.200, 86.26.007, and 90.48.390;

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amending 2012 c 86 (ESHB 2190) (uncodified); amending 2011 2nd sp.s. c 9 ss 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 125, 128, 129, 130, 131, 126, 127, 132, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 401, 402, 501, 502, 503, 504, 505, 507, 508, 509, 510, 511, 513, 514, 515, 601, 602, 603, 604, 605, 606, 607, 608, 609, 612, 613, 614, 615, 616, 617, 701, 702, and 801 (uncodified); amending 2011 1st sp.s. c 50 ss 103, 104, 106, 105, 108, 112, 115, 117, 120, 124, 128, 132, 133, 137, 136, 142, 147, 151, 149, 214, 516, 616, 715, 801, 802, 803, 910, 920, 921, and 922 (uncodified); amending 2011 1st sp.s. c 7 s 11 (uncodified); amending 2010 c 23 s 205 (uncodified); reenacting and amending RCW 2.68.020, 70.105D.070, and 79.64.040; adding new sections to 2011 1st sp.s. c 50 (uncodified); repealing 2011 2nd sp.s. c 9 ss 610, 611, 705, 706, 707, and 708 (uncodified); repealing 2011 1st sp.s. c 50 ss 709 and 710 (uncodified); making appropriations; and declaring an emergency.

Referred to Committee on Ways & Means.

MOTION

On motion of Senator Eide, the measure listed on the Supplemental Introduction and First Reading report was referred to the committee as designated.

MOTION

On motion of Senator Ericksen, Senators Benton, Fain, Hewitt, Hill, Holmquist Newbry, Morton, Pflug, Roach and Zarelli were excused.

MOTION

At 10:10 a.m., on motion of Senator Eide, the Senate was declared to be at ease subject to the call of the President.

The Senate was called to order at 11:53 a.m. by President Owen.

MOTION

On motion of Senator Eide, the Senate advanced to the sixth order of business.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2828, by House Committee on Ways & Means (originally sponsored by Representative Hunter)

Removing the requirement that the department of social and health services or the department of early learning take appropriate action to establish or enforce support obligations whenever it receives an application for subsidized child care services or working connections child care services.

The measure was read the second time.

MOTION

On motion of Senator Regala, the rules were suspended, Substitute House Bill No. 2828 was advanced to third reading, the

second reading considered the third and the bill was placed on final passage.

Senator Regala spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 2828.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2828 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Baumgartner, Becker, Benton, Brown, Carrell, Chase, Conway, Delvin, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hatfield, Haugen, Hobbs, Honeyford, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles, Litzow, McAuliffe, Murray, Nelson, Padden, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rolfes, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Excused: Senators Hewitt, Hill, Holmquist Newbry and Morton

SUBSTITUTE HOUSE BILL NO. 2828, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Eide, the Senate advanced to the seventh order of business.

THIRD READING

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6204, by Senate Committee on Human Services & Corrections (originally sponsored by Senator Hargrove).

Modifying community supervision provisions.

The bill was read on Third Reading.

MOTION

On motion of Senator Hargrove, the rules were suspended and Engrossed Second Substitute Senate Bill No. 6204 was returned to second reading for the purpose of amendment.

SECOND READING

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6204, by Senate Committee on Ways & Means (originally sponsored by Senator Hargrove)

Modifying community supervision provisions.

The measure was read the second time.

MOTION

Senator Hargrove moved that the following striking amendment by Senators Hargrove and Carrell be adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 9.94A.631 and 2009 c 390 s 1 are each amended to read as follows:

(1) If an offender violates any condition or requirement of a sentence, a community corrections officer may arrest or cause the arrest of the offender without a warrant, pending a determination by the court or ~~((a department of corrections hearing officer))~~ by the department. If there is reasonable cause to believe that an offender has violated a condition or requirement of the sentence, a community corrections officer may require an offender to submit to a search and seizure of the offender's person, residence, automobile, or other personal property.

(2) For the safety and security of department staff, an offender may be required to submit to pat searches, or other limited security searches, by community corrections officers, correctional officers, and other agency approved staff, without reasonable cause, when in or on department premises, grounds, or facilities, or while preparing to enter department premises, grounds, facilities, or vehicles. Pat searches of offenders shall be conducted only by staff who are the same gender as the offender, except in emergency situations.

(3) A community corrections officer may also arrest an offender for any crime committed in his or her presence. The facts and circumstances of the conduct of the offender shall be reported by the community corrections officer, with recommendations, to the court ~~((or department of corrections hearing officer)),~~ local law enforcement, or local prosecution for consideration of new charges. The community corrections officer's report shall serve as the notice that the department will hold the offender for not more than three days from the time of such notice for the new crime. This does not affect the department's authority under RCW 9.94A.737.

If a community corrections officer arrests or causes the arrest of an offender under this section, the offender shall be confined and detained in the county jail of the county in which the offender was taken into custody, and the sheriff of that county shall receive and keep in the county jail, where room is available, all prisoners delivered to the jail by the community corrections officer, and such offenders shall not be released from custody on bail or personal recognizance, except upon approval of the court or authorized department staff, pursuant to a written order.

**Sec. 2.** RCW 9.94A.633 and 2010 c 258 s 1 and 2010 c 224 s 12 are each reenacted and amended to read as follows:

(1)(a) An offender who violates any condition or requirement of a sentence may be sanctioned by the court with up to sixty days' confinement for each violation or by the department with up to thirty days' confinement as provided in RCW 9.94A.737.

(b) In lieu of confinement, an offender may be sanctioned with work release, home detention with electronic monitoring, work crew, community restitution, inpatient treatment, daily reporting, curfew, educational or counseling sessions, supervision enhanced through electronic monitoring, or any other community-based sanctions ~~((available in the community))~~.

(2) If an offender was under community custody pursuant to one of the following statutes, the offender may be sanctioned as follows:

(a) If the offender was transferred to community custody in lieu of earned early release in accordance with RCW 9.94A.728, the offender may be transferred to a more restrictive confinement status to serve up to the remaining portion of the sentence, less credit for any period actually spent in community custody or in detention awaiting disposition of an alleged violation.

(b) If the offender was sentenced under the drug offender sentencing alternative set out in RCW 9.94A.660, the offender may be sanctioned in accordance with that section.

(c) If the offender was sentenced under the parenting sentencing alternative set out in RCW 9.94A.655, the offender may be sanctioned in accordance with that section.

(d) If the offender was sentenced under the special sex offender sentencing alternative set out in RCW 9.94A.670, the suspended

sentence may be revoked and the offender committed to serve the original sentence of confinement.

(e) If the offender was sentenced to a work ethic camp pursuant to RCW 9.94A.690, the offender may be reclassified to serve the unexpired term of his or her sentence in total confinement.

(f) If a sex offender was sentenced pursuant to RCW 9.94A.507, the offender may be transferred to a more restrictive confinement status to serve up to the remaining portion of the sentence, less credit for any period actually spent in community custody or in detention awaiting disposition of an alleged violation.

(3) If a probationer is being supervised by the department pursuant to RCW 9.92.060, 9.95.204, or 9.95.210, the probationer may be sanctioned pursuant to subsection (1) of this section. The department shall have authority to issue a warrant for the arrest of an offender who violates a condition of community custody, as provided in RCW 9.94A.716. Any sanctions shall be imposed by the department pursuant to RCW 9.94A.737. ~~((The department shall provide a copy of the violation hearing report to the sentencing court in a timely manner.))~~ Nothing in this subsection is intended to limit the power of the sentencing court to respond to a probationer's violation of conditions.

(4) The parole or probation of an offender who is charged with a new felony offense may be suspended and the offender placed in total confinement pending disposition of the new criminal charges if:

(a) The offender is on parole pursuant to RCW 9.95.110(1); or

(b) The offender is being supervised pursuant to RCW 9.94A.745 and is on parole or probation pursuant to the laws of another state.

**Sec. 3.** RCW 9.94A.704 and 2009 c 375 s 6 are each amended to read as follows:

(1) Every person who is sentenced to a period of community custody shall report to and be placed under the supervision of the department, subject to RCW 9.94A.501.

(2)(a) The department shall assess the offender's risk of reoffense and may establish and modify additional conditions of community custody based upon the risk to community safety.

(b) Within the funds available for community custody, the department shall determine conditions on the basis of risk to community safety, and shall supervise offenders during community custody on the basis of risk to community safety and conditions imposed by the court. The secretary shall adopt rules to implement the provisions of this subsection (2)(b).

(3) If the offender is supervised by the department, the department shall at a minimum instruct the offender to:

(a) Report as directed to a community corrections officer;

(b) Remain within prescribed geographical boundaries;

(c) Notify the community corrections officer of any change in the offender's address or employment;

(d) Pay the supervision fee assessment; and

(e) Disclose the fact of supervision to any mental health or chemical dependency treatment provider, as required by RCW 9.94A.722.

(4) The department may require the offender to participate in rehabilitative programs, or otherwise perform affirmative conduct, and to obey all laws.

(5) If the offender was sentenced pursuant to a conviction for a sex offense, the department may impose electronic monitoring. Within the resources made available by the department for this purpose, the department shall carry out any electronic monitoring using the most appropriate technology given the individual circumstances of the offender. As used in this section, "electronic monitoring" means the monitoring of an offender using an electronic offender tracking system including, but not limited to, a

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system using radio frequency or active or passive global positioning system technology.

(6) The department may not impose conditions that are contrary to those ordered by the court and may not contravene or decrease court-imposed conditions.

(7)(a) The department shall notify the offender in writing of any additional conditions or modifications.

(b) By the close of the next business day after receiving notice of a condition imposed or modified by the department, an offender may request an administrative review under rules adopted by the department. The condition shall remain in effect unless the reviewing officer finds that it is not reasonably related to the crime of conviction, the offender's risk of reoffending, or the safety of the community.

(8) The department shall notify the offender in writing upon community custody intake of the department's violation process.

(9) The department may require offenders to pay for special services rendered including electronic monitoring, day reporting, and telephone reporting, dependent on the offender's ability to pay. The department may pay for these services for offenders who are not able to pay.

~~((9))~~ (10)(a) When a sex offender has been sentenced pursuant to RCW 9.94A.507, the department shall assess the offender's risk of recidivism and shall recommend to the board any additional or modified conditions based upon the offender's risk to community safety and may recommend affirmative conduct or electronic monitoring consistent with subsections (4) through (6) of this section.

(b) The board may impose conditions in addition to court-ordered conditions. The board must consider and may impose department-recommended conditions.

(c) By the close of the next business day, after receiving notice of a condition imposed by the board or the department, an offender may request an administrative hearing under rules adopted by the board. The condition shall remain in effect unless the hearing examiner finds that it is not reasonably related to any of the following:

- (i) The crime of conviction;
- (ii) The offender's risk of reoffending;
- (iii) The safety of the community.

(d) If the department finds that an emergency exists requiring the immediate imposition of additional conditions in order to prevent the offender from committing a crime, the department may impose such conditions. The department may not impose conditions that are contrary to those set by the board or the court and may not contravene or decrease court-imposed or board-imposed conditions. Conditions imposed under this subsection shall take effect immediately after notice to the offender by personal service, but shall not remain in effect longer than seven working days unless approved by the board.

~~((10))~~ (11) In setting, modifying, and enforcing conditions of community custody, the department shall be deemed to be performing a quasi-judicial function.

**Sec. 4.** RCW 9.94A.706 and 2008 c 231 s 11 are each amended to read as follows:

(1) No offender sentenced to a term of community custody under the supervision of the department may own, use, or possess firearms ~~((or)), ammunition, or explosives. ((Offenders who own, use, or are found to be in))~~ An offender's actual or constructive possession of firearms ~~((or)), ammunition, or explosives~~ shall be ~~((subject to the violation process and))~~ reported to local law enforcement or local prosecution for consideration of new charges and subject to sanctions under RCW 9.94A.633~~((, 9.94A.716, and))~~ or 9.94A.737.

(2) For the purposes of this section:

(a) "Constructive possession" ~~((as used in this section))~~ means

the power and intent to control the firearm ~~((or)), ammunition, or explosives.~~

(b) "Explosives" has the same definition as in RCW 46.04.170.

~~((c) "Firearm" ~~((as used in this section))~~ has the same definition as in RCW 9.41.010.~~

**Sec. 5.** RCW 9.94A.714 and 2008 c 231 s 16 are each amended to read as follows:

~~((1)) ~~((If an offender has not completed his or her maximum term of total confinement and is subject to a third violation hearing pursuant to RCW 9.94A.737 for any violation of community custody and is found to have committed the violation, the department shall return the offender to total confinement in a state correctional facility to serve up to the remaining portion of his or her sentence, unless it is determined that returning the offender to a state correctional facility would substantially interfere with the offender's ability to maintain necessary community supports or to participate in necessary treatment or programming and would substantially increase the offender's likelihood of reoffending.~~~~

~~((2))~~ The department may work with the Washington association of sheriffs and police chiefs to establish and operate an electronic monitoring program for ~~((low risk))~~ offenders who violate the terms of their community custody.

~~((3))~~ (2) Local governments, their subdivisions and employees, the department and its employees, and the Washington association of sheriffs and police chiefs and its employees are immune from civil liability for damages arising from incidents involving ~~((low risk))~~ offenders who are placed on electronic monitoring unless it is shown that an employee acted with gross negligence or bad faith.

**Sec. 6.** RCW 9.94A.716 and 2008 c 231 s 21 are each amended to read as follows:

(1) The secretary may issue warrants for the arrest of any offender who violates a condition of community custody. The arrest warrants shall authorize any law enforcement or peace officer or community corrections officer of this state or any other state where such offender may be located, to arrest the offender and place him or her in total confinement pending disposition of the alleged violation pursuant to RCW 9.94A.633.

(2) A community corrections officer, if he or she has reasonable cause to believe an offender has violated a condition of community custody, may suspend the person's community custody status and arrest or cause the arrest and detention in total confinement of the offender, pending the determination of the secretary as to whether the violation has occurred. The community corrections officer shall report to the secretary all facts and circumstances and the reasons for the action of suspending community custody status.

(3) If an offender has been arrested by the department for a new felony offense while under community custody, ~~((the department shall hold the offender in total confinement until a hearing before the department as provided in this section or until the offender has been formally charged for the new felony offense, whichever is earlier))~~ facts and circumstances of the conduct of the offender shall be reported by the community corrections officer to local law enforcement or local prosecution for consideration of new charges. The community corrections officer's report shall serve as notice that the department will hold the offender in total confinement for not more than three days from the time of such notice for the new crime. Nothing in this subsection shall be construed as to permit the department to hold an offender past his or her maximum term of total confinement if the offender has not completed the maximum term of total confinement or to permit the department to hold an offender past the offender's term of community custody.

(4) A violation of a condition of community custody shall be deemed a violation of the sentence for purposes of RCW 9.94A.631.



The authority granted to community corrections officers under this section shall be in addition to that set forth in RCW 9.94A.631.

**Sec. 7.** RCW 9.94A.737 and 2008 c 231 s 20 are each amended to read as follows:

(1) If an offender is accused of violating any condition or requirement of community custody, ~~(he or she is entitled to a hearing before the department prior to the imposition of sanctions. The hearing shall be considered as)~~ the department shall address the violation behavior. The department may hold offender disciplinary proceedings ~~(and shall)~~ not ~~(be)~~ subject to chapter 34.05 RCW. The department shall ~~(develop hearing procedures and a structure of graduated sanctions)~~ notify the offender in writing of the violation process.

(2) ~~(The hearing procedures required under subsection (1) of this section shall be developed by rule and include the following:)~~

(a) The offender's violation behavior shall determine the sanction the department imposes. The department shall adopt rules creating a structured violation process that includes presumptive sanctions, aggravating and mitigating factors, and definitions for low level violations and high level violations.

(b)(i) The department must define aggravating factors that indicate the offender may present a current and ongoing foreseeable risk and which therefore, elevate an offender's behavior to a high level violation process.

(ii) The state and its officers, agents, and employees may not be held criminally or civilly liable for a decision to elevate or not to elevate an offender's behavior to a high level violation process under this subsection unless the state or its officers, agents, and employees acted with reckless disregard.

(3) The department may intervene when an offender commits a low level violation as follows:

(a) For a first low level violation, the department may sanction the offender to one or more nonconfinement sanctions.

(b) For a second or subsequent low level violation, the department may sanction the offender to not more than three days in total confinement.

(i) The department shall develop rules to ensure that each offender subject to a short term confinement sanction is provided the opportunity to respond to the alleged violation prior to imposition of total confinement.

(ii) The offender may appeal the short term confinement sanction to a panel of three reviewing officers designated by the secretary or by the secretary's designee. The offender's appeal must be in writing and hand-delivered to department staff, or postmarked, within seven days after the sanction is imposed.

(4) If an offender is accused of committing a high level violation, the department may sanction the offender to not more than thirty days in total confinement per hearing.

(a) The offender is entitled to a hearing prior to the imposition of sanctions; and

(b) The offender may be held in total confinement pending a sanction hearing. Prehearing time served must be credited to the offender's sanction time.

(5) The department shall adopt rules creating hearing procedures for high level violations. The hearings are offender disciplinary proceedings and are not subject to chapter 34.05 RCW. The procedures shall include the following:

~~(a) (Hearing officers shall report through a chain of command separate from that of community corrections officers;~~

~~(b))~~ The department shall provide the offender with written notice of the alleged violation~~(s)~~ and the evidence ~~(relied upon, and the reasons the particular sanction was imposed)~~ supporting it. The notice ~~(shall)~~ must include a statement of the rights specified in this subsection, and the offender's right to file a personal restraint

petition under court rules after the final decision ~~((of the department));~~

~~((e) The hearing shall be held)~~ (b) Unless ~~((waived by))~~ the offender waives the right to a hearing, the department shall hold a hearing, and shall ((be)) record it electronically ((recorded)). For offenders not in total confinement, the department shall hold a hearing ((shall be held)) within fifteen ~~((working))~~ business days, but not less than twenty-four hours, after written notice of the alleged violation. For offenders in total confinement, the department shall hold a hearing ((shall be held)) within five ~~((working))~~ business days, but not less than twenty-four hours, after written notice of the alleged violation;

~~((d))~~ (c) The offender shall have the right to: (i) Be present at the hearing; (ii) have the assistance of a person qualified to assist the offender in the hearing, appointed by the hearing officer if the offender has a language or communications barrier; (iii) testify or remain silent; (iv) call witnesses and present documentary evidence; ~~((and))~~ (v) question witnesses who appear and testify; and (vi) receive a written summary of the reasons for the hearing officer's decision; and

~~((e))~~ (d) The sanction shall take effect if affirmed by the hearing officer. ~~((Within seven days after the hearing officer's decision, the offender may appeal the decision))~~ The offender may appeal the sanction to a panel of three reviewing officers designated by the secretary or by the secretary's designee. The offender's appeal must be in writing and hand-delivered to department staff, or postmarked, within seven days after the sanction was imposed. The ((sanction shall be reversed or modified)) appeals panel shall affirm, reverse, modify, vacate, or remand based on its findings. If a majority of the panel finds that the sanction was not reasonably related to any of the following: (i) The crime of conviction; (ii) the violation committed; (iii) the offender's risk of reoffending; or (iv) the safety of the community, then the panel will reverse, vacate, remand, or modify the sanction.

~~((3))~~ (6) For purposes of this section, ~~((no finding of a violation of conditions may be based on unconfirmed or unconfirmable allegations))~~ the hearings officer may not rely on unconfirmed or unconfirmable allegations to find that the offender violated a condition.

(7) Hearing officers shall report through a chain of command separate from that of community corrections officers.

**Sec. 8.** RCW 9.94A.740 and 2008 c 231 s 22 are each amended to read as follows:

(1) When an offender is arrested pursuant to RCW 9.94A.631 or 9.94A.716, the department shall compensate the local jurisdiction at the office of financial management's adjudicated rate, in accordance with RCW 70.48.440, until the department releases its detainee.

(2) Inmates, as defined in RCW 72.09.015, who have been transferred to community custody and who are detained in a local correctional facility are the financial responsibility of the department of corrections, except as provided in subsection (3) of this section.

(3) For confinement sanctions imposed by the department under RCW 9.94A.670, the local correctional facility shall be financially responsible.

(4) The department, in consultation with the Washington association of sheriffs and police chiefs and those counties in which the sheriff does not operate a correctional facility, shall establish a methodology for determining the department's local correctional facilities bed utilization rate, for each county in calendar year 1998, for offenders being held for violations of conditions of community custody.

(5) Except as provided in subsections (1) and (2) of this section, the local correctional facility shall continue to be financially responsible to the extent of the calendar year 1998 bed utilization

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rate for confinement sanctions imposed by the department pursuant to RCW 9.94A.737. If the department's use of bed space in local correctional facilities of any county for such confinement sanctions exceeds the 1998 bed utilization rate for the county, the department shall compensate the county for the excess use at the per diem rate equal to the lowest rate charged by the county under its contract with a municipal government during the year in which the use occurs.

**Sec. 9.** RCW 9.95.210 and 2011 1st sp.s. c 40 s 7 are each amended to read as follows:

(1) In granting probation, the superior court may suspend the imposition or the execution of the sentence and may direct that the suspension may continue upon such conditions and for such time as it shall designate, not exceeding the maximum term of sentence or two years, whichever is longer.

(2) In the order granting probation and as a condition thereof, the superior court may in its discretion imprison the defendant in the county jail for a period not exceeding one year and may fine the defendant any sum not exceeding the statutory limit for the offense committed, and court costs. As a condition of probation, the superior court shall require the payment of the penalty assessment required by RCW 7.68.035. The superior court may also require the defendant to make such monetary payments, on such terms as it deems appropriate under the circumstances, as are necessary: (a) To comply with any order of the court for the payment of family support; (b) to make restitution to any person or persons who may have suffered loss or damage by reason of the commission of the crime in question or when the offender pleads guilty to a lesser offense or fewer offenses and agrees with the prosecutor's recommendation that the offender be required to pay restitution to a victim of an offense or offenses which are not prosecuted pursuant to a plea agreement; (c) to pay such fine as may be imposed and court costs, including reimbursement of the state for costs of extradition if return to this state by extradition was required; (d) following consideration of the financial condition of the person subject to possible electronic monitoring, to pay for the costs of electronic monitoring if that monitoring was required by the court as a condition of release from custody or as a condition of probation; (e) to contribute to a county or interlocal drug fund; and (f) to make restitution to a public agency for the costs of an emergency response under RCW 38.52.430, and may require bonds for the faithful observance of any and all conditions imposed in the probation.

(3) The superior court shall order restitution in all cases where the victim is entitled to benefits under the crime victims' compensation act, chapter 7.68 RCW. If the superior court does not order restitution and the victim of the crime has been determined to be entitled to benefits under the crime victims' compensation act, the department of labor and industries, as administrator of the crime victims' compensation program, may petition the superior court within one year of imposition of the sentence for entry of a restitution order. Upon receipt of a petition from the department of labor and industries, the superior court shall hold a restitution hearing and shall enter a restitution order.

(4) In granting probation, the superior court may order the probationer to report to the secretary of corrections or such officer as the secretary may designate and as a condition of the probation to follow the instructions of the secretary for up to twelve months. If the county legislative authority has elected to assume responsibility for the supervision of superior court misdemeanor probationers within its jurisdiction, the superior court misdemeanor probationer shall report to a probation officer employed or contracted for by the county. In cases where a superior court misdemeanor probationer is sentenced in one county, but resides within another county, there must be provisions for the probationer to report to the agency having supervision responsibility for the probationer's county of residence.

(5) If the probationer has been ordered to make restitution and the superior court has ordered supervision, the officer supervising the probationer shall make a reasonable effort to ascertain whether restitution has been made. If the superior court has ordered supervision and restitution has not been made as ordered, the officer shall inform the prosecutor of that violation of the terms of probation not less than three months prior to the termination of the probation period. The secretary of corrections will promulgate rules and regulations for the conduct of the person during the term of probation. For defendants found guilty in district court, like functions as the secretary performs in regard to probation may be performed by probation officers employed for that purpose by the county legislative authority of the county wherein the court is located.

(6) The provisions of RCW 9.94A.501 and 9.94A.5011 apply to sentences imposed under this section.

**Sec. 10.** RCW 9.95.210 and 2012 c 183 s 4 are each amended to read as follows:

(1)(a) Except as provided in (b) of this subsection in granting probation, the superior court may suspend the imposition or the execution of the sentence and may direct that the suspension may continue upon such conditions and for such time as it shall designate, not exceeding the maximum term of sentence or two years, whichever is longer.

(b) For a defendant sentenced under RCW 46.61.5055, the superior court may suspend the imposition or the execution of the sentence and may direct that the suspension continue upon such conditions and for such time as the court shall designate, not to exceed five years. The court shall have continuing jurisdiction and authority to suspend the execution of all or any part of the sentence upon stated terms, including installment payment of fines. A defendant who has been sentenced, and who then fails to appear for any hearing to address the defendant's compliance with the terms of probation when ordered to do so by the court shall have the term of probation tolled until such time as the defendant makes his or her presence known to the court on the record. Any time before entering an order terminating probation, the court may modify or revoke its order suspending the imposition or execution of the sentence if the defendant violates or fails to carry out any of the conditions of the suspended sentence.

(2) In the order granting probation and as a condition thereof, the superior court may in its discretion imprison the defendant in the county jail for a period not exceeding one year and may fine the defendant any sum not exceeding the statutory limit for the offense committed, and court costs. As a condition of probation, the superior court shall require the payment of the penalty assessment required by RCW 7.68.035. The superior court may also require the defendant to make such monetary payments, on such terms as it deems appropriate under the circumstances, as are necessary: (a) To comply with any order of the court for the payment of family support; (b) to make restitution to any person or persons who may have suffered loss or damage by reason of the commission of the crime in question or when the offender pleads guilty to a lesser offense or fewer offenses and agrees with the prosecutor's recommendation that the offender be required to pay restitution to a victim of an offense or offenses which are not prosecuted pursuant to a plea agreement; (c) to pay such fine as may be imposed and court costs, including reimbursement of the state for costs of extradition if return to this state by extradition was required; (d) following consideration of the financial condition of the person subject to possible electronic monitoring, to pay for the costs of electronic monitoring if that monitoring was required by the court as a condition of release from custody or as a condition of probation; (e) to contribute to a county or interlocal drug fund; and (f) to make restitution to a public agency for the costs of an emergency response

under RCW 38.52.430, and may require bonds for the faithful observance of any and all conditions imposed in the probation.

(3) The superior court shall order restitution in all cases where the victim is entitled to benefits under the crime victims' compensation act, chapter 7.68 RCW. If the superior court does not order restitution and the victim of the crime has been determined to be entitled to benefits under the crime victims' compensation act, the department of labor and industries, as administrator of the crime victims' compensation program, may petition the superior court within one year of imposition of the sentence for entry of a restitution order. Upon receipt of a petition from the department of labor and industries, the superior court shall hold a restitution hearing and shall enter a restitution order.

(4) In granting probation, the superior court may order the probationer to report to the secretary of corrections or such officer as the secretary may designate and as a condition of the probation to follow the instructions of the secretary for up to twelve months. If the county legislative authority has elected to assume responsibility for the supervision of superior court misdemeanor probationers within its jurisdiction, the superior court misdemeanor probationer shall report to a probation officer employed or contracted for by the county. In cases where a superior court misdemeanor probationer is sentenced in one county, but resides within another county, there must be provisions for the probationer to report to the agency having supervision responsibility for the probationer's county of residence.

(5) If the probationer has been ordered to make restitution and the superior court has ordered supervision, the officer supervising the probationer shall make a reasonable effort to ascertain whether restitution has been made. If the superior court has ordered supervision and restitution has not been made as ordered, the officer shall inform the prosecutor of that violation of the terms of probation not less than three months prior to the termination of the probation period. The secretary of corrections will promulgate rules and regulations for the conduct of the person during the term of probation. For defendants found guilty in district court, like functions as the secretary performs in regard to probation may be performed by probation officers employed for that purpose by the county legislative authority of the county wherein the court is located.

(6) The provisions of RCW 9.94A.501 and 9.94A.5011 apply to sentences imposed under this section.

**NEW SECTION. Sec. 11.** (1)(a) Research shows that traditional mechanisms of surveillance-based supervision and sanctioning are ineffective in reducing recidivism or improving public safety. The legislature is persuaded by recent studies showing that swift and certain sanctions, in combination with treatment-based interventions that address chemical dependency and criminogenic behaviors, are a more effective and efficient use of public resources to affect future crime.

(b) Notwithstanding, this is a new approach for Washington. It is imperative to the success of the state's system of offender supervision that the department of corrections be vigilant in:

(i) Monitoring the quality and consistency of applying swift and certain sanctions across the state;

(ii) Ensuring that sanctions are commensurate with identified behaviors and, to the extent possible, produce satisfactory results;

(iii) Applying evidence-based treatment and evaluation principles to address offenders' criminogenic and chemical dependency needs and therefore pairing the offender with the appropriate treatment; and

(iv) Maintaining good relations and open communication with law enforcement to assist in identifying offenders that pose the greatest risk to public safety.

(2) In implementing the provisions of this act, the department of corrections is directed to:

(a) Form stakeholder groups, that may include but are not limited to local community corrections officers, law enforcement, prosecuting attorneys, superior court judges, chemical dependency treatment and other community providers, and victim advocates;

(b) Within available resources, provide inpatient or outpatient chemical dependency treatment to offenders initially assessed as in need of treatment based on an evaluation of the offender's needs by a certified staff or chemical dependency provider utilizing evidence-based tools for evaluation;

(c) Perform outreach to the criminal justice training commission and local law enforcement agencies to ensure law enforcement is informed of changes in procedures for holding offenders pending the filing of charges for a new crime and establish ongoing channels of communication with local law enforcement for conveying information about individual offenders who have committed new crimes;

(d) Survey community corrections officers on a periodic basis to gather input and suggestions.

(3) The department shall report to the governor, appropriate committees of the legislature, and the stakeholder groups as identified in subsection (2)(a) of this section on its progress and activities in implementing this act, steps taken to improve the efficacy of chemical dependency treatment, evidence of outcomes achieved as reported by providers through submission of performance measure data, and including any recommended changes in legislation, no later than December 1, 2012, and December 1, 2013.

(4) This section expires December 31, 2013.

**NEW SECTION. Sec. 12.** This act applies retroactively and prospectively regardless of the date of an offender's underlying offense.

**NEW SECTION. Sec. 13.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

**NEW SECTION. Sec. 14.** Section 2 of this act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately.

**NEW SECTION. Sec. 15.** Sections 1, 3 through 9, and 11 through 14 of this act are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and take effect June 1, 2012.

**NEW SECTION. Sec. 16.** Section 9 of this act expires August 1, 2012.

**NEW SECTION. Sec. 17.** Section 10 of this act takes effect August 1, 2012."

Senator Hargrove spoke in favor of adoption of the striking amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senators Hargrove and Carrell to Engrossed Second Substitute Senate Bill No. 6204.

The motion by Senator Hargrove carried and the striking amendment was adopted by voice vote.

#### MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 1 of the title, after "supervision;" strike the remainder of the title and insert "amending RCW 9.94A.631, 9.94A.704, 9.94A.706, 9.94A.714, 9.94A.716, 9.94A.737, 9.94A.740, 9.95.210, and 9.95.210; reenacting and amending RCW

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9.94A.633; creating new sections; providing effective dates; providing expiration dates; and declaring an emergency."

#### MOTION

On motion of Senator Hargrove, the rules were suspended, Second Engrossed Second Substitute Senate Bill No. 6204 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Hargrove and Carrell spoke in favor of passage of the bill.

Senator Roach spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Second Engrossed Second Substitute Senate Bill No. 6204.

#### ROLL CALL

The Secretary called the roll on the final passage of Second Engrossed Second Substitute Senate Bill No. 6204 and the bill passed the Senate by the following vote: Yeas, 43; Nays, 2; Absent, 0; Excused, 4.

Voting yea: Senators Baumgartner, Becker, Brown, Carrell, Chase, Conway, Delvin, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hatfield, Haugen, Hobbs, Honeyford, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles, Litzow, McAuliffe, Murray, Nelson, Padden, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Rolfes, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Voting nay: Senators Benton and Roach

Excused: Senators Hewitt, Hill, Holmquist Newbry and Morton

SECOND ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6204, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MOTION

Senator Frockt moved that the Senate be at ease subject to the call of the President.

#### MOTION

Senator Schoesler moved that the Senate adjourned until 9:00 a.m. Monday, April 9, 2012.

Senator Brown spoke against the motion.

#### POINT OF ORDER

Senator Pflug: "Thank you Mr. President. I believe that calling this a 'ploy' impugns the motives of the members. I would appreciate it if the good lady be a little more careful. Thank you."

#### REMARKS BY THE PRESIDENT

President Owen: "The President is sorting something out here just a moment. You changed your rules recently to where a motion to recess has now the same rank as a motion to adjourn. Therefore Senator Frockt's motion to recess is actually the motion, or excuse me to go at ease, at ease is in the same rank, has an equal rank and that is the motion that is appropriately before us at this time. Therefore the other motions are not in order at this time until that order is disposed of."

Senators Brown and Schoesler spoke in favor of the motion to go to ease.

#### PARLIAMENTARY INQUIRY

Senator Stevens: "Would you please tell me, which day of the special session we are now into?"

#### REPLY BY THE PRESIDENT

President Owen: "Twenty-sixth."

#### PARLIAMENTARY INQUIRY

Senator Stevens: "The Twenty-Sixth day, so we have been here twenty-six days to discuss a budget that wasn't dealt with in the regular session. I believe I have been counting the days and I assume that one of the previous speakers has not been counting the days so I just wanted to clarify that because it's become very foggy in our minds as we listen to some of the rhetoric that continues to happen on this floor. Thank you Mr. President."

#### REMARKS BY THE PRESIDENT

President Owen: "For members future reference, in a matter of fact, even at this point right now the President has allowed a lot of discretion debate on this which was in error. This issue actually is non-debatable so we're going to go to a vote."

The President declared the question before the Senate to be the motion by Senator Frockt that the Senate go at ease subject to the call of the President.

The motion by Senator Frockt that the Senate go at ease carried by a voice vote.

#### PERSONAL PRIVILEGE

Senator Murray: "Thank you Mr. President. I want to thank members of our caucus, Jewish members of our caucus who were willing to forgo their very holy holiday to get the business of the state done."

#### PERSONAL PRIVILEGE

Senator Becker: "Thank you Mr. President. I would just like to share something personal with everyone here. My mother will be ninety-four years old on Monday and she has decided this late in her life to become a part the Christian community and she is going to be baptized tomorrow night at eight o'clock into the Catholic religion. She lives in Yakima and I think family is one of the most important things in the world to me and how long do we have our mothers? How long do we have them? I don't know but I hope to heck we get to go tomorrow so I can get to go and say, be with my mom, on her baptism. Thank you."

#### PERSONAL PRIVILEGE

Senator Parlette: "Thank you. Following the previous speaker, I too have a family member that Saturday night will be baptized. I hope I too can be there for that but more importantly I am so glad for this body is going to continue to work today in a bipartisan fashion to get the reform bills that we've discussed. I hope we can accomplish that and with that I'm sure we can agree to a budget so today let's hope we get our work done in a positive direction as the Senate did last year. Thank you very much."

## MOTION

At 12:16 p.m., on motion of Senator Frockt, the Senate was declared to be at ease subject to the call of the President.

EVENING SESSION

The Senate was called to order at 8:55 p.m. by President Owen.

## MOTION

On motion of Senator Brown, the Senate reverted to the first order of business.

## REPORTS OF STANDING COMMITTEES

April 6, 2012

SB 5940 Prime Sponsor, Senator Hobbs: Regarding reforms to school employee benefits purchasing. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 5940 be substituted therefor, and the substitute bill do pass. Signed by Senators Zarelli; Parlette; Baumgartner; Hatfield; Holmquist Newbry; Honeyford; Kastama; Keiser; Padden; Pflug; Schoesler and Tom.

MINORITY recommendation: Do not pass. Signed by Senators Conway; Kohl-Welles and Pridemore.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Kilmer, Vice Chair, Capital Budget Chair; Harper and Regala.

Passed to Committee on Rules for second reading.

April 6, 2012

SB 6634 Prime Sponsor, Senator Murray: Addressing language access providers. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Murray, Chair; Kilmer, Vice Chair, Capital Budget Chair; Brown; Conway; Fraser; Harper; Hatfield; Kastama; Keiser; Kohl-Welles; Pridemore and Regala.

MINORITY recommendation: Do not pass. Signed by Senators Parlette; Holmquist Newbry; Honeyford and Schoesler.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Zarelli and Padden.

Passed to Committee on Rules for second reading.

April 6, 2012

SB 6636 Prime Sponsor, Senator Kastama: Requiring a balanced state budget for the current and ensuing fiscal biennium. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 6636 be substituted therefor, and the substitute bill do pass. Signed by Senators Kilmer, Vice Chair, Capital

Budget Chair; Zarelli; Parlette; Baumgartner; Hatfield; Holmquist Newbry; Honeyford; Kastama; Padden; Pflug; Schoesler and Tom.

MINORITY recommendation: Do not pass. Signed by Senators Conway; Harper and Kohl-Welles.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Keiser; Pridemore and Regala.

Passed to Committee on Rules for second reading.

## MOTION

On motion of Senator Frockt, all measures listed on the Standing Committee report were referred to the committees as designated.

## MOTION

At 8:57 p.m., on motion of Senator Frockt, the Senate adjourned until 10:30 a.m. Saturday, April 7, 2012.

BRAD OWEN, President of the Senate

THOMAS HOEMANN, Secretary of the Senate

TWENTY SEVENTH DAY

MORNING SESSION

Senate Chamber, Olympia, Saturday, April 7, 2012

The Senate was called to order at 10:30 a.m. by President Owen. The Secretary called the roll and announced to the President that all Senators were present with the exception of Senators Hewitt, Morton and Tom.

The Sergeant at Arms Color Guard consisting of Senate Security Staff Paul Henden and Daniel Clark, presented the Colors. Senator Regala offered the prayer.

MOTION

On motion of Senator Eide, the reading of the Journal of the previous day was dispensed with and it was approved.

MOTION

On motion of Senator Eide, the Senate advanced to the fourth order of business.

MESSAGE FROM THE HOUSE

April 6, 2012

MR. PRESIDENT:

The House has passed:

SUBSTITUTE HOUSE BILL NO. 2590.  
and the same is herewith transmitted.

BARBARA BAKER, Chief Clerk

MESSAGE FROM THE HOUSE

April 6, 2012

MR. PRESIDENT:

The House has passed:

ENGROSSED HOUSE BILL NO. 2821.  
and the same is herewith transmitted.

BARBARA BAKER, Chief Clerk

MESSAGE FROM THE HOUSE

April 6, 2012

MR. PRESIDENT:

The House has passed:

SUBSTITUTE HOUSE BILL NO. 2491,  
HOUSE BILL NO. 2824,  
HOUSE BILL NO. 2830.  
and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

On motion of Senator Eide, the Senate advanced to the fifth order of business.

INTRODUCTION AND FIRST READING

SB 6638

by Senators Kilmer and Pridemore

AN ACT Relating to the taxing authority of public facilities districts; and amending RCW 82.14.390.

Referred to Committee on Ways & Means.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

SHB 2491

by House Committee on Labor & Workforce Development (originally sponsored by Representatives Upthegrove and Orwall)

AN ACT Relating to specifying when predecessor-successor relationships do not exist for purposes of unemployment experience rating; amending RCW 50.29.062; and creating a new section.

Referred to Committee on Labor, Commerce & Consumer Protection.

SHB 2590

by House Committee on Business & Financial Services (originally sponsored by Representatives Bailey and Buys)

AN ACT Relating to extending the expiration of the pollution liability insurance agency's authority and its funding source; amending RCW 70.148.020, 70.148.900, 70.149.900, 82.23A.010, 82.23A.020, and 82.23A.902; and providing expiration dates.

Referred to Committee on Ways & Means.

HB 2824

by Representatives Eddy and Hunter

AN ACT Relating to addressing comprehensive funding for education by developing a plan for full funding and by freeing certain existing revenues for support of the basic education program; amending RCW 28A.600.405, 43.135.045, 67.70.340, and 83.100.230; reenacting and amending RCW 28A.150.380 and 84.52.0531; repealing RCW 28A.505.210 and 28A.505.220; creating new sections; and providing an expiration date.

Referred to Committee on Ways & Means.

HB 2830

by Representative Hunter

AN ACT Relating to language access providers; amending RCW 41.56.030, 41.56.510, and 74.04.025; creating new sections; and declaring an emergency.

Referred to Committee on Ways & Means.

MOTION

On motion of Senator Eide, all measures listed on the Introduction and First Reading report were referred to the committees as designated with the exception of Substitute House Bill No. 2491 and Substitute House Bill No. 2590 which were placed on the second reading calendar under suspension of the rules.

SUPPLEMENTAL INTRODUCTION AND FIRST READING  
OF HOUSE BILLS

EHB 2821 by Representatives Dickerson, Hudgins, Upthegrove, Maxwell, Kagi, Dunshee, Fitzgibbon, Jinkins, Hunter, Liias, Appleton, Tharinger, Pedersen and Hansen

AN ACT Relating to children's safe products; amending RCW 70.240.010; and adding a new section to chapter 70.240 RCW.

Referred to Committee on Environment.

MOTION

On motion of Senator Eide, the measure listed on the Supplemental Introduction and First Reading report was referred to the committee as designated.

MOTION

At 10:41 a.m., on motion of Senator Eide, the Senate was declared to be at ease subject to the call of the President.

AFTERNOON SESSION

The Senate was called to order at 12:45 p.m. by President Owen.

MOTION

On motion of Senator Eide, the Senate advanced to the seventh order of business.

MOTION

On motion of Senator Eide, the Senate reverted to the sixth order of business.

PERSONAL PRIVILEGE

Senator Keiser: "Thank you Mr. President. I'd like all members, the public and the staff to know that on Monday there will be a clinic for whooping cough inoculation for adults here in the Legislative Building in the Columbia Room from 10:00 to 2:00 provided by Group Health. The reason this is important is we are now experiencing essentially an epidemic of Whooping Cough and adults who haven't had a booster shot anytime recently tend to be carriers and you know how politicians like to pick up babies and we could be passing on whooping cough to young people and infants who are not immunized and we have a low level of immunizations in our state. We have an epidemic and children die from whooping cough. If we can get our inoculation level up and our boosters up I think we can beat this epidemic. I urge you to get this. Check with your provider and get down to the Columbia Room if you need a booster on Monday. This is a free clinic and I urge you to participate."

SECOND READING

SENATE BILL NO. 5940, by Senators Hobbs, Ericksen, Keiser, Tom, Kastama and Zarelli

Regarding reforms to school employee benefits purchasing. Revised for 1st Substitute: Concerning public school employees' insurance benefits.

MOTION

On motion of Senator Hobbs, Substitute Senate Bill No. 5940 was substituted for Senate Bill No. 5940 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Conway moved that the following striking amendment by Senator Conway and others be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. (1) The legislature finds that:

(a) Each year, nearly one billion dollars in public funds are spent on the purchase of employee insurance benefits for more than two hundred thousand public school employees and their dependents; and

(b) The legislature needs better information regarding school employee benefits to effectively oversee the use of state funds for employee benefits.

(2) Therefore, the legislature intends to:

(a) Improve the transparency of health benefit plan claims and financial data to assure prudent and efficient use of taxpayers' funds, and to support equity in access to health benefits for all eligible school district employees and their eligible dependents;

(b) Make school district employee premiums more responsive to the need for greater affordability for full family coverage, with a goal of reducing the disparity in employee premiums for family coverage to no more than three times the cost of employee only coverage; and

(c) Retain current collective bargaining for benefits, and retain state, school district, and employee contributions to benefits.

Sec. 2. RCW 28A.400.280 and 2011 c 269 s 1 are each amended to read as follows:

(1) Except as provided in subsection (2) of this section, school districts may provide employer fringe benefit contributions after October 1, 1990, only for basic benefits. However, school districts may continue payments under contracts with employees or benefit providers in effect on April 13, 1990, until the contract expires.

(2) School districts may provide employer contributions after October 1, 1990, for optional benefit plans, in addition to basic benefits, only for employees included in pooling arrangements under this subsection. Optional benefits may include direct agreements as defined in chapter 48.150 RCW, but may not include employee beneficiary accounts that can be liquidated by the employee on termination of employment. Optional benefit plans may be offered only if:

(a) The school district pools benefit allocations among employees using a financial pooling arrangement that includes no more than two pools that combine at least one employee bargaining unit (~~and/or~~) with all nonbargaining group employees and combines all other employees in another pool if a separate pool is chosen;

(b) Each full-time employee included in the pooling arrangement is offered basic benefits, including coverage for dependents (~~(-without a payroll deduction for premium charges)~~);

(c) Each employee included in the pooling arrangement who elects medical benefit coverage pays a minimum premium charge subject to collective bargaining under chapter 41.59 or 41.56 RCW;

(d) The employee premiums are structured to ensure employees selecting richer benefit plans pay the higher premium;

(e) Each full-time employee included in the pooling arrangement, regardless of the number of dependents receiving

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basic coverage, receives the same additional employer contribution for other coverage or optional benefits; and

~~((4))~~ (f) For part-time employees included in the pooling arrangement, participation in optional benefit plans shall be governed by the same eligibility criteria and/or proration of employer contributions used for allocations for basic benefits.

(3) Savings accruing to school districts due to limitations on benefit options under this section shall be pooled and made available by the districts to reduce out-of-pocket premium expenses for employees needing basic coverage for dependents. School districts are not intended to divert state benefit allocations for other purposes.

**Sec. 3.** RCW 28A.400.350 and 2011 c 269 s 2 are each amended to read as follows:

(1) The board of directors of any of the state's school districts or educational service districts may make available liability, life, health, health care, accident, disability, and salary protection or insurance, direct agreements as defined in chapter 48.150 RCW, or any one of, or a combination of the types of employee benefits enumerated in this subsection, or any other type of insurance or protection, for the members of the boards of directors, the students, and employees of the school district or educational service district, and their dependents. Such coverage may be provided by contracts or agreements with private carriers, with the state health care authority after July 1, 1990, pursuant to the approval of the authority administrator, or through self-insurance or self-funding pursuant to chapter 48.62 RCW, or in any other manner authorized by law. Any direct agreement must comply with RCW 48.150.050.

(2) Whenever funds are available for these purposes the board of directors of the school district or educational service district may contribute all or a part of the cost of such protection or insurance for the employees of their respective school districts or educational service districts and their dependents. The premiums on such liability insurance shall be borne by the school district or educational service district.

After October 1, 1990, school districts may not contribute to any employee protection or insurance other than liability insurance unless the district's employee benefit plan conforms to RCW 28A.400.275 and 28A.400.280.

(3) For school board members, educational service district board members, and students, the premiums due on such protection or insurance shall be borne by the assenting school board member, educational service district board member, or student. The school district or educational service district may contribute all or part of the costs, including the premiums, of life, health, health care, accident or disability insurance which shall be offered to all students participating in interschool activities on the behalf of or as representative of their school, school district, or educational service district. The school district board of directors and the educational service district board may require any student participating in extracurricular interschool activities to, as a condition of participation, document evidence of insurance or purchase insurance that will provide adequate coverage, as determined by the school district board of directors or the educational service district board, for medical expenses incurred as a result of injury sustained while participating in the extracurricular activity. In establishing such a requirement, the district shall adopt regulations for waiving or reducing the premiums of such coverage as may be offered through the school district or educational service district to students participating in extracurricular activities, for those students whose families, by reason of their low income, would have difficulty paying the entire amount of such insurance premiums. The district board shall adopt regulations for waiving or reducing the insurance coverage requirements for low-income students in order to assure such students are not prohibited from participating in extracurricular interschool activities.

(4) All contracts or agreements for insurance or protection written to take advantage of the provisions of this section shall provide that the beneficiaries of such contracts may utilize on an equal participation basis the services of those practitioners licensed pursuant to chapters 18.22, 18.25, 18.53, 18.57, and 18.71 RCW.

(5) Any school district and their benefit provider offering a benefit plan by contract or agreement must demonstrate a commitment to:

(a) Significantly reduce administrative costs for school districts;

(b) Improve customer service;

(c) Reduce differential plan premium rates between employee only and family health benefit premiums, with a goal of reducing the family premiums to no more than three times the employee only premiums;

(d) Protect access to coverage for part-time K-12 employees; and

(e) Use innovative health plan features designed to reduce utilization of unnecessary health services and offer evidence-based health care services, which may include, but is not limited to, adoption of state health technology assessment program decisions under chapter 70.14 RCW and participation in efforts such as the Bree collaborative under chapter 70.250 RCW.

(6) All contracts or agreements for insurance or protection shall be in compliance with this act.

**Sec. 4.** RCW 28A.400.275 and 1990 1st ex.s. c 11 s 5 are each amended to read as follows:

(1) Any contract or agreement for employee benefits executed after April 13, 1990, between a school district and a benefit provider or employee bargaining unit is null and void unless it contains an agreement to abide by state laws relating to school district employee benefits. The term of the contract or agreement may not exceed one year.

(2) School districts and their benefit providers shall annually submit the following information and data for the prior calendar year to the ~~((Washington state health care authority))~~ office of the insurance commissioner:

~~((A) A summary ((descriptions of all benefits offered under the district's employee benefit plan. The districts shall also submit data to the health care authority specifying)) of each health benefit plan offered to each group of school employees under the districts employee benefit plans. The summary must include the following:~~

~~((i) The financial plan structure and overall performance of each health plan including:~~

~~((A) Total premium expenses;~~

~~((B) Total claims expenses;~~

~~((C) Claim reserves; and~~

~~((D) Plan administration expenses, including compensation paid to brokers;~~

~~((b) The total number of employees and, for each employee, types of coverage or benefits received including the number((s)) of covered dependents, the number of eligible dependents, the amount of the district's contribution to premium, additional premium costs paid by the employee through payroll deductions, and the age and sex of ((the)) each employee and each dependent.~~

~~((3) The ((plan descriptions and the)) information and data shall be submitted in a format and according to a schedule established by the ((health care authority)) office of the insurance commissioner under section 5 of this act to enable the commissioner to meet his or her reporting obligations under that section.~~

~~((3))~~ (4) Any benefit provider offering a benefit plan by contract or agreement with a school district under subsection (1) of this section shall ~~((agree to))~~ make available to the school district the benefit plan descriptions and ~~((where available, the demographic information on plan subscribers))~~ data and information that the district ~~((s))~~ and benefit provider are required to report to the



~~((Washington state health care authority))~~ office of the insurance commissioner under this section.

~~((4))~~ (5) This section shall not apply to benefit plans offered in the 1989-90 school year.

NEW SECTION. Sec. 5. A new section is added to chapter 48.02 RCW to read as follows:

(1) For purposes of this section, "benefit provider" has the same meaning as provided in RCW 28A.400.270.

(2)(a) Beginning in 2013, the commissioner shall annually submit a report to the legislature on school district health insurance benefits. The report shall include each school district's health insurance benefits' aggregated data. The report shall be available on the commissioner's web site. The confidentiality of personally identifiable data shall be safeguarded consistent with the provisions of RCW 42.56.400(17).

(b) The report shall include information furnished by school districts and their benefit providers to demonstrate progress to:

- (i) Significantly reduce administrative costs for school districts;
- (ii) Improve customer service;

(iii) Reduce differential plan premium rates between employee only and family health benefit premiums, and progress towards the goal of reducing the family premiums to no more than three times the cost of employee only premiums;

(iv) Protect access to coverage for part-time K-12 employees; and

(v) Use innovative health plan features designed to reduce utilization of unnecessary health services and offer evidence-based health care services, which may include, but is not limited to, adoption of state health technology assessment program decisions under chapter 70.14 RCW, and participation in efforts such as the Bree collaborative under chapter 70.250 RCW.

(c) The report shall include a summary of each health benefit plan offered to school employees by benefit providers. The summary must include the following:

(i) The financial plan structure and overall performance of each plan including:

- (A) Total premium expenses;
- (B) Total claims expenses;
- (C) Claim reserves; and

(D) Plan administration expenses, including compensation paid to brokers; and

(ii) The total number of enrollees in each type of coverage, including the number of employees and the number of dependents.

(3) If adequate progress is not being made in the areas of health benefit equity, transparency, and efficiency, the commissioner may submit recommendations to the legislature regarding additional steps that may be taken by school districts or their benefit providers to achieve greater progress.

(4) The commissioner shall collect data from school districts or their benefit providers to fulfill the requirements of this section. The commissioner may adopt rules necessary to implement the data submission requirements under this section and RCW 28A.400.275, including the format, timing of data reporting, data standards, instructions, definitions, and data sources.

(5) Data, information, and documents provided by a school district or an entity providing coverage pursuant to this section are exempt from public inspection and copying under RCW 48.02.120 and chapters 42.17A and 42.56 RCW.

(6) If a school district or benefit provider does not comply with the data reporting requirements of this section or RCW 28A.400.275, and the failure is due to the actions of an entity providing coverage authorized under Title 48 RCW, the commissioner may take enforcement actions under this chapter, and the district or benefit provider is subject to the market oversight authority of the commissioner as set forth in chapter 48.37 RCW.

**Sec. 6.** RCW 42.56.400 and 2012 c ... (ESHB 2361) s 2 are each amended to read as follows:

The following information relating to insurance and financial institutions is exempt from disclosure under this chapter:

(1) Records maintained by the board of industrial insurance appeals that are related to appeals of crime victims' compensation claims filed with the board under RCW 7.68.110;

(2) Information obtained and exempted or withheld from public inspection by the health care authority under RCW 41.05.026, whether retained by the authority, transferred to another state purchased health care program by the authority, or transferred by the authority to a technical review committee created to facilitate the development, acquisition, or implementation of state purchased health care under chapter 41.05 RCW;

(3) The names and individual identification data of either all owners or all insureds, or both, received by the insurance commissioner under chapter 48.102 RCW;

(4) Information provided under RCW 48.30A.045 through 48.30A.060;

(5) Information provided under RCW 48.05.510 through 48.05.535, 48.43.200 through 48.43.225, 48.44.530 through 48.44.555, and 48.46.600 through 48.46.625;

(6) Examination reports and information obtained by the department of financial institutions from banks under RCW 30.04.075, from savings banks under RCW 32.04.220, from savings and loan associations under RCW 33.04.110, from credit unions under RCW 31.12.565, from check cashers and sellers under RCW 31.45.030(3), and from securities brokers and investment advisers under RCW 21.20.100, all of which is confidential and privileged information;

(7) Information provided to the insurance commissioner under RCW 48.110.040(3);

(8) Documents, materials, or information obtained by the insurance commissioner under RCW 48.02.065, all of which are confidential and privileged;

(9) Confidential proprietary and trade secret information provided to the commissioner under RCW 48.31C.020 through 48.31C.050 and 48.31C.070;

(10) Data filed under RCW 48.140.020, 48.140.030, 48.140.050, and 7.70.140 that, alone or in combination with any other data, may reveal the identity of a claimant, health care provider, health care facility, insuring entity, or self-insurer involved in a particular claim or a collection of claims. For the purposes of this subsection:

(a) "Claimant" has the same meaning as in RCW 48.140.010(2).

(b) "Health care facility" has the same meaning as in RCW 48.140.010(6).

(c) "Health care provider" has the same meaning as in RCW 48.140.010(7).

(d) "Insuring entity" has the same meaning as in RCW 48.140.010(8).

(e) "Self-insurer" has the same meaning as in RCW 48.140.010(11);

(11) Documents, materials, or information obtained by the insurance commissioner under RCW 48.135.060;

(12) Documents, materials, or information obtained by the insurance commissioner under RCW 48.37.060;

(13) Confidential and privileged documents obtained or produced by the insurance commissioner and identified in RCW 48.37.080;

(14) Documents, materials, or information obtained by the insurance commissioner under RCW 48.37.140;

(15) Documents, materials, or information obtained by the insurance commissioner under RCW 48.17.595;

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(16) Documents, materials, or information obtained by the insurance commissioner under RCW 48.102.051(1) and 48.102.140 (3) and (7)(a)(ii);

(17) Documents, materials, or information obtained by the insurance commissioner in the commissioner's capacity as receiver under RCW 48.31.025 and 48.99.017, which are records under the jurisdiction and control of the receivership court. The commissioner is not required to search for, log, produce, or otherwise comply with the public records act for any records that the commissioner obtains under chapters 48.31 and 48.99 RCW in the commissioner's capacity as a receiver, except as directed by the receivership court;

(18) Documents, materials, or information obtained by the insurance commissioner under RCW 48.13.151;

(19) Data, information, and documents provided by a carrier pursuant to section 1, chapter 172, Laws of 2010; ~~((and))~~

(20) Information in a filing of usage-based insurance about the usage-based component of the rate pursuant to RCW 48.19.040(5)(b); and

(21) Data, information, and documents for reporting to the office of the insurance commissioner by an entity providing health care coverage pursuant to RCW 28A.400.275 and section 5 of this act.

NEW SECTION. Sec. 7. A new section is added to chapter 48.62 RCW to read as follows:

If an individual or joint local government self-insured health and welfare benefits program formed by a school district or educational service district does not comply with the data reporting requirements of RCW 28A.400.275 and section 5 of this act, the self-insured health and welfare benefits program is no longer authorized to operate in the state. The state risk manager shall notify the state auditor and the attorney general of the violation and the attorney general, on behalf of the state risk manager, must take all necessary action to terminate the operation of the self-insured health and welfare benefits program."

On page 1, line 2 of the title, after "amending", strike everything through "appropriations" on line 4 of the title and insert "RCW 28A.400.280, 28A.400.350, 28A.400.275, and 42.56.400; adding a new section to chapter 48.02 RCW; adding a new section to chapter 48.62 RCW; and creating a new section"

Senator Conway spoke in favor of adoption of the striking amendment.

Senator Hobbs spoke against adoption of the striking amendment.

MOTION

On motion of Senator Harper, Senator Tom was excused.

MOTION

On motion of Senator Ericksen, Senators Hewitt and Morton were excused.

The President declared the question before the Senate to be the adoption of the striking amendment by Senator Conway and others to Substitute Senate Bill No. 5940.

The motion by Senator Conway failed and the striking amendment was not adopted by a rising vote.

MOTION

On motion of Senator Hobbs, the rules were suspended, Substitute Senate Bill No. 5940 was advanced to third reading,

the second reading considered the third and the bill was placed on final passage.

Senator Hobbs spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5940.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5940 and the bill passed the Senate by the following vote: Yeas, 29; Nays, 17; Absent, 0; Excused, 3.

Voting yea: Senators Baumgartner, Becker, Benton, Carrell, Delvin, Ericksen, Fain, Hargrove, Hatfield, Haugen, Hill, Hobbs, Holmquist Newbry, Honeyford, Kastama, Keiser, King, Kline, Litzow, Padden, Parlette, Pflug, Roach, Schoesler, Sheldon, Shin, Stevens, Swecker and Zarelli

Voting nay: Senators Brown, Chase, Conway, Eide, Fraser, Frockt, Harper, Kilmer, Kohl-Welles, McAuliffe, Murray, Nelson, Prentice, Pridemore, Ranker, Regala and Rolfes

Excused: Senators Hewitt, Morton and Tom

SUBSTITUTE SENATE BILL NO. 5940, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6636, by Senators Kastama, Zarelli and Tom

Requiring a balanced state budget for the current and ensuing fiscal biennium.

MOTION

On motion of Senator Kastama, Substitute Senate Bill No. 6636 was substituted for Senate Bill No. 6636 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Brown moved that the following striking amendment by Senator Brown be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 43.88 RCW to read as follows:

(1) Beginning in the 2013-2015 biennium, the legislature shall enact an omnibus operating appropriations bill that leaves, in total, a positive ending fund balance.

(2) Beginning in the 2013-2015 biennium, the projected maintenance level of the omnibus appropriations bill enacted by the legislature shall not exceed by more than five percent the available fiscal resources for the next biennium.

(3) For purposes of this section:

(a) "Available fiscal resources" means any general fund moneys to be transferred to the budget stabilization account pursuant to Article VII, section 12 of the state Constitution, the beginning general fund and related fund balances, any funds transferred into the general or related funds, and any fiscal resources estimated for the general fund and related funds;

(b) "Projected maintenance level" means costs mandated by state or federal law, but does not include costs associated with court decisions issued during or within ninety days prior to the legislative

session, and, in the 2013-2015 and 2015-2017 biennia, it does not include the costs related to the enhanced funding under the new definition of basic education as established in chapter 548, Laws of 2009, and affirmed by the decision in *Mathew McCleary et al., v. The State of Washington*, 173 Wn.2d 477, 269 P.3d 227, (2012);

(c) "Related funds" means the Washington opportunity pathways account, the education legacy trust account, and such other funds and accounts as determined by the legislature.

(4) Subsections (1) and (2) of this section do not apply to an appropriations bill that makes net reductions in general fund and related funds appropriations and is enacted between July 1st and February 15th of any fiscal year.

(5) Subsection (2) of this section does not apply in a fiscal biennium in which money is appropriated from the budget stabilization account.

**Sec. 2.** RCW 82.33.010 and 1990 c 229 s 1 are each amended to read as follows:

(1) The economic and revenue forecast council is hereby created. The council shall consist of two individuals appointed by the governor, the state treasurer or his or her designee, and four individuals, one of whom is appointed by the chairperson of each of the two largest political caucuses in the senate and house of representatives. The chair of the council shall be selected from among the four caucus appointees. The council may select such other officers as the members deem necessary.

(2) The council shall employ an economic and revenue forecast supervisor to supervise the preparation of all economic and revenue forecasts and state budget outlooks. As used in this chapter, "supervisor" means the economic and revenue forecast supervisor. Approval by an affirmative vote of at least five members of the council is required for any decisions regarding employment of the supervisor. Employment of the supervisor shall terminate after each term of three years. At the end of the first year of each three-year term the council shall consider extension of the supervisor's term by one year. The council may fix the compensation of the supervisor. The supervisor shall employ staff sufficient to accomplish the purposes of this section.

(3) The economic and revenue forecast council shall oversee the preparation of and approve, by an affirmative vote of at least ~~(four)~~ five members, the official, optimistic, and pessimistic state economic and revenue forecasts prepared under RCW 82.33.020. If the council is unable to approve a forecast before a date required in RCW 82.33.020, the supervisor shall submit the forecast without approval and the forecast shall have the same effect as if approved by the council.

(4) The state budget outlook work group shall prepare and the council shall approve, by an affirmative vote of at least five members, the state budget outlook prepared under section 4 of this act. If the council is unable to approve a state budget outlook before a date required in section 4 of this act, the supervisor shall submit the outlook without approval and the outlook shall have the same effect as if approved by the council.

(5) A councilmember who does not cast an affirmative vote for approval of the official economic and revenue forecast or the state budget outlook may request, and the supervisor shall provide, an alternative economic and revenue forecast or state budget outlook based on assumptions specified by the member.

~~((5))~~ (6) Members of the economic and revenue forecast council shall serve without additional compensation but shall be reimbursed for travel expenses in accordance with RCW 44.04.120 while attending sessions of the council or on official business authorized by the council. Nonlegislative members of the council shall be reimbursed for travel expenses in accordance with RCW 43.03.050 and 43.03.060.

NEW SECTION. **Sec. 3.** A new section is added to chapter 82.33 RCW to read as follows:

(1) By December 1, 2012, the state budget outlook work group established in section 5 of this act must develop and report on a proposed methodology for preparing the operating budget outlook required under section 4 of this act.

(2) The report must include an illustrative application of the proposed methodology to fiscal data and forecasts from fiscal years 2000 through 2011, including analysis of the accuracy of the methodology as applied to projections of revenue, caseloads, and expenditures.

(3) The work group must recommend the implementation of the provisions of section 1 of this act, including how to ensure that the omnibus operating budget is within projected revenues at the time of adoption and how often the outlook must be updated.

(4) The work group must provide the proposed methodology and its report to the office of financial management and the appropriate fiscal committees of the legislature and must make the proposed methodology publicly available on its web site.

NEW SECTION. **Sec. 4.** A new section is added to chapter 82.33 RCW to read as follows:

(1) To facilitate compliance with, and subject to the terms of, section 1 of this act, the state budget outlook work group shall prepare, subject to the approval of the economic and revenue forecast council under RCW 82.33.010, an official state budget outlook for state revenues and expenditures for the general fund and related funds. In odd-numbered years, the period covered by the November state budget outlook shall be the current fiscal biennium and the next ensuing fiscal biennium. In even-numbered years, the period covered by the November budget outlook shall be the next two ensuing fiscal biennia. The revenue and caseload projections used in the outlook must reflect the most recent official forecasts adopted by the economic and revenue forecast council and the caseload forecast council for the years for which those forecasts are available. The outlook shall clearly state the assumptions used in the baseline expenditure estimates and any adjustments made to those estimates. The outlook shall clearly state the assumptions used in the baseline revenue estimates and any adjustments to those estimates. The outlook must include the impact of previously enacted legislation with a future implementation date.

(2) The outlook must:

(a) Estimate revenues to and expenditures from the state general fund and related funds. The estimate of ensuing biennium expenditures must focus on maintenance items including, but not limited to, continuation of current programs, forecasted growth of current entitlement programs, and actions required by law, including legislation with a future implementation date. Estimates of ensuing biennium expenditures must exclude policy items including, but not limited to, legislation not yet enacted by the legislature, court decisions enacted within ninety days of a legislative session, collective bargaining agreements not yet approved by the legislature, and changes to levels of funding for employee salaries and benefits unless those changes are required by statute;

(b) Address major budget and revenue drivers, including trends and variability in these drivers;

(c) Clearly state the assumptions used in the estimates of baseline and projected expenditures and any adjustments made to those estimates;

(d) Clearly state the assumptions used in the baseline revenue estimates and any adjustments to those estimates;

(e) Include the impact of previously enacted legislation with a future implementation date; and

(f) Address other major fiscal factors, such as pension funding status and state general obligation debt.

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(3) The outlook must also separately include projections based on the revenues and expenditures proposed in the governor's budget documents submitted to the legislature under RCW 43.88.030.

(4) The economic and revenue forecast council shall submit state budget outlooks prepared under this section to the governor and the members of the committees on ways and means of the senate and house of representatives, including one copy to the staff of each of the committees, as required by this section.

(5) Each January, the state budget outlook work group shall also prepare, subject to the approval of the economic and revenue forecast council, a state budget outlook for state revenues and expenditures that reflects the governor's proposed budget document submitted to the legislature under chapter 43.88 RCW. Within thirty days following enactment of an operating budget by the legislature, the work group shall prepare, subject to the approval of the economic and revenue forecast council, a state budget outlook for state revenues and expenditures that reflects the enacted budget.

(6) All agencies of state government shall provide to the supervisor immediate access to all information relating to state budget outlooks.

**NEW SECTION. Sec. 5.** A new section is added to chapter 82.33 RCW to read as follows:

(1) To promote the free flow of information and to promote legislative input in the preparation of the state budget outlook, immediate access to all information relating to the state budget outlook shall be available to the state budget outlook work group, hereby created. The state budget outlook work group shall consist of staff members selected by the executive head or chairperson of each of the following agencies or committees:

- (a) Office of financial management, two members;
- (b) Legislative evaluation and accountability program committee, one member;
- (c) Office of the state treasurer, one member;
- (d) Office of the state actuary, one member;
- (e) Department of revenue, one member;
- (f) Economic and revenue forecast council, one member;
- (g) Caseload forecast council, one member;
- (h) Ways and means committee of the senate, two members;

and

- (i) Ways and means committee of the house of representatives, two members.

(2) For purposes of the state budget outlook, the state budget outlook work group shall provide technical support and staff to the economic and revenue forecast council. Meetings of the state budget outlook work group may be called by any member of the group for the purpose of preparing the state budget outlook, or of assisting the economic and revenue forecast council in reviewing the state budget outlook.

**NEW SECTION. Sec. 6.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

On page 1, line 2 of the title, after "biennium;" strike the remainder of the title and insert "amending RCW 82.33.010; adding a new section to chapter 43.88 RCW; and adding new sections to chapter 82.33 RCW."

Senators Brown and Murray spoke in favor of adoption of the striking amendment.

Senators Kastama, Zarelli and Sheldon spoke against adoption of the striking amendment.

The President declared the question before the Senate to be the adoption of the striking amendment by Senator Brown to Substitute Senate Bill No. 6636.

The motion by Senator Brown failed and the striking amendment was not adopted by a rising vote.

MOTION

On motion of Senator Kastama, the rules were suspended, Substitute Senate Bill No. 6636 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Kastama spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6636.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6636 and the bill passed the Senate by the following vote: Yeas, 30; Nays, 16; Absent, 0; Excused, 3.

Voting yea: Senators Baumgartner, Becker, Benton, Carrell, Delvin, Ericksen, Fain, Hargrove, Hatfield, Haugen, Hill, Hobbs, Holmquist Newbry, Honeyford, Kastama, Kilmer, King, Litzow, McAuliffe, Padden, Parlette, Pflug, Roach, Rolfes, Schoesler, Sheldon, Shin, Stevens, Swecker and Zarelli

Voting nay: Senators Brown, Chase, Conway, Eide, Fraser, Frockt, Harper, Keiser, Kline, Kohl-Welles, Murray, Nelson, Prentice, Pridemore, Ranker and Regala

Excused: Senators Hewitt, Morton and Tom

SUBSTITUTE SENATE BILL NO. 6636, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 1:25 p.m., on motion of Senator Eide, the Senate was declared to be at ease subject to the call of the President.

The Senate was called to order at 1:37 p.m. by President Owen.

MOTION

On motion of Senator Eide, the Senate advanced to the seventh order of business.

THIRD READING

ENGROSSED SENATE BILL NO. 6378, by Senators Zarelli, Baumgartner, Parlette, Hill and Tom.

Reforming the state retirement plans.

The bill was read on Third Reading.

MOTION

On motion of Senator Fain, the rules were suspended and Engrossed Senate Bill No. 6378 was returned to second reading for the purpose of amendment.

SECOND READING

ENGROSSED SENATE BILL NO. 6378, by Senators Zarelli, Baumgartner, Parlette, Hill and Tom

Reforming the state retirement plans.

The measure was read the second time.

MOTION

Senator Baumgartner moved that the following striking amendment by Senator Baumgartner be adopted:

Strike everything after the enacting clause and insert the following:

" **Sec. 1.** RCW 41.32.765 and 2007 c 491 s 2 are each amended to read as follows:

(1) **NORMAL RETIREMENT.** Any member with at least five service credit years of service who has attained at least age sixty-five shall be eligible to retire and to receive a retirement allowance computed according to the provisions of RCW 41.32.760.

(2) **EARLY RETIREMENT.** Any member who has completed at least twenty service credit years of service who has attained at least age fifty-five shall be eligible to retire and to receive a retirement allowance computed according to the provisions of RCW 41.32.760, except that a member retiring pursuant to this subsection shall have the retirement allowance actuarially reduced to reflect the difference in the number of years between age at retirement and the attainment of age sixty-five.

(3) **ALTERNATE EARLY RETIREMENT.**

(a) Any member who has completed at least thirty service credit years and has attained age fifty-five shall be eligible to retire and to receive a retirement allowance computed according to the provisions of RCW 41.32.760, except that a member retiring pursuant to this subsection shall have the retirement allowance reduced by three percent per year to reflect the difference in the number of years between age at retirement and the attainment of age sixty-five.

(b) On or after September 1, 2008, any member who has completed at least thirty service credit years and has attained age fifty-five shall be eligible to retire and to receive a retirement allowance computed according to the provisions of RCW 41.32.760, except that a member retiring pursuant to this subsection shall have the retirement allowance reduced as follows:

Retirement Age	Percent Reduction
55	20%
56	17%
57	14%
58	11%
59	8%
60	5%
61	2%
62	0%
63	0%
64	0%

Any member who retires under the provisions of this subsection is ineligible for the postretirement employment provisions of RCW 41.32.802(2) until the retired member has reached sixty-five years of age. For purposes of this subsection, employment with an

employer also includes any personal service contract, service by an employer as a temporary or project employee, or any other similar compensated relationship with any employer included under the provisions of RCW 41.32.800(1).

The subsidized reductions for alternate early retirement in this subsection as set forth in section 2, chapter 491, Laws of 2007 were intended by the legislature as replacement benefits for gain-sharing. Until there is legal certainty with respect to the repeal of \*chapter 41.31A RCW, the right to retire under this subsection is noncontractual, and the legislature reserves the right to amend or repeal this subsection. Legal certainty includes, but is not limited to, the expiration of any: Applicable limitations on actions; and periods of time for seeking appellate review, up to and including reconsideration by the Washington supreme court and the supreme court of the United States. Until that time, eligible members may still retire under this subsection, and upon receipt of the first installment of a retirement allowance computed under this subsection, the resulting benefit becomes contractual for the recipient. If the repeal of \*chapter 41.31A RCW is held to be invalid in a final determination of a court of law, and the court orders reinstatement of gain-sharing or other alternate benefits as a remedy, then retirement benefits for any member who has completed at least thirty service credit years and has attained age fifty-five but has not yet received the first installment of a retirement allowance under this subsection shall be computed using the reductions in (a) of this subsection.

(c) Members who first become employed by an employer in an eligible position on or after July 1, 2012, are not eligible for the alternate early retirement provisions of this subsection.

**Sec. 2.** RCW 41.32.875 and 2007 c 491 s 4 are each amended to read as follows:

(1) **NORMAL RETIREMENT.** Any member who is at least age sixty-five and who has:

(a) Completed ten service credit years; or

(b) Completed five service credit years, including twelve service credit months after attaining age forty-four; or

(c) Completed five service credit years by July 1, 1996, under plan 2 and who transferred to plan 3 under RCW 41.32.817; shall be eligible to retire and to receive a retirement allowance computed according to the provisions of RCW 41.32.840.

(2) **EARLY RETIREMENT.** Any member who has attained at least age fifty-five and has completed at least ten years of service shall be eligible to retire and to receive a retirement allowance computed according to the provisions of RCW 41.32.840, except that a member retiring pursuant to this subsection shall have the retirement allowance actuarially reduced to reflect the difference in the number of years between age at retirement and the attainment of age sixty-five.

(3) **ALTERNATE EARLY RETIREMENT.**

(a) Any member who has completed at least thirty service credit years and has attained age fifty-five shall be eligible to retire and to receive a retirement allowance computed according to the provisions of RCW 41.32.840, except that a member retiring pursuant to this subsection shall have the retirement allowance reduced by three percent per year to reflect the difference in the number of years between age at retirement and the attainment of age sixty-five.

(b) On or after September 1, 2008, any member who has completed at least thirty service credit years and has attained age fifty-five shall be eligible to retire and to receive a retirement allowance computed according to the provisions of RCW 41.32.840, except that a member retiring pursuant to this subsection shall have the retirement allowance reduced as follows:

Retirement Age	Percent Reduction
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55	20%
56	17%
57	14%
58	11%
59	8%
60	5%
61	2%
62	0%
63	0%
64	0%

difference in the number of years between age at retirement and the attainment of age sixty-five.

(3) ALTERNATE EARLY RETIREMENT.

(a) Any member who has completed at least thirty service credit years and has attained age fifty-five shall be eligible to retire and to receive a retirement allowance computed according to the provisions of RCW 41.35.400, except that a member retiring pursuant to this subsection shall have the retirement allowance reduced by three percent per year to reflect the difference in the number of years between age at retirement and the attainment of age sixty-five.

(b) On or after September 1, 2008, any member who has completed at least thirty service credit years and has attained age fifty-five shall be eligible to retire and to receive a retirement allowance computed according to the provisions of RCW 41.35.400, except that a member retiring pursuant to this subsection shall have the retirement allowance reduced as follows:

Retirement Age	Percent Reduction
55	20%
56	17%
57	14%
58	11%
59	8%
60	5%
61	2%
62	0%
63	0%
64	0%

Any member who retires under the provisions of this subsection is ineligible for the postretirement employment provisions of RCW 41.32.862(2) until the retired member has reached sixty-five years of age. For purposes of this subsection, employment with an employer also includes any personal service contract, service by an employer as a temporary or project employee, or any other similar compensated relationship with any employer included under the provisions of RCW 41.32.860(1).

The subsidized reductions for alternate early retirement in this subsection as set forth in section 4, chapter 491, Laws of 2007 were intended by the legislature as replacement benefits for gain-sharing. Until there is legal certainty with respect to the repeal of \*chapter 41.31A RCW, the right to retire under this subsection is noncontractual, and the legislature reserves the right to amend or repeal this subsection. Legal certainty includes, but is not limited to, the expiration of any: Applicable limitations on actions; and periods of time for seeking appellate review, up to and including reconsideration by the Washington supreme court and the supreme court of the United States. Until that time, eligible members may still retire under this subsection, and upon receipt of the first installment of a retirement allowance computed under this subsection, the resulting benefit becomes contractual for the recipient. If the repeal of \*chapter 41.31A RCW is held to be invalid in a final determination of a court of law, and the court orders reinstatement of gain-sharing or other alternate benefits as a remedy, then retirement benefits for any member who has completed at least thirty service credit years and has attained age fifty-five but has not yet received the first installment of a retirement allowance under this subsection shall be computed using the reductions in (a) of this subsection.

(c) Members who first become employed by an employer in an eligible position on or after July 1, 2012, are not eligible for the alternate early retirement provisions of this subsection.

**Sec. 3.** RCW 41.35.420 and 2007 c 491 s 6 are each amended to read as follows:

(1) **NORMAL RETIREMENT.** Any member with at least five service credit years who has attained at least age sixty-five shall be eligible to retire and to receive a retirement allowance computed according to the provisions of RCW 41.35.400.

(2) **EARLY RETIREMENT.** Any member who has completed at least twenty service credit years and has attained age fifty-five shall be eligible to retire and to receive a retirement allowance computed according to the provisions of RCW 41.35.400, except that a member retiring pursuant to this subsection shall have the retirement allowance actuarially reduced to reflect the

Any member who retires under the provisions of this subsection is ineligible for the postretirement employment provisions of RCW 41.35.060(2) until the retired member has reached sixty-five years of age. For purposes of this subsection, employment with an employer also includes any personal service contract, service by an employer as a temporary or project employee, or any other similar compensated relationship with any employer included under the provisions of RCW 41.35.230(1).

The subsidized reductions for alternate early retirement in this subsection as set forth in section 6, chapter 491, Laws of 2007 were intended by the legislature as replacement benefits for gain-sharing. Until there is legal certainty with respect to the repeal of \*chapter 41.31A RCW, the right to retire under this subsection is noncontractual, and the legislature reserves the right to amend or repeal this subsection. Legal certainty includes, but is not limited to, the expiration of any: Applicable limitations on actions; and periods of time for seeking appellate review, up to and including reconsideration by the Washington supreme court and the supreme court of the United States. Until that time, eligible members may still retire under this subsection, and upon receipt of the first installment of a retirement allowance computed under this subsection, the resulting benefit becomes contractual for the recipient. If the repeal of \*chapter 41.31A RCW is held to be invalid in a final determination of a court of law, and the court orders reinstatement of gain-sharing or other alternate benefits as a remedy, then retirement benefits for any member who has completed at least thirty service credit years and has attained age fifty-five but has not

yet received the first installment of a retirement allowance under this subsection shall be computed using the reductions in (a) of this subsection.

(c) Members who first become employed by an employer in an eligible position on or after July 1, 2012, are not eligible for the alternate early retirement provisions of this subsection.

**Sec. 4.** RCW 41.35.680 and 2007 c 491 s 8 are each amended to read as follows:

(1) **NORMAL RETIREMENT.** Any member who is at least age sixty-five and who has:

(a) Completed ten service credit years; or

(b) Completed five service credit years, including twelve service credit months after attaining age forty-four; or

(c) Completed five service credit years by September 1, 2000, under the public employees' retirement system plan 2 and who transferred to plan 3 under RCW 41.35.510;

shall be eligible to retire and to receive a retirement allowance computed according to the provisions of RCW 41.35.620.

(2) **EARLY RETIREMENT.** Any member who has attained at least age fifty-five and has completed at least ten years of service shall be eligible to retire and to receive a retirement allowance computed according to the provisions of RCW 41.35.620, except that a member retiring pursuant to this subsection shall have the retirement allowance actuarially reduced to reflect the difference in the number of years between age at retirement and the attainment of age sixty-five.

(3) **ALTERNATE EARLY RETIREMENT.**

(a) Any member who has completed at least thirty service credit years and has attained age fifty-five shall be eligible to retire and to receive a retirement allowance computed according to the provisions of RCW 41.35.620, except that a member retiring pursuant to this subsection shall have the retirement allowance reduced by three percent per year to reflect the difference in the number of years between age at retirement and the attainment of age sixty-five.

(b) On or after September 1, 2008, any member who has completed at least thirty service credit years and has attained age fifty-five shall be eligible to retire and to receive a retirement allowance computed according to the provisions of RCW 41.35.620, except that a member retiring pursuant to this subsection shall have the retirement allowance reduced as follows:

Retirement Age	Percent Reduction
55	20%
56	17%
57	14%
58	11%
59	8%
60	5%
61	2%
62	0%
63	0%
64	0%

Any member who retires under the provisions of this subsection is ineligible for the postretirement employment provisions of RCW

41.35.060(2) until the retired member has reached sixty-five years of age. For purposes of this subsection, employment with an employer also includes any personal service contract, service by an employer as a temporary or project employee, or any other similar compensated relationship with any employer included under the provisions of RCW 41.35.230(1).

The subsidized reductions for alternate early retirement in this subsection as set forth in section 8, chapter 491, Laws of 2007 were intended by the legislature as replacement benefits for gain-sharing. Until there is legal certainty with respect to the repeal of \*chapter 41.31A RCW, the right to retire under this subsection is noncontractual, and the legislature reserves the right to amend or repeal this subsection. Legal certainty includes, but is not limited to, the expiration of any: Applicable limitations on actions; and periods of time for seeking appellate review, up to and including reconsideration by the Washington supreme court and the supreme court of the United States. Until that time, eligible members may still retire under this subsection, and upon receipt of the first installment of a retirement allowance computed under this subsection, the resulting benefit becomes contractual for the recipient. If the repeal of \*chapter 41.31A RCW is held to be invalid in a final determination of a court of law, and the court orders reinstatement of gain-sharing or other alternate benefits as a remedy, then retirement benefits for any member who has completed at least thirty service credit years and has attained age fifty-five but has not yet received the first installment of a retirement allowance under this subsection shall be computed using the reductions in (a) of this subsection.

(c) Members who first become employed by an employer in an eligible position on or after July 1, 2012, are not eligible for the alternate early retirement provisions of this subsection.

**Sec. 5.** RCW 41.40.630 and 2007 c 491 s 9 are each amended to read as follows:

(1) **NORMAL RETIREMENT.** Any member with at least five service credit years who has attained at least age sixty-five shall be eligible to retire and to receive a retirement allowance computed according to the provisions of RCW 41.40.620.

(2) **EARLY RETIREMENT.** Any member who has completed at least twenty service credit years and has attained age fifty-five shall be eligible to retire and to receive a retirement allowance computed according to the provisions of RCW 41.40.620, except that a member retiring pursuant to this subsection shall have the retirement allowance actuarially reduced to reflect the difference in the number of years between age at retirement and the attainment of age sixty-five.

(3) **ALTERNATE EARLY RETIREMENT.**

(a) Any member who has completed at least thirty service credit years and has attained age fifty-five shall be eligible to retire and to receive a retirement allowance computed according to the provisions of RCW 41.40.620, except that a member retiring pursuant to this subsection shall have the retirement allowance reduced by three percent per year to reflect the difference in the number of years between age at retirement and the attainment of age sixty-five.

(b) On or after July 1, 2008, any member who has completed at least thirty service credit years and has attained age fifty-five shall be eligible to retire and to receive a retirement allowance computed according to the provisions of RCW 41.40.620, except that a member retiring pursuant to this subsection shall have the retirement allowance reduced as follows:

Retirement Age	Percent Reduction
55	20%

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56	17%
57	14%
58	11%
59	8%
60	5%
61	2%
62	0%
63	0%
64	0%

Any member who retires under the provisions of this subsection is ineligible for the postretirement employment provisions of \*RCW 41.40.037(2)(d) until the retired member has reached sixty-five years of age. For purposes of this subsection, employment with an employer also includes any personal service contract, service by an employer as a temporary or project employee, or any other similar compensated relationship with any employer included under the provisions of RCW 41.40.690(1).

The subsidized reductions for alternate early retirement in this subsection as set forth in section 9, chapter 491, Laws of 2007 were intended by the legislature as replacement benefits for gain-sharing. Until there is legal certainty with respect to the repeal of \*\*chapter 41.31A RCW, the right to retire under this subsection is noncontractual, and the legislature reserves the right to amend or repeal this subsection. Legal certainty includes, but is not limited to, the expiration of any: Applicable limitations on actions; and periods of time for seeking appellate review, up to and including reconsideration by the Washington supreme court and the supreme court of the United States. Until that time, eligible members may still retire under this subsection, and upon receipt of the first installment of a retirement allowance computed under this subsection, the resulting benefit becomes contractual for the recipient. If the repeal of \*\*chapter 41.31A RCW is held to be invalid in a final determination of a court of law, and the court orders reinstatement of gain-sharing or other alternate benefits as a remedy, then retirement benefits for any member who has completed at least thirty service credit years and has attained age fifty-five but has not yet received the first installment of a retirement allowance under this subsection shall be computed using the reductions in (a) of this subsection.

(c) Members who first become employed by an employer in an eligible position on or after July 1, 2012, are not eligible for the alternate early retirement provisions of this subsection.

**Sec. 6.** RCW 41.40.820 and 2007 c 491 s 10 are each amended to read as follows:

(1) NORMAL RETIREMENT. Any member who is at least age sixty-five and who has:

- (a) Completed ten service credit years; or
  - (b) Completed five service credit years, including twelve service credit months after attaining age forty-four; or
  - (c) Completed five service credit years by the transfer payment date specified in RCW 41.40.795, under the public employees' retirement system plan 2 and who transferred to plan 3 under RCW 41.40.795;
- shall be eligible to retire and to receive a retirement allowance computed according to the provisions of RCW 41.40.790.

(2) EARLY RETIREMENT. Any member who has attained at least age fifty-five and has completed at least ten years of service shall be eligible to retire and to receive a retirement allowance computed according to the provisions of RCW 41.40.790, except that a member retiring pursuant to this subsection shall have the retirement allowance actuarially reduced to reflect the difference in the number of years between age at retirement and the attainment of age sixty-five.

(3) ALTERNATE EARLY RETIREMENT.

(a) Any member who has completed at least thirty service credit years and has attained age fifty-five shall be eligible to retire and to receive a retirement allowance computed according to the provisions of RCW 41.40.790, except that a member retiring pursuant to this subsection shall have the retirement allowance reduced by three percent per year to reflect the difference in the number of years between age at retirement and the attainment of age sixty-five.

(b) On or after July 1, 2008, any member who has completed at least thirty service credit years and has attained age fifty-five shall be eligible to retire and to receive a retirement allowance computed according to the provisions of RCW 41.40.790, except that a member retiring pursuant to this subsection shall have the retirement allowance reduced as follows:

Retirement Age	Percent Reduction
55	20%
56	17%
57	14%
58	11%
59	8%
60	5%
61	2%
62	0%
63	0%
64	0%

Any member who retires under the provisions of this subsection is ineligible for the postretirement employment provisions of \*RCW 41.40.037(2)(d) until the retired member has reached sixty-five years of age. For purposes of this subsection, employment with an employer also includes any personal service contract, service by an employer as a temporary or project employee, or any other similar compensated relationship with any employer included under the provisions of RCW 41.40.850(1).

The subsidized reductions for alternate early retirement in this subsection as set forth in section 10, chapter 491, Laws of 2007 were intended by the legislature as replacement benefits for gain-sharing. Until there is legal certainty with respect to the repeal of \*\*chapter 41.31A RCW, the right to retire under this subsection is noncontractual, and the legislature reserves the right to amend or repeal this subsection. Legal certainty includes, but is not limited to, the expiration of any: Applicable limitations on actions; and periods of time for seeking appellate review, up to and including reconsideration by the Washington supreme court and the supreme court of the United States. Until that time, eligible members may still retire under this subsection, and upon receipt of the first installment of a retirement allowance computed under this



subsection, the resulting benefit becomes contractual for the recipient. If the repeal of \*\*chapter 41.31A RCW is held to be invalid in a final determination of a court of law, and the court orders reinstatement of gain-sharing or other alternate benefits as a remedy, then retirement benefits for any member who has completed at least thirty service credit years and has attained age fifty-five but has not yet received the first installment of a retirement allowance under this subsection shall be computed using the reductions in (a) of this subsection.

(c) Members who first become employed by an employer in an eligible position on or after July 1, 2012, are not eligible for the alternate early retirement provisions of this subsection.

NEW SECTION. Sec. 7. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect July 1, 2012." On page 1, after line 1 of the title, strike everything through "41.45.150" on page 1, line 2 of the title and insert "41.32.765, 41.32.875, 41.35.420, 41.35.680, 41.40.630, and 41.40.820; creating a new section; providing an effective date; and declaring an emergency"

Senators Baumgartner, Zarelli, Schoesler and Parlette spoke in favor of adoption of the striking amendment.

Senators Fraser, Murray and Conway spoke against adoption of the striking amendment.

#### PARLIAMENTARY INQUIRY

Senator Parlette: "Thank you Mr. President, first of all for the listeners who may be paying attention today the day before Easter our Minority Leader was not in the state hospital. He was in another hospital just having surgery so I just wanted to clarify that."

#### MOTION

Senator Zarelli moved that further consideration of Engrossed Senate Bill No. 6378 be deferred until Monday April 9, 2012 and the bill hold its place on the second reading calendar.

Senator Eide demanded a roll call.

The President declared that one-sixth of the members supported the demand and the demand was sustained.

Senator Brown spoke against the motion.

Senator Zarelli spoke in favor of the motion.

#### PARLIAMENTARY INQUIRY

Senator Fain: "Engrossed Senate Bill No. 6378 is, this a motion to defer consideration and have it be retained on the second reading calendar until Monday, April 9?"

#### REPLY BY THE PRESIDENT

President Owen: "That is correct."

The President declared the question before the Senate to be the motion by Senator Zarelli that the Senate defer further consideration of Engrossed Senate Bill No. 6378.

#### ROLL CALL

The Secretary called the roll on the motion by Senator Zarelli that the Senate defer further consideration of Engrossed Senate Bill No. 6387 and the motion carried by the following vote: Yeas, 24; Nays, 22; Absent, 0; Excused, 3.

Voting yea: Senators Baumgartner, Becker, Benton, Carrell, Delvin, Ericksen, Fain, Hatfield, Hill, Hobbs, Holmquist, Newbry, Honeyford, Kastama, King, Litzow, Padden, Parlette, Pflug, Roach, Schoesler, Sheldon, Stevens, Swecker and Zarelli

Voting nay: Senators Brown, Chase, Conway, Eide, Fraser, Frockt, Hargrove, Harper, Haugen, Keiser, Kilmer, Kline, Kohl-Welles, McAuliffe, Murray, Nelson, Prentice, Pridemore, Ranker, Regala, Rolfes and Shin

Excused: Senators Hewitt, Morton and Tom

#### MOTION

At 2:10 p.m., on motion of Senator Eide, the Senate adjourned until 10:00 a.m. Monday, April 9, 2012.

BRAD OWEN, President of the Senate

THOMAS HOEMANN, Secretary of the Senate

TWENTY NINTH DAY

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MORNING SESSION

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Senate Chamber, Olympia, Monday, April 9, 2012

The Senate was called to order at 10:00 a.m. by President Owen. The Secretary called the roll and announced to the President that all Senators were present with the exception of Senator Tom.

The Sergeant at Arms Color Guard consisting of Senate Security Staff Becky Gilpin and Gary Humbock, presented the Colors. Senator Shin offered the prayer.

MOTION

On motion of Senator Eide, the reading of the Journal of the previous day was dispensed with and it was approved.

MOTION

There being no objection, the Senate advanced to the first order of business.

REPORTS OF STANDING COMMITTEES

April 7, 2012

EHB 2821 Prime Sponsor, Representative Dickerson: Concerning children's safe products. Reported by Committee on Environment

MAJORITY recommendation: Do pass. Signed by Senators Nelson, Chair; Rolfes, Vice Chair; Chase; Fraser and Pridemore.

MINORITY recommendation: Do not pass. Signed by Senator Honeyford.

Passed to Committee on Rules for second reading.

April 7, 2012

HB 2824 Prime Sponsor, Representative Eddy: Addressing comprehensive funding for education by developing a plan for full funding and by freeing certain existing revenues for support of the basic education program. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass as amended. Signed by Senators Murray, Chair; Kilmer, Vice Chair, Capital Budget Chair; Zarelli; Parlette; Baumgartner; Brown; Harper; Hatfield; Holmquist Newbry; Honeyford; Kastama; Padden and Schoesler.

Passed to Committee on Rules for second reading.

MOTION

On motion of Senator Eide, all measures listed on the Standing Committee report were referred to the committees as designated.

MOTION

At 10:07 a.m., on motion of Senator Eide, the Senate was declared to be at ease subject to the call of the President.

EVENING SESSION

The Senate was called to order at 9:30 p.m. by President Owen.

MOTION

On motion of Senator Eide, Rule 15 was suspended for the remainder of the day for the purpose of allowing continued floor action.

EDITOR'S NOTE: Senate Rule 15 establishes the floor schedule and calls for a lunch and dinner break of 90 minutes each per day during regular daily sessions.

MOTION

At 9:30 p.m., on motion of Senator Eide, the Senate was declared to be at ease subject to the call of the President.

The Senate was called to order at 11:07 p.m. by President Owen.

MOTION

At 11:08 p.m., on motion of Senator Eide, the Senate adjourned until 9:00 a.m. Tuesday, April 10, 2012.

BRAD OWEN, President of the Senate

THOMAS HOEMANN, Secretary of the Senate

**THIRTIETH DAY****MORNING SESSION**

Senate Chamber, Olympia, Tuesday, April 10, 2012

The Senate was called to order at 9:00 a.m. by the President Pro Tempore. The Secretary called the roll and announced to the President Pro Tempore that all Senators were present with the exception of Senators Hewitt, Hill, Hobbs, Holmquist Newbry, Pflug, Pridemore, Roach, Sheldon, Stevens, Tom and Zarelli.

The Sergeant at Arms Color Guard consisting of Lieutenant Governor's Staff Brent Pendleton and Brian Dirks, presented the Colors. Senator Morton offered the prayer.

**MOTION**

On motion of Senator Eide, the reading of the Journal of the previous day was dispensed with and it was approved.

**MOTION**

On motion of Senator Eide, the Senate advanced to the third order of business.

**MESSAGE FROM THE GOVERNOR  
GUBERNATORIAL APPOINTMENTS**

April 6, 2012

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following reappointment, subject to your confirmation.

Marta B. Powell, reappointed March 27, 2012, for the term ending March 1, 2017, as Member of the Board of Tax Appeals.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Ways & Means.

**MOTION**

On motion of Senator Eide, the appointee listed on the Gubernatorial Appointment report was referred to the committee as designated.

**MOTION**

On motion of Senator Eide, the Senate advanced to the fifth order of business.

**INTRODUCTION AND FIRST READING**

**SB 6639** by Senators Zarelli, Tom, Ericksen, Delvin and Padden

AN ACT Relating to across-the-board reductions to state appropriations; amending RCW 43.88.110; and declaring an emergency.

Referred to Committee on Ways & Means.

**MOTION**

On motion of Senator Eide, the measure listed on the Introduction and First Reading report was referred to the committee as designated.

**MOTION**

On motion of Senator Eide, the Senate advanced to the sixth order of business.

**SECOND READING  
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS****MOTION**

Senator Litzow moved that Gubernatorial Appointment No. 9078, Steve Miller, as a member of the Board of Trustees, Bellevue College District No. 8 be confirmed.

Senator Litzow spoke in favor of the motion.

**MOTION**

On motion of Senator Harper, Senators Haugen, Hobbs, Pridemore, Sheldon and Tom were excused.

**MOTION**

On motion of Senator Ericksen, Senators Becker, Benton, Carrell, Hewitt, Hill, Holmquist Newbry, Padden, Pflug, Roach, Stevens and Zarelli were excused.

**APPOINTMENT OF STEVE MILLER**

The President Pro Tempore declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9078, Steve Miller as a member of the Board of Trustees, Bellevue College District No. 8.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9078, Steve Miller as a member of the Board of Trustees, Bellevue College District No. 8 and the appointment was confirmed by the following vote: Yeas, 37; Nays, 1; Absent, 0; Excused, 11.

Voting yea: Senators Becker, Benton, Brown, Carrell, Chase, Conway, Delvin, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hatfield, Haugen, Honeyford, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles, Litzow, McAuliffe, Morton, Murray, Nelson, Padden, Parlette, Prentice, Ranker, Regala, Rolfes, Schoesler, Shin and Swecker

Voting nay: Senator Baumgartner

Excused: Senators Hewitt, Hill, Hobbs, Holmquist Newbry, Pflug, Pridemore, Roach, Sheldon, Stevens, Tom and Zarelli

Gubernatorial Appointment No. 9078, Steve Miller, having received the constitutional majority was declared confirmed as a member of the Board of Trustees Bellevue College District No. 8.

**SECOND READING  
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS****MOTION**

Senator Ranker moved that Gubernatorial Appointment No. 9174, Steven Adelstein, as a member of the Board of Trustees, Whatcom Community College District No. 21, be confirmed.

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Senator Ranker spoke in favor of the motion.

#### APPOINTMENT OF STEVEN ADELSTEIN

The President Pro Tempore declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9174, Steven Adelstein as a member of the Board of Trustees, Whatcom Community College District No. 21.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9174, Steven Adelstein as a member of the Board of Trustees, Whatcom Community College District No. 21 and the appointment was confirmed by the following vote: Yeas, 38; Nays, 1; Absent, 0; Excused, 10.

Voting yea: Senators Becker, Benton, Brown, Carrell, Chase, Conway, Delvin, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hatfield, Haugen, Holmquist Newbry, Honeyford, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles, Litzow, McAuliffe, Morton, Murray, Nelson, Padden, Parlette, Prentice, Ranker, Regala, Rolfes, Schoesler, Shin and Swecker

Voting nay: Senator Baumgartner

Excused: Senators Hewitt, Hill, Hobbs, Pflug, Pridemore, Roach, Sheldon, Stevens, Tom and Zarelli

Gubernatorial Appointment No. 9174, Steven Adelstein, having received the constitutional majority was declared confirmed as a member of the Board of Trustees, Whatcom Community College District No. 21.

#### SECOND READING

#### CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

#### MOTION

Senator King moved that Gubernatorial Appointment No. 9199, Alan Haight, as Director of the Department of Licensing, be confirmed.

Senator King spoke in favor of the motion.

#### APPOINTMENT OF ALAN HAIGHT

The President Pro Tempore declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9199, Alan Haight as Director of the Department of Licensing.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9199, Alan Haight as Director of the Department of Licensing and the appointment was confirmed by the following vote: Yeas, 39; Nays, 0; Absent, 0; Excused, 10.

Voting yea: Senators Baumgartner, Becker, Benton, Brown, Carrell, Chase, Conway, Delvin, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hatfield, Haugen, Holmquist Newbry, Honeyford, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles, Litzow, McAuliffe, Morton, Murray, Nelson, Padden, Parlette, Prentice, Ranker, Regala, Rolfes, Schoesler, Shin and Swecker

Excused: Senators Hewitt, Hill, Hobbs, Pflug, Pridemore, Roach, Sheldon, Stevens, Tom and Zarelli

Gubernatorial Appointment No. 9199, Alan Haight, having received the constitutional majority was declared confirmed as Director of the Department of Licensing.

#### SECOND READING

SUBSTITUTE HOUSE BILL NO. 2491, by House Committee on Labor & Workforce Development (originally sponsored by Representatives Uptegrove and Orwall)

Addressing when predecessor-successor relationships do not exist for purposes of unemployment experience rating.

The measure was read the second time.

#### MOTION

On motion of Senator Keiser, the rules were suspended, Substitute House Bill No. 2491 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Keiser, Holmquist Newbry and Fain spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Substitute House Bill No. 2491.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2491 and the bill passed the Senate by the following vote: Yeas, 40; Nays, 0; Absent, 0; Excused, 9.

Voting yea: Senators Baumgartner, Becker, Benton, Brown, Carrell, Chase, Conway, Delvin, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hatfield, Haugen, Holmquist Newbry, Honeyford, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles, Litzow, McAuliffe, Morton, Murray, Nelson, Padden, Parlette, Prentice, Ranker, Regala, Roach, Rolfes, Schoesler, Shin and Swecker

Excused: Senators Hewitt, Hill, Hobbs, Pflug, Pridemore, Sheldon, Stevens, Tom and Zarelli

SUBSTITUTE HOUSE BILL NO. 2491, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SUBSTITUTE HOUSE BILL NO. 2590, by House Committee on Business & Financial Services (originally sponsored by Representatives Bailey and Buys)

Extending the expiration of the pollution liability insurance agency's authority and its funding source.

The measure was read the second time.

#### MOTION

On motion of Senator Fraser, the rules were suspended, Substitute House Bill No. 2590 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Fraser and Padden spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Substitute House Bill No. 2590.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2590 and the bill passed the Senate by the following vote: Yeas, 40; Nays, 0; Absent, 0; Excused, 9.

Voting yea: Senators Baumgartner, Becker, Benton, Brown, Carrell, Chase, Conway, Delvin, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hatfield, Haugen, Holmquist Newbry, Honeyford, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles, Litzow, McAuliffe, Morton, Murray, Nelson, Padden, Parlette, Prentice, Ranker, Regala, Roach, Rolfes, Schoesler, Shin and Swecker

Excused: Senators Hewitt, Hill, Hobbs, Pflug, Pridemore, Sheldon, Stevens, Tom and Zarelli

SUBSTITUTE HOUSE BILL NO. 2590, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 9:44 a.m., on motion of Senator Eide, the Senate was declared to be at ease subject to the call of the President.

EVENING SESSION

The Senate was called to order at 6:05 p.m. by President Owen.

MOTION TO LIMIT DEBATE

Senator Eide: "Mr. President, I move that the members of the Senate be allowed to speak but once on each question before the Senate, that such speech be limited to three minutes and that members be prohibited from yielding their time, however, the maker of a motion shall be allowed to open and close debate. This motion shall be in effect through April 10, 2012."

The President declared the question before the Senate to be the motion by Senator Eide to limit debate.

The motion by Senator Eide carried and debate was limited through April 10, 2012 by voice vote.

MOTION

On motion of Senator Eide, Rule 15 was suspended for the remainder of the day for the purpose of allowing continued floor action.

EDITOR'S NOTE: Senate Rule 15 establishes the floor schedule and calls for a lunch and dinner break of 90 minutes each per day during regular daily sessions.

MOTION

On motion of Senator Eide, the rules were suspended and, pursuant to Rule 48, the Committee on Ways & Means was relieved of further consideration of Second Engrossed Substitute House bill No. 2127, Second Engrossed Second Substitute House bill No. 2565, House Bill No. 2822, Senate Bill No. 5127, Senate Bill No. 6074, Senate Bill No. 6635 and Senate Bill No. 5903; and the Committee on Rules was relieved of further consideration of House Bill No. 2824 and all the measures were placed on the day's second reading calendar without objection.

The Senate resumed consideration of Engrossed Senate Bill No. 6378 which had been deferred on April 7, 2012.

The President declared the question before the senate to be the motion by Senator Baumgartner to adopt the striking amendment by Senator Baumgartner to Engrossed Senate Bill No. 6378.

WITHDRAWAL OF AMENDMENT

On motion of Senator Zarelli, the striking amendment by Senator Baumgartner to Engrossed Senate Bill No. 6378 was withdrawn.

MOTION

Senator Zarelli moved that the following striking amendment by Senators Baumgartner and Zarelli be adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 41.32.765 and 2007 c 491 s 2 are each amended to read as follows:

(1) NORMAL RETIREMENT. Any member with at least five service credit years of service who has attained at least age sixty-five shall be eligible to retire and to receive a retirement allowance computed according to the provisions of RCW 41.32.760.

(2) EARLY RETIREMENT. Any member who has completed at least twenty service credit years of service who has attained at least age fifty- five shall be eligible to retire and to receive a retirement allowance computed according to the provisions of RCW 41.32.760, except that a member retiring pursuant to this subsection shall have the retirement allowance actuarially reduced to reflect the difference in the number of years between age at retirement and the attainment of age sixty- five.

(3) ALTERNATE EARLY RETIREMENT.

(a) Any member who has completed at least thirty service credit years and has attained age fifty-five shall be eligible to retire and to receive a retirement allowance computed according to the provisions of RCW 41.32.760, except that a member retiring pursuant to this subsection shall have the retirement allowance reduced by three percent per year to reflect the difference in the number of years between age at retirement and the attainment of age sixty-five.

(b) On or after September 1, 2008, any member who has completed at least thirty service credit years and has attained age fifty-five shall be eligible to retire and to receive a retirement allowance computed according to the provisions of RCW 41.32.760, except that a member retiring pursuant to this subsection shall have the retirement allowance reduced as follows:

Retirement Age	Percent Reduction
55	20%
56	17%
57	14%
58	11%
59	8%
60	5%
61	2%
62	0%
63	0%
64	0%

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Any member who retires under the provisions of this subsection is ineligible for the postretirement employment provisions of RCW 41.32.802(2) until the retired member has reached sixty-five years of age. For purposes of this subsection, employment with an employer also includes any personal service contract, service by an employer as a temporary or project employee, or any other similar compensated relationship with any employer included under the provisions of RCW 41.32.800(1).

The subsidized reductions for alternate early retirement in this subsection as set forth in section 2, chapter 491, Laws of 2007 were intended by the legislature as replacement benefits for gain-sharing. Until there is legal certainty with respect to the repeal of chapter 41.31A RCW, the right to retire under this subsection is noncontractual, and the legislature reserves the right to amend or repeal this subsection. Legal certainty includes, but is not limited to, the expiration of any: Applicable limitations on actions; and periods of time for seeking appellate review, up to and including reconsideration by the Washington supreme court and the supreme court of the United States. Until that time, eligible members may still retire under this subsection, and upon receipt of the first installment of a retirement allowance computed under this subsection, the resulting benefit becomes contractual for the recipient. If the repeal of chapter 41.31A RCW is held to be invalid in a final determination of a court of law, and the court orders reinstatement of gain-sharing or other alternate benefits as a remedy, then retirement benefits for any member who has completed at least thirty service credit years and has attained age fifty-five but has not yet received the first installment of a retirement allowance under this subsection shall be computed using the reductions in (a) of this subsection.

(c) Members who first become employed by an employer in an eligible position on or after May 1, 2013, are not eligible for the alternate early retirement provisions of (a) or (b) of this subsection. Any member who first becomes employed by an employer in an eligible position on or after May 1, 2013, and has completed at least thirty service credit years and has attained age fifty-five shall be eligible to retire and to receive a retirement allowance computed according to the provisions of RCW 41.32.760, except that a member retiring pursuant to this subsection shall have the retirement allowance reduced by five percent per year to reflect the difference in the number of years between age at retirement and the attainment of age sixty-five.

**Sec. 2.** RCW 41.32.875 and 2007 c 491 s 4 are each amended to read as follows:

(1) **NORMAL RETIREMENT.** Any member who is at least age sixty-five and who has:

- (a) Completed ten service credit years; or
- (b) Completed five service credit years, including twelve service credit months after attaining age forty-four; or

(c) Completed five service credit years by July 1, 1996, under plan 2 and who transferred to plan 3 under RCW 41.32.817; shall be eligible to retire and to receive a retirement allowance computed according to the provisions of RCW 41.32.840.

(2) **EARLY RETIREMENT.** Any member who has attained at least age fifty-five and has completed at least ten years of service shall be eligible to retire and to receive a retirement allowance computed according to the provisions of RCW 41.32.840, except that a member retiring pursuant to this subsection shall have the retirement allowance actuarially reduced to reflect the difference in the number of years between age at retirement and the attainment of age sixty-five.

(3) **ALTERNATE EARLY RETIREMENT.**

(a) Any member who has completed at least thirty service credit years and has attained age fifty-five shall be eligible to retire and to receive a retirement allowance computed according to the

provisions of RCW 41.32.840, except that a member retiring pursuant to this subsection shall have the retirement allowance reduced by three percent per year to reflect the difference in the number of years between age at retirement and the attainment of age sixty-five.

(b) On or after September 1, 2008, any member who has completed at least thirty service credit years and has attained age fifty-five shall be eligible to retire and to receive a retirement allowance computed according to the provisions of RCW 41.32.840, except that a member retiring pursuant to this subsection shall have the retirement allowance reduced as follows:

Retirement Age	Percent Reduction
55	20%
56	17%
57	14%
58	11%
59	8%
60	5%
61	2%
62	0%
63	0%
64	0%

Any member who retires under the provisions of this subsection is ineligible for the postretirement employment provisions of RCW 41.32.862(2) until the retired member has reached sixty-five years of age. For purposes of this subsection, employment with an employer also includes any personal service contract, service by an employer as a temporary or project employee, or any other similar compensated relationship with any employer included under the provisions of RCW 41.32.860(1).

The subsidized reductions for alternate early retirement in this subsection as set forth in section 4, chapter 491, Laws of 2007 were intended by the legislature as replacement benefits for gain-sharing. Until there is legal certainty with respect to the repeal of chapter 41.31A RCW, the right to retire under this subsection is noncontractual, and the legislature reserves the right to amend or repeal this subsection. Legal certainty includes, but is not limited to, the expiration of any: Applicable limitations on actions; and periods of time for seeking appellate review, up to and including reconsideration by the Washington supreme court and the supreme court of the United States. Until that time, eligible members may still retire under this subsection, and upon receipt of the first installment of a retirement allowance computed under this subsection, the resulting benefit becomes contractual for the recipient. If the repeal of chapter 41.31A RCW is held to be invalid in a final determination of a court of law, and the court orders reinstatement of gain-sharing or other alternate benefits as a remedy, then retirement benefits for any member who has completed at least thirty service credit years and has attained age fifty-five but has not yet received the first installment of a retirement allowance under this subsection shall be computed using the reductions in (a) of this subsection.

(c) Members who first become employed by an employer in an eligible position on or after May 1, 2013, are not eligible for the alternate early retirement provisions of (a) or (b) of this subsection. Any member who first becomes employed by an employer in an eligible position on or after May 1, 2013, and has completed at least thirty service credit years and has attained age fifty-five shall be eligible to retire and to receive a retirement allowance computed according to the provisions of RCW 41.32.840, except that a member retiring pursuant to this subsection shall have the retirement allowance reduced by five percent per year to reflect the difference in the number of years between age at retirement and the attainment of age sixty-five.

**Sec. 3.** RCW 41.35.420 and 2007 c 491 s 6 are each amended to read as follows:

(1) **NORMAL RETIREMENT.** Any member with at least five service credit years who has attained at least age sixty-five shall be eligible to retire and to receive a retirement allowance computed according to the provisions of RCW 41.35.400.

(2) **EARLY RETIREMENT.** Any member who has completed at least twenty service credit years and has attained age fifty-five shall be eligible to retire and to receive a retirement allowance computed according to the provisions of RCW 41.35.400, except that a member retiring pursuant to this subsection shall have the retirement allowance actuarially reduced to reflect the difference in the number of years between age at retirement and the attainment of age sixty-five.

(3) **ALTERNATE EARLY RETIREMENT.**

(a) Any member who has completed at least thirty service credit years and has attained age fifty-five shall be eligible to retire and to receive a retirement allowance computed according to the provisions of RCW 41.35.400, except that a member retiring pursuant to this subsection shall have the retirement allowance reduced by three percent per year to reflect the difference in the number of years between age at retirement and the attainment of age sixty-five.

(b) On or after September 1, 2008, any member who has completed at least thirty service credit years and has attained age fifty-five shall be eligible to retire and to receive a retirement allowance computed according to the provisions of RCW 41.35.400, except that a member retiring pursuant to this subsection shall have the retirement allowance reduced as follows:

Retirement Age	Percent Reduction
55	20%
56	17%
57	14%
58	11%
59	8%
60	5%
61	2%
62	0%
63	0%
64	0%

Any member who retires under the provisions of this subsection is ineligible for the postretirement employment provisions of RCW 41.35.060(2) until the retired member has reached sixty-five years of age. For purposes of this subsection, employment with an employer also includes any personal service contract, service by an employer as a temporary or project employee, or any other similar compensated relationship with any employer included under the provisions of RCW 41.35.230(1).

The subsidized reductions for alternate early retirement in this subsection as set forth in section 6, chapter 491, Laws of 2007 were intended by the legislature as replacement benefits for gain-sharing. Until there is legal certainty with respect to the repeal of chapter 41.31A RCW, the right to retire under this subsection is noncontractual, and the legislature reserves the right to amend or repeal this subsection. Legal certainty includes, but is not limited to, the expiration of any: Applicable limitations on actions; and periods of time for seeking appellate review, up to and including reconsideration by the Washington supreme court and the supreme court of the United States. Until that time, eligible members may still retire under this subsection, and upon receipt of the first installment of a retirement allowance computed under this subsection, the resulting benefit becomes contractual for the recipient. If the repeal of chapter 41.31A RCW is held to be invalid in a final determination of a court of law, and the court orders reinstatement of gain-sharing or other alternate benefits as a remedy, then retirement benefits for any member who has completed at least thirty service credit years and has attained age fifty-five but has not yet received the first installment of a retirement allowance under this subsection shall be computed using the reductions in (a) of this subsection.

(c) Members who first become employed by an employer in an eligible position on or after May 1, 2013, are not eligible for the alternate early retirement provisions of (a) or (b) of this subsection. Any member who first becomes employed by an employer in an eligible position on or after May 1, 2013, and has completed at least thirty service credit years and has attained age fifty-five shall be eligible to retire and to receive a retirement allowance computed according to the provisions of RCW 41.35.400, except that a member retiring pursuant to this subsection shall have the retirement allowance reduced by five percent per year to reflect the difference in the number of years between age at retirement and the attainment of age sixty-five.

**Sec. 4.** RCW 41.35.680 and 2007 c 491 s 8 are each amended to read as follows:

(1) **NORMAL RETIREMENT.** Any member who is at least age sixty-five and who has:

(a) Completed ten service credit years; or

(b) Completed five service credit years, including twelve service credit months after attaining age forty-four; or

(c) Completed five service credit years by September 1, 2000, under the public employees' retirement system plan 2 and who transferred to plan 3 under RCW 41.35.510; shall be eligible to retire and to receive a retirement allowance computed according to the provisions of RCW 41.35.620.

(2) **EARLY RETIREMENT.** Any member who has attained at least age fifty-five and has completed at least ten years of service shall be eligible to retire and to receive a retirement allowance computed according to the provisions of RCW 41.35.620, except that a member retiring pursuant to this subsection shall have the retirement allowance actuarially reduced to reflect the difference in the number of years between age at retirement and the attainment of age sixty-five.

(3) **ALTERNATE EARLY RETIREMENT.**

(a) Any member who has completed at least thirty service credit years and has attained age fifty-five shall be eligible to retire and to

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receive a retirement allowance computed according to the provisions of RCW 41.35.620, except that a member retiring pursuant to this subsection shall have the retirement allowance reduced by three percent per year to reflect the difference in the number of years between age at retirement and the attainment of age sixty-five.

(b) On or after September 1, 2008, any member who has completed at least thirty service credit years and has attained age fifty-five shall be eligible to retire and to receive a retirement allowance computed according to the provisions of RCW 41.35.620, except that a member retiring pursuant to this subsection shall have the retirement allowance reduced as follows:

Retirement Age	Percent Reduction
55	20%
56	17%
57	14%
58	11%
59	8%
60	5%
61	2%
62	0%
63	0%
64	0%

Any member who retires under the provisions of this subsection is ineligible for the postretirement employment provisions of RCW 41.35.060(2) until the retired member has reached sixty-five years of age. For purposes of this subsection, employment with an employer also includes any personal service contract, service by an employer as a temporary or project employee, or any other similar compensated relationship with any employer included under the provisions of RCW 41.35.230(1).

The subsidized reductions for alternate early retirement in this subsection as set forth in section 8, chapter 491, Laws of 2007 were intended by the legislature as replacement benefits for gain-sharing. Until there is legal certainty with respect to the repeal of chapter 41.31A RCW, the right to retire under this subsection is noncontractual, and the legislature reserves the right to amend or repeal this subsection. Legal certainty includes, but is not limited to, the expiration of any: Applicable limitations on actions; and periods of time for seeking appellate review, up to and including reconsideration by the Washington supreme court and the supreme court of the United States. Until that time, eligible members may still retire under this subsection, and upon receipt of the first installment of a retirement allowance computed under this subsection, the resulting benefit becomes contractual for the recipient. If the repeal of chapter 41.31A RCW is held to be invalid in a final determination of a court of law, and the court orders reinstatement of gain-sharing or other alternate benefits as a remedy, then retirement benefits for any member who has completed at least thirty service credit years and has attained age fifty-five but has not yet received the first installment of a retirement allowance under this subsection shall be computed using the reductions in (a) of this subsection.

(c) Members who first become employed by an employer in an eligible position on or after May 1, 2013, are not eligible for the alternate early retirement provisions of (a) or (b) of this subsection. Any member who first becomes employed by an employer in an eligible position on or after May 1, 2013, and has completed at least thirty service credit years and has attained age fifty-five shall be eligible to retire and to receive a retirement allowance computed according to the provisions of RCW 41.35.620, except that a member retiring pursuant to this subsection shall have the retirement allowance reduced by five percent per year to reflect the difference in the number of years between age at retirement and the attainment of age sixty-five.

**Sec. 5.** RCW 41.40.630 and 2007 c 491 s 9 are each amended to read as follows:

(1) **NORMAL RETIREMENT.** Any member with at least five service credit years who has attained at least age sixty-five shall be eligible to retire and to receive a retirement allowance computed according to the provisions of RCW 41.40.620.

(2) **EARLY RETIREMENT.** Any member who has completed at least twenty service credit years and has attained age fifty-five shall be eligible to retire and to receive a retirement allowance computed according to the provisions of RCW 41.40.620, except that a member retiring pursuant to this subsection shall have the retirement allowance actuarially reduced to reflect the difference in the number of years between age at retirement and the attainment of age sixty-five.

(3) **ALTERNATE EARLY RETIREMENT.**

(a) Any member who has completed at least thirty service credit years and has attained age fifty-five shall be eligible to retire and to receive a retirement allowance computed according to the provisions of RCW 41.40.620, except that a member retiring pursuant to this subsection shall have the retirement allowance reduced by three percent per year to reflect the difference in the number of years between age at retirement and the attainment of age sixty-five.

(b) On or after July 1, 2008, any member who has completed at least thirty service credit years and has attained age fifty-five shall be eligible to retire and to receive a retirement allowance computed according to the provisions of RCW 41.40.620, except that a member retiring pursuant to this subsection shall have the retirement allowance reduced as follows:

Retirement Age	Percent Reduction
55	20%
56	17%
57	14%
58	11%
59	8%
60	5%
61	2%
62	0%
63	0%
64	0%



Any member who retires under the provisions of this subsection is ineligible for the postretirement employment provisions of RCW 41.40.037(2)(d) until the retired member has reached sixty-five years of age. For purposes of this subsection, employment with an employer also includes any personal service contract, service by an employer as a temporary or project employee, or any other similar compensated relationship with any employer included under the provisions of RCW 41.40.690(1).

The subsidized reductions for alternate early retirement in this subsection as set forth in section 9, chapter 491, Laws of 2007 were intended by the legislature as replacement benefits for gain-sharing. Until there is legal certainty with respect to the repeal of chapter 41.31A RCW, the right to retire under this subsection is noncontractual, and the legislature reserves the right to amend or repeal this subsection. Legal certainty includes, but is not limited to, the expiration of any: Applicable limitations on actions; and periods of time for seeking appellate review, up to and including reconsideration by the Washington supreme court and the supreme court of the United States. Until that time, eligible members may still retire under this subsection, and upon receipt of the first installment of a retirement allowance computed under this subsection, the resulting benefit becomes contractual for the recipient. If the repeal of chapter 41.31A RCW is held to be invalid in a final determination of a court of law, and the court orders reinstatement of gain-sharing or other alternate benefits as a remedy, then retirement benefits for any member who has completed at least thirty service credit years and has attained age fifty-five but has not yet received the first installment of a retirement allowance under this subsection shall be computed using the reductions in (a) of this subsection.

(c) Members who first become employed by an employer in an eligible position on or after May 1, 2013, are not eligible for the alternate early retirement provisions of (a) or (b) of this subsection. Any member who first becomes employed by an employer in an eligible position on or after May 1, 2013, and has completed at least thirty service credit years and has attained age fifty-five shall be eligible to retire and to receive a retirement allowance computed according to the provisions of RCW 41.40.620, except that a member retiring pursuant to this subsection shall have the retirement allowance reduced by five percent per year to reflect the difference in the number of years between age at retirement and the attainment of age sixty-five.

**Sec. 6.** RCW 41.40.820 and 2007 c 491 s 10 are each amended to read as follows:

(1) **NORMAL RETIREMENT.** Any member who is at least age sixty-five and who has:

(a) Completed ten service credit years; or

(b) Completed five service credit years, including twelve service credit months after attaining age forty-four; or

(c) Completed five service credit years by the transfer payment date specified in RCW 41.40.795, under the public employees' retirement system plan 2 and who transferred to plan 3 under RCW 41.40.795;

shall be eligible to retire and to receive a retirement allowance computed according to the provisions of RCW 41.40.790.

(2) **EARLY RETIREMENT.** Any member who has attained at least age fifty-five and has completed at least ten years of service shall be eligible to retire and to receive a retirement allowance computed according to the provisions of RCW 41.40.790, except that a member retiring pursuant to this subsection shall have the retirement allowance actuarially reduced to reflect the difference in the number of years between age at retirement and the attainment of age sixty-five.

(3) **ALTERNATE EARLY RETIREMENT.**

(a) Any member who has completed at least thirty service credit years and has attained age fifty-five shall be eligible to retire and to receive a retirement allowance computed according to the provisions of RCW 41.40.790, except that a member retiring pursuant to this subsection shall have the retirement allowance reduced by three percent per year to reflect the difference in the number of years between age at retirement and the attainment of age sixty-five.

(b) On or after July 1, 2008, any member who has completed at least thirty service credit years and has attained age fifty-five shall be eligible to retire and to receive a retirement allowance computed according to the provisions of RCW 41.40.790, except that a member retiring pursuant to this subsection shall have the retirement allowance reduced as follows:

Retirement Age	Percent Reduction
55	20%
56	17%
57	14%
58	11%
59	8%
60	5%
61	2%
62	0%
63	0%
64	0%

Any member who retires under the provisions of this subsection is ineligible for the postretirement employment provisions of RCW 41.40.037(2)(d) until the retired member has reached sixty-five years of age. For purposes of this subsection, employment with an employer also includes any personal service contract, service by an employer as a temporary or project employee, or any other similar compensated relationship with any employer included under the provisions of RCW 41.40.850(1).

The subsidized reductions for alternate early retirement in this subsection as set forth in section 10, chapter 491, Laws of 2007 were intended by the legislature as replacement benefits for gain-sharing. Until there is legal certainty with respect to the repeal of chapter 41.31A RCW, the right to retire under this subsection is noncontractual, and the legislature reserves the right to amend or repeal this subsection. Legal certainty includes, but is not limited to, the expiration of any: Applicable limitations on actions; and periods of time for seeking appellate review, up to and including reconsideration by the Washington supreme court and the supreme court of the United States. Until that time, eligible members may still retire under this subsection, and upon receipt of the first installment of a retirement allowance computed under this subsection, the resulting benefit becomes contractual for the recipient. If the repeal of chapter 41.31A RCW is held to be invalid in a final determination of a court of law, and the court orders reinstatement of gain-sharing or other alternate benefits as a remedy, then retirement benefits for any member who has completed at least thirty service credit years and has attained age fifty-five but has not

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yet received the first installment of a retirement allowance under this subsection shall be computed using the reductions in (a) of this subsection.

(c) Members who first become employed by an employer in an eligible position on or after May 1, 2013, are not eligible for the alternate early retirement provisions of (a) or (b) of this subsection. Any member who first becomes employed by an employer in an eligible position on or after May 1, 2013, and has completed at least thirty service credit years and has attained age fifty-five shall be eligible to retire and to receive a retirement allowance computed according to the provisions of RCW 41.40.790, except that a member retiring pursuant to this subsection shall have the retirement allowance reduced by five percent per year to reflect the difference in the number of years between age at retirement and the attainment of age sixty-five.

**Sec. 7.** RCW 41.45.035 and 2009 c 561 s 2 are each amended to read as follows:

(1) Beginning July 1, 2001, the following long-term economic assumptions shall be used by the state actuary for the purposes of RCW 41.45.030:

(a) The growth in inflation assumption shall be 3.5 percent;

(b) The growth in salaries assumption, exclusive of merit or longevity increases, shall be 4.5 percent;

(c) The investment rate of return assumption shall be 8 percent; and

(d) The growth in system membership assumption shall be 1.25 percent for the public employees' retirement system, the public safety employees' retirement system, the school employees' retirement system, and the law enforcement officers' and firefighters' retirement system. The assumption shall be .90 percent for the teachers' retirement system.

(2) Beginning July 1, 2009, the growth in salaries assumption for the public employees' retirement system, the public safety employees' retirement system, the teachers' retirement system, the school employees' retirement system, plan 1 of the law enforcement officers' and firefighters' retirement system, and the Washington state patrol retirement system, exclusive of merit or longevity increases, shall be the sum of:

(a) The growth in inflation assumption in subsection (1)(a) of this section; and

(b) The productivity growth assumption of 0.5 percent.

(3) The following investment rate of return assumptions for the public employees' retirement system, the public safety employees' retirement system, the teachers' retirement system, the school employees' retirement system, plan 1 of the law enforcement officers' and firefighters' retirement system, and the Washington state patrol retirement system, shall be used by the state actuary for the purposes of RCW 41.45.030:

(a) Beginning July 1, 2013, the investment rate of return assumption shall be 7.9 percent.

(b) Beginning July 1, 2015, the investment rate of return assumption shall be 7.8 percent.

(c) Beginning July 1, 2017, the investment rate of return assumption shall be 7.7 percent.

(d) For valuation purposes, the state actuary shall only use the assumptions in (a) through (c) of this subsection after the effective date in (a) through (c) of this subsection.

(e) By June 1, 2017, the state actuary shall submit to the council information regarding the experience and financial condition of each state retirement system, and make recommendations regarding the long-term investment rate of return assumptions set forth in this subsection. The council shall review this and such other information as it may require.

(4)(a) Beginning with actuarial studies done after July 1, 2003, changes to plan asset values that vary from the long-term investment

rate of return assumption shall be recognized in the actuarial value of assets over a period that varies up to eight years depending on the magnitude of the deviation of each year's investment rate of return relative to the long-term rate of return assumption. Beginning with actuarial studies performed after July 1, 2004, the actuarial value of assets shall not be greater than one hundred thirty percent of the market value of assets as of the valuation date or less than seventy percent of the market value of assets as of the valuation date. Beginning April 1, 2004, the council, by affirmative vote of four councilmembers, may adopt changes to this asset value smoothing technique. Any changes adopted by the council shall be subject to revision by the legislature.

(b) The state actuary shall periodically review the appropriateness of the asset smoothing method in this section and recommend changes to the council as necessary. Any changes adopted by the council shall be subject to revision by the legislature.

**NEW SECTION. Sec. 8.** The select committee on pension policy, with the assistance of the department of labor and industries, shall study the issue of risk classifications of employees in the Washington state retirement systems that entail either high degrees of physical or psychological risk to the members' own safety or unusually high physical requirements that result in elevated risks of injury or disablement for older employees. The select committee on pension policy, with the assistance of the office of the superintendent of public instruction, shall also study existing early retirement factors and job requirements that may limit the effectiveness of the older classroom employee. The study shall identify groups and evaluate them for inclusion in the public safety employees' retirement system or the creation of other early retirement factors in the teachers' or school employees' retirement systems. The select committee on pension policy shall report the findings and recommendations of its study to the legislative fiscal committees by no later than December 15, 2012."

Senators Zarelli and Delvin spoke in favor of adoption of the striking amendment.

Senator Fraser spoke against adoption of the striking amendment.

The President declared the question before the Senate to be the adoption of the striking amendment by Senators Baumgartner and Zarelli to Engrossed Senate Bill No. 6378.

The motion by Senator Zarelli carried and the striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 1 of the title, after "Relating to" strike the remainder of the title and insert "benefits and contributions for new members of the public employees' retirement system, the teachers' retirement system, and the school employees' retirement system; amending RCW 41.32.765, 41.32.875, 41.35.420, 41.35.680, 41.40.630, 41.40.820, and 41.45.035; and creating a new section."

MOTION

On motion of Senator Zarelli, the rules were suspended, Second Engrossed Senate Bill No. 6378 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Zarelli spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Second Engrossed Senate Bill No. 6378.

## ROLL CALL

The Secretary called the roll on the final passage of Second Engrossed Senate Bill No. 6378 and the bill passed the Senate by the following vote: Yeas, 27; Nays, 22; Absent, 0; Excused, 0.

Voting yea: Senators Baumgartner, Becker, Carrell, Delvin, Ericksen, Fain, Hargrove, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Kastama, King, Litzow, Morton, Padden, Parlette, Pflug, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Voting nay: Senators Benton, Brown, Chase, Conway, Eide, Fraser, Frockt, Harper, Haugen, Keiser, Kilmer, Kline, Kohl-Welles, McAuliffe, Murray, Nelson, Prentice, Pridemore, Ranker, Regala, Roach and Rolfes

SECOND ENGROSSED SENATE BILL NO. 6378, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## MOTION

On motion of Senator Eide, the Senate advanced to the seventh order of business.

## THIRD READING

ENGROSSED SUBSTITUTE SENATE BILL NO. 6406, by Senate Committee on Energy, Natural Resources & Marine Waters (originally sponsored by Senators Hargrove, Hobbs, Delvin, Hatfield, Tom, Stevens, Regala, Morton, Ranker and Shin).

Modifying programs that provide for the protection of the state's natural resources.

The bill was read on Third Reading.

## MOTION

On motion of Senator Hargrove, the rules were suspended and Engrossed Substitute Senate Bill No. 6406 was returned to second reading for the purpose of amendment.

## SECOND READING

ENGROSSED SUBSTITUTE SENATE BILL NO. 6406, by Senate Committee on Energy, Natural Resources & Marine Waters (originally sponsored by Senators Hargrove, Hobbs, Delvin, Hatfield, Tom, Stevens, Regala, Morton, Ranker and Shin)

Modifying programs that provide for the protection of the state's natural resources.

The measure was read the second time.

## MOTION

Senator Hargrove moved that the following striking amendment by Senators Hargrove and Schoesler be adopted: Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** The legislature finds that significant opportunities exist to modify programs that provide for management and protection of the state's natural resources,

including the state's forests, fish, and wildlife, in order to streamline regulatory processes and achieve program efficiencies while at the same time increasing the sustainability of program funding and maintaining current levels of natural resource protection. The legislature intends to update provisions relating to natural resource management and regulatory programs including the hydraulic project approval program, forest practices act, and state environmental policy act, in order to achieve these opportunities.

## PART ONE

## Hydraulic Project Approvals

**Sec. 101.** RCW 77.55.011 and 2010 c 210 s 26 are each reenacted and amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Bed" means the land below the ordinary high water lines of state waters. This definition does not include irrigation ditches, canals, storm water runoff devices, or other artificial watercourses except where they exist in a natural watercourse that has been altered artificially.

(2) "Board" means the pollution control hearings board created in chapter 43.21B RCW.

(3) "Commission" means the state fish and wildlife commission.

(4) "Date of receipt" has the same meaning as defined in RCW 43.21B.001.

(5) "Department" means the department of fish and wildlife.

(6) "Director" means the director of the department of fish and wildlife.

(7) "Emergency" means an immediate threat to life, the public, property, or of environmental degradation.

(8) "Hydraulic project" means the construction or performance of work that will use, divert, obstruct, or change the natural flow or bed of any of the salt or freshwaters of the state.

(9) "Imminent danger" means a threat by weather, water flow, or other natural conditions that is likely to occur within sixty days of a request for a permit application.

(10) "Marina" means a public or private facility providing boat moorage space, fuel, or commercial services. Commercial services include but are not limited to overnight or live-aboard boating accommodations.

(11) "Marine terminal" means a public or private commercial wharf located in the navigable water of the state and used, or intended to be used, as a port or facility for the storing, handling, transferring, or transporting of goods to and from vessels.

(12) "Ordinary high water line" means the mark on the shores of all water that will be found by examining the bed and banks and ascertaining where the presence and action of waters are so common and usual, and so long continued in ordinary years as to mark upon the soil or vegetation a character distinct from the abutting upland. Provided, that in any area where the ordinary high water line cannot be found, the ordinary high water line adjoining saltwater is the line of mean higher high water and the ordinary high water line adjoining freshwater is the elevation of the mean annual flood.

(13) "Permit" means a hydraulic project approval permit issued under this chapter.

(14) "Sandbars" includes, but is not limited to, sand, gravel, rock, silt, and sediments.

(15) "Small scale prospecting and mining" means the use of only the following methods: Pans; nonmotorized sluice boxes; concentrators; and minirocker boxes for the discovery and recovery of minerals.

(16) "Spartina," "purple loosestrife," and "aquatic noxious weeds" have the same meanings as defined in RCW 17.26.020.

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(17) "Streambank stabilization" means those projects that prevent or limit erosion, slippage, and mass wasting. These projects include, but are not limited to, bank resloping, log and debris relocation or removal, planting of woody vegetation, bank protection using rock or woody material or placement of jetties or groins, gravel removal, or erosion control.

(18) "Tide gate" means a one-way check valve that prevents the backflow of tidal water.

(19) "Waters of the state" and "state waters" means all salt and freshwaters waterward of the ordinary high water line and within the territorial boundary of the state.

(20) "Emergency permit" means a verbal hydraulic project approval or the written follow-up to the verbal approval issued to a person under RCW 77.55.021(12).

(21) "Expedited permit" means a hydraulic project approval issued to a person under RCW 77.55.021 (14) and (16).

(22) "Forest practices hydraulic project" means a hydraulic project that requires a forest practices application or notification under chapter 76.09 RCW.

(23) "Multiple site permit" means a hydraulic project approval issued to a person under RCW 77.55.021 for hydraulic projects occurring at more than one specific location and which includes site-specific requirements.

(24) "Pamphlet hydraulic project" means a hydraulic project for the removal or control of aquatic noxious weeds conducted under the aquatic plants and fish pamphlet authorized by RCW 77.55.081, or for mineral prospecting and mining conducted under the gold and fish pamphlet authorized by RCW 77.55.091.

(25) "Permit modification" means a hydraulic project approval issued to a person under RCW 77.55.021 that extends, renews, or changes the conditions of a previously issued hydraulic project approval.

**Sec. 102.** RCW 77.55.021 and 2010 c 210 s 27 are each amended to read as follows:

(1) Except as provided in RCW 77.55.031, 77.55.051, ~~((and))~~ 77.55.041, and section 201 of this act, in the event that any person or government agency desires to undertake a hydraulic project, the person or government agency shall, before commencing work thereon, secure the approval of the department in the form of a permit as to the adequacy of the means proposed for the protection of fish life.

(2) A complete written application for a permit may be submitted in person or by registered mail and must contain the following:

(a) General plans for the overall project;

(b) Complete plans and specifications of the proposed construction or work within the mean higher high water line in saltwater or within the ordinary high water line in freshwater;

(c) Complete plans and specifications for the proper protection of fish life; ~~((and))~~

(d) Notice of compliance with any applicable requirements of the state environmental policy act, unless otherwise provided for in this chapter; and

(e) Payment of all applicable application fees charged by the department under section 103 of this act.

(3) The department may establish direct billing accounts or other funds transfer methods with permit applicants to satisfy the fee payment requirements of section 103 of this act.

(4) The department may accept complete, written applications as provided in this section for multiple site permits and may issue these permits. For multiple site permits, each specific location must be identified.

(5) With the exception of emergency permits as provided in subsection (12) of this section, applications for permits must be submitted to the department's headquarters office in Olympia.

Requests for emergency permits as provided in subsection (12) of this section may be made to the permitting biologist assigned to the location in which the emergency occurs, to the department's regional office in which the emergency occurs, or to the department's headquarters office.

(6) Except as provided for emergency permits in subsection (12) of this section, the department may not proceed with permit review until all fees are paid in full as required in section 103 of this act.

(7)(a) Protection of fish life is the only ground upon which approval of a permit may be denied or conditioned. Approval of a permit may not be unreasonably withheld or unreasonably conditioned.

~~((b))~~ ~~((8))~~, ~~((10))~~, ~~and~~) (12) through (14) and (16) of this section, the department has forty-five calendar days upon receipt of a complete application to grant or deny approval of a permit. The forty-five day requirement is suspended if:

(i) After ten working days of receipt of the application, the applicant remains unavailable or unable to arrange for a timely field evaluation of the proposed project;

(ii) The site is physically inaccessible for inspection;

(iii) The applicant requests a delay; or

(iv) The department is issuing a permit for a storm water discharge and is complying with the requirements of RCW 77.55.161(3)(b).

~~((b))~~ (c) Immediately upon determination that the forty-five day period is suspended under (b) of this subsection, the department shall notify the applicant in writing of the reasons for the delay.

~~((e))~~ (d) The period of forty-five calendar days may be extended if the permit is part of a multiagency permit streamlining effort and all participating permitting agencies and the permit applicant agree to an extended timeline longer than forty-five calendar days.

~~((4))~~ (8) If the department denies approval of a permit, the department shall provide the applicant a written statement of the specific reasons why and how the proposed project would adversely affect fish life.

(a) Except as provided in (b) of this subsection, issuance, denial, conditioning, or modification of a permit shall be appealable to the board within thirty days from the date of receipt of the decision as provided in RCW 43.21B.230.

(b) Issuance, denial, conditioning, or modification of a permit may be informally appealed to the department within thirty days from the date of receipt of the decision. Requests for informal appeals must be filed in the form and manner prescribed by the department by rule. A permit decision that has been informally appealed to the department is appealable to the board within thirty days from the date of receipt of the department's decision on the informal appeal.

~~((5))~~ (9)(a) The permittee must demonstrate substantial progress on construction of that portion of the project relating to the permit within two years of the date of issuance.

(b) Approval of a permit is valid for ~~((a period of))~~ up to five years from the date of issuance, except as provided in (c) of this subsection and in RCW 77.55.151.

(c) A permit remains in effect without need for periodic renewal for hydraulic projects that divert water for agricultural irrigation or stock watering purposes and that involve seasonal construction or other work. A permit for streambank stabilization projects to protect farm and agricultural land as defined in RCW 84.34.020 remains in effect without need for periodic renewal if the problem causing the need for the streambank stabilization occurs on an annual or more frequent basis. The permittee must notify the appropriate agency before commencing the construction or other work within the area covered by the permit.

~~((6))~~ (10) The department may, after consultation with the permittee, modify a permit due to changed conditions. A modification under this subsection is not subject to the fees provided under section 103 of this act. The modification is appealable as provided in subsection ~~((4))~~ (8) of this section. For a hydraulic project(s) that diverts water for agricultural irrigation or stock watering purposes, ~~((e))~~ when the hydraulic project or other work is associated with streambank stabilization to protect farm and agricultural land as defined in RCW 84.34.020, the burden is on the department to show that changed conditions warrant the modification in order to protect fish life.

~~((7))~~ (11) A permittee may request modification of a permit due to changed conditions. The request must be processed within forty-five calendar days of receipt of the written request and payment of applicable fees under section 103 of this act. A decision by the department is appealable as provided in subsection ~~((4))~~ (8) of this section. For a hydraulic project(s) that diverts water for agricultural irrigation or stock watering purposes, ~~((e))~~ when the hydraulic project or other work is associated with streambank stabilization to protect farm and agricultural land as defined in RCW 84.34.020, the burden is on the permittee to show that changed conditions warrant the requested modification and that such a modification will not impair fish life.

~~((8))~~ (12)(a) The department, the county legislative authority, or the governor may declare and continue an emergency. If the county legislative authority declares an emergency under this subsection, it shall immediately notify the department. A declared state of emergency by the governor under RCW 43.06.010 shall constitute a declaration under this subsection.

(b) The department, through its authorized representatives, shall issue immediately, upon request, ~~((oral))~~ verbal approval for a stream crossing, or work to remove any obstructions, repair existing structures, restore streambanks, protect fish life, or protect property threatened by the stream or a change in the stream flow without the necessity of obtaining a written permit prior to commencing work. Conditions of the emergency ~~((oral))~~ verbal permit must be ~~((established by the department and))~~ reduced to writing within thirty days and complied with as provided for in this chapter.

(c) The department may not require the provisions of the state environmental policy act, chapter 43.21C RCW, to be met as a condition of issuing a permit under this subsection.

~~((9))~~ (d) The department may not charge a person requesting an emergency permit any of the fees authorized by section 103 of this act until after the emergency permit is issued and reduced to writing.

(13) All state and local agencies with authority under this chapter to issue permits or other authorizations in connection with emergency water withdrawals and facilities authorized under RCW 43.83B.410 shall expedite the processing of such permits or authorizations in keeping with the emergency nature of such requests and shall provide a decision to the applicant within fifteen calendar days of the date of application.

~~((10))~~ (14) The department or the county legislative authority may determine an imminent danger exists. The county legislative authority shall notify the department, in writing, if it determines that an imminent danger exists. In cases of imminent danger, the department shall issue an expedited written permit, upon request, for work to remove any obstructions, repair existing structures, restore banks, protect fish resources, or protect property. Expedited permit requests require a complete written application as provided in subsection (2) of this section and must be issued within fifteen calendar days of the receipt of a complete written application. Approval of an expedited permit is valid for up to sixty days from the date of issuance. The department may not require the provisions of the state environmental policy act, chapter 43.21C

RCW, to be met as a condition of issuing a permit under this subsection.

~~((11))~~ (15)(a) For any property, except for property located on a marine shoreline, that has experienced at least two consecutive years of flooding or erosion that has damaged or has threatened to damage a major structure, water supply system, septic system, or access to any road or highway, the county legislative authority may determine that a chronic danger exists. The county legislative authority shall notify the department, in writing, when it determines that a chronic danger exists. In cases of chronic danger, the department shall issue a permit, upon request, for work necessary to abate the chronic danger by removing any obstructions, repairing existing structures, restoring banks, restoring road or highway access, protecting fish resources, or protecting property. Permit requests must be made and processed in accordance with subsections (2) and ~~((3))~~ (7) of this section.

(b) Any projects proposed to address a chronic danger identified under (a) of this subsection that satisfies the project description identified in RCW 77.55.181(1)(a)(ii) are not subject to the provisions of the state environmental policy act, chapter 43.21C RCW. However, the project is subject to the review process established in RCW 77.55.181(3) as if it were a fish habitat improvement project.

~~((12))~~ (16) The department may issue an expedited written permit in those instances where normal permit processing would result in significant hardship for the applicant or unacceptable damage to the environment. Expedited permit requests require a complete written application as provided in subsection (2) of this section and must be issued within fifteen calendar days of the receipt of a complete written application. Approval of an expedited permit is valid for up to sixty days from the date of issuance. The department may not require the provisions of the state environmental policy act, chapter 43.21C RCW, to be met as a condition of issuing a permit under this subsection.

NEW SECTION. Sec. 103. A new section is added to chapter 77.55 RCW to read as follows:

(1) The department shall charge an application fee of one hundred fifty dollars for a hydraulic project permit or permit modification issued under RCW 77.55.021 where the project is located at or below the ordinary high water line. The application fee established under this subsection may not be charged after June 30, 2017.

(2) The following hydraulic projects are exempt from all fees listed under this section:

(a) Hydraulic projects approved under applicant-funded contracts with the department that pay for the costs of processing those projects;

(b) If sections 201 through 203 of this act are enacted into law by June 30, 2012, forest practices hydraulic projects;

(c) Pamphlet hydraulic projects;

(d) Mineral prospecting and mining activities; and

(e) Hydraulic projects occurring on farm and agricultural land, as that term is defined in RCW 84.34.020.

(3) All fees collected under this section must be deposited in the hydraulic project approval account created in section 104 of this act.

(4) The fee provisions contained in this section are prospective only. The department of fish and wildlife may not charge fees for hydraulic project permits issued under this title prior to the effective date of this section.

(5) This section expires June 30, 2017.

NEW SECTION. Sec. 104. A new section is added to chapter 77.55 RCW to read as follows:

(1) The hydraulic project approval account is created in the state treasury. All receipts from application fees for hydraulic project

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approval applications collected under section 103 of this act must be deposited into the account.

(2) Except for unanticipated receipts under RCW 43.79.260 through 43.79.282, moneys in the hydraulic project approval account may be spent only after appropriation.

(3) Expenditures from the hydraulic project approval account may be used only to fund department activities relating to implementing and operating the hydraulic project approval program.

**Sec. 105.** RCW 77.55.151 and 2005 c 146 s 502 are each amended to read as follows:

(1) (For a marina or marine terminal in existence on June 6, 1996, or a marina or marine terminal that has received a permit for its initial construction, a renewable, five-year permit shall be issued, upon request, for regular maintenance activities of the marina or marine terminal.

(2) Upon construction of a new marina or marine terminal that has received a permit, a renewable, five-year permit shall be issued, upon request, for regular maintenance activities of the marina or marine terminal.

(3) For the purposes of this section, regular maintenance activities are only those activities necessary to restore the marina or marine terminal to the conditions approved in the initial permit. These activities may include, but are not limited to, dredging, piling replacement, and float replacement.

(4)) Upon application under RCW 77.55.021, the department shall issue a renewable, five-year permit to a marina or marine terminal for its regular maintenance activities identified in the application.

(2) For the purposes of this section, regular maintenance activities may include, but are not limited to:

(a) Maintenance or repair of a boat ramp, launch, or float within the existing footprint;

(b) Maintenance or repair of an existing overwater structure within the existing footprint;

(c) Maintenance or repair of boat lifts or railway launches;

(d) Maintenance or repair of pilings, including the replacement of bumper pilings;

(e) Dredging of less than fifty cubic yards;

(f) Maintenance or repair of shoreline armoring or bank protection;

(g) Maintenance or repair of wetland, riparian, or estuarine habitat; and

(h) Maintenance or repair of an existing outfall.

(3) The five-year permit must include a requirement that a fourteen-day notice be given to the department before regular maintenance activities begin.

(4) A permit under this section is subject to the application fee provided in section 103 of this act.

**Sec. 106.** RCW 77.55.231 and 2005 c 146 s 601 are each amended to read as follows:

(1) Conditions imposed upon a permit must be reasonably related to the project. The permit conditions must ensure that the project provides proper protection for fish life, but the department may not impose conditions that attempt to optimize conditions for fish life that are out of proportion to the impact of the proposed project.

(2) The permit must contain provisions allowing for minor modifications to the plans and specifications without requiring reissuance of the permit.

(3) The permit must contain provisions that allow for minor modifications to the required work timing without requiring the reissuance of the permit. "Minor modifications to the required work timing" means a minor deviation from the timing window set

forth in the permit when there are no spawning or incubating fish present within the vicinity of the project.

**NEW SECTION. Sec. 107.** A new section is added to chapter 77.55 RCW to read as follows:

The department shall prepare and distribute technical and educational information to the general public to assist the public in complying with the requirements of this chapter, including the changes resulting from this act.

**NEW SECTION. Sec. 108.** A new section is added to chapter 77.55 RCW to read as follows:

The department shall develop a system to provide local governments, affected tribes, and other interested parties with access to hydraulic project approval applications.

**NEW SECTION. Sec. 109.** The director of fish and wildlife shall adopt any rules required or deemed necessary to implement RCW 77.55.011, 77.55.021, 77.55.151, 77.55.231, and sections 103, 104, 107, and 108 of this act.

## PART TWO Hydraulic Project

### Approval and Forest Practices Integration

**NEW SECTION. Sec. 201.** A new section is added to chapter 77.55 RCW to read as follows:

(1) The requirements of this chapter do not apply to any forest practices hydraulic project, or to any activities that are associated with such a project, upon incorporation of fish protection standards adopted under this chapter into the forest practices rules and approval of technical guidance as required under RCW 76.09.040, at which time these projects are regulated under chapter 76.09 RCW.

(2) The department must continue to conduct regulatory and enforcement activities under this chapter for forest practices hydraulic projects until the forest practices board incorporates fish protection standards adopted under this chapter into the forest practices rules and approves technical guidance as required under RCW 76.09.040.

(3) By December 31, 2013, the department shall adopt rules establishing the form and procedures for the concurrence review process consistent with section 202 of this act. The concurrence review process must allow the department up to thirty days to review forest practices hydraulic projects meeting the criteria under section 202(2) (a) and (b) of this act for consistency with fish protection standards.

(4) The department shall notify the department of natural resources prior to beginning a rule-making process that may affect activities regulated under chapter 76.09 RCW.

(5) The department shall act consistent with appendix M of the forest and fish report, as the term "forests and fish report" is defined in RCW 76.09.020, when modifying fish protection rules that may affect activities regulated under chapter 76.09 RCW.

(6) The department may review and provide comments on any forest practices application. The department shall review, and either verify that the review has occurred or comment on, forest practices applications that include a forest practices hydraulic project involving fish bearing waters or shorelines of the state, as that term is defined in RCW 90.58.030. Prior to commenting and whenever reasonably practicable, the department shall communicate with the applicant regarding the substance of the project.

(7) The department shall participate in effectiveness monitoring for forest practices hydraulic projects through its role in the review processes provided under WAC 222-08-160 as it existed on the effective date of this section.

**NEW SECTION. Sec. 202.** A new section is added to chapter 76.09 RCW to read as follows:

(1) The department may request information and technical assistance from the department of fish and wildlife regarding any forest practices hydraulic project regulated under this chapter.

(2) A concurrence review process is established for certain forest practices hydraulic projects, as follow:

(a) Prior to submitting an application to the department under RCW 76.09.050 that includes a forest practices hydraulic project involving one or more water crossing structures meeting the criteria of (b) of this subsection, the applicant shall submit water crossing structure plans and specifications to the department of fish and wildlife for concurrence review consistent with section 201(3) of this act.

(b) The concurrence review process applies only to:

(i) Culvert installation or replacement, and repair at or below the bankfull width, as that term is defined in WAC 222-16-010 on the effective date of this section, in fish bearing rivers and streams that exceed five percent gradient;

(ii) Bridge construction or replacement, and repair at or below the bankfull width, of fish bearing unconfined streams; or

(iii) Fill within the flood level - 100 year, as that term is defined in WAC 222-16-010, as it existed on the effective date of this section, of fish bearing unconfined streams.

(c) When submitting an application to the department under RCW 76.09.050, the applicant shall attach the following to the application:

(i) The concurrence review form issued by the department of fish and wildlife; and

(ii) Plans and specifications for each water crossing structure subject to concurrence review.

**Sec. 203.** RCW 76.09.040 and 2010 c 188 s 4 are each amended to read as follows:

(1)(a) Where necessary to accomplish the purposes and policies stated in RCW 76.09.010, and to implement the provisions of this chapter, the board shall adopt forest practices rules pursuant to chapter 34.05 RCW and in accordance with the procedures enumerated in this section that:

(i) Establish minimum standards for forest practices;

(ii) Provide procedures for the voluntary development of resource management plans which may be adopted as an alternative to the minimum standards in (a)(i) of this subsection if the plan is consistent with the purposes and policies stated in RCW 76.09.010 and the plan meets or exceeds the objectives of the minimum standards;

(iii) Set forth necessary administrative provisions;

(iv) Establish procedures for the collection and administration of forest practice fees as set forth by this chapter; and

(v) Allow for the development of watershed analyses.

(b) Forest practices rules pertaining to water quality protection shall be adopted by the board after reaching agreement with the director of the department of ecology or the director's designee on the board with respect ~~((thereto))~~ to these rules. All other forest practices rules shall be adopted by the board.

(c) Forest practices rules shall be administered and enforced by either the department or the local governmental entity as provided in this chapter. Such rules shall be adopted and administered so as to give consideration to all purposes and policies set forth in RCW 76.09.010.

(2)(a) The board shall prepare proposed forest practices rules consistent with this section and chapter 34.05 RCW. In addition to any forest practices rules relating to water quality protection proposed by the board, the department of ecology may submit to the board proposed forest practices rules relating to water quality protection.

(b)(i) ((Prior to initiating the rule-making process, the proposed rules shall be submitted for review and comments to the department of fish and wildlife and to the counties of the state. After receipt of the proposed forest practices rules, the department of fish and wildlife and the counties of the state shall have thirty days in which to review and submit comments to the board, and to the department of ecology with respect to its proposed rules relating to water quality protection.

(ii) After the expiration of the thirty day period,) The board ((and the department of ecology)) shall ((jointly)) hold one or more hearings on the proposed rules pursuant to chapter 34.05 RCW. Any county representative may propose specific forest practices rules relating to problems existing within the county at the hearings.

~~((and))~~ (ii) The board may adopt and the department of ecology may approve such proposals if they find the proposals are consistent with the purposes and policies of this chapter.

(3)(a) The board shall incorporate into the forest practices rules those fish protection standards in the rules adopted under chapter 77.55 RCW, as the rules existed on the effective date of this section, that are applicable to activities regulated under the forest practices rules. If fish protection standards are incorporated by reference, the board shall minimize administrative processes by utilizing the exception from the administrative procedures controlling significant legislative rules under RCW 34.05.328(5)(b)(iii) for the incorporation of rules adopted by other state agencies.

(b) Thereafter, the board shall incorporate into the forest practices rules any changes to those fish protection standards in the rules adopted under chapter 77.55 RCW that are: (i) Adopted consistent with section 201 of this act; and (ii) applicable to activities regulated under the forest practices rules. If fish protection standards are incorporated by reference, the board shall minimize administrative processes by utilizing the exception from the administrative procedures controlling significant legislative rules under RCW 34.05.328(5)(b)(iii) for the incorporation of rules adopted by other state agencies.

(c) The board shall establish and maintain technical guidance in the forest practices board manual, as provided under WAC 222-12-090 as it existed on the effective date of this section, to assist with implementation of the standards incorporated into the forest practices rules under this section. The guidance must include best management practices and standard techniques to ensure fish protection.

(d) The board must complete the requirements of (a) of this subsection and establish initial technical guidance under (c) of this subsection by December 31, 2013.

(4)(a) The board shall establish by rule a program for the acquisition of riparian open space and critical habitat for threatened or endangered species as designated by the board. Acquisition must be a conservation easement. Lands eligible for acquisition are forest lands within unconfined channel migration zones or forest lands containing critical habitat for threatened or endangered species as designated by the board. Once acquired, these lands may be held and managed by the department, transferred to another state agency, transferred to an appropriate local government agency, or transferred to a private nonprofit nature conservancy corporation, as defined in RCW 64.04.130, in fee or transfer of management obligation. The board shall adopt rules governing the acquisition by the state or donation to the state of such interest in lands including the right of refusal if the lands are subject to unacceptable liabilities. The rules shall include definitions of qualifying lands, priorities for acquisition, and provide for the opportunity to transfer such lands with limited warranties and with a description of boundaries that does not require full surveys where the cost of securing the surveys would be unreasonable in relation to the value of the lands conveyed. The rules shall provide for the management of the lands

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for ecological protection or fisheries enhancement. For the purposes of conservation easements entered into under this section, the following apply:

(i) For conveyances of a conservation easement in which the landowner conveys an interest in the trees only, the compensation must include the timber value component, as determined by the cruised volume of any timber located within the channel migration zone or critical habitat for threatened or endangered species as designated by the board, multiplied by the appropriate quality code stumpage value for timber of the same species shown on the appropriate table used for timber harvest excise tax purposes under RCW 84.33.091;

(ii) For conveyances of a conservation easement in which the landowner conveys interests in both land and trees, the compensation must include the timber value component in (a)(i) of this subsection plus such portion of the land value component as determined just and equitable by the department. The land value component must be the acreage of qualifying channel migration zone or critical habitat for threatened or endangered species as determined by the board, to be conveyed, multiplied by the average per acre value of all commercial forest land in western Washington or the average for eastern Washington, whichever average is applicable to the qualifying lands. The department must determine the western and eastern Washington averages based on the land value tables established by RCW 84.33.140 and revised annually by the department of revenue.

(b) Subject to appropriations sufficient to cover the cost of such an acquisition program and the related costs of administering the program, the department must establish a conservation easement in land that an owner tenders for purchase; provided that such lands have been taxed as forest lands and are located within an unconfined channel migration zone or contain critical habitat for threatened or endangered species as designated by the board. Lands acquired under this section shall become riparian or habitat open space. These acquisitions shall not be deemed to trigger the compensating tax of chapters 84.33 and 84.34 RCW.

(c) Instead of offering to sell interests in qualifying lands, owners may elect to donate the interests to the state.

(d) Any acquired interest in qualifying lands by the state under this section shall be managed as riparian open space or critical habitat.

**NEW SECTION. Sec. 204.** A new section is added to chapter 77.55 RCW to read as follows:

(1) The department and the department of natural resources shall enter into and maintain a memorandum of agreement between the two agencies that describes how to implement integration of hydraulic project approvals into forest practices applications consistent with this act.

(2) The initial memorandum of agreement required under subsection (1) of this section between the two departments must be executed by December 31, 2012. The memorandum of agreement may be amended as agreed to by the two departments.

(3) The department and the department of natural resources shall enter into and maintain an interagency contract to ensure implementation of this act and the memorandum of agreement between the two agencies required under subsection (1) of this section. The contract must include funding provisions for the department's review of forest practices hydraulic projects.

**Sec. 205.** RCW 76.09.050 and 2011 c 207 s 1 are each amended to read as follows:

(1) The board shall establish by rule which forest practices shall be included within each of the following classes:

Class I: Minimal or specific forest practices that have no direct potential for damaging a public resource and that may be conducted without submitting an application or a notification except that when

the regulating authority is transferred to a local governmental entity, those Class I forest practices that involve timber harvesting or road construction within "urban growth areas," designated pursuant to chapter 36.70A RCW, are processed as Class IV forest practices, but are not subject to environmental review under chapter 43.21C RCW;

Class II: Forest practices which have a less than ordinary potential for damaging a public resource that may be conducted without submitting an application and may begin five calendar days, or such lesser time as the department may determine, after written notification by the operator, in the manner, content, and form as prescribed by the department, is received by the department. However, the work may not begin until all forest practice fees required under RCW 76.09.065 have been received by the department. Class II shall not include forest practices:

(a) On forest lands that are being converted to another use;

(b) ((Which require approvals under the provisions of the hydraulics act, RCW 77.55.021;

(c)) Within "shorelines of the state" as defined in RCW 90.58.030;

~~((d))~~ (c) Excluded from Class II by the board; or

~~((e))~~ (d) Including timber harvesting or road construction within "urban growth areas," designated pursuant to chapter 36.70A RCW, which are Class IV;

Class III: Forest practices other than those contained in Class I, II, or IV. A Class III application must be approved or disapproved by the department within thirty calendar days from the date the department receives the application. However, the applicant may not begin work on that forest practice until all forest practice fees required under RCW 76.09.065 have been received by the department;

Class IV: Forest practices other than those contained in Class I or II:

(a) On forest lands that are being converted to another use;

(b) On lands which, pursuant to RCW 76.09.070 as now or hereafter amended, are not to be reforested because of the likelihood of future conversion to urban development;

(c) That involve timber harvesting or road construction on forest lands that are contained within "urban growth areas," designated pursuant to chapter 36.70A RCW, except where the forest landowner provides:

(i) A written statement of intent signed by the forest landowner not to convert to a use other than commercial forest product operations for ten years, accompanied by either a written forest management plan acceptable to the department or documentation that the land is enrolled under the provisions of chapter 84.33 or 84.34 RCW; or

(ii) A conversion option harvest plan approved by the local governmental entity and submitted to the department as part of the application; and/or

(d) Which have a potential for a substantial impact on the environment and therefore require an evaluation by the department as to whether or not a detailed statement must be prepared pursuant to the state environmental policy act, chapter 43.21C RCW. Such evaluation shall be made within ten days from the date the department receives the application: PROVIDED, That nothing herein shall be construed to prevent any local or regional governmental entity from determining that a detailed statement must be prepared for an action pursuant to a Class IV forest practice taken by that governmental entity concerning the land on which forest practices will be conducted. A Class IV application must be approved or disapproved by the department within thirty calendar days from the date the department receives the application, ~~((unless the department determines that a detailed statement must be made, in which case the application must be approved or disapproved by~~



~~the department within sixty calendar days from the date the department receives the application, unless the commissioner of public lands, through the promulgation of a formal order, determines that the process cannot be completed within such period.)~~ except that the department must: Approve or disapprove an application within sixty calendar days from the date the department receives the application if the department determines that a detailed statement must be made, unless the commissioner of public lands, through the promulgation of a formal order, determines that the process cannot be completed within such a period. However, the applicant may not begin work on that forest practice until all forest practice fees required under RCW 76.09.065 have been received by the department.

Forest practices under Classes I, II, and III are exempt from the requirements for preparation of a detailed statement under the state environmental policy act.

(2) Except for those forest practices being regulated by local governmental entities as provided elsewhere in this chapter, no Class II, Class III, or Class IV forest practice shall be commenced or continued after January 1, 1975, unless the department has received a notification with regard to a Class II forest practice or approved an application with regard to a Class III or Class IV forest practice containing all information required by RCW 76.09.060 as now or hereafter amended. However, in the event forest practices regulations necessary for the scheduled implementation of this chapter and RCW 90.48.420 have not been adopted in time to meet such schedules, the department shall have the authority to regulate forest practices and approve applications on such terms and conditions consistent with this chapter and RCW 90.48.420 and the purposes and policies of RCW 76.09.010 until applicable forest practices regulations are in effect.

(3) Except for those forest practices being regulated by local governmental entities as provided elsewhere in this chapter, if a notification or application is delivered in person to the department by the operator or the operator's agent, the department shall immediately provide a dated receipt thereof. In all other cases, the department shall immediately mail a dated receipt to the operator.

(4) Except for those forest practices being regulated by local governmental entities as provided elsewhere in this chapter, forest practices shall be conducted in accordance with the forest practices regulations, orders and directives as authorized by this chapter or the forest practices regulations, and the terms and conditions of any approved applications.

(5) Except for those forest practices being regulated by local governmental entities as provided elsewhere in this chapter, the department of natural resources shall notify the applicant in writing of either its approval of the application or its disapproval of the application and the specific manner in which the application fails to comply with the provisions of this section or with the forest practices regulations. Except as provided otherwise in this section, if the department fails to either approve or disapprove an application or any portion thereof within the applicable time limit, the application shall be deemed approved and the operation may be commenced: PROVIDED, That this provision shall not apply to applications which are neither approved nor disapproved pursuant to the provisions of subsection (7) of this section: PROVIDED, FURTHER, That if seasonal field conditions prevent the department from being able to properly evaluate the application, the department may issue an approval conditional upon further review within sixty days(~~PROVIDED, FURTHER, That the department shall have until April 1, 1975, to approve or disapprove an application involving forest practices allowed to continue to April 1, 1975, under the provisions of subsection (2) of this section~~). Upon receipt of any notification or any satisfactorily completed application the department shall in any event no later than two

business days after such receipt transmit a copy to the departments of ecology and fish and wildlife, and to the county, city, or town in whose jurisdiction the forest practice is to be commenced. Any comments by such agencies shall be directed to the department of natural resources.

(6) For those forest practices regulated by the board and the department, if the county, city, or town believes that an application is inconsistent with this chapter, the forest practices regulations, or any local authority consistent with RCW 76.09.240 as now or hereafter amended, it may so notify the department and the applicant, specifying its objections.

(7) For those forest practices regulated by the board and the department, the department shall not approve portions of applications to which a county, city, or town objects if:

(a) The department receives written notice from the county, city, or town of such objections within fourteen business days from the time of transmittal of the application to the county, city, or town, or one day before the department acts on the application, whichever is later; and

(b) The objections relate to forest lands that are being converted to another use.

The department shall either disapprove those portions of such application or appeal the county, city, or town objections to the appeals board. If the objections related to (b) of this subsection are based on local authority consistent with RCW 76.09.240 as now or hereafter amended, the department shall disapprove the application until such time as the county, city, or town consents to its approval or such disapproval is reversed on appeal. The applicant shall be a party to all department appeals of county, city, or town objections. Unless the county, city, or town either consents or has waived its rights under this subsection, the department shall not approve portions of an application affecting such lands until the minimum time for county, city, or town objections has expired.

(8) For those forest practices regulated by the board and the department, in addition to any rights under the above paragraph, the county, city, or town may appeal any department approval of an application with respect to any lands within its jurisdiction. The appeals board may suspend the department's approval in whole or in part pending such appeal where there exists potential for immediate and material damage to a public resource.

(9) For those forest practices regulated by the board and the department, appeals under this section shall be made to the appeals board in the manner and time provided in RCW 76.09.205. In such appeals there shall be no presumption of correctness of either the county, city, or town or the department position.

(10) For those forest practices regulated by the board and the department, the department shall, within four business days notify the county, city, or town of all notifications, approvals, and disapprovals of an application affecting lands within the county, city, or town, except to the extent the county, city, or town has waived its right to such notice.

(11) For those forest practices regulated by the board and the department, a county, city, or town may waive in whole or in part its rights under this section, and may withdraw or modify any such waiver, at any time by written notice to the department.

(12) Notwithstanding subsections (2) through (5) of this section, forest practices applications or notifications are not required for exotic insect and disease control operations conducted in accordance with RCW 76.09.060(8) where eradication can reasonably be expected.

**Sec. 206.** RCW 76.09.060 and 2007 c 480 s 11 and 2007 c 106 s 1 are each reenacted and amended to read as follows:

(1) The department shall prescribe the form and contents of the notification and application. The forest practices rules shall specify by whom and under what conditions the notification and application

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shall be signed or otherwise certified as acceptable. Activities conducted by the department or a contractor under the direction of the department under the provisions of RCW 76.04.660, shall be exempt from the landowner signature requirement on any forest practices application required to be filed. The application or notification shall be delivered in person to the department, sent by first-class mail to the department or electronically filed in a form defined by the department. The form for electronic filing shall be readily convertible to a paper copy, which shall be available to the public pursuant to chapter 42.56 RCW. The information required may include, but is not limited to:

(a) Name and address of the forest landowner, timber owner, and operator;

(b) Description of the proposed forest practice or practices to be conducted;

(c) Legal description and tax parcel identification numbers of the land on which the forest practices are to be conducted;

(d) Planimetric and topographic maps showing location and size of all lakes and streams and other public waters in and immediately adjacent to the operating area and showing all existing and proposed roads and major tractor roads;

(e) Description of the silvicultural, harvesting, or other forest practice methods to be used, including the type of equipment to be used and materials to be applied;

(f) For an application or notification submitted on or after the effective date of section 202 of this act that includes a forest practices hydraulic project, plans and specifications for the forest practices hydraulic project to ensure the proper protection of fish life;

(g) Proposed plan for reforestation and for any revegetation necessary to reduce erosion potential from roadsides and yarding roads, as required by the forest practices rules;

~~((#))~~ (h) Soil, geological, and hydrological data with respect to forest practices;

~~((#))~~ (i) The expected dates of commencement and completion of all forest practices specified in the application;

~~((#))~~ (j) Provisions for continuing maintenance of roads and other construction or other measures necessary to afford protection to public resources;

~~((#))~~ (k) An affirmation that the statements contained in the notification or application are true; and

~~((#))~~ (l) All necessary application or notification fees.

(2) Long range plans may be submitted to the department for review and consultation.

(3) The application for a forest practice or the notification of a forest practice is subject to the reforestation requirement of RCW 76.09.070.

(a) If the application states that any land will be or is intended to be converted:

(i) The reforestation requirements of this chapter and of the forest practices rules shall not apply if the land is in fact converted unless applicable alternatives or limitations are provided in forest practices rules issued under RCW 76.09.070;

(ii) Completion of such forest practice operations shall be deemed conversion of the lands to another use for purposes of chapters 84.33 and 84.34 RCW unless the conversion is to a use permitted under a current use tax agreement permitted under chapter 84.34 RCW;

(iii) The forest practices described in the application are subject to applicable county, city, town, and regional governmental authority permitted under RCW 76.09.240 as well as the forest practices rules.

(b) Except as provided elsewhere in this section, if the landowner harvests without an approved application or notification or the landowner does not state that any land covered by the

application or notification will be or is intended to be converted, and the department or the county, city, town, or regional governmental entity becomes aware of conversion activities to a use other than commercial timber operations, as that term is defined in RCW 76.09.020, then the department shall send to the department of ecology and the appropriate county, city, town, and regional governmental entities the following documents:

(i) A notice of a conversion to nonforestry use;

(ii) A copy of the applicable forest practices application or notification, if any; and

(iii) Copies of any applicable outstanding final orders or decisions issued by the department related to the forest practices application or notification.

(c) Failure to comply with the reforestation requirements contained in any final order or decision shall constitute a removal of designation under the provisions of RCW 84.33.140, and a change of use under the provisions of RCW 84.34.080, and, if applicable, shall subject such lands to the payments and/or penalties resulting from such removals or changes.

(d) Conversion to a use other than commercial forest product operations within six years after approval of the forest practices application or notification without the consent of the county, city, or town shall constitute a violation of each of the county, municipal city, town, and regional authorities to which the forest practice operations would have been subject if the application had stated an intent to convert.

(e) Land that is the subject of a notice of conversion to a nonforestry use produced by the department and sent to the department of ecology and a local government under this subsection is subject to the development prohibition and conditions provided in RCW 76.09.460.

(f) Landowners who have not stated an intent to convert the land covered by an application or notification and who decide to convert the land to a nonforestry use within six years of receiving an approved application or notification must do so in a manner consistent with RCW 76.09.470.

(g) The application or notification must include a statement requiring an acknowledgment by the forest landowner of his or her intent with respect to conversion and acknowledging that he or she is familiar with the effects of this subsection.

(4) Whenever an approved application authorizes a forest practice which, because of soil condition, proximity to a water course or other unusual factor, has a potential for causing material damage to a public resource, as determined by the department, the applicant shall, when requested on the approved application, notify the department two days before the commencement of actual operations.

(5) Before the operator commences any forest practice in a manner or to an extent significantly different from that described in a previously approved application or notification, there shall be submitted to the department a new application or notification form in the manner set forth in this section.

(6)(a) Except as provided in RCW 76.09.350(4), the notification to or the approval given by the department to an application to conduct a forest practice shall be effective for a term of ~~((two))~~ three years from the date of approval or notification ~~((and shall not be renewed unless a new application is filed and approved or a new notification has been filed))~~.

(b) A notification or application may be renewed for an additional three-year term by the filing and approval of a notification or application, as applicable, prior to the expiration of the original application or notification. A renewal application or notification is subject to the forest practices rules in effect at the time the renewal application or notification is filed. Nothing in this section precludes the applicant from applying for a new application or

notification after the renewal period has lapsed.

(c) At the option of the applicant, an application or notification may be submitted to cover a single forest practice or a number of forest practices within reasonable geographic or political boundaries as specified by the department. An application or notification that covers more than one forest practice may have an effective term of more than ~~((two))~~ three years.

~~(d) The board shall adopt rules that establish standards and procedures for approving an application or notification that has an effective term of more than ((two)) three years. Such rules shall include extended time periods for application or notification approval or disapproval. ((On an approved application with a term of more than two years, the applicant shall inform the department before commencing operations))~~ The department may require the applicant to provide advance notice before commencing operations on an approved application or notification.

(7) Notwithstanding any other provision of this section, no prior application or notification shall be required for any emergency forest practice necessitated by fire, flood, windstorm, earthquake, or other emergency as defined by the board, but the operator shall submit an application or notification, whichever is applicable, to the department within forty-eight hours after commencement of such practice or as required by local regulations.

(8) Forest practices applications or notifications are not required for forest practices conducted to control exotic forest insect or disease outbreaks, when conducted by or under the direction of the department of agriculture in carrying out an order of the governor or director of the department of agriculture to implement pest control measures as authorized under chapter 17.24 RCW, and are not required when conducted by or under the direction of the department in carrying out emergency measures under a forest health emergency declaration by the commissioner of public lands as provided in RCW 76.06.130.

(a) For the purposes of this subsection, exotic forest insect or disease has the same meaning as defined in RCW 76.06.020.

(b) In order to minimize adverse impacts to public resources, control measures must be based on integrated pest management, as defined in RCW 17.15.010, and must follow forest practices rules relating to road construction and maintenance, timber harvest, and forest chemicals, to the extent possible without compromising control objectives.

(c) Agencies conducting or directing control efforts must provide advance notice to the appropriate regulatory staff of the department of the operations that would be subject to exemption from forest practices application or notification requirements.

(d) When the appropriate regulatory staff of the department are notified under (c) of this subsection, they must consult with the landowner, interested agencies, and affected tribes, and assist the notifying agencies in the development of integrated pest management plans that comply with forest practices rules as required under (b) of this subsection.

(e) Nothing under this subsection relieves agencies conducting or directing control efforts from requirements of the federal clean water act as administered by the department of ecology under RCW 90.48.260.

(f) Forest lands where trees have been cut as part of an exotic forest insect or disease control effort under this subsection are subject to reforestation requirements under RCW 76.09.070.

(g) The exemption from obtaining approved forest practices applications or notifications does not apply to forest practices conducted after the governor, the director of the department of agriculture, or the commissioner of public lands have declared that an emergency no longer exists because control objectives have been met, that there is no longer an imminent threat, or that there is no longer a good likelihood of control.

**Sec. 207.** RCW 76.09.150 and 2000 c 11 s 7 are each amended to read as follows:

(1) The department shall make inspections of forest lands, before, during, and after the conducting of forest practices as necessary for the purpose of ensuring compliance with this chapter ~~((and)),~~ the forest practices rules, including forest practices rules incorporated under RCW 76.09.040(3), and to ensure that no material damage occurs to the natural resources of this state as a result of ~~((such))~~ forest practices.

(2) Any duly authorized representative of the department shall have the right to enter upon forest land at any reasonable time to enforce the provisions of this chapter and the forest practices rules.

(3) The department or the department of ecology may apply for an administrative inspection warrant to either Thurston county superior court, or the superior court in the county in which the property is located. An administrative inspection warrant may be issued where:

(a) The department has attempted an inspection of forest lands under this chapter to ensure compliance with this chapter and the forest practices rules or to ensure that no potential or actual material damage occurs to the natural resources of this state, and access to all or part of the forest lands has been actually or constructively denied; or

(b) The department has reasonable cause to believe that a violation of this chapter or of rules adopted under this chapter is occurring or has occurred.

(4) In connection with any watershed analysis, any review of a pending application by an identification team appointed by the department, any compliance studies, any effectiveness monitoring, or other research that has been agreed to by a landowner, the department may invite representatives of other agencies, tribes, and interest groups to accompany a department representative and, at the landowner's election, the landowner, on any such inspections. Reasonable efforts shall be made by the department to notify the landowner of the persons being invited onto the property and the purposes for which they are being invited.

NEW SECTION. **Sec. 208.** A new section is added to chapter 43.30 RCW to read as follows:

(1) By December 31, 2013, the department must make examples of complete, high quality forest practices applications and the resulting approvals readily available to the public on its internet site, as well as the internet site of the office of regulatory assistance established in RCW 43.42.010. The department must maximize assistance to the public and interested parties by seeking to make readily available examples from forest practices that generate significant permitting activity or frequent questions.

(2) The department must regularly review and update the examples required to be made available on the internet under subsection (1) of this section.

(3) The department must obtain the written permission of an applicant before making publicly available that applicant's application or approval under this section and must work cooperatively with the applicant to ensure that no personal or proprietary information is made available.

**Sec. 209.** RCW 76.09.065 and 2000 c 11 s 5 are each amended to read as follows:

(1) ~~((Effective July 1, 1997,))~~ An applicant shall pay an application fee ~~((and a recording fee)),~~ if applicable, at the time an application or notification is submitted to the department or to the local governmental entity as provided in this chapter.

~~((For applications and notifications submitted to the department, the application fee))~~ (a) If sections 201 through 203 and 206 of this act are not enacted into law by June 30, 2012, then the fee for applications and notifications submitted to the department shall be fifty dollars for class II, III, and IV forest practices applications or

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notifications relating to the commercial harvest of timber. However, the fee shall be five hundred dollars for class IV forest practices applications on lands being converted to other uses or on lands which are not to be reforested because of the likelihood of future conversion to urban development or on lands that are contained within "urban growth areas," designated pursuant to chapter 36.70A RCW, except the fee shall be fifty dollars on those lands where the forest landowner provides:

~~((a))~~ (i) A written statement of intent signed by the forest landowner not to convert to a use other than commercial forest product operations for ten years, accompanied by either a written forest management plan acceptable to the department or documentation that the land is enrolled under the provisions of chapter 84.33 RCW; or

~~((b))~~ (ii) A conversion option harvest plan approved by the local governmental entity and submitted to the department as part of the forest practices application.

(b)(i) If sections 201 through 203 and 206 of this act are enacted into law by June 30, 2012, then:

(A) The fee for applications and notifications relating to the commercial harvest of timber submitted to the department shall be one hundred dollars for class II applications and notifications, class III applications, and class IV forest practices that have a potential for a substantial impact on the environment and therefore require an evaluation by the department as to whether or not a detailed statement must be prepared pursuant to the state environmental policy act, chapter 43.21C RCW, when the application or notification is submitted by a landowner who satisfies the definition of small forest landowner provided in RCW 76.09.450 and the application or notification applies to a single contiguous ownership consisting of one or more parcels;

(B) The fee for applications and notifications relating to the commercial harvest of timber submitted to the department shall be one hundred fifty dollars for class II applications and notifications, class III applications, and class IV forest practices that have a potential for a substantial impact on the environment and therefore require an evaluation by the department as to whether or not a detailed statement must be prepared pursuant to the state environmental policy act, chapter 43.21C RCW, when the application or notification is submitted by a landowner who does not satisfy the criteria for a reduced application fee as provided in (b)(i)(A) of this subsection (2); and

(C) The fee shall be one thousand five hundred dollars for class IV forest practices applications on lands being converted to other uses or on lands that are not to be reforested because of the likelihood of future conversion to urban development or on lands that are contained within urban growth areas, designated pursuant to chapter 36.70A RCW, except the fee shall be the same as for a class III forest practices application where the forest landowner provides:

(I) A written statement of intent signed by the forest landowner not to convert to a use other than commercial forest product operations for ten years, accompanied by either a written forest management plan acceptable to the department or documentation that the land is enrolled under the provisions of chapter 84.33 RCW; or

(II) A conversion option harvest plan approved by the local governmental entity and submitted to the department as part of the forest practices application.

(ii) If the board has not incorporated fish protection standards adopted under chapter 77.55 RCW into the forest practices rules and approved technical guidance as required under RCW 76.09.040 by December 31, 2013, the fee for applications and notifications submitted to the department shall be as provided under (a) of this subsection until the rules are adopted and technical guidance approved.

(3) The forest practices application account is created in the state treasury. Moneys in the account may be spent only after appropriation. All money collected from fees under ~~((this))~~ subsection (2) of this section shall be deposited in the ~~((state general fund))~~ forest practices application account for the purposes of implementing this chapter, chapter 76.13 RCW, and Title 222 WAC.

~~((3))~~ (4) For applications submitted to ~~((the))~~ a local governmental entity as provided in this chapter, the fee shall be ~~((five hundred dollars for class IV forest practices on lands being converted to other uses or lands that are contained within "urban growth areas," designated pursuant to chapter 36.70A RCW, except as otherwise provided in this section, unless a different fee is otherwise provided))~~ determined, collected, and retained by the local governmental entity.

~~((4))~~ Recording fees shall be as provided in chapter 36.18 RCW.

(5) An application fee under subsection (2) of this section shall be refunded or credited to the applicant if either the application or notification is disapproved by the department or the application or notification is withdrawn by the applicant due to restrictions imposed by the department.)

**Sec. 210.** RCW 76.09.470 and 2007 c 106 s 3 are each amended to read as follows:

(1) If a landowner who did not state an intent to convert his or her land to a nonforestry use decides to convert his or her land to a nonforestry use within six years of receiving an approved forest practices application or notification under this chapter, the landowner must:

(a) Stop all forest practices activities on the parcels subject to the proposed land use conversion to a nonforestry use;

(b) Contact the department of ecology and the applicable county, city, town, or regional governmental entity to begin the permitting process; and

(c) Notify the department ~~((and))~~, withdraw any applicable applications or notifications ~~((or request))~~, and submit a new application for the conversion. The fee for a new application for conversion under this subsection (1)(c) is the difference between the applicable fee for the new application under RCW 76.09.065 and the fee previously paid for the original application or notification, which must be deposited in the forest practices application account created in RCW 76.09.065.

(2) Upon being contacted by a landowner under this section, the county, city, town, or regional governmental entity must:

(a) Notify the department and request from the department the status of any applicable forest practices applications, notifications, or final orders or decisions; and

(b) Complete the following activities:

(i) Require that the landowner be in full compliance with chapter 43.21C RCW, if applicable;

(ii) Receive notification from the department that the landowner has resolved any outstanding final orders or decisions issued by the department; and

(iii) Make a determination as to whether or not the condition of the land in question is in full compliance with local ordinances and regulations. If full compliance is not found, a mitigation plan to address violations of local ordinances or regulations must be required for the parcel in question by the county, city, town, or regional governmental entity. Required mitigation plans must be prepared by the landowner and approved by the county, city, town, or regional governmental entity. Once approved, the mitigation plan must be implemented by the landowner. Mitigation measures that may be required include, but are not limited to, revegetation requirements to plant and maintain trees of sufficient maturity and appropriate species composition to restore critical area and buffer

function or to be in compliance with applicable local government regulations.

**Sec. 211.** RCW 76.09.030 and 2008 c 46 s 1 are each amended to read as follows:

(1) There is hereby created the forest practices board of the state of Washington as an agency of state government consisting of members as follows:

(a) The commissioner of public lands or the commissioner's designee;

(b) The director of the department of ~~((community, trade, and economic development))~~ commerce or the director's designee;

(c) The director of the department of agriculture or the director's designee;

(d) The director of the department of ecology or the director's designee;

(e) The director of the department of fish and wildlife or the director's designee;

(f) An elected member of a county legislative authority appointed by the governor ~~((: PROVIDED, That such))~~. However, the county member's service on the board shall be conditioned on the member's continued service as an elected county official;

(g) One member representing a timber products union, appointed by the governor from a list of three names submitted by a timber labor coalition affiliated with a statewide labor organization that represents a majority of the timber product unions in the state; and

(h) Six members of the general public appointed by the governor, one of whom shall be a small forest landowner who actively manages his or her land, and one of whom shall be an independent logging contractor.

(2) ~~((The director of the department of fish and wildlife's service on the board may be terminated two years after August 18, 1999, if the legislature finds that after two years the department has not made substantial progress toward integrating the laws, rules, and programs governing forest practices, chapter 76.09 RCW, and the laws, rules, and programs governing hydraulic projects, chapter 77.55 RCW. Such a finding shall be based solely on whether the department of fish and wildlife makes substantial progress as defined in this subsection, and will not be based on other actions taken as a member of the board. Substantial progress shall include recommendations to the legislature for closer integration of the existing rule-making authorities of the board and the department of fish and wildlife, and closer integration of the forest practices and hydraulics permitting processes, including exploring the potential for a consolidated permitting process. These recommendations shall be designed to resolve problems currently associated with the existing dual regulatory and permitting processes.~~

(3) The members of the initial board appointed by the governor shall be appointed so that the term of one member shall expire December 31, 1975, the term of one member shall expire December 31, 1976, the term of one member shall expire December 31, 1977, the terms of two members shall expire December 31, 1978, and the terms of two members shall expire December 31, 1979. Thereafter, each member shall be appointed for a term of four years. Vacancies on the board shall be filled in the same manner as the original appointments. Each member of the board shall continue in office until his or her successor is appointed and qualified. The commissioner of public lands or the commissioner's designee shall be the chair of the board.

~~((4))~~ (3) The board shall meet at such times and places as shall be designated by the chair or upon the written request of the majority of the board. The principal office of the board shall be at the state capital.

~~((5))~~ (4) Members of the board, except public employees and elected officials, shall be compensated in accordance with RCW 43.03.250. Each member shall be entitled to reimbursement for travel expenses incurred in the performance of their duties as provided in RCW 43.03.050 and 43.03.060.

~~((6))~~ (5) The board may employ such clerical help and staff pursuant to chapter 41.06 RCW as is necessary to carry out its duties.

**Sec. 212.** RCW 76.09.020 and 2010 c 210 s 19 and 2010 c 188 s 6 are each reenacted and amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Adaptive management" means reliance on scientific methods to test the results of actions taken so that the management and related policy can be changed promptly and appropriately.

(2) "Appeals board" means the pollution control hearings board created by RCW 43.21B.010.

(3) "Application" means the application required pursuant to RCW 76.09.050.

(4) "Aquatic resources" includes water quality, salmon, other species of the vertebrate classes Cephalaspidomorphi and Osteichthyes identified in the forests and fish report, the Columbia torrent salamander (*Rhyacotriton kezeri*), the Cascade torrent salamander (*Rhyacotriton cascadeae*), the Olympic torrent salamander (*Rhyacotriton olympian*), the Dunn's salamander (*Plethodon dunni*), the Van Dyke's salamander (*Plethodon vandyke*), the tailed frog (*Ascaphus truei*), and their respective habitats.

(5) "Board" means the forest practices board created in RCW 76.09.030.

(6) "Commissioner" means the commissioner of public lands.

(7) "Contiguous" means land adjoining or touching by common corner or otherwise. Land having common ownership divided by a road or other right-of-way shall be considered contiguous.

(8) "Conversion to a use other than commercial timber operation" means a bona fide conversion to an active use which is incompatible with timber growing and as may be defined by forest practices rules.

(9) "Date of receipt" has the same meaning as defined in RCW 43.21B.001.

(10) "Department" means the department of natural resources.

(11) "Ecosystem services" means the benefits that the public enjoys as a result of natural processes and biological diversity.

(12) "Ecosystem services market" means a system in which providers of ecosystem services can access financing or market capital to protect, restore, and maintain ecological values, including the full spectrum of regulatory, quasiregulatory, and voluntary markets.

(13) "Fish passage barrier" means any artificial instream structure that impedes the free passage of fish.

(14) "Forest land" means all land which is capable of supporting a merchantable stand of timber and is not being actively used for a use which is incompatible with timber growing. Forest land does not include agricultural land that is or was enrolled in the conservation reserve enhancement program by contract if such agricultural land was historically used for agricultural purposes and the landowner intends to continue to use the land for agricultural purposes in the future. As it applies to the operation of the road maintenance and abandonment plan element of the forest practices rules on small forest landowners, the term "forest land" excludes:

(a) Residential home sites, which may include up to five acres; and

(b) Cropfields, orchards, vineyards, pastures, feedlots, fish pens, and the land on which appurtenances necessary to the production,

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preparation, or sale of crops, fruit, dairy products, fish, and livestock exist.

(15) "Forest landowner" means any person in actual control of forest land, whether such control is based either on legal or equitable title, or on any other interest entitling the holder to sell or otherwise dispose of any or all of the timber on such land in any manner. However, any lessee or other person in possession of forest land without legal or equitable title to such land shall be excluded from the definition of "forest landowner" unless such lessee or other person has the right to sell or otherwise dispose of any or all of the timber located on such forest land.

(16) "Forest practice" means any activity conducted on or directly pertaining to forest land and relating to growing, harvesting, or processing timber, including but not limited to:

(a) Road and trail construction, including forest practices hydraulic projects that include water crossing structures, and associated activities and maintenance;

(b) Harvesting, final and intermediate;

(c) Precommercial thinning;

(d) Reforestation;

(e) Fertilization;

(f) Prevention and suppression of diseases and insects;

(g) Salvage of trees; and

(h) Brush control.

"Forest practice" shall not include preparatory work such as tree marking, surveying and road flagging, and removal or harvesting of incidental vegetation from forest lands such as berries, ferns, greenery, mistletoe, herbs, mushrooms, and other products which cannot normally be expected to result in damage to forest soils, timber, or public resources.

(17) "Forest practices rules" means any rules adopted pursuant to RCW 76.09.040.

(18) "Forest road," as it applies to the operation of the road maintenance and abandonment plan element of the forest practices rules on small forest landowners, means a road or road segment that crosses land that meets the definition of forest land, but excludes residential access roads.

(19) "Forest trees" does not include hardwood trees cultivated by agricultural methods in growing cycles shorter than fifteen years if the trees were planted on land that was not in forest use immediately before the trees were planted and before the land was prepared for planting the trees. "Forest trees" includes Christmas trees, but does not include Christmas trees that are cultivated by agricultural methods, as that term is defined in RCW 84.33.035.

(20) "Forests and fish report" means the forests and fish report to the board dated April 29, 1999.

(21) "Operator" means any person engaging in forest practices except an employee with wages as his or her sole compensation.

(22) "Person" means any individual, partnership, private, public, or municipal corporation, county, the department or other state or local governmental entity, or association of individuals of whatever nature.

(23) "Public resources" means water, fish and wildlife, and in addition shall mean capital improvements of the state or its political subdivisions.

(24) "Small forest landowner" has the same meaning as defined in RCW 76.09.450.

(25) "Timber" means forest trees, standing or down, of a commercial species, including Christmas trees. However, "timber" does not include Christmas trees that are cultivated by agricultural methods, as that term is defined in RCW 84.33.035.

(26) "Timber owner" means any person having all or any part of the legal interest in timber. Where such timber is subject to a contract of sale, "timber owner" shall mean the contract purchaser.

(27) "Unconfined channel migration zone" means the area within which the active channel of an unconfined stream is prone to move and where the movement would result in a potential near-term loss of riparian forest adjacent to the stream. Sizeable islands with productive timber may exist within the zone.

(28) "Unconfined stream" means generally fifth order or larger waters that experience abrupt shifts in channel location, creating a complex floodplain characterized by extensive gravel bars, disturbance species of vegetation of variable age, numerous side channels, wall-based channels, oxbow lakes, and wetland complexes. Many of these streams have dikes and levees that may temporarily or permanently restrict channel movement.

(29) "Forest practices hydraulic project" means a hydraulic project, as defined under RCW 77.55.011, that requires a forest practices application or notification under this chapter.

(30) "Fill" means the placement of earth material or aggregate for road or landing construction or other similar activities.

**NEW SECTION. Sec. 213.** A new section is added to chapter 43.21C RCW to read as follows:

The incorporation of fish protection standards adopted under chapter 77.55 RCW into the forest practices rules as required under RCW 76.09.040(3) is exempt from compliance with this chapter.

**NEW SECTION. Sec. 214.** (1) The departments of natural resources and fish and wildlife must jointly provide a report to the appropriate committees of the legislature containing findings and any recommendations relating to the regulatory integration of hydraulic projects and forest practices as provided in this act, including:

(a) Progress made in implementing the integration required under this act, including rule incorporation and development of forest practices board manual guidance;

(b) An update on and potential for permitting efficiencies in addition to the integration required under this act;

(c) The process for and outcomes from review of forest practices applications that include forest practices hydraulic projects by the department of fish and wildlife; and

(d) Compliance monitoring for forest practices hydraulic projects through the review processes provided under WAC 222-08-160 as it existed on the effective date of this section.

(2) The departments of natural resources and fish and wildlife must provide an initial report by September 1, 2014, and a second report by September 1, 2016.

(3) This section expires December 31, 2016.

**NEW SECTION. Sec. 215.** Sections 202 and 205 of this act take effect on the date the forest practices board incorporates fish protection standards adopted under chapter 77.55 RCW into the forest practices rules and approves technical guidance as required under RCW 76.09.040. The department of natural resources must provide written notice of the effective date of these sections to affected parties, the chief clerk of the house of representatives, the secretary of the senate, the office of the code reviser, and others as deemed appropriate by the department of natural resources.

**NEW SECTION. Sec. 216.** Nothing in this act affects any rules, processes, or procedures of the department of fish and wildlife and the department of natural resources existing on the effective date of this section that provide for regulatory integration of hydraulic projects and forest practices for projects in nonfish-bearing waters.

**NEW SECTION. Sec. 217.** Nothing in this act authorizes the department of fish and wildlife to assume authority over approval, disapproval, conditioning, or enforcement of applications or notifications submitted under chapter 76.09 RCW.

**NEW SECTION. Sec. 218.** Nothing in this act affects the jurisdiction or other authority of a federally recognized Indian tribe

within the boundary of its reservation or on other tribally owned lands.

**NEW SECTION. Sec. 219.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

### PART THREE

#### State Environmental Policy Act and Local Development Regulations

**NEW SECTION. Sec. 301.** (1) The legislature recognizes that the rule-based categorical exemption thresholds to chapter 43.21C RCW, found in WAC 197-11-800, have not been updated in recent years, and should be reviewed in light of the increased environmental protections in place under chapters 36.70A and 90.58 RCW, and other laws. It is the intent of the legislature to direct the department of ecology to conduct two phases of rulemaking over the next two years to increase the thresholds for these categorical exemptions.

(2) By December 31, 2012, the department of ecology shall increase the rule-based categorical exemptions to chapter 43.21C RCW found in WAC 197-11-800 and update the environmental checklist found in WAC 197-11-960. In updating the categorical exemptions, the department of ecology must:

(a) At a minimum, increase the existing maximum threshold levels for the following project types:

(i) The construction or location of single-family residential developments;

(ii) The construction or location of multifamily residential developments;

(iii) The construction of an agricultural structure, other than a feed lot, that is similar to the following: A barn, a loafing shed, a farm equipment storage building, or a produce storing or packing structure;

(iv) The construction of the following, including any associated parking areas or facilities: An office, a school, a commercial building, a recreational building, a service building, or a storage building;

(v) Landfilling or excavation activities; and

(vi) The installation of an electric facility, lines, equipment, or appurtenances, other than substations.

(b) Establish maximum exemption levels for action types that differ based on whether the project is proposed to occur in:

(i) An incorporated city;

(ii) An unincorporated area within an urban growth area;

(iii) An unincorporated area outside of an urban growth area but within a county planning under chapter 36.70A RCW; or

(iv) An unincorporated area within a county not planning under chapter 36.70A RCW.

(c) In updating the environmental checklist found in WAC 197-11-960, the department of ecology shall:

(i) Improve efficiency of the environmental checklist; and

(ii) Not include any new subjects into the scope of the checklist, including climate change and greenhouse gases.

(d) Until the completion of the rule making required under this section, a city or county may apply the highest categorical exemption levels authorized under WAC 197-11-800 to any action, regardless if the city or county with jurisdiction has exercised its authority to raise the exemption levels above the established minimums, unless the city or county with jurisdiction passes an ordinance or resolution that lowers the exemption levels to a level below the allowed maximum but not less than the default minimum levels detailed in WAC 197-11-800.

(3)(a) By December 31, 2013, the department of ecology shall:

(i) Update, but not decrease, the thresholds for all other project actions not specified in subsection (2) of this section;

(ii) Propose methods for integrating the state environmental policy act process with provisions of the growth management act, chapter 36.70A RCW, including consideration of ways to revise WAC 197-11-210 through 197-11-232 to further the goals of RCW 43.21C.240; and

(iii) Create categorical exemptions for minor code amendments for which review under chapter 43.21C RCW would not be required because they do not lessen environmental protection.

(b) During this process, the department of ecology may also review and update the thresholds resulting from the 2012 rule-making process outlined in subsection (2) of this section.

(4)(a) The department of ecology shall convene an advisory committee consisting of members representing, at minimum, cities, counties, business interests, environmental interests, agricultural interests, cultural resources interests, state agencies, and tribal governments to:

(i) Assist in updating the environmental checklist and updating the thresholds for other project actions for both rule-making processes under subsections (2) and (3) of this section;

(ii) Ensure that state agencies and other interested parties can receive notice about projects of interest through notice under chapter 43.21C RCW and means other than chapter 43.21C RCW; and

(iii) Ensure that federally recognized tribes receive notice about projects that impact tribal interests through notice under chapter 43.21C RCW and means other than chapter 43.21C RCW.

(b) Advisory committee members must have direct experience with the implementation or application of the state environmental policy act.

(5) This section expires July 31, 2014.

**Sec. 302.** RCW 43.21C.031 and 1995 c 347 s 203 are each amended to read as follows:

(1) An environmental impact statement (the detailed statement required by RCW 43.21C.030(2)(c)) shall be prepared on proposals for legislation and other major actions having a probable significant, adverse environmental impact. The environmental impact statement may be combined with the recommendation or report on the proposal or issued as a separate document. The substantive decisions or recommendations shall be clearly identifiable in the combined document. Actions categorically exempt under RCW 43.21C.110(1)(a) and section 307 of this act do not require environmental review or the preparation of an environmental impact statement under this chapter. ~~((In a county, city, or town planning under RCW 36.70A.040, a planned action, as provided for in subsection (2) of this section, does not require a threshold determination or the preparation of an environmental impact statement under this chapter, but is subject to environmental review and mitigation as provided in this chapter.))~~

(2) An environmental impact statement is required to analyze only those probable adverse environmental impacts which are significant. Beneficial environmental impacts may be discussed. The responsible official shall consult with agencies and the public to identify such impacts and limit the scope of an environmental impact statement. The subjects listed in RCW 43.21C.030(2)(c) need not be treated as separate sections of an environmental impact statement. Discussions of significant short-term and long-term environmental impacts, significant irrevocable commitments of natural resources, significant alternatives including mitigation measures, and significant environmental impacts which cannot be mitigated should be consolidated or included, as applicable, in those sections of an environmental impact statement where the responsible official decides they logically belong.

~~((2))~~(a) For purposes of this section, a planned action means one or more types of project action that:

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(i) Are designated planned actions by an ordinance or resolution adopted by a county, city, or town planning under RCW 36.70A.040;

(ii) Have had the significant impacts adequately addressed in an environmental impact statement prepared in conjunction with (A) a comprehensive plan or subarea plan adopted under chapter 36.70A RCW, or (B) a fully contained community, a master planned resort, a master planned development, or a phased project;

(iii) Are subsequent or implementing projects for the proposals listed in (a)(ii) of this subsection;

(iv) Are located within an urban growth area, as defined in RCW 36.70A.030;

(v) Are not essential public facilities, as defined in RCW 36.70A.200; and

(vi) Are consistent with a comprehensive plan adopted under chapter 36.70A RCW.

(b) A county, city, or town shall limit planned actions to certain types of development or to specific geographical areas that are less extensive than the jurisdictional boundaries of the county, city, or town and may limit a planned action to a time period identified in the environmental impact statement or the ordinance or resolution adopted under this subsection.)

**NEW SECTION. Sec. 303.** A new section is added to chapter 43.21C RCW to read as follows:

(1) For purposes of this chapter, a planned action means one or more types of development or redevelopment that meet the following criteria:

(a) Are designated as planned actions by an ordinance or resolution adopted by a county, city, or town planning under RCW 36.70A.040;

(b) Have had the significant impacts adequately addressed in an environmental impact statement under the requirements of this chapter in conjunction with, or to implement, a comprehensive plan or subarea plan adopted under chapter 36.70A RCW, or a fully contained community, a master planned resort, a master planned development, or a phased project;

(c) Have had project level significant impacts adequately addressed in an environmental impact statement unless the impacts are specifically deferred for consideration at the project level pursuant to subsection (3)(b) of this section;

(d) Are subsequent or implementing projects for the proposals listed in (b) of this subsection;

(e) Are located within an urban growth area designated pursuant to RCW 36.70A.110;

(f) Are not essential public facilities, as defined in RCW 36.70A.200, unless an essential public facility is accessory to or part of a residential, office, school, commercial, recreational, service, or industrial development that is designated a planned action under this subsection; and

(g) Are consistent with a comprehensive plan or subarea plan adopted under chapter 36.70A RCW.

(2) A county, city, or town shall define the types of development included in the planned action and may limit a planned action to:

(a) A specific geographic area that is less extensive than the jurisdictional boundaries of the county, city, or town; or

(b) A time period identified in the ordinance or resolution adopted under this subsection.

(3)(a) A county, city, or town shall determine during permit review whether a proposed project is consistent with a planned action ordinance adopted by the jurisdiction. To determine project consistency with a planned action ordinance, a county, city, or town may utilize a modified checklist pursuant to the rules adopted to implement RCW 43.21C.110, a form that is designated within the planned action ordinance, or a form contained in agency rules adopted pursuant to RCW 43.21C.120.

(b) A county, city, or town is not required to make a threshold determination and may not require additional environmental review, for a proposal that is determined to be consistent with the development or redevelopment described in the planned action ordinance, except for impacts that are specifically deferred to the project level at the time of the planned action ordinance's adoption. At least one community meeting must be held before the notice is issued for the planned action ordinance. Notice for the planned action and notice of the community meeting required by this subsection (3)(b) must be mailed or otherwise verifiably provided to: (i) All affected federally recognized tribal governments; and (ii) agencies with jurisdiction over the future development anticipated for the planned action. The determination of consistency, and the adequacy of any environmental review that was specifically deferred, are subject to the type of administrative appeal that the county, city, or town provides for the proposal itself consistent with RCW 36.70B.060.

(4) For a planned action ordinance that encompasses the entire jurisdictional boundary of a county, city, or town, at least one community meeting must be held before the notice is issued for the planned action ordinance. Notice for the planned action ordinance and notice of the community meeting required by this subsection must be mailed or otherwise verifiably provided to:

(a) All property owners of record within the county, city, or town;

(b) All affected federally recognized tribal governments; and

(c) All agencies with jurisdiction over the future development anticipated for the planned action.

**Sec. 304.** RCW 43.21C.229 and 2003 c 298 s 1 are each amended to read as follows:

(1) In order to accommodate infill development and thereby realize the goals and policies of comprehensive plans adopted according to chapter 36.70A RCW, a city or county planning under RCW 36.70A.040 is authorized by this section to establish categorical exemptions from the requirements of this chapter. An exemption adopted under this section applies even if it differs from the categorical exemptions adopted by rule of the department under RCW 43.21C.110(1)(a). An exemption may be adopted by a city or county under this section if it meets the following criteria:

(a) It categorically exempts government action related to development ~~((that is new residential or mixed use development))~~ proposed to fill in an urban growth area, designated according to RCW 36.70A.110, where current density and intensity of use in the area is lower than called for in the goals and policies of the applicable comprehensive plan and the development is either:

(i) Residential development;

(ii) Mixed-use development; or

(iii) Commercial development up to sixty-five thousand square feet, excluding retail development;

(b) It does not exempt government action related to development that is inconsistent with the applicable comprehensive plan or would exceed the density or intensity of use called for in the goals and policies of the applicable comprehensive plan; ~~((and))~~

(c) The local government considers the specific probable adverse environmental impacts of the proposed action and determines that these specific impacts are adequately addressed by the development regulations or other applicable requirements of the comprehensive plan, subarea plan element of the comprehensive plan, planned action ordinance, or other local, state, or federal rules or laws; and

(d)(i) The city or county's applicable comprehensive plan was previously subjected to environmental analysis through an environmental impact statement under the requirements of this chapter prior to adoption; or

(ii) The city or county has prepared an environmental impact



statement that considers the proposed use or density and intensity of use in the area proposed for an exemption under this section.

(2) Any categorical exemption adopted by a city or county under this section shall be subject to the rules of the department adopted according to RCW 43.21C.110(1)(a) that provide exceptions to the use of categorical exemptions adopted by the department.

**NEW SECTION. Sec. 305.** A new section is added to chapter 43.21C RCW to read as follows:

(1) A county, city, or town may recover its reasonable expenses of preparation of a nonproject environmental impact statement prepared under RCW 43.21C.229 and section 303 of this act:

(a) Through access to financial assistance under RCW 36.70A.490;

(b) With funding from private sources; and

(c) By the assessment of fees consistent with the requirements and limitations of this section.

(2)(a) A county, city, or town is authorized to assess a fee upon subsequent development that will make use of and benefit from: (i) The analysis in an environmental impact statement prepared for the purpose of compliance with section 303 of this act regarding planned actions; or (ii) the reduction in environmental analysis requirements resulting from the exercise of authority under RCW 43.21C.229 regarding infill development.

(b) The amount of the fee must be reasonable and proportionate to the total expenses incurred by the county, city, or town in the preparation of the environmental impact statement.

(3) A county, city, or town assessing fees under subsection (2)(a) of this section must provide for a mechanism by which project proponents may either elect to utilize the environmental review completed by the lead agency and pay the fees under subsection (1) of this section or certify that they do not want the local jurisdiction to utilize the environmental review completed as a part of a planned action and therefore not be assessed any associated fees. Project proponents who choose this option may not make use of or benefit from the up-front environmental review prepared by the local jurisdiction.

(4) Prior to the collection of fees, the county, city, or town must enact an ordinance that establishes the total amount of expenses to be recovered through fees and provides objective standards for determining the fee amount to be imposed upon each development proposal proportionate to the impacts of each development and to the benefits accruing to each development from the nonproject environmental review. The ordinance must provide (a) a procedure by which an applicant who disagrees with whether the amount of the fee is correct, reasonable, or proportionate may pay the fee with the written stipulation "paid under protest"; and (b) if the county, city, or town provides for an administrative appeal of its decision on the project for which the fees are imposed, any dispute about the amount of the fees must be resolved in the same administrative appeals process. Any disagreement about the reasonableness, proportionality, or amount of the fees imposed upon a development may not be the basis for delay in issuance of a project permit for that development.

(5) The ordinance adopted under subsection (4) of this section must make information available about the amount of the expenses designated for recovery. When such expenses have been fully recovered, the county, city, or town may no longer assess a fee under this section.

(6) Any fees collected under this section from subsequent development may be used to reimburse funding received from private sources to conduct the environmental review.

(7) The city, county, or town shall refund fees collected where a court of competent jurisdiction determines that the environmental review conducted under section 303 of this act, regarding planned

actions, or under RCW 43.21C.229, regarding infill development, was not sufficient to comply with the requirements of this chapter regarding the proposed development activity for which the fees were collected. The applicant and the city, county, or town may mutually agree to a partial refund or to waive the refund in the interest of resolving any dispute regarding compliance with this chapter.

**Sec. 306.** RCW 82.02.020 and 2010 c 153 s 3 are each amended to read as follows:

Except only as expressly provided in chapters 67.28, 81.104, and 82.14 RCW, the state preempts the field of imposing retail sales and use taxes and taxes upon parimutuel wagering authorized pursuant to RCW 67.16.060, conveyances, and cigarettes, and no county, town, or other municipal subdivision shall have the right to impose taxes of that nature. Except as provided in RCW 64.34.440 and 82.02.050 through 82.02.090, no county, city, town, or other municipal corporation shall impose any tax, fee, or charge, either direct or indirect, on the construction or reconstruction of residential buildings, commercial buildings, industrial buildings, or on any other building or building space or appurtenance thereto, or on the development, subdivision, classification, or reclassification of land. However, this section does not preclude dedications of land or easements within the proposed development or plat which the county, city, town, or other municipal corporation can demonstrate are reasonably necessary as a direct result of the proposed development or plat to which the dedication of land or easement is to apply.

This section does not prohibit voluntary agreements with counties, cities, towns, or other municipal corporations that allow a payment in lieu of a dedication of land or to mitigate a direct impact that has been identified as a consequence of a proposed development, subdivision, or plat. A local government shall not use such voluntary agreements for local off-site transportation improvements within the geographic boundaries of the area or areas covered by an adopted transportation program authorized by chapter 39.92 RCW. Any such voluntary agreement is subject to the following provisions:

(1) The payment shall be held in a reserve account and may only be expended to fund a capital improvement agreed upon by the parties to mitigate the identified, direct impact;

(2) The payment shall be expended in all cases within five years of collection; and

(3) Any payment not so expended shall be refunded with interest to be calculated from the original date the deposit was received by the county and at the same rate applied to tax refunds pursuant to RCW 84.69.100; however, if the payment is not expended within five years due to delay attributable to the developer, the payment shall be refunded without interest.

No county, city, town, or other municipal corporation shall require any payment as part of such a voluntary agreement which the county, city, town, or other municipal corporation cannot establish is reasonably necessary as a direct result of the proposed development or plat.

Nothing in this section prohibits cities, towns, counties, or other municipal corporations from collecting reasonable fees from an applicant for a permit or other governmental approval to cover the cost to the city, town, county, or other municipal corporation of processing applications, inspecting and reviewing plans, or preparing detailed statements required by chapter 43.21C RCW, including reasonable fees that are consistent with RCW 43.21C.420(6) and section 305 of this act.

This section does not limit the existing authority of any county, city, town, or other municipal corporation to impose special assessments on property specifically benefited thereby in the manner prescribed by law.

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Nothing in this section prohibits counties, cities, or towns from imposing or permits counties, cities, or towns to impose water, sewer, natural gas, drainage utility, and drainage system charges. However, no such charge shall exceed the proportionate share of such utility or system's capital costs which the county, city, or town can demonstrate are attributable to the property being charged. Furthermore, these provisions may not be interpreted to expand or contract any existing authority of counties, cities, or towns to impose such charges.

Nothing in this section prohibits a transportation benefit district from imposing fees or charges authorized in RCW 36.73.120 nor prohibits the legislative authority of a county, city, or town from approving the imposition of such fees within a transportation benefit district.

Nothing in this section prohibits counties, cities, or towns from imposing transportation impact fees authorized pursuant to chapter 39.92 RCW.

Nothing in this section prohibits counties, cities, or towns from requiring property owners to provide relocation assistance to tenants under RCW 59.18.440 and 59.18.450.

Nothing in this section limits the authority of counties, cities, or towns to implement programs consistent with RCW 36.70A.540, nor to enforce agreements made pursuant to such programs.

This section does not apply to special purpose districts formed and acting pursuant to Title 54, 57, or 87 RCW, nor is the authority conferred by these titles affected.

**NEW SECTION. Sec. 307.** A new section is added to chapter 43.21C RCW to read as follows:

The following nonproject actions are categorically exempt from the requirements of this chapter:

(1) Amendments to development regulations that are required to ensure consistency with an adopted comprehensive plan pursuant to RCW 36.70A.040, where the comprehensive plan was previously subjected to environmental review pursuant to this chapter and the impacts associated with the proposed regulation were specifically addressed in the prior environmental review;

(2) Amendments to development regulations that are required to ensure consistency with a shoreline master program approved pursuant to RCW 90.58.090, where the shoreline master program was previously subjected to environmental review pursuant to this chapter and the impacts associated with the proposed regulation were specifically addressed in the prior environmental review;

(3) Amendments to development regulations that, upon implementation of a project action, will provide increased environmental protection, limited to the following:

(a) Increased protections for critical areas, such as enhanced buffers or setbacks;

(b) Increased vegetation retention or decreased impervious surface areas in shoreline jurisdiction; and

(c) Increased vegetation retention or decreased impervious surface areas in critical areas;

(4) Amendments to technical codes adopted by a county, city, or town to ensure consistency with minimum standards contained in state law, including the following:

(a) Building codes required by chapter 19.27 RCW;

(b) Energy codes required by chapter 19.27A RCW; and

(c) Electrical codes required by chapter 19.28 RCW.

**NEW SECTION. Sec. 308.** A new section is added to chapter 43.21C RCW to read as follows:

(1) The lead agency for an environmental review under this chapter utilizing an environmental checklist developed by the department of ecology pursuant to RCW 43.21C.110 may identify within the checklist provided to applicants instances where questions on the checklist are adequately covered by a locally

adopted ordinance, development regulation, land use plan, or other legal authority.

(2) If a lead agency identifies an instance as described in subsection (1) of this section, it still must consider whether the action has an impact on the particular element or elements of the environment in question.

(3) In instances where the locally adopted ordinance, development regulation, land use plan, or other legal authority provide the necessary information to answer a specific question, the lead agency must explain how the proposed project satisfies the underlying local legal authority.

(4) If the lead agency identifies instances where questions on the checklist are adequately covered by a locally adopted ordinance, development regulation, land use plan, or other legal authority, an applicant may still provide answers to any questions on the checklist.

(5) Nothing in this section authorizes a lead agency to ignore or delete a question on the checklist.

(6) Nothing in this section changes the standard for whether an environmental impact statement is required for an action that may have a probable significant, adverse environmental impact pursuant to RCW 43.21C.030.

(7) Nothing in this section affects the appeal provisions provided in this chapter.

(8) Nothing in this section modifies existing rules for determining the lead agency, as defined in WAC 197-11-922 through 197-11-948, nor does it modify agency procedures for complying with the state environmental policy act when an agency other than a local government is serving as the lead agency.

**Sec. 309.** RCW 36.70A.490 and 1995 c 347 s 115 are each amended to read as follows:

The growth management planning and environmental review fund is hereby established in the state treasury. Moneys may be placed in the fund from the proceeds of bond sales, tax revenues, budget transfers, federal appropriations, gifts, or any other lawful source. Moneys in the fund may be spent only after appropriation. Moneys in the fund shall be used to make grants or loans to local governments for the purposes set forth in RCW 43.21C.240, 43.21C.031, or 36.70A.500. Any payment of either principal or interest, or both, derived from loans made from this fund must be deposited into the fund.

**Sec. 310.** RCW 36.70A.500 and 1997 c 429 s 28 are each amended to read as follows:

(1) The department of (~~community, trade, and economic development~~) ~~commerce~~ shall provide management services for the growth management planning and environmental review fund created by RCW 36.70A.490. The department shall establish procedures for fund management. The department shall encourage participation in the grant or loan program by other public agencies. The department shall develop the grant or loan criteria, monitor the grant or loan program, and select grant or loan recipients in consultation with state agencies participating in the grant or loan program through the provision of grant or loan funds or technical assistance.

(2) A grant or loan may be awarded to a county or city that is required to or has chosen to plan under RCW 36.70A.040 and that is qualified pursuant to this section. The grant or loan shall be provided to assist a county or city in paying for the cost of preparing an environmental analysis under chapter 43.21C RCW, that is integrated with a comprehensive plan, subarea plan, plan element, countywide planning policy, development regulation, monitoring program, or other planning activity adopted under or implementing this chapter that:

(a) Improves the process for project permit review while maintaining environmental quality; or

(b) Encourages use of plans and information developed for purposes of complying with this chapter to satisfy requirements of other state programs.

(3) In order to qualify for a grant or loan, a county or city shall:

(a) Demonstrate that it will prepare an environmental analysis pursuant to chapter 43.21C RCW and subsection (2) of this section that is integrated with a comprehensive plan, subarea plan, plan element, countywide planning policy, development regulations, monitoring program, or other planning activity adopted under or implementing this chapter;

(b) Address environmental impacts and consequences, alternatives, and mitigation measures in sufficient detail to allow the analysis to be adopted in whole or in part by applicants for development permits within the geographic area analyzed in the plan;

(c) Demonstrate that procedures for review of development permit applications will be based on the integrated plans and environmental analysis;

(d) Include mechanisms to monitor the consequences of growth as it occurs in the plan area and to use the resulting data to update the plan, policy, or implementing mechanisms and associated environmental analysis;

(e) Demonstrate substantial progress towards compliance with the requirements of this chapter. A county or city that is more than six months out of compliance with a requirement of this chapter is deemed not to be making substantial progress towards compliance; and

(f) Provide local funding, which may include financial participation by the private sector.

(4) In awarding grants or loans, the department shall give preference to proposals that include one or more of the following elements:

(a) Financial participation by the private sector, or a public/private partnering approach;

(b) Identification and monitoring of system capacities for elements of the built environment, and to the extent appropriate, of the natural environment;

(c) Coordination with state, federal, and tribal governments in project review;

(d) Furtherance of important state objectives related to economic development, protection of areas of statewide significance, and siting of essential public facilities;

(e) Programs to improve the efficiency and effectiveness of the permitting process by greater reliance on integrated plans and prospective environmental analysis;

(f) Programs for effective citizen and neighborhood involvement that contribute to greater likelihood that planning decisions can be implemented with community support; ~~(and)~~

(g) Programs to identify environmental impacts and establish mitigation measures that provide effective means to satisfy concurrency requirements and establish project consistency with the plans; or

(h) Environmental review that addresses the impacts of increased density or intensity of comprehensive plans, subarea plans, or receiving areas designated by a city or town under the regional transfer of development rights program in chapter 43.362 RCW.

(5) If the local funding includes funding provided by other state functional planning programs, including open space planning and watershed or basin planning, the functional plan shall be integrated into and be consistent with the comprehensive plan.

(6) State agencies shall work with grant or loan recipients to facilitate state and local project review processes that will implement the projects receiving grants or loans under this section.

**Sec. 311.** RCW 43.21C.110 and 1997 c 429 s 47 are each amended to read as follows:

It shall be the duty and function of the department of ecology:

(1) To adopt and amend (~~hereafter~~) rules of interpretation and implementation of this chapter, subject to the requirements of chapter 34.05 RCW, for the purpose of providing uniform rules and guidelines to all branches of government including state agencies, political subdivisions, public and municipal corporations, and counties. The proposed rules shall be subject to full public hearings requirements associated with rule (~~promulgation~~) adoption. Suggestions for modifications of the proposed rules shall be considered on their merits, and the department shall have the authority and responsibility for full and appropriate independent (~~promulgation and~~) adoption of rules, assuring consistency with this chapter as amended and with the preservation of protections afforded by this chapter. The rule-making powers authorized in this section shall include, but shall not be limited to, the following phases of interpretation and implementation of this chapter:

(a) Categories of governmental actions which are not to be considered as potential major actions significantly affecting the quality of the environment, including categories pertaining to applications for water right permits pursuant to chapters 90.03 and 90.44 RCW. The types of actions included as categorical exemptions in the rules shall be limited to those types which are not major actions significantly affecting the quality of the environment. The rules shall provide for certain circumstances where actions which potentially are categorically exempt require environmental review. An action that is categorically exempt under the rules adopted by the department may not be conditioned or denied under this chapter.

(b) Rules for criteria and procedures applicable to the determination of when an act of a branch of government is a major action significantly affecting the quality of the environment for which a detailed statement is required to be prepared pursuant to RCW 43.21C.030.

(c) Rules and procedures applicable to the preparation of detailed statements and other environmental documents, including but not limited to rules for timing of environmental review, obtaining comments, data and other information, and providing for and determining areas of public participation which shall include the scope and review of draft environmental impact statements.

(d) Scope of coverage and contents of detailed statements assuring that such statements are simple, uniform, and as short as practicable; statements are required to analyze only reasonable alternatives and probable adverse environmental impacts which are significant, and may analyze beneficial impacts.

(e) Rules and procedures for public notification of actions taken and documents prepared.

(f) Definition of terms relevant to the implementation of this chapter including the establishment of a list of elements of the environment. Analysis of environmental considerations under RCW 43.21C.030(2) may be required only for those subjects listed as elements of the environment (or portions thereof). The list of elements of the environment shall consist of the "natural" and "built" environment. The elements of the built environment shall consist of public services and utilities (such as water, sewer, schools, fire and police protection), transportation, environmental health (such as explosive materials and toxic waste), and land and shoreline use (including housing, and a description of the relationships with land use and shoreline plans and designations, including population).

(g) Rules for determining the obligations and powers under this chapter of two or more branches of government involved in the same project significantly affecting the quality of the environment.

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(h) Methods to assure adequate public awareness of the preparation and issuance of detailed statements required by RCW 43.21C.030(2)(c).

(i) To prepare rules for projects setting forth the time limits within which the governmental entity responsible for the action shall comply with the provisions of this chapter.

(j) Rules for utilization of a detailed statement for more than one action and rules improving environmental analysis of nonproject proposals and encouraging better interagency coordination and integration between this chapter and other environmental laws.

(k) Rules relating to actions which shall be exempt from the provisions of this chapter in situations of emergency.

(l) Rules relating to the use of environmental documents in planning and decision making and the implementation of the substantive policies and requirements of this chapter, including procedures for appeals under this chapter.

(m) Rules and procedures that provide for the integration of environmental review with project review as provided in RCW 43.21C.240. The rules and procedures shall be jointly developed with the department of ~~((community, trade, and economic development))~~ commerce and shall be applicable to the preparation of environmental documents for actions in counties, cities, and towns planning under RCW 36.70A.040. The rules and procedures shall also include procedures and criteria to analyze planned actions under ~~((RCW 43.21C.031(2)))~~ section 303 of this act and revisions to the rules adopted under this section to ensure that they are compatible with the requirements and authorizations of chapter 347, Laws of 1995, as amended by chapter 429, Laws of 1997. Ordinances or procedures adopted by a county, city, or town to implement the provisions of chapter 347, Laws of 1995 prior to the effective date of rules adopted under this subsection (1)(m) shall continue to be effective until the adoption of any new or revised ordinances or procedures that may be required. If any revisions are required as a result of rules adopted under this subsection (1)(m), those revisions shall be made within the time limits specified in RCW 43.21C.120.

(2) In exercising its powers, functions, and duties under this section, the department may:

(a) Consult with the state agencies and with representatives of science, industry, agriculture, labor, conservation organizations, state and local governments, and other groups, as it deems advisable; and

(b) Utilize, to the fullest extent possible, the services, facilities, and information (including statistical information) of public and private agencies, organizations, and individuals, in order to avoid duplication of effort and expense, overlap, or conflict with similar activities authorized by law and performed by established agencies.

(3) Rules adopted pursuant to this section shall be subject to the review procedures of chapter 34.05 RCW.

**Sec. 312.** RCW 43.21C.095 and 1983 c 117 s 5 are each amended to read as follows:

The rules ~~((promulgated))~~ adopted under RCW 43.21C.110 shall be accorded substantial deference in the interpretation of this chapter.

**Sec. 313.** RCW 90.48.260 and 2011 c 353 s 12 are each amended to read as follows:

(1) The department of ecology is hereby designated as the state water pollution control agency for all purposes of the federal clean water act as it exists on February 4, 1987, and is hereby authorized to participate fully in the programs of the act as well as to take all action necessary to secure to the state the benefits and to meet the requirements of that act. With regard to the national estuary program established by section 320 of that act, the department shall exercise its responsibility jointly with the Puget Sound partnership, created in RCW 90.71.210. The department of ecology may

delegate its authority under this chapter, including its national pollutant discharge elimination permit system authority and duties regarding animal feeding operations and concentrated animal feeding operations, to the department of agriculture through a memorandum of understanding. Until any such delegation receives federal approval, the department of agriculture's adoption or issuance of animal feeding operation and concentrated animal feeding operation rules, permits, programs, and directives pertaining to water quality shall be accomplished after reaching agreement with the director of the department of ecology. Adoption or issuance and implementation shall be accomplished so that compliance with such animal feeding operation and concentrated animal feeding operation rules, permits, programs, and directives will achieve compliance with all federal and state water pollution control laws. The powers granted herein include, among others, and notwithstanding any other provisions of this chapter ~~((90.48 RCW))~~ or otherwise, the following:

(a) Complete authority to establish and administer a comprehensive state point source waste discharge or pollution discharge elimination permit program which will enable the department to qualify for full participation in any national waste discharge or pollution discharge elimination permit system and will allow the department to be the sole agency issuing permits required by such national system operating in the state of Washington subject to the provisions of RCW 90.48.262(2). Program elements authorized herein may include, but are not limited to: (i) Effluent treatment and limitation requirements together with timing requirements related thereto; (ii) applicable receiving water quality standards requirements; (iii) requirements of standards of performance for new sources; (iv) pretreatment requirements; (v) termination and modification of permits for cause; (vi) requirements for public notices and opportunities for public hearings; (vii) appropriate relationships with the secretary of the army in the administration of his or her responsibilities which relate to anchorage and navigation, with the administrator of the environmental protection agency in the performance of his or her duties, and with other governmental officials under the federal clean water act; (viii) requirements for inspection, monitoring, entry, and reporting; (ix) enforcement of the program through penalties, emergency powers, and criminal sanctions; (x) a continuing planning process; and (xi) user charges.

(b) The power to establish and administer state programs in a manner which will ~~((insure))~~ ensure the procurement of moneys, whether in the form of grants, loans, or otherwise; to assist in the construction, operation, and maintenance of various water pollution control facilities and works; and the administering of various state water pollution control management, regulatory, and enforcement programs.

(c) The power to develop and implement appropriate programs pertaining to continuing planning processes, area-wide waste treatment management plans, and basin planning.

(2) The governor shall have authority to perform those actions required of him or her by the federal clean water act.

~~((2))~~ (3) By July 31, 2012, the department shall:

(a) Reissue without modification and for a term of one year any national pollutant discharge elimination system municipal storm water general permit applicable to western Washington municipalities first issued on January 17, 2007; and

(b) Issue an updated national pollutant discharge elimination system municipal storm water general permit applicable to western Washington municipalities for any permit first issued on January 17, 2007. An updated permit issued under this subsection shall become effective beginning August 1, 2013.

(i) Provisions of the updated permit issued under (b) of this subsection relating to new requirements for low-impact

development and review and revision of local development codes, rules, standards, or other enforceable documents to incorporate low-impact development principles must be implemented simultaneously. These requirements may go into effect no earlier than December 31, 2016, or the time of the scheduled update under RCW 36.70A.130(5), as existing on the effective date of this section, whichever is later.

(ii) Provisions of the updated permit issued under (b) of this subsection related to increased catch basin inspection and illicit discharge detection frequencies and application of new storm water controls to projects smaller than one acre may go into effect no earlier than December 31, 2016, or the time of the scheduled update under RCW 36.70A.130(5), as existing on the effective date of this section, whichever is later.

(4) By July 31, 2012, the department shall:

(a) Reissue without modification and for a term of two years any national pollutant discharge elimination system municipal storm water general permit applicable to eastern Washington municipalities first issued on January 17, 2007; and

(b) Issue an updated national pollutant discharge elimination system municipal storm water general permit for any permit first issued on January 17, 2007, applicable to eastern Washington municipalities. An updated permit issued under this subsection becomes effective August 1, 2014."

Senator Hargrove spoke in favor of adoption of the striking amendment.

#### MOTION

Senator Ericksen moved that the following amendment by Senator Ericksen to the striking amendment adopted:

On page 2, line 9, after "work", insert "at or below the ordinary high water line"

On page 9, line 3, after "June 30," strike "2017" and insert "2015"

On page 9, line 21, after "June 30," strike "2017" and insert "2015"

Re-number the remaining sections consecutively and correct any internal references accordingly.

Senator Ericksen spoke in favor of adoption of the amendment to the striking amendment.

Senators Hargrove and Schoesler spoke against adoption of the amendment to the striking amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Ericksen to the striking amendment on page 2, line 9 to Engrossed Substitute Senate Bill No. 6406.

The motion by Senator Ericksen failed and the amendment to the striking amendment was not adopted by voice vote.

The President declared the question before the Senate to be the adoption of the striking amendment by Senators Hargrove and Schoesler to Engrossed Substitute Senate Bill No. 6406.

The motion by Senator Hargrove carried and the striking amendment was adopted by voice vote.

#### MOTION

There being no objection, the following title amendment was adopted:

On page 1, beginning on line 2 of the title, after "resources;" strike the remainder of the title and insert "amending RCW 77.55.021, 77.55.151, 77.55.231, 76.09.040, 76.09.050, 76.09.150, 76.09.065, 76.09.470, 76.09.030, 43.21C.031, 43.21C.229, 82.02.020, 36.70A.490, 36.70A.500, 43.21C.110, 43.21C.095, and

90.48.260; reenacting and amending RCW 77.55.011, 76.09.060, and 76.09.020; adding new sections to chapter 77.55 RCW; adding a new section to chapter 76.09 RCW; adding a new section to chapter 43.30 RCW; adding new sections to chapter 43.21C RCW; creating new sections; prescribing penalties; providing a contingent effective date; and providing expiration dates."

#### MOTION

On motion of Senator Hargrove, the rules were suspended, Second Engrossed Substitute Senate Bill No. 6406 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Hargrove and Nelson spoke in favor of passage of the bill.

Senator Chase spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Second Engrossed Substitute Senate Bill No. 6406.

#### ROLL CALL

The Secretary called the roll on the final passage of Second Engrossed Substitute Senate Bill No. 6406 and the bill passed the Senate by the following vote: Yeas, 35; Nays, 14; Absent, 0; Excused, 0.

Voting yea: Senators Becker, Benton, Carrell, Delvin, Eide, , Fain, Frockt, Hargrove, Hatfield, Haugen, Hill, Hobbs, Holmquist Newbry, Honeyford, Kastama, Keiser, Kilmer, King, Litzow, Morton, Nelson, Parlette, Pflug, Ranker, Regala, Roach, Rolfes, Schoesler, Sheldon, Shin, Swecker, Tom and Zarelli

Voting nay: Senators Baumgartner, Brown, Chase, Conway, Ericksen, Fraser, Harper, Kline, Kohl-Welles, McAuliffe, Murray, Padden, Prentice and Pridemore

Excused: Senators Hewitt and Stevens

SECOND ENGROSSED SUBSTITUTE SENATE BILL NO. 6406, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MOTION

At 6:37 p.m., on motion of Senator Eide, the Senate was declared to be at ease subject to the call of the President.

The Senate was called to order at 8:58 p.m. by President Owen.

#### MOTION

On motion of Senator Eide the rules were suspended and, pursuant to Rule 48, the Committee on Ways & Means was relieved of further consideration of Senate Bill No. 6623 and the Committee on Rules was relieved of further consideration of Senate Bill No. 6392 and the measures were placed on today's calendar without objection.

#### MOTION

On motion of Senator Eide, the Senate reverted to the fourth order of business.

MESSAGE FROM THE HOUSE

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On motion of Senator Eide, the Senate advanced to the sixth order of business.

MR. PRESIDENT:

The House has passed HOUSE BILL NO. 2834, and the same is herewith transmitted.

SECOND READING

BARBARA BAKER, Chief Clerk

HOUSE BILL NO. 2824, by Representatives Eddy and Hunter

MOTION

On motion of Senator Eide, the Senate advanced to the fifth order of business.

Addressing comprehensive funding for education by developing a plan for full funding and by freeing certain existing revenues for support of the basic education program.

The measure was read the second time.

SUPPLEMENTAL INTRODUCTION AND FIRST READING

MOTION

SB 6640 by Senators Roach, Benton, Chase, Swecker, Prentice, Fain, Hatfield, Hill, Frockt, Holmquist Newbry, Ericksen, Keiser and Shin

Senator Murray moved that the following committee striking amendment by the Committee on Ways & Means be adopted:

AN ACT Relating to prohibiting a child custody award to a suspect in an active homicide investigation; amending RCW 13.34.132, 26.09.191, and 26.10.160; adding a new section to chapter 13.34 RCW; adding a new section to chapter 26.09 RCW; and creating a new section.

Strike everything after the enacting clause and insert the following:

Referred to Committee on Human Services & Corrections.

"NEW SECTION. Sec. 1. (1) Legislation enacted in 2009 (chapter 548, Laws of 2009) and in 2010 (chapter 236, Laws of 2010) revised the definition of the program of basic education, established new methods for distributing state funds to school districts to support this program of basic education, and provided an outline of specific enhancements to the program of basic education that are required to be implemented by 2018. In order to meet the required deadlines to implement full funding of the enhancements, the joint task force in section 2 of this act is created to develop and recommend options for a permanent funding mechanism.

SCR 8412 by Senators Brown and Parlette

Returning bills to their house of origin.

(2) Initiative Measure No. 728 (chapter 3, Laws of 2001) dedicated a portion of state revenues to fund class size reductions and other education improvements. Because class size reductions and similar improvements are incorporated in the reforms that were enacted in chapter 548, Laws of 2009, and chapter 236, Laws of 2010, and that are being incrementally implemented through 2018, Initiative Measure No. 728 is repealed in order to make these dedicated revenues available for implementation of basic education reform and to facilitate the funding reform recommendations of the joint task force in section 2 of this act.

SCR 8413 by Senators Brown and Parlette

Adjourning SINE DIE.

(3) Nothing in this act alters or amends the elements included in the school district levy base set forth in RCW 84.52.0531.

MOTION

On motion of Senator Eide, the measures listed on the Supplemental First Reading and Introduction report were referred to the committees as designed with the exception of Senate Concurrent Resolution No. 8412 and Senate Concurrent Resolution No. 8413 which were placed on the second reading calendar under suspension of the rules.

NEW SECTION. Sec. 2. (1) The joint task force on education funding is established. The task force shall make recommendations on how the legislature can meet the requirements outlined in chapter 548, Laws of 2009 and chapter 236, Laws of 2010. In particular, the task force shall develop a proposal for a reliable and dependable funding mechanism to support basic education programs. At a minimum, the proposed funding mechanism must support full implementation of the programmatic enhancements required in chapter 548, Laws of 2009, and chapter 236, Laws of 2010, including full-day kindergarten; reduced K-3 class size; increased allocations for maintenance, supplies, and operating costs; and a new pupil transportation formula.

SECOND SUPPLEMENTAL INTRODUCTION AND FIRST READING OF HOUSE BILLS

HB 2834 by Representatives Alexander, Springer and Angel

AN ACT Relating to providing cost savings for local governments by reducing a limited number of reporting requirements; amending RCW 35.22.620, 36.27.020, and 36.70A.180; adding a new section to chapter 43.41 RCW; and repealing RCW 35.21.687 and 36.34.137.

(2)(a) The joint task force on education funding shall consist of the following members:

MOTION

On motion of Senator Eide, the measure listed on the Second Supplemental Introduction and First Reading report the bill was placed on the second reading calendar under suspension of the rules without objection.

(i) Eight legislators, with two members from each of the two largest caucuses of the senate appointed by the president of the senate and two members from each of the two largest caucuses of the house of representatives appointed by the speaker of the house of representatives; and

MOTION

(ii) Three individuals, to be appointed by the governor.  
(b) The task force may recommend multiple options, but shall recommend one preferred alternative, including an outline of necessary implementing legislation. Should the task force

recommend an option to fully fund the program of basic education with no new revenues, the task force must identify what areas already in the budget would be eliminated or reduced.

(c) The task force shall be staffed by the house of representatives office of program research, senate committee services, and the office of financial management, with assistance from the Washington state institute for public policy and other agencies as necessary.

(3) The task force shall submit a final report to the legislature by December 31, 2012.

**Sec. 3.** RCW 28A.150.380 and 2009 c 548 s 110 and 2009 c 479 s 16 are each reenacted and amended to read as follows:

(1) The state legislature shall, at each regular session in an odd-numbered year, appropriate for the current use of the common schools such amounts as needed for state support to school districts during the ensuing biennium for the program of basic education under RCW 28A.150.200.

(2) In addition to those state funds provided to school districts for basic education, the legislature may appropriate funds to be distributed to school districts for other factors and for other special programs to enhance or enrich the program of basic education.

((3) The state legislature shall also, at each regular session in an odd-numbered year, appropriate from the general fund and education construction fund for the purposes of and in accordance with the provisions of the student achievement act during the ensuing biennium.))

**Sec. 4.** RCW 28A.600.405 and 2007 c 355 s 4 are each amended to read as follows:

(1) For purposes of this section and RCW 28B.50.534, "eligible student" means a student who has completed all state and local high school graduation requirements except the certificate of academic achievement under RCW 28A.655.061 or the certificate of individual achievement under RCW 28A.155.045, who is less than age twenty-one as of September 1st of the academic year the student enrolls at a community and technical college under this section, and who meets the following criteria:

(a) Receives a level 2 (basic) score on the reading and writing content areas of the high school (~~Washington assessment of student learning~~) statewide student assessment;

(b) Has not successfully met state standards on a retake of the assessment or an alternative assessment;

(c) Has participated in assessment remediation; and

(d) Receives a recommendation to enroll in courses or a program of study made available under RCW 28B.50.534 from his or her high school principal.

(2) An eligible student may enroll in courses or a program of study made available by a community or technical college participating in the pilot program created under RCW 28B.50.534 for the purpose of obtaining a high school diploma.

(3) For eligible students in courses or programs delivered directly by the community or technical college participating in the pilot program under RCW 28B.50.534 and only for enrollment in courses that lead to a high school diploma, the superintendent of public instruction shall transmit to the colleges participating in the pilot program an amount per each full-time equivalent college student at statewide uniform rates. The amount shall be the sum of (a), (b), and (c) ~~(, and (d))~~ of this subsection, as applicable.

(a) The superintendent shall separately calculate and allocate moneys appropriated for basic education under RCW 28A.150.260 for purposes of making payments under this section. The calculations and allocations shall be based upon the estimated statewide annual average per full-time equivalent high school student allocations under RCW 28A.150.260, excluding small high school enhancements, and applicable rules adopted under chapter 34.05 RCW.

(b) The superintendent shall allocate an amount equal to the per funded student state allocation for the learning assistance program under chapter 28A.165 RCW for each full-time equivalent college student or a pro rata amount for less than full-time enrollment.

(c) ((The superintendent shall allocate an amount equal to the per full-time equivalent student allocation for the student achievement program under RCW 28A.505.210 for each full-time equivalent college student or a pro rata amount for less than full-time enrollment.

(d))) For eligible students who meet eligibility criteria for the state transitional bilingual instruction program under chapter 28A.180 RCW, the superintendent shall allocate an amount equal to the per student state allocation for the transitional bilingual instruction program or a pro rata amount for less than full-time enrollment.

(4) The superintendent may adopt rules establishing enrollment reporting, recordkeeping, and accounting requirements necessary to ensure accountability for the use of basic education, learning assistance, and transitional bilingual program funds under this section for the pilot program created under RCW 28B.50.534.

(5) All school districts in the geographic area of the two community and technical colleges selected pursuant to section 8, chapter 355, Laws of 2007 to participate in the pilot program shall provide information about the high school completion option under RCW 28B.50.534 to students in grades ten, eleven, and twelve and the parents or guardians of those students.

**Sec. 5.** RCW 43.135.045 and 2011 1st sp.s. c 50 s 950 are each amended to read as follows:

The education construction fund is hereby created in the state treasury.

(1) Funds may be appropriated from the education construction fund exclusively for common school construction or higher education construction. During the 2007-2009 fiscal biennium, funds may also be used for higher education facilities preservation and maintenance. During the 2009-2011 and 2011-2013 fiscal biennia, the legislature may transfer from the education construction fund to the state general fund such amounts as reflect the excess fund balance of the fund.

(2) Funds may be appropriated for any other purpose only if approved by a two-thirds vote of each house of the legislature and if approved by a vote of the people at the next general election. An appropriation approved by the people under this subsection shall result in an adjustment to the state expenditure limit only for the fiscal period for which the appropriation is made and shall not affect any subsequent fiscal period.

(3) ((Funds for the student achievement program in RCW 28A.505.210 and 28A.505.220 shall be appropriated to the superintendent of public instruction strictly for distribution to school districts to meet the provisions set out in the student achievement act. Allocations shall be made on an equal per full-time equivalent student basis to each school district.

(4))) After July 1, 2010, the state treasurer shall transfer one hundred two million dollars from the general fund to the education ~~(construction fund)~~ legacy trust account by June 30th of each year.

**Sec. 6.** RCW 67.70.340 and 2010 1st sp.s. c 27 s 4 are each amended to read as follows:

(1) The legislature recognizes that creating a shared game lottery could result in less revenue being raised by the existing state lottery ticket sales. The legislature further recognizes that the fund most impacted by this potential event is the Washington opportunity pathways account. Therefore, it is the intent of the legislature to use some of the proceeds from the shared game lottery to make up the difference that the potential state lottery revenue loss would have on the Washington opportunity pathways account. The legislature further intends to use some of the proceeds from the shared game

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lottery to fund programs and services related to problem and pathological gambling.

(2) The Washington opportunity pathways account is expected to receive one hundred two million dollars annually from state lottery games other than the shared game lottery. For fiscal year 2011 and thereafter, if the amount of lottery revenues earmarked for the Washington opportunity pathways account is less than one hundred two million dollars, the commission, after making the transfer required under subsection (3) of this section, must transfer sufficient moneys from revenues derived from the shared game lottery into the Washington opportunity pathways account to bring the total revenue up to one hundred two million dollars.

(3)(a) The commission shall transfer, from revenue derived from the shared game lottery, to the problem gambling account created in RCW 43.20A.892, an amount equal to the percentage specified in (b) of this subsection of net receipts. For purposes of this subsection, "net receipts" means the difference between (i) revenue received from the sale of lottery tickets or shares and revenue received from the sale of shared game lottery tickets or shares; and (ii) the sum of payments made to winners.

(b) In fiscal year 2006, the percentage to be transferred to the problem gambling account is one-tenth of one percent. In fiscal year 2007 and subsequent fiscal years, the percentage to be transferred to the problem gambling account is thirteen one-hundredths of one percent.

(4) The commission shall transfer the remaining net revenues, if any, derived from the shared game lottery "Powerball" authorized in RCW 67.70.044(1) after the transfers pursuant to this section into the state general fund for ~~((the student achievement program under RCW 28A.505.220))~~ support for the program of basic education under RCW 28A.150.200.

(5) The remaining net revenues, if any, in the shared game lottery account after the transfers pursuant to this section shall be deposited into the Washington opportunity pathways account.

**Sec. 7.** RCW 83.100.230 and 2010 1st sp.s. c 37 s 953 are each amended to read as follows:

The education legacy trust account is created in the state treasury. Money in the account may be spent only after appropriation. Expenditures from the account may be used only for ~~((deposit into the student achievement fund))~~ support of the common schools, for transfer to the common school construction account for state assistance to public school facilities construction projects, and for expanding access to higher education through funding for new enrollments and financial aid, and other educational improvement efforts. ~~((During the 2009-2011 fiscal biennium, moneys in the account may also be transferred into the state general fund.))~~

**Sec. 8.** RCW 84.52.0531 and 2010 c 237 s 1 and 2010 c 99 s 11 are each reenacted and amended to read as follows:

The maximum dollar amount which may be levied by or for any school district for maintenance and operation support under the provisions of RCW 84.52.053 shall be determined as follows:

(1) For excess levies for collection in calendar year 1997, the maximum dollar amount shall be calculated pursuant to the laws and rules in effect in November 1996.

(2) For excess levies for collection in calendar year 1998 and thereafter, the maximum dollar amount shall be the sum of (a) plus or minus (b), (c), and (d) of this subsection minus (e) of this subsection:

(a) The district's levy base as defined in subsections (3) and (4) of this section multiplied by the district's maximum levy percentage as defined in subsection (6) of this section;

(b) For districts in a high/nonhigh relationship, the high school district's maximum levy amount shall be reduced and the nonhigh school district's maximum levy amount shall be increased by an

amount equal to the estimated amount of the nonhigh payment due to the high school district under RCW 28A.545.030(3) and 28A.545.050 for the school year commencing the year of the levy;

(c) Except for nonhigh districts under (d) of this subsection, for districts in an interdistrict cooperative agreement, the nonresident school district's maximum levy amount shall be reduced and the resident school district's maximum levy amount shall be increased by an amount equal to the per pupil basic education allocation included in the nonresident district's levy base under subsection (3) of this section multiplied by:

(i) The number of full-time equivalent students served from the resident district in the prior school year; multiplied by:

(ii) The serving district's maximum levy percentage determined under subsection (6) of this section; increased by:

(iii) The percent increase per full-time equivalent student as stated in the state basic education appropriation section of the biennial budget between the prior school year and the current school year divided by fifty-five percent;

(d) The levy bases of nonhigh districts participating in an innovation academy cooperative established under RCW 28A.340.080 shall be adjusted by the office of the superintendent of public instruction to reflect each district's proportional share of student enrollment in the cooperative;

(e) The district's maximum levy amount shall be reduced by the maximum amount of state matching funds for which the district is eligible under RCW 28A.500.010.

(3) For excess levies for collection in calendar year 2005 and thereafter, a district's levy base shall be the sum of allocations in (a) through (c) of this subsection received by the district for the prior school year and the amounts determined under subsection (4) of this section, including allocations for compensation increases, plus the sum of such allocations multiplied by the percent increase per full time equivalent student as stated in the state basic education appropriation section of the biennial budget between the prior school year and the current school year and divided by fifty-five percent. A district's levy base shall not include local school district property tax levies or other local revenues, or state and federal allocations not identified in (a) through (c) of this subsection.

(a) The district's basic education allocation as determined pursuant to RCW 28A.150.250, 28A.150.260, and 28A.150.350;

(b) State and federal categorical allocations for the following programs:

(i) Pupil transportation;

(ii) Special education;

(iii) Education of highly capable students;

(iv) Compensatory education, including but not limited to learning assistance, migrant education, Indian education, refugee programs, and bilingual education;

(v) Food services; and

(vi) Statewide block grant programs; and

(c) Any other federal allocations for elementary and secondary school programs, including direct grants, other than federal impact aid funds and allocations in lieu of taxes.

(4) For levy collections in calendar years 2005 through 2017, in addition to the allocations included under subsection (3)(a) through (c) of this section, a district's levy base shall also include the following:

(a)(i) For levy collections in calendar year 2010, the difference between the allocation the district would have received in the current school year had RCW 84.52.068 not been amended by chapter 19, Laws of 2003 1st sp. sess. and the allocation the district received in the current school year pursuant to RCW 28A.505.220;

(ii) For levy collections in calendar years 2011 through 2017, ~~((the difference between))~~ the allocation rate the district would have received in the prior school year using the Initiative 728 rate ~~((and~~



~~the allocation rate the district received in the prior school year pursuant to RCW 28A.505.220))~~ multiplied by the full-time equivalent student enrollment used to calculate the Initiative 728 allocation for the prior school year; and

(b) The difference between the allocations the district would have received the prior school year using the Initiative 732 base and the allocations the district actually received the prior school year pursuant to RCW 28A.400.205.

(5) For levy collections in calendar years 2011 through 2017, in addition to the allocations included under subsections (3)(a) through (c) and (4)(a) and (b) of this section, a district's levy base shall also include the difference between an allocation of fifty-three and two-tenths certificated instructional staff units per thousand full-time equivalent students in grades kindergarten through four enrolled in the prior school year and the allocation of certificated instructional staff units per thousand full-time equivalent students in grades kindergarten through four that the district actually received in the prior school year, except that the levy base for a school district whose allocation in the 2009-10 school year was less than fifty-three and two-tenths certificated instructional staff units per thousand full-time equivalent students in grades kindergarten through four shall include the difference between the allocation the district actually received in the 2009-10 school year and the allocation the district actually received in the prior school year.

(6)(a) A district's maximum levy percentage shall be twenty-four percent in 2010 and twenty-eight percent in 2011 through 2017 and twenty-four percent every year thereafter;

(b) For qualifying districts, in addition to the percentage in (a) of this subsection the grandfathered percentage determined as follows:

(i) For 1997, the difference between the district's 1993 maximum levy percentage and twenty percent; and

(ii) For 2011 through 2017, the percentage calculated as follows:

(A) Multiply the grandfathered percentage for the prior year times the district's levy base determined under subsection (3) of this section;

(B) Reduce the result of (b)(ii)(A) of this subsection by any levy reduction funds as defined in subsection (7) of this section that are to be allocated to the district for the current school year;

(C) Divide the result of (b)(ii)(B) of this subsection by the district's levy base; and

(D) Take the greater of zero or the percentage calculated in (b)(ii)(C) of this subsection.

(7) "Levy reduction funds" shall mean increases in state funds from the prior school year for programs included under subsections (3) and (4) of this section: (a) That are not attributable to enrollment changes, compensation increases, or inflationary adjustments; and (b) that are or were specifically identified as levy reduction funds in the appropriations act. If levy reduction funds are dependent on formula factors which would not be finalized until after the start of the current school year, the superintendent of public instruction shall estimate the total amount of levy reduction funds by using prior school year data in place of current school year data. Levy reduction funds shall not include moneys received by school districts from cities or counties.

(8) The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

(a) "Prior school year" means the most recent school year completed prior to the year in which the levies are to be collected.

(b) "Current school year" means the year immediately following the prior school year.

(c) "Initiative 728 rate" means the allocation rate at which the student achievement program would have been funded under chapter 3, Laws of 2001, if all annual adjustments to the initial 2001

allocation rate had been made in previous years and in each subsequent year as provided for under chapter 3, Laws of 2001.

(d) "Initiative 732 base" means the prior year's state allocation for annual salary cost-of-living increases for district employees in the state-funded salary base as it would have been calculated under chapter 4, Laws of 2001, if each annual cost-of-living increase allocation had been provided in previous years and in each subsequent year.

(9) Funds collected from transportation vehicle fund tax levies shall not be subject to the levy limitations in this section.

(10) The superintendent of public instruction shall develop rules and inform school districts of the pertinent data necessary to carry out the provisions of this section.

(11) For calendar year 2009, the office of the superintendent of public instruction shall recalculate school district levy authority to reflect levy rates certified by school districts for calendar year 2009.

NEW SECTION. Sec. 9. The following acts or parts of acts are each repealed:

(1) RCW 28A.505.210 (Student achievement funds--Use and accounting of funds--Public hearing--Report) and 2009 c 479 s 17, 2005 c 497 s 105, & 2001 c 3 s 3; and

(2) RCW 28A.505.220 (Student achievement program--General fund allocation) and 2011 1st sp.s. c 17 s 1.

NEW SECTION. Sec. 10. Section 8 of this act expires January 1, 2018."

Senator Murray spoke in favor of adoption of the committee striking amendment.

#### MOTION

Senator Murray moved that the following amendment by Senators Murray and Zarelli to the committee striking amendment be adopted:

On page 2, line 6, after "transportation formula." insert, "The task force shall also consider the specific recommendations for the transitional bilingual instructional program from the quality education council to the legislature dated January 6, 2012. It shall provide recommendations for: implementation of a scaled funding formula based on levels of English language proficiency, a supplemental formula based on students exiting the program due to demonstrated English language proficiency, and implementing legislation."

On page 5, after line 18 of the amendment, strike "(4)) After July 1, 2010, the state treasurer shall transfer one hundred two million dollars from the general fund to the education (~~construction fund~~) legacy trust account by June 30th of each year."

and insert "(4) After July 1, 2010, the state treasurer shall transfer one hundred two million dollars from the general fund to the education construction fund by June 30th of each year."

On page 6, line 34 of the amendment, after "common schools," strike "for transfer to the common school construction account for state assistance to public school facilities construction projects."

Senator Murray spoke in favor of adoption of the amendment to the committee striking amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senators Murray and Zarelli on page 2, line 6 to the committee striking amendment to House Bill No. 2824.

The motion by Senator Murray carried and the amendment to the committee striking amendment was adopted by voice vote.

The President declared the question before the Senate to be the adoption of the committee striking amendment by the

THIRTIETH DAY, APRIL 10, 2012

2012 1ST SPECIAL SESSION

Committee on Ways & Means as amended to House Bill No. 2824.

The motion by Senator Murray carried and the committee striking amendment as amended was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 3 of the title, after "program;" strike the remainder of the title and insert "amending RCW 28A.600.405, 43.135.045, 67.70.340, and 83.100.230; reenacting and amending RCW 28A.150.380 and 84.52.0531; repealing RCW 28A.505.210 and 28A.505.220; creating new sections; and providing an expiration date."

MOTION

On motion of Senator Murray, the rules were suspended, House Bill No. 2824 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Murray spoke in favor of passage of the bill.  
Senator Rolfes spoke against passage of the bill.

MOTION

On motion of Senator Harper, Senator Hargrove was excused.

MOTION

On motion of Senator Ericksen, Senators Hewitt and Zarelli were excused.

The President declared the question before the Senate to be the final passage of House Bill No. 2824 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2824 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 28; Nays, 20; Absent, 0; Excused, 1.

Voting yea: Senators Baumgartner, Becker, Brown, Carrell, Delvin, Ericksen, Hargrove, Harper, Hatfield, Hobbs, Holmquist Newbry, Honeyford, Kastama, Kilmer, King, Kline, Morton, Murray, Padden, Parlette, Pflug, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Voting nay: Senators Benton, Chase, Conway, Eide, Fain, Fraser, Frockt, Haugen, Hill, Keiser, Kohl-Welles, Litzow, McAuliffe, Nelson, Prentice, Pridemore, Ranker, Regala, Roach and Rolfes

Excused: Senator Hewitt

HOUSE BILL NO. 2824 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 9:15 p.m., on motion of Senator Eide, the Senate was declared to be at ease subject to the call of the President.

The Senate was called to order at 10:22 p.m. by President Owen.

MOTION

On motion of Senator Eide, the Senate advanced to the seventh order of business.

MOTION

On motion of Senator Eide, Senator Brown was excused.

MOTION

On motion of Senator Ericksen, Senators Benton and Stevens were excused.

THIRD READING

ENGROSSED SUBSTITUTE SENATE BILL NO. 6392, by Senate Committee on Labor, Commerce & Consumer Protection (originally sponsored by Senators Ranker, Kohl-Welles, Conway and Shin).

Establishing a farm internship program.

The bill was read on Third Reading.

Senators Ranker and Schoesler spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 6392.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6392 and the passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Baumgartner, Becker, Brown, Carrell, Chase, Conway, Delvin, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hatfield, Haugen, Hill, Hobbs, Holmquist Newbry, Honeyford, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles, Litzow, McAuliffe, Morton, Murray, Nelson, Padden, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rolfes, Schoesler, Sheldon, Shin, Swecker, Tom and Zarelli

Excused: Senators Benton, Hewitt and Stevens

ENGROSSED SUBSTITUTE SENATE BILL NO. 6392, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Eide, the Senate reverted to the fourth order of business.

MESSAGE FROM THE HOUSE

April 10, 2012

MR. PRESIDENT:

The Speaker has signed:

SUBSTITUTE HOUSE BILL NO. 2491,  
SUBSTITUTE HOUSE BILL NO. 2590,

SUBSTITUTE HOUSE BILL NO. 2828,  
HOUSE CONCURRENT RESOLUTION NO. 4411,  
and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:

SUBSTITUTE HOUSE BILL NO. 2491,  
SUBSTITUTE HOUSE BILL NO. 2590,  
SUBSTITUTE HOUSE BILL NO. 2828,  
HOUSE CONCURRENT RESOLUTION NO. 4411.

MESSAGE FROM THE HOUSE

April 10, 2012

MR. PRESIDENT:

The House passed SECOND ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6204 with the following amendment(s): 6204-S2.E2 AMH ROSC KOST 267

On page 2, line 15, after "crime" insert ", except if the offender's underlying offense is a felony offense listed in RCW 9.94A.737(5), in which case the department will hold the offender for thirty days from the time of arrest or until a prosecuting attorney charges the offender with a crime, whichever occurs first"

On page 8, line 7, after "crime" insert ", except if the offender's underlying offense is a felony offense listed in RCW 9.94A.737(5), in which case the department will hold the offender for thirty days from the time of arrest or until a prosecuting attorney charges the offender with a crime, whichever occurs first"

On page 8, line 35, after "(b)" insert the following:

"After an offender has committed and been sanctioned for five low level violations, all subsequent violations committed by that offender shall automatically be considered high level violations.

(c)"

On page 9, line 32, after "(5)" insert the following:

"If the offender's underlying offense is one of the following felonies and the violation behavior constitutes a new misdemeanor, gross misdemeanor or felony, the offender shall be held in total confinement pending a sanction hearing, and until the sanction expires or until if a prosecuting attorney files new charges against the offender, whichever occurs first:

(i) Assault in the first degree, as defined in RCW 9A.36.011;

(ii) Assault of a child in the first degree, as defined in RCW 9A.36.120;

(iii) Assault of a child in the second degree, as defined in RCW 9A.36.130;

(iv) Burglary in the first degree, as defined in RCW 9A.52.020;

(v) Child molestation in the first degree, as defined in RCW 9A.44.083;

(vi) Commercial sexual abuse of a minor, as defined in RCW 9.68A.100;

(v) Dealing in depictions of a minor engaged in sexually explicit conduct, as defined in RCW 9.68A.050;

(vi) Homicide by abuse, as defined in RCW 9A.32.055;

(vii) Indecent liberties with forcible compulsion, as defined in RCW 9A.44.100(1)(a);

(viii) Indecent liberties with a person capable of consent, as defined in RCW 9A.44.100(1)(b);

(ix) Kidnapping in the first degree, as defined in RCW 9A.40.020;

(x) Murder in the first degree, as defined in RCW 9A.32.030;

(xi) Murder in the second degree, as defined in RCW 9A.32.050;

(xii) Promoting commercial sexual abuse of a minor, as defined in RCW 9.68A.101;

(xiii) Rape in the first degree, as defined in RCW 9A.44.040;

(xiv) Rape in the second degree, as defined in RCW 9A.44.050;

(xv) Rape of a child in the first degree, as defined in RCW 9A.44.073;

(xvi) Rape of a child in the second degree, as defined in RCW 9A.44.076;

(xvii) Robbery in the first degree, as defined in RCW 9A.56.200;

(xviii) Sexual exploitation of a minor, as defined in RCW 9.68A.040; or

(xix) Vehicular homicide while under the influence of intoxicating liquor or any drug, as defined in RCW 46.61.520(1)(a).

(6)"

Renumber the remaining sections consecutively and correct any internal references accordingly.

and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

Senator Hargrove moved that the Senate concur in the House amendment(s) to Second Engrossed Second Substitute Senate Bill No. 6204.

Senator Hargrove spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Hargrove that the Senate concur in the House amendment(s) to Second Engrossed Second Substitute Senate Bill No. 6204.

The motion by Senator Hargrove carried and the Senate concurred in the House amendment(s) to Second Engrossed Second Substitute Senate Bill No. 6204 by voice vote.

The President declared the question before the Senate to be the final passage of Second Engrossed Second Substitute Senate Bill No. 6204, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Second Engrossed Second Substitute Senate Bill No. 6204, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 45; Nays, 2; Absent, 0; Excused, 2.

Voting yea: Senators Baumgartner, Becker, Brown, Carrell, Chase, Conway, Delvin, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hatfield, Haugen, Hill, Hobbs, Holmquist, Newbry, Honeyford, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles, Litzow, McAuliffe, Morton, Murray, Nelson, Padden, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Rolfes, Schoesler, Sheldon, Shin, Swecker, Tom and Zarelli

Voting nay: Senators Benton and Roach

Excused: Senators Hewitt and Stevens

SECOND ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6204, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Eide, the Senate advanced to the sixth order of business.

THIRTIETH DAY, APRIL 10, 2012  
SECOND READING

2012 1ST SPECIAL SESSION

HOUSE BILL NO. 2822, by Representative Hunter

Concerning local sales and use tax account deposits and distributions.

The measure was read the second time.

MOTION

On motion of Senator Murray, the rules were suspended, House Bill No. 2822 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Murray spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 2822.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2822 and the bill passed the Senate by the following vote: Yeas, 42; Nays, 5; Absent, 0; Excused, 2.

Voting yea: Senators Becker, Benton, Brown, Carrell, Chase, Conway, Delvin, Eide, Fain, Fraser, Frockt, Hargrove, Harper, Hatfield, Haugen, Hobbs, Honeyford, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles, Litzow, McAuliffe, Morton, Murray, Nelson, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rolfes, Schoesler, Sheldon, Shin, Swecker, Tom and Zarelli

Voting nay: Senators Baumgartner, Ericksen, Hill, Holmquist Newbry and Padden

Excused: Senators Hewitt and Stevens

HOUSE BILL NO. 2822, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6623, by Senators Delvin, Ericksen and Swecker

Relating to state government. (REVISED FOR ENGROSSED: Concerning tobacco by clarifying cigarettes produced from roll-your-own machines are subject to the cigarette tax and providing for a special license endorsement for cigar lounges and retail tobacconist shops. )

The measure was read the second time.

MOTION

Senator Delvin moved that the following striking amendment by Senators Delvin and Schoesler be adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 82.24.010 and 1997 c 420 s 3 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter:

(1) "Board" means the liquor control board.

(2) "Cigarette" means any roll for smoking made wholly or in part of tobacco, irrespective of size or shape and irrespective of the

tobacco being flavored, adulterated, or mixed with any other ingredient, where such roll has a wrapper or cover made of paper or any material, except where such wrapper is wholly or in the greater part made of natural leaf tobacco in its natural state. "Cigarette" includes a roll-your-own cigarette.

(3) "Cigarette paper" means any paper or any other material except tobacco, prepared for use as a cigarette wrapper.

(4) "Cigarette tube" means cigarette paper made into a hollow cylinder for use in making cigarettes.

(5) "Commercial cigarette-making machine" means a machine that is operated in a retail establishment and that is capable of being loaded with loose tobacco, cigarette paper or tubes, and any other components related to the production of roll-your-own cigarettes, including filters.

(6) "Indian tribal organization" means a federally recognized Indian tribe, or tribal entity, and includes an Indian wholesaler or retailer that is owned by an Indian who is an enrolled tribal member conducting business under tribal license or similar tribal approval within Indian country. For purposes of this chapter "Indian country" is defined in the manner set forth in 18 U.S.C. Sec. 1151.

~~((4))~~ (7) "Precollection obligation" means the obligation of a seller otherwise exempt from the tax imposed by this chapter to collect the tax from that seller's buyer.

~~((5))~~ (8) "Retailer" means every person, other than a wholesaler, who purchases, sells, offers for sale or distributes any one or more of the articles taxed herein, irrespective of quantity or amount, or the number of sales, and all persons operating under a retailer's registration certificate.

~~((6))~~ (9) "Retail selling price" means the ordinary, customary or usual price paid by the consumer for each package of cigarettes, less the tax levied by this chapter and less any similar tax levied by this state.

~~((7))~~ (10) "Roll-your-own cigarettes" means cigarettes produced by a commercial cigarette-making machine.

(11) "Stamp" means the stamp or stamps by use of which the tax levy under this chapter is paid or identification is made of those cigarettes with respect to which no tax is imposed.

~~((8))~~ (12) "Wholesaler" means every person who purchases, sells, or distributes any one or more of the articles taxed herein to retailers for the purpose of resale only.

~~((9))~~ (13) The meaning attributed, in chapter 82.04 RCW, to the words "person," "sale," "business" and "successor" applies equally in this chapter.

Sec. 2. RCW 82.24.030 and 2003 c 114 s 2 are each amended to read as follows:

(1) In order to enforce collection of the tax hereby levied, the department of revenue ~~((shall))~~ must design and have printed stamps of such size and denominations as may be determined by the department. The stamps must be affixed on the smallest container or package that will be handled, sold, used, consumed, or distributed, to permit the department to readily ascertain by inspection, whether or not such tax has been paid or whether an exemption from the tax applies.

(2) Except as otherwise provided in this chapter, only a wholesaler ~~((shall))~~ may cause to be affixed on every package of cigarettes, stamps of an amount equaling the tax due thereon or stamps identifying the cigarettes as exempt before he or she sells, offers for sale, uses, consumes, handles, removes, or otherwise disturbs and distributes the same ~~((—PROVIDED, That))~~, However, where it is established to the satisfaction of the department that it is impractical to affix such stamps to the smallest container or package, the department may authorize the affixing of stamps of appropriate denomination to a large container or package.

(3) Except as otherwise provided in this chapter, only wholesalers may purchase or obtain cigarette stamps. Wholesalers

~~((shall))~~ may not sell or provide stamps to any other wholesaler or person.

(4) Each roll of stamps, or group of sheets, ~~((shall))~~ must have a separate serial number, which ~~((shall be))~~ is legible at the point of sale. The department of revenue ~~((shall))~~ must keep records of which wholesaler purchases each roll or group of sheets. If the department of revenue permits wholesalers to purchase partial rolls or sheets, in no case may stamps bearing the same serial number be sold to more than one wholesaler. The remainder of the roll or sheet, if any, ~~((shall))~~ must either be retained for later purchases by the same wholesaler or destroyed.

(5) Nothing in this section ~~((shall))~~ may be construed as limiting any otherwise lawful activity under a cigarette tax compact pursuant to chapter 43.06 RCW.

(6) In order to enforce collection of the tax in the case of roll-your-own cigarettes, a retailer must affix a stamp or stamps to each box or similar container provided by the retailer to the consumer. The box or similar container must be used by a consumer to transport roll-your-own cigarettes from the retailer's place of business. A retailer must provide cigarette tubes to a consumer in one or more twenty unit denominations. Stamps must be for an amount equaling the tax due under this chapter. Each cigarette tube or paper provided to the consumer is deemed a cigarette for purposes of imposing and collecting taxes under this chapter. Stamps for roll-your-own cigarettes must be issued and affixed in a manner determined by the department but as consistent as practicable with the stamping requirements for wholesalers.

**Sec. 3.** RCW 82.24.035 and 1999 c 193 s 5 are each amended to read as follows:

(1) No stamp may be affixed to, or made upon, any container or package of cigarettes if:

(a) The container or package differs in any respect with the requirements of the federal cigarette labeling and advertising act (15 U.S.C. Sec. 1331 et seq.) for the placement of labels, warnings, or any other information upon a package of cigarettes that is to be sold within the United States;

(b) The container or package has been imported into the United States after January 1, 2000, in violation of 26 U.S.C. Sec. 5754;

(c) The container or package, including a container of individually stamped containers or packages, is labeled "For Export Only," "U.S. Tax Exempt," "For Use Outside U.S.," or similar wording indicating that the manufacturer did not intend that the product be sold in the United States; or

(d) The container or package has been altered by adding or deleting the wording, labels, or warnings described in (a) or (c) of this subsection.

(2) In addition to the penalty and forfeiture provisions otherwise provided for in this chapter, a violation of this section is a deceptive act or practice under the consumer protection act, chapter 19.86 RCW.

(3) Subsection (1)(a) of this section does not apply to boxes or similar containers used by a consumer to transport roll-your-own cigarettes.

**Sec. 4.** RCW 82.24.050 and 2003 c 114 s 4 are each amended to read as follows:

(1) No retailer in this state may possess unstamped cigarettes within this state unless the person is also a wholesaler in possession of the cigarettes in accordance with RCW 82.24.040.

(2) A retailer may obtain cigarettes only from a wholesaler subject to the provisions of this chapter.

(3) Only a retailer licensed under this chapter may provide consumers with access to a commercial cigarette-making machine to make roll-your-own cigarettes. A retailer is prohibited from allowing the use of a commercial cigarette-making machine by a person unless, contemporaneously to the person's use of the

machine, the retailer provides the consumer with a box or similar container to transport roll-your-own cigarettes and such box is affixed with the appropriate stamp or stamps as required under RCW 82.24.030(6). A consumer must transport roll-your-own cigarettes from a retailer's place of business only in such box or similar container.

(4) A commercial cigarette-making machine must have a secure meter that counts the number of cigarettes made, manufactured, or fabricated by the machine and that cannot be accessed, except for the sole purpose of taking meter readings, altered or reset by the machine operator.

**Sec. 5.** RCW 82.24.060 and 1961 c 15 s 82.24.060 are each amended to read as follows:

(1) Except as otherwise provided in this chapter, stamps ~~((shall))~~ must be affixed in such manner that they cannot be removed from the package or container without being mutilated or destroyed, which stamps so affixed ~~((shall be))~~ are evidence of the tax imposed. (2) In the case of cigarettes contained in individual packages, as distinguished from cartons or larger units, the stamps ~~((shall))~~ must be affixed securely on each individual package.

(3) With respect to roll-your-own cigarettes, stamps must be affixed securely on each individual box or similar container provided by the retailer to the consumer.

**Sec. 6.** RCW 82.24.110 and 2008 c 226 s 4 are each amended to read as follows:

(1) Each of the following acts is a gross misdemeanor and punishable as such:

(a) To sell, except as a licensed wholesaler engaged in interstate commerce as to the article being taxed herein, without the stamp first being affixed;

(b) To sell in Washington as a wholesaler to a retailer who does not possess and is required to possess a current cigarette retailer's license;

(c) To use or have in possession knowingly or intentionally any forged or counterfeit stamps;

(d) For any person other than the department of revenue or its duly authorized agent to sell any stamps not affixed to any of the articles taxed herein whether such stamps are genuine or counterfeit;

(e) For any person other than the department of revenue, its duly authorized agent, or a licensed wholesaler who has lawfully purchased or obtained them to possess any stamps not affixed to any of the articles taxed herein whether such stamps are genuine or counterfeit;

(f) To violate any of the provisions of this chapter;

(g) To violate any lawful rule made and published by the department of revenue or the board;

(h) To use any stamps more than once or any individual stamped box or similar container used to transport roll-your-own cigarettes more than once;

(i) To refuse to allow the department of revenue or its duly authorized agent, on demand, to make full inspection of any place of business where any of the articles herein taxed are sold or otherwise hinder or prevent such inspection;

(j) Except as otherwise provided in this chapter, for any retailer to have in possession in any place of business any of the articles herein taxed, unless the same have the proper stamps attached;

(k) For any person to make, use, or present or exhibit to the department of revenue or its duly authorized agent, any invoice for any of the articles herein taxed which bears an untrue date or falsely states the nature or quantity of the goods therein invoiced;

(l) For any wholesaler or retailer or his or her agents or employees to fail to produce on demand of the department of revenue all invoices of all the articles herein taxed or stamps bought by him or her or received in his or her place of business within five years prior to such demand unless he or she can show by satisfactory

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proof that the nonproduction of the invoices was due to causes beyond his or her control;

(m) For any person to receive in this state any shipment of any of the articles taxed herein, when the same are not stamped, for the purpose of avoiding payment of tax. It is presumed that persons other than dealers who purchase or receive shipments of unstamped cigarettes do so to avoid payment of the tax imposed herein;

(n) For any person to possess or transport in this state a quantity of ten thousand cigarettes or less unless the proper stamps required by this chapter have been affixed or unless: (i) Notice of the possession or transportation has been given as required by RCW 82.24.250; (ii) the person transporting the cigarettes has in actual possession invoices or delivery tickets which show the true name and address of the consignor or seller, the true name and address of the consignee or purchaser, and the quantity and brands of the cigarettes so transported; and (iii) the cigarettes are consigned to or purchased by any person in this state who is authorized by this chapter to possess unstamped cigarettes in this state;

(o) For any person to possess or receive in this state a quantity of ten thousand cigarettes or less unless the proper stamps required by this chapter have been affixed or unless the person is authorized by this chapter to possess unstamped cigarettes in this state and is in compliance with the requirements of this chapter; ~~(and)~~

(p) To possess, sell, distribute, purchase, receive, ship, or transport within this state any container or package of cigarettes that does not comply with this chapter; and

(q) For a retailer to provide consumers with access to a commercial cigarette-making machine without providing a box or similar container that has a properly affixed stamp or stamps.

(2) It is unlawful for any person knowingly or intentionally to possess or to:

(a) Transport in this state a quantity in excess of ten thousand cigarettes unless the proper stamps required by this chapter are affixed thereto or unless: (i) Proper notice as required by RCW 82.24.250 has been given; (ii) the person transporting the cigarettes actually possesses invoices or delivery tickets showing the true name and address of the consignor or seller, the true name and address of the consignee or purchaser, and the quantity and brands of the cigarettes so transported; and (iii) the cigarettes are consigned to or purchased by a person in this state who is authorized by this chapter to possess unstamped cigarettes in this state; or

(b) Receive in this state a quantity in excess of ten thousand cigarettes unless the proper stamps required by this chapter are affixed thereto or unless the person is authorized by this chapter to possess unstamped cigarettes in this state and is in compliance with this chapter.

~~(3)~~ Violation of ~~(this)~~ subsection (2) ~~(shall be)~~ of this section is punished as a class C felony under Title 9A RCW.

~~((3))~~ ~~(4)~~ All agents, employees, and others who aid, abet, or otherwise participate in any way in the violation of the provisions of this chapter or in any of the offenses described in this chapter ~~(shall be)~~ are guilty and punishable as principals, to the same extent as any wholesaler or retailer or any other person violating this chapter.

~~((4))~~ ~~(5)~~ For purposes of this section, "person authorized by this chapter to possess unstamped cigarettes in this state" has the same meaning as in RCW 82.24.250.

**Sec. 7.** RCW 82.24.120 and 2007 c 111 s 102 are each amended to read as follows:

(1) If any person, subject to the provisions of this chapter or any rules adopted by the department of revenue under authority ~~(hereof)~~ of this section, is found to have failed to affix the stamps required, or to have them affixed as ~~(herein)~~ provided in this section, or to pay any tax due ~~(hereunder)~~ under this section, or to have violated any of the provisions of this chapter or rules adopted by the department of revenue in the administration ~~(hereof)~~ of this

chapter, there ~~(shall)~~ must be assessed and collected from such person, in addition to any tax that may be found due, a remedial penalty equal to the greater of ten dollars per package of unstamped cigarettes or ten dollars per twenty roll-your-own cigarettes, or two hundred fifty dollars, plus interest on the amount of the tax at the rate as computed under RCW 82.32.050(2) from the date the tax became due until the date of payment, and upon notice mailed to the last known address of the person or provided electronically as provided in RCW 82.32.135. The amount ~~(shall become)~~ is due and payable in thirty days from the date of the notice. If the amount remains unpaid, the department or its duly authorized agent may make immediate demand upon such person for the payment of all such taxes, penalties, and interest.

(2) The department, for good reason shown, may waive or cancel all or any part of penalties imposed, but the taxpayer must pay all taxes due and interest thereon, at the rate as computed under RCW 82.32.050(2) from the date the tax became due until the date of payment.

(3) The keeping of any unstamped articles coming within the provisions of this chapter ~~(shall be)~~ is prima facie evidence of intent to violate the provisions of this chapter.

(4) This section does not apply to taxes or tax increases due under RCW 82.24.280.

**Sec. 8.** RCW 82.24.130 and 2003 c 114 s 7, 2003 c 113 s 4, and 2003 c 25 s 9 are each reenacted and amended to read as follows:

(1) The following are subject to seizure and forfeiture:

(a) Subject to RCW 82.24.250, any articles taxed in this chapter that are found at any point within this state, which articles are held, owned, or possessed by any person, and that do not have the stamps affixed to the packages or containers; any container or package of cigarettes possessed or held for sale that does not comply with this chapter; and any container or package of cigarettes that is manufactured, sold, or possessed in violation of RCW 82.24.570.

(b) All conveyances, including aircraft, vehicles, or vessels, which are used, or intended for use, to transport, or in any manner to facilitate the transportation, for the purpose of sale or receipt of property described in (a) of this subsection, except:

(i) A conveyance used by any person as a common or contract carrier having in actual possession invoices or delivery tickets showing the true name and address of the consignor or seller, the true name of the consignee or purchaser, and the quantity and brands of the cigarettes transported, unless it appears that the owner or other person in charge of the conveyance is a consenting party or privy to a violation of this chapter;

(ii) A conveyance subject to forfeiture under this section by reason of any act or omission of which the owner thereof establishes to have been committed or omitted without his or her knowledge or consent;

(iii) A conveyance encumbered by a bona fide security interest if the secured party neither had knowledge of nor consented to the act or omission.

(c) Any vending machine or commercial cigarette-making machine used for the purpose of violating the provisions of this chapter.

(d) Any cigarettes that are stamped, sold, imported, or offered or possessed for sale in this state in violation of RCW 70.158.030(3). For the purposes of this subsection (1)(d), "cigarettes" has the meaning as provided in RCW 70.158.020(3).

~~((e))~~ All cigarettes sold, delivered, or attempted to be delivered in violation of RCW 70.155.105.)

(2) Property subject to forfeiture under this chapter may be seized by any agent of the department authorized to collect taxes, any enforcement officer of the board, or law enforcement officer of this state upon process issued by any superior court or district court

having jurisdiction over the property. Seizure without process may be made if:

(a) The seizure is incident to an arrest or a search under a search warrant or an inspection under an administrative inspection warrant; or

(b) The department, the board, or the law enforcement officer has probable cause to believe that the property was used or is intended to be used in violation of this chapter and exigent circumstances exist making procurement of a search warrant impracticable.

(3) Notwithstanding the foregoing provisions of this section, articles taxed in this chapter which are in the possession of a wholesaler, licensed under Washington state law, for a period of time necessary to affix the stamps after receipt of the articles, ~~((shall))~~ are not ~~((be))~~ considered contraband unless they are manufactured, sold, or possessed in violation of RCW 82.24.570.

**Sec. 9.** RCW 82.24.180 and 1996 c 149 s 8 are each amended to read as follows:

(1) The department of revenue may return any property seized under the provisions of this chapter when it is shown that there was no intention to violate the provisions thereof.

(2) When any property is returned under this section, the department may return such goods to the parties from whom they were seized if and when such parties affix the proper amount of stamps thereto, and pay to the department as penalty an amount equal to the greater of ten dollars per package of unstamped cigarettes or ten dollars per twenty roll-your-own cigarettes, or two hundred fifty dollars, and interest on the amount of the tax at the rate as computed under RCW 82.32.050(2) from the date the tax became due until the date of payment, and in such cases, no advertisement shall be made or notices posted in connection with said seizure.

**Sec. 10.** RCW 82.24.295 and 2001 c 235 s 6 are each amended to read as follows:

(1) The taxes imposed by this chapter do not apply to the sale, use, consumption, handling, possession, or distribution of cigarettes by an Indian retailer during the effective period of a cigarette tax contract subject to RCW 43.06.455.

(2) Effective July 1, 2002, wholesalers and retailers subject to the provisions of this chapter ~~((shall be))~~ are allowed compensation for their services in affixing the stamps required under this chapter a sum computed at the rate of six dollars per one thousand stamps purchased or affixed by them.

(3) In addition to the compensation allowed under subsection (2) of this section, retailers purchasing stamps for roll-your-own cigarettes are allowed additional compensation to offset the cost of the tax under chapter 82.26 RCW. The amount equals five cents per cigarette.

**Sec. 11.** RCW 82.24.500 and 2003 c 114 s 10 are each amended to read as follows:

No person may engage in or conduct the business of purchasing, selling, consigning, or distributing cigarettes in this state without a license under this chapter, or providing consumers with access to a commercial cigarette-making machine without a license under this chapter. A violation of this section is a class C felony.

**Sec. 12.** RCW 82.24.530 and 1993 c 507 s 15 are each amended to read as follows:

A fee of ninety-three dollars ~~((shall))~~ must accompany each retailer's license application or license renewal application. A separate license is required for each separate location at which the retailer operates. A fee of thirty additional dollars for each vending machine ~~((shall))~~ must accompany each application or renewal for a license issued to a retail dealer operating a cigarette vending machine. An additional fee of ninety-three dollars shall accompany each application or renewal for a license issued to a retail dealer operating a cigarette-making machine.

**NEW SECTION. Sec. 13.** A new section is added to chapter 82.26 RCW to read as follows:

(1) A person holding a tobacco products retailer's license issued under this chapter may apply through the master license system under chapter 19.02 RCW for a special endorsement as a cigar lounge or retail tobacconist shop subject to the requirements of this section.

(2) A fee of seventeen thousand five hundred dollars must accompany each special license endorsement application under subsection (3) of this section and a fee of six thousand dollars must accompany each special license endorsement application under subsection (4) of this section.

(3) The board must issue an endorsement as a cigar lounge to a business that meets the requirements of subsections (1) and (2) of this section and that has submitted an affidavit to the board certifying that it:

(a) Is an establishment or part of an establishment specifically designated for the smoking of tobacco products, purchased on the premises or elsewhere, which is physically separated from any areas of the same or adjacent location where smoking is prohibited under state law. For the purposes of this subsection, "physically separated" means an area that is enclosed on all sides by solid, impermeable walls or windows extending from the floor to ceiling with self-closing doors.

(b) Will not allow cigarettes to be smoked in the area designated in (a) of this subsection;

(c) Holds a valid spirits, beer, and wine license in good standing from the board;

(d) Has a valid uniform business identifier number and, if it is an established business with reportable gross receipts, has paid all applicable state business and occupation taxes in the year prior to application for endorsement;

(e) In the year immediately preceding initial application or renewal, derived at least twenty-five thousand dollars of the business' annual gross income from the combination of the sale of tobacco products, tobacco products related paraphernalia, and the rental of on-site humidor space. In the case where this is the first endorsement application, the applicant may use any year prior to the initial application to meet the requirements of this subsection or must show proof that it has purchased, at wholesale, at least twelve thousand five hundred dollars in tobacco products and tobacco products related paraphernalia;

(f) Has obtained a signed letter, on appropriate letterhead, from a heating, ventilation, and air-conditioning, and refrigeration contractor holding a valid registration with the department of labor and industries pursuant to chapter 18.27 RCW, which certifies that the ventilation and exhaust system for the area designated in (a) of this subsection:

(i) Is separate and distinct from the location's general heating, ventilation, and air-conditioning system;

(ii) Has an air flow, as calculated in cubic feet per minute, that will provide for at least thirteen or more air changes within the space served by the ventilation and exhaust system;

(iii) Uses the correct quantity of filters recommended by the manufacturer of the ventilation and exhaust system and that those filters have a minimum efficiency rating value of fourteen or higher. For the purposes of this subsection, "minimum efficiency rating value" means the air-cleaning performance rating value as expressed in American society of heating, refrigerating, and air-conditioning engineers standard 52.2-2007; and

(iv) Uses a loose-fill, rechargeable-type sorbent material positioned across the airflow in such a configuration that gaseous contaminants will have a residence time of one-tenth of one second or more within the sorbent material. For the purposes of this section, "residence time" must be calculated consistent with the

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recommendations outlined in Chapter 45 of the 2007 American society of heating, refrigerating, and air-conditioning engineers handbook - HVAC applications entitled "Control of Gaseous Indoor Air Contaminants";

(g) Has on file, from each employee that may work in the area designated in (a) of this subsection, a signed acknowledgment that the employee has been advised of and accepts that environmental tobacco smoke may be present in their potential work area. The acknowledgment must contain the signature of the employee, the employer, and a disinterested third-party witness;

(h) Will post signage indicating that environmental tobacco smoke may be present in the establishment or part of the establishment. This signage must be in the form and manner provided by the board and must be placed in a conspicuous location at each entry to the area designated in (a) of this subsection.

(4) The board must issue an endorsement as a retail tobacconist shop to a business that meets the requirements of subsections (1) and (2) of this section and that has submitted an affidavit to the board certifying that it:

(a) Is an establishment whose primary purpose is the sale of tobacco products and tobacco product related paraphernalia and that is physically separated from any adjacent location where smoking is prohibited under state law. For the purposes of this subsection, "physically separated" means an area that is enclosed on all sides by solid, impermeable walls or windows extending from the floor to ceiling with self-closing doors;

(b) Will not allow cigarettes to be smoked in the area designated in (a) of this subsection;

(c) Will prohibit entry into the area designated in subsection (3)(a) of this section to any person under the age of eighteen;

(d) Has a valid uniform business identifier number and, if an established business with reportable gross receipts, has paid all applicable state business and occupation taxes in the year prior to application for endorsement;

(e) In the year immediately preceding initial application or renewal, derived at least seventy-five percent of the business' annual gross income from the combination of the sale of tobacco products and tobacco product related paraphernalia. In the case where this is the first endorsement application, the applicant may use any year prior to the initial application to meet the requirements of this subsection or must show proof that it has purchased, at wholesale, at least twenty-five thousand dollars in tobacco products and tobacco products related paraphernalia;

(f) Has obtained a signed letter, on appropriate letterhead, from a heating, ventilation, and air-conditioning, and refrigeration contractor holding a valid registration with the department of labor and industries pursuant to chapter 18.27 RCW, which certifies that the ventilation and exhaust system for the area designated in (a) of this subsection:

(i) Is separate and distinct from the location's general heating, ventilation, and air-conditioning system;

(ii) Has an airflow, as calculated in cubic feet per minute, that provides for at least thirteen or more air changes within the space served by the ventilation and exhaust system; and

(iii) Uses the correct quantity of filters recommended by the manufacturer of the ventilation and exhaust system and that those filters have a minimum efficiency rating value of fourteen or higher. For the purposes of this subsection, "minimum efficiency rating value" means the air-cleaning performance rating value as expressed in American society of heating, refrigerating, and air-conditioning engineers standard 52.2-2007; and

(iv) Uses a loose-fill, rechargeable-type sorbent material positioned across the airflow in such a configuration that gaseous contaminants will have a residence time of one-tenth of one second or more within the sorbent material. For the purposes of this

section, "residence time" must be calculated consistent with the recommendations outlined in Chapter 45 of the 2007 American society of heating, refrigerating, and air-conditioning engineers handbook - HVAC applications entitled "Control of Gaseous Indoor Air Contaminants";

(g) Has on file, from each employee that may work in the area designated in (a) of this subsection, a signed acknowledgment that the employee has been advised of and accepts that environmental tobacco smoke may be present in their potential work area. The acknowledgment must contain the signature of the employee, the employer, and a disinterested third-party witness;

(h) Will post signage indicating that environmental tobacco smoke may be present in the establishment or part of the establishment. This signage must be in the form and manner provided by the board and must be placed in a conspicuous location at each entry to the area designated in (a) of this subsection.

(5) No employer may discharge, threaten to discharge, demote, deny a promotion to, sanction, discipline, retaliate against, harass, or otherwise discriminate against an employee, employed by the employer on or before the effective date of this section, solely for refusing to consent to or sign the acknowledgment required in subsections (3)(g) or (4)(g) of this section.

(6) The affidavits required under this section must be submitted in a form and manner as prescribed by the board to effectively administer the provisions of this chapter.

(7) The board may request additional documentation or information from an applicant in order to verify that the business meets the requirements of this section. The applicant must comply with requests from the department under this subsection or the board may withhold issuance of an endorsement.

(8) Endorsements granted under this section are effective for the same period as provided in the tobacco products retailer's license granted to the applicant under this chapter. However, the affidavit required under this section must be completed and verified each year by the board and the appropriate fee paid in full before any endorsement to a tobacco retailer license is issued or renewed.

(9) Endorsement decisions by the board must be made no later than twenty-one business days following the submittal of a completed affidavit together with the appropriate fee. Rejections of an application for an endorsement under this section may be appealed under the same process provided for other licenses issued by the board.

(10) At no point during any calendar year may the board allow the total number of cigar lounge endorsements in the state to exceed one hundred or the total number of retail tobacco shop endorsements in the state to exceed five hundred. The board must administer the distribution of cigar lounge or retail tobacco shop endorsements and must ensure that the collective number of cigar lounge or retail tobacco shop endorsements located within all counties with a population of over five hundred thousand never exceed one-half of the endorsements allowed under this subsection for each endorsement respectively. Renewing applicants must be given priority over new applicants for endorsements under these limitations.

**NEW SECTION. Sec. 14.** A new section is added to chapter 82.26 RCW to read as follows:

(1) Up to five percent of the fees collected under section 13 of this act must be deposited into the liquor revolving fund created in RCW 66.08.170, to be used to cover the administrative costs of implementing and enforcing the endorsements created in section 13 of this act.

(2) The remaining funds collected under section 13 of this act must be deposited into the tobacco prevention and control account created in RCW 43.79.480 solely for appropriation for tobacco usage prevention and treatment programs.



**Sec. 15.** RCW 70.160.060 and 1995 c 369 s 60 are each amended to read as follows:

This chapter is not intended to:

(1) Regulate smoking in a private enclosed workplace, within a public place, even though such workplace may be visited by nonsmokers, excepting places in which smoking is prohibited by the chief of the Washington state patrol, through the director of fire protection, or by other law, ordinance, or regulation;

(2) Regulate use or smoking of tobacco products, as that term is defined under chapter 82.26 RCW, in a public place or place of employment that holds a valid endorsement to their tobacco products retailer's license under section 13 of this act. The liquor control board has sole enforcement authority under this chapter regarding the designated areas which receive an endorsement under section 13 of this act.

**NEW SECTION. Sec. 16.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect July 1, 2012."

#### MOTION

Senator Hill moved that the following amendment by Senators Hill and Holmquist Newbry to the striking amendment be adopted:

On page 2, after line 23, insert:

"(14) This section takes effect July 1, 2017."

On page 3, after line 32, insert:

"(7) This section takes effect July 1, 2017."

On page 4, after line 22, insert:

"(4) This section takes effect July 1, 2017."

On page 5, after line 7, insert:

"(5) This section takes effect July 1, 2017."

On page 5, after line 19, insert:

"(4) This section takes effect July 1, 2017."

On page 8, after line 6, insert:

"(6) This section takes effect July 1, 2017."

On page 8, after line 37, insert:

"(5) This section takes effect July 1, 2017."

On page 10, after line 15, insert:

"(4) This section takes effect July 1, 2017."

On page 10, after line 30, insert:

"(3) This section takes effect July 1, 2017."

On page 11, after line 9, insert:

"(4) This section takes effect July 1, 2017."

On page 11, at the beginning of line 12, before "person" insert

"(1)"

On page 11, after line 16, insert:

"(2) This section takes effect July 1, 2017."

On page 11, at the beginning of line 19, before "A fee", insert

"(1)"

On page 11, after line 27, insert:

"(2) This section takes effect July 1, 2017."

On page 17, line 11, strike all of section 16 and insert:

**NEW SECTION. Sec. 16.** Sections 13 through 15 of this act are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and take effect July 1, 2012."

Senators Hill, Roach and Holmquist Newbry spoke in favor of adoption of the amendment to the striking amendment.

Senators Keiser and Tom spoke against adoption of the amendment to the striking amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senators Hill and Holmquist

Newbry on page 2, after line 23 to the striking amendment to Senate Bill No. 6623.

The motion by Senator Hill carried and the amendment to the striking amendment was adopted by voice vote.

#### MOTION

Senator Nelson moved that the following amendment by Senators Nelson and Rolfes to the striking amendment be adopted:

Beginning on page 11, after line 27 of the amendment, strike all of sections 13 through 15

Renumber the remaining section consecutively and correct any internal references accordingly.

On page 17, beginning on line 21 of the title amendment, after "82.24.500," strike all material through "82.26 RCW" on line 22 and insert "and 82.24.530; reenacting and amending RCW 82.24.130"

Senator Nelson spoke in favor of adoption of the amendment to the striking amendment.

Senator Delvin spoke against adoption of the amendment to the striking amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senators Nelson and Rolfes on page 11, after line 27 to the striking amendment to Senate Bill No. 6623.

The motion by Senator Nelson failed and the amendment to the striking amendment was not adopted by a rising vote.

The President declared the question before the Senate to be the adoption of the striking amendment by Senators Delvin and Schoesler as amended to Senate Bill No. 6623.

The motion by Senator Delvin carried and the striking amendment as amended was adopted by voice vote.

#### MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 1 of the title, after "Relating to" strike the remainder of the title and insert "tobacco by clarifying cigarettes produced from roll-your-own machines are subject to the cigarette tax and providing for a special license endorsement for cigar lounges and retail tobacconist shops; amending RCW 82.24.010, 82.24.030, 82.24.035, 82.24.050, 82.24.060, 82.24.110, 82.24.120, 82.24.180, 82.24.295, 82.24.500, 82.24.530, and 70.160.060; reenacting and amending RCW 82.24.130; adding new sections to chapter 82.26 RCW; prescribing penalties; providing an effective date; and declaring an emergency."

#### MOTION

On motion of Senator Delvin, the rules were suspended, Engrossed Senate Bill No. 6623 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Delvin spoke in favor of passage of the bill.

Senator Murray spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Senate Bill No. 6623.

#### POINT INQUIRY

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Senator Padden: "Thank you Mr. President. I believe this measure may require a super-majority vote under the provisions of Initiative 1053. Senate Bill No. 6623 would impose a tax of more than fifteen cents per cigarette when a consumer uses a retail machine to roll his or her own cigarette after purchasing the tobacco from a retailer. The funds are to be deposited in the general fund and the education legacy trust account. The same tax is currently applied to what we think of as standard cigarettes those that are commercially rolled and packaged. Many people buy their tobacco products and roll their own cigarettes at home using a retail machine. Roll your own cigarettes are not currently taxed in this manner and would not be under this legislation. Under current law, a consumer purchases tobacco from a retailer the tobacco product tax applies to this tobacco but not the cigarette tax. The consumer may then choose to use a machine provided by the retailer to roll the tobacco into a cigarette. No cigarette tax is currently paid on this final product. This bill would change that. This bill would require the cigarette tax to be paid on the roll your own cigarette through the retailer's purchase of cigarette stamps. Those who argue that the bill is a clarification of existing law, requiring only a simple majority vote, might cite RCW 70.157.010D which defines cigarettes to include roll your own. However, this definition is for the purpose of describing obligations under the master settlement agreement. The subject of RCW 70.157.010D, the definition in RCW 82.24 ,which deals with cigarette taxes, does not include the roll your own definition. Mr. President, today a consumer can purchase tobacco, roll his or her own cigarette using a retailer machine and the product is not taxed. If this bill passes, on July 1 the same consumer can purchase a roll your own cigarette in the same manner and the product will be taxed. My inquiry, Mr. President, is to the applications of provisions of Initiative 1053 to this matter and whether a super-majority vote is needed for final passage."

MOTION

On motion of Senator Eide, further consideration of Engrossed Senate Bill No. 6623 was deferred and the bill held its place on the third reading calendar.

MOTION

On motion of Senator Eide, the Senate reverted to the fourth order of business.

MESSAGE FROM THE HOUSE

April 10, 2012

MR. PRESIDENT:

The House has passed SECOND ENGROSSED SENATE BILL NO. 6378. and the same is herewith transmitted.

BARBARA BAKER, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:

SECOND ENGROSSED SENATE BILL NO. 6378.

PERSONAL PRIVILEGE

Senator Murray: "Thank you Mr. President. I know there's great interest in what's going on. We're simply waiting for staff

who's working very, very hard to draft an amendment that reflects an agreement that we reached this morning in the Governor's office. Just wanted to let people know what's going on."

MESSAGE FROM THE HOUSE

April 10, 2012

MR. PRESIDENT:

The House concurred in the Senate amendment to HOUSE BILL NO. 2824 and passed the bill as amended by the Senate. and the same is herewith transmitted.

BARBARA BAKER, Chief Clerk

MESSAGE FROM THE HOUSE

April 10, 2012

MR. PRESIDENT:

The House passed SUBSTITUTE SENATE BILL NO. 6636 with the following amendment(s): 6636-S AMH HUNT H4778.4

Strike everything after the enacting clause and insert the following:

"**NEW SECTION. Sec. 1.** A new section is added to chapter 43.88 RCW to read as follows:

(1) The legislature must adopt a four-year balanced budget as follows:

(a) Beginning in the 2013-2015 fiscal biennium, the legislature shall enact a balanced omnibus operating appropriations bill that leaves, in total, a positive ending fund balance in the general fund and related funds.

(b) Beginning in the 2013-2015 fiscal biennium, the projected maintenance level of the omnibus appropriations bill enacted by the legislature shall not exceed the available fiscal resources for the next ensuing fiscal biennium.

(2) For purposes of this section:

(a) "Available fiscal resources" means the beginning general fund and related fund balances and any fiscal resources estimated for the general fund and related funds, adjusted for enacted legislation, and with forecasted revenues adjusted to the greater of (i) the official general fund and related funds revenue forecast for the ensuing biennium, or (ii) the official general fund and related funds forecast for the second fiscal year of the current fiscal biennium, increased by 4.5 percent for each fiscal year of the ensuing biennium;

(b) "Projected maintenance level" means estimated appropriations necessary to maintain the continuing costs of program and service levels either funded in that appropriations bill or mandated by other state or federal law, and the amount of any general fund moneys projected to be transferred to the budget stabilization account pursuant to Article VII, section 12 of the state Constitution, but does not include in the 2013-2015 and 2015-2017 fiscal biennia the costs related to the enhanced funding under the new definition of basic education as established in chapter 548, Laws of 2009, and affirmed by the decision in *Mathew McCleary et al., v. The State of Washington*, 173 Wn.2d 477, 269 P.3d 227, (2012), from which the short-term exclusion of these obligations is solely for the purposes of calculating this estimate and does not in any way indicate an intent to avoid full funding of these obligations;

(c) "Related funds," as used in this section, means the Washington opportunity pathways account and the education legacy trust account.

(3) Subsection (1)(a) and (b) of this section does not apply to an appropriations bill that makes net reductions in general fund and

related funds appropriations and is enacted between July 1st and February 15th of any fiscal year.

(4) Subsection (1)(b) of this section does not apply in a fiscal biennium in which money is appropriated from the budget stabilization account.

**Sec. 2.** RCW 82.33.010 and 1990 c 229 s 1 are each amended to read as follows:

(1) The economic and revenue forecast council is hereby created. The council shall consist of two individuals appointed by the governor, the state treasurer, and four individuals, one of whom is appointed by the chairperson of each of the two largest political caucuses in the senate and house of representatives. The chair of the council shall be selected from among the four caucus appointees. The council may select such other officers as the members deem necessary.

(2) The council shall employ an economic and revenue forecast supervisor to supervise the preparation of all economic and revenue forecasts and the presentation of state budget outlooks. As used in this chapter, "supervisor" means the economic and revenue forecast supervisor. Approval by an affirmative vote of at least five members of the council is required for any decisions regarding employment of the supervisor. Employment of the supervisor shall terminate after each term of three years. At the end of the first year of each three-year term the council shall consider extension of the supervisor's term by one year. The council may fix the compensation of the supervisor. The supervisor shall employ staff sufficient to accomplish the purposes of this section.

(3) The economic and revenue forecast council shall oversee the preparation of and approve, by an affirmative vote of at least ~~((four))~~ five members, the official, optimistic, and pessimistic state economic and revenue forecasts prepared under RCW 82.33.020. If the council is unable to approve a forecast before a date required in RCW 82.33.020, the supervisor shall submit the forecast without approval and the forecast shall have the same effect as if approved by the council.

(4) The economic and revenue forecast council shall oversee the preparation of and approve, by an affirmative vote of at least five members, the state budget outlook prepared under section 4 of this act. If the council is unable to approve a state budget outlook before a date required in section 4 of this act, the supervisor shall submit the outlook prepared under section 4 of this act without approval and the outlook shall have the same effect as if approved by the council.

(5) A councilmember who does not cast an affirmative vote for approval of the official economic and revenue forecast or the state budget outlook may request, and the supervisor shall provide, an alternative economic and revenue forecast or state budget outlook based on assumptions specified by the member including, for purposes of the state budget outlook, revenues to and expenditures from additional funds.

~~((5))~~ (6) Members of the economic and revenue forecast council shall serve without additional compensation but shall be reimbursed for travel expenses in accordance with RCW 44.04.120 while attending sessions of the council or on official business authorized by the council. Nonlegislative members of the council shall be reimbursed for travel expenses in accordance with RCW 43.03.050 and 43.03.060.

**Sec. 3.** RCW 82.33.020 and 2005 c 319 s 137 are each amended to read as follows:

(1) Four times each year the supervisor shall prepare, subject to the approval of the economic and revenue forecast council under RCW 82.33.010:

(a) An official state economic and revenue forecast;

(b) An unofficial state economic and revenue forecast based on optimistic economic and revenue projections; and

(c) An unofficial state economic and revenue forecast based on pessimistic economic and revenue projections.

(2) The supervisor shall submit forecasts prepared under this section, along with any unofficial forecasts provided under RCW 82.33.010, to the governor and the members of the committees on ways and means and the chairs of the committees on transportation of the senate and house of representatives, including one copy to the staff of each of the committees, on or before November 20th, February 20th in the even-numbered years, March 20th in the odd-numbered years, June 20th, and September 20th. All forecasts shall include both estimated receipts and estimated revenues in conformance with generally accepted accounting principles as provided by RCW 43.88.037. In odd-numbered years, the period covered by forecasts for the state general fund and related funds must cover the current fiscal biennium and the next ensuing fiscal biennium. In even-numbered years, the period covered by the forecasts for the state general fund and related funds shall be current fiscal and the next two ensuing fiscal biennia.

(3) All agencies of state government shall provide to the supervisor immediate access to all information relating to economic and revenue forecasts. Revenue collection information shall be available to the supervisor the first business day following the conclusion of each collection period.

(4) The economic and revenue forecast supervisor and staff shall co-locate and share information, data, and files with the tax research section of the department of revenue but shall not duplicate the duties and functions of one another.

(5) As part of its forecasts under subsection (1) of this section, the supervisor shall provide estimated revenue from tuition fees as defined in RCW 28B.15.020.

(6) The economic and revenue forecast council must, in consultation with the economic and revenue forecast work group created in RCW 82.33.040, review the existing economic and revenue forecast council revenue model, data, and methodologies and in light of recent economic changes, engage outside experts if necessary, and recommend changes to the economic and revenue forecast council revenue forecasting process to increase confidence and promote accuracy in the revenue forecast. The recommendations are due by September 30, 2012, and every five years thereafter.

**NEW SECTION. Sec. 4.** A new section is added to chapter 82.33 RCW to read as follows:

(1) To facilitate compliance with, and subject to the terms of, section 1 of this act, the state budget outlook work group shall prepare, subject to the approval of the economic and revenue forecast council under RCW 82.33.010, an official state budget outlook for state revenues and expenditures for the general fund and related funds. In odd-numbered years, the period covered by the November state budget outlook shall be the current fiscal biennium and the next ensuing fiscal biennium. In even-numbered years, the period covered by the November state budget outlook shall be the next two ensuing fiscal biennia. The revenue and caseload projections used in the outlook must reflect the most recent official forecasts adopted by the economic and revenue forecast council and the caseload forecast council for the years for which those forecasts are available.

(2) The outlook must:

(a) Estimate revenues to and expenditures from the state general fund and related funds. The estimate of ensuing biennium expenditures must include maintenance items including, but not limited to, continuation of current programs, forecasted growth of current entitlement programs, and actions required by law, including legislation with a future implementation date. Estimates of ensuing biennium expenditures must exclude policy items including, but not limited to, legislation not yet enacted by the legislature, collective bargaining agreements not yet approved by the legislature, and

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changes to levels of funding for employee salaries and benefits unless those changes are required by statute. Estimated maintenance level expenditures must also exclude costs of court rulings issued during or within fewer than ninety days before the beginning of the current legislative session;

(b) Address major budget and revenue drivers, including trends and variability in these drivers;

(c) Clearly state the assumptions used in the estimates of baseline and projected expenditures and any adjustments made to those estimates;

(d) Clearly state the assumptions used in the baseline revenue estimates and any adjustments to those estimates; and

(e) Include the impact of previously enacted legislation with a future implementation date.

(3) The outlook must also separately include projections based on the revenues and expenditures proposed in the governor's budget documents submitted to the legislature under RCW 43.88.030.

(4) The economic and revenue forecast council shall submit state budget outlooks prepared under this section to the governor and the members of the committees on ways and means of the senate and house of representatives, including one copy to the staff of each of the committees, as required by this section.

(5) Each January, the state budget outlook work group shall also prepare, subject to the approval of the economic and revenue forecast council, a state budget outlook for state revenues and expenditures that reflects the governor's proposed budget document submitted to the legislature under chapter 43.88 RCW. Within thirty days following enactment of an operating budget by the legislature, the work group shall prepare, subject to the approval of the economic and revenue forecast council, a state budget outlook for state revenues and expenditures that reflects the enacted budget.

(6) All agencies of state government shall provide to the supervisor immediate access to all information relating to state budget outlooks.

(7) The state budget outlook work group must publish its proposed methodology on the economic and revenue forecast council web site. The state budget outlook work group, in consultation with the economic and revenue forecast work group and outside experts if necessary, must analyze the extent to which the proposed methodology for projecting expenditures for the ensuing fiscal biennia may be reliably used to determine the future impact of appropriations and make recommendations to change the outlook process to increase reliability and accuracy. The recommendations are due by December 1, 2013, and every five years thereafter.

**NEW SECTION. Sec. 5.** A new section is added to chapter 82.33 RCW to read as follows:

(1) To promote the free flow of information and to promote legislative input in the preparation of the state budget outlook, immediate access to all information relating to the state budget outlook shall be available to the state budget outlook work group, hereby created. The state budget outlook work group shall consist of one staff member selected by the executive head or chairperson of each of the following agencies or committees:

(a) Office of financial management;

(b) Legislative evaluation and accountability program committee;

(c) Office of the state treasurer;

(d) Economic and revenue forecast council;

(e) Caseload forecast council;

(f) Ways and means committee of the senate; and

(g) Ways and means committee of the house of representatives.

(2) The state budget outlook work group shall provide technical support to the economic and revenue forecast council. Meetings of the state budget outlook work group may be called by any member

of the group for the purpose of assisting the economic and revenue forecast council, reviewing the state budget outlook, or for any other purpose which may assist the economic and revenue forecast council.

**NEW SECTION. Sec. 6.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

On page 1, line 2 of the title, after "biennium;" strike the remainder of the title and insert "amending RCW 82.33.010 and 82.33.020; adding a new section to chapter 43.88 RCW; and adding new sections to chapter 82.33 RCW." and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

Senator Kastama moved that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 6636.

Senators Kastama and Brown spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Kastama that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 6636.

The motion by Senator Kastama carried and the Senate concurred in the House amendment(s) to Substitute Senate Bill No. 6636 by voice vote.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6636, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6636, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 38; Nays, 9; Absent, 0; Excused, 2.

Voting yea: Senators Baumgartner, Becker, Benton, Brown, Carrell, Delvin, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hatfield, Haugen, Hill, Hobbs, Holmquist Newbry, Honeyford, Kastama, Keiser, Kilmer, King, Litzow, McAuliffe, Morton, Padden, Parlette, Pflug, Prentice, Roach, Rolfes, Schoesler, Sheldon, Shin, Swecker, Tom and Zarelli

Voting nay: Senators Chase, Conway, Kline, Kohl-Welles, Murray, Nelson, Pridemore, Ranker and Regala

Excused: Senators Hewitt and Stevens

SUBSTITUTE SENATE BILL NO. 6636, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Eide, the Senate advanced to the sixth order of business.

SECOND READING

HOUSE BILL NO. 2834, by Representatives Alexander, Springer and Angel

Providing cost savings for local governments by reducing a limited number of reporting requirements.

The measure was read the second time.

## MOTION

On motion of Senator Murray, the rules were suspended, House Bill No. 2834 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Murray spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 2834.

## ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2834 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Baumgartner, Becker, Benton, Brown, Carrell, Chase, Conway, Delvin, Eide, Erickson, Fain, Fraser, Frockt, Hargrove, Harper, Hatfield, Haugen, Hill, Hobbs, Holmquist Newbry, Honeyford, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles, Litzow, McAuliffe, Morton, Murray, Nelson, Padden, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rolfes, Schoesler, Sheldon, Shin, Swecker, Tom and Zarelli

Excused: Senators Hewitt and Stevens

HOUSE BILL NO. 2834, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

## CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

## MOTION

Senator Fraser moved that Gubernatorial Appointment No. 9261, Tom McDonald, as a member of the Pollution Control/Shorelines Hearings Board, be confirmed.

Senator Fraser spoke in favor of the motion.

Senator Honeyford spoke against the motion.

## APPOINTMENT OF TOM MCDONALD

The President declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9261, Tom McDonald as a member of the Pollution Control/Shorelines Hearings Board.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9261, Tom McDonald as a member of the Pollution Control/Shorelines Hearings Board and the appointment was confirmed by the following vote: Yeas, 29; Nays, 18; Absent, 0; Excused, 2.

Voting yea: Senators Brown, Chase, Conway, Eide, Fraser, Frockt, Hargrove, Harper, Hatfield, Haugen, Hill, Hobbs, Kastama, Keiser, Kilmer, Kline, Kohl-Welles, McAuliffe, Murray, Nelson, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rolfes, Shin and Tom

Voting nay: Senators Baumgartner, Becker, Benton, Carrell, Delvin, Erickson, Fain, Holmquist Newbry, Honeyford, King, Litzow, Morton, Padden, Parlette, Schoesler, Sheldon, Swecker and Zarelli

Excused: Senators Hewitt and Stevens

Gubernatorial Appointment No. 9261, Tom McDonald, having received the constitutional majority was declared

confirmed as a member of the Pollution Control/Shorelines Hearings Board.

## MOTION

On motion of Senator Eide, the Senate reverted to the fourth order of business.

## MESSAGE FROM THE HOUSE

April 10, 2012

## MR. PRESIDENT:

The House passed SECOND ENGROSSED SUBSTITUTE SENATE BILL NO. 6406 with the following amendment(s): 6406-S.E2 AMH TAYL JACA 080; 6406-S.E2 AMH BLAK H4797.1

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** The legislature finds that significant opportunities exist to modify programs that provide for management and protection of the state's natural resources, including the state's forests, fish, and wildlife, in order to streamline regulatory processes and achieve program efficiencies while at the same time increasing the sustainability of program funding and maintaining current levels of natural resource protection. The legislature intends to update provisions relating to natural resource management and regulatory programs including the hydraulic project approval program, forest practices act, and state environmental policy act, in order to achieve these opportunities.

## PART ONE

## Hydraulic Project Approvals

**Sec. 101.** RCW 77.55.011 and 2010 c 210 s 26 are each reenacted and amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Bed" means the land below the ordinary high water lines of state waters. This definition does not include irrigation ditches, canals, storm water runoff devices, or other artificial watercourses except where they exist in a natural watercourse that has been altered artificially.

(2) "Board" means the pollution control hearings board created in chapter 43.21B RCW.

(3) "Commission" means the state fish and wildlife commission.

(4) "Date of receipt" has the same meaning as defined in RCW 43.21B.001.

(5) "Department" means the department of fish and wildlife.

(6) "Director" means the director of the department of fish and wildlife.

(7) "Emergency" means an immediate threat to life, the public, property, or of environmental degradation.

(8) "Hydraulic project" means the construction or performance of work that will use, divert, obstruct, or change the natural flow or bed of any of the salt or freshwaters of the state.

(9) "Imminent danger" means a threat by weather, water flow, or other natural conditions that is likely to occur within sixty days of a request for a permit application.

(10) "Marina" means a public or private facility providing boat moorage space, fuel, or commercial services. Commercial services include but are not limited to overnight or live-aboard boating accommodations.

(11) "Marine terminal" means a public or private commercial wharf located in the navigable water of the state and used, or

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intended to be used, as a port or facility for the storing, handling, transferring, or transporting of goods to and from vessels.

(12) "Ordinary high water line" means the mark on the shores of all water that will be found by examining the bed and banks and ascertaining where the presence and action of waters are so common and usual, and so long continued in ordinary years as to mark upon the soil or vegetation a character distinct from the abutting upland. Provided, that in any area where the ordinary high water line cannot be found, the ordinary high water line adjoining saltwater is the line of mean higher high water and the ordinary high water line adjoining freshwater is the elevation of the mean annual flood.

(13) "Permit" means a hydraulic project approval permit issued under this chapter.

(14) "Sandbars" includes, but is not limited to, sand, gravel, rock, silt, and sediments.

(15) "Small scale prospecting and mining" means the use of only the following methods: Pans; nonmotorized sluice boxes; concentrators; and minirocker boxes for the discovery and recovery of minerals.

(16) "Spartina," "purple loosestrife," and "aquatic noxious weeds" have the same meanings as defined in RCW 17.26.020.

(17) "Streambank stabilization" means those projects that prevent or limit erosion, slippage, and mass wasting. These projects include, but are not limited to, bank resloping, log and debris relocation or removal, planting of woody vegetation, bank protection using rock or woody material or placement of jetties or groins, gravel removal, or erosion control.

(18) "Tide gate" means a one-way check valve that prevents the backflow of tidal water.

(19) "Waters of the state" and "state waters" means all salt and freshwaters waterward of the ordinary high water line and within the territorial boundary of the state.

(20) "Emergency permit" means a verbal hydraulic project approval or the written follow-up to the verbal approval issued to a person under RCW 77.55.021(12).

(21) "Expedited permit" means a hydraulic project approval issued to a person under RCW 77.55.021 (14) and (16).

(22) "Forest practices hydraulic project" means a hydraulic project that requires a forest practices application or notification under chapter 76.09 RCW.

(23) "Multiple site permit" means a hydraulic project approval issued to a person under RCW 77.55.021 for hydraulic projects occurring at more than one specific location and which includes site-specific requirements.

(24) "Pamphlet hydraulic project" means a hydraulic project for the removal or control of aquatic noxious weeds conducted under the aquatic plants and fish pamphlet authorized by RCW 77.55.081, or for mineral prospecting and mining conducted under the gold and fish pamphlet authorized by RCW 77.55.091.

(25) "Permit modification" means a hydraulic project approval issued to a person under RCW 77.55.021 that extends, renews, or changes the conditions of a previously issued hydraulic project approval.

**Sec. 102.** RCW 77.55.021 and 2010 c 210 s 27 are each amended to read as follows:

(1) Except as provided in RCW 77.55.031, 77.55.051, ~~((and))~~ 77.55.041, and section 201 of this act, in the event that any person or government agency desires to undertake a hydraulic project, the person or government agency shall, before commencing work thereon, secure the approval of the department in the form of a permit as to the adequacy of the means proposed for the protection of fish life.

(2) A complete written application for a permit may be submitted in person or by registered mail and must contain the following:

(a) General plans for the overall project;

(b) Complete plans and specifications of the proposed construction or work within the mean higher high water line in saltwater or within the ordinary high water line in freshwater;

(c) Complete plans and specifications for the proper protection of fish life; ~~((and))~~

(d) Notice of compliance with any applicable requirements of the state environmental policy act, unless otherwise provided for in this chapter; and

(e) Payment of all applicable application fees charged by the department under section 103 of this act.

(3) The department may establish direct billing accounts or other funds transfer methods with permit applicants to satisfy the fee payment requirements of section 103 of this act.

(4) The department may accept complete, written applications as provided in this section for multiple site permits and may issue these permits. For multiple site permits, each specific location must be identified.

(5) With the exception of emergency permits as provided in subsection (12) of this section, applications for permits must be submitted to the department's headquarters office in Olympia. Requests for emergency permits as provided in subsection (12) of this section may be made to the permitting biologist assigned to the location in which the emergency occurs, to the department's regional office in which the emergency occurs, or to the department's headquarters office.

(6) Except as provided for emergency permits in subsection (12) of this section, the department may not proceed with permit review until all fees are paid in full as required in section 103 of this act.

(7)(a) Protection of fish life is the only ground upon which approval of a permit may be denied or conditioned. Approval of a permit may not be unreasonably withheld or unreasonably conditioned.

~~((b))~~ ~~((8))~~, ~~((10))~~, ~~((and))~~ (12) through (14) and (16) of this section, the department has forty-five calendar days upon receipt of a complete application to grant or deny approval of a permit. The forty-five day requirement is suspended if:

(i) After ten working days of receipt of the application, the applicant remains unavailable or unable to arrange for a timely field evaluation of the proposed project;

(ii) The site is physically inaccessible for inspection;

(iii) The applicant requests a delay; or

(iv) The department is issuing a permit for a storm water discharge and is complying with the requirements of RCW 77.55.161(3)(b).

~~((b))~~ (c) Immediately upon determination that the forty-five day period is suspended under (b) of this subsection, the department shall notify the applicant in writing of the reasons for the delay.

~~((e))~~ (d) The period of forty-five calendar days may be extended if the permit is part of a multiagency permit streamlining effort and all participating permitting agencies and the permit applicant agree to an extended timeline longer than forty-five calendar days.

~~((4))~~ (8) If the department denies approval of a permit, the department shall provide the applicant a written statement of the specific reasons why and how the proposed project would adversely affect fish life.

(a) Except as provided in (b) of this subsection, issuance, denial, conditioning, or modification of a permit shall be appealable to the board within thirty days from the date of receipt of the decision as provided in RCW 43.21B.230.

(b) Issuance, denial, conditioning, or modification of a permit may be informally appealed to the department within thirty days from the date of receipt of the decision. Requests for informal

appeals must be filed in the form and manner prescribed by the department by rule. A permit decision that has been informally appealed to the department is appealable to the board within thirty days from the date of receipt of the department's decision on the informal appeal.

~~((5))~~ (9)(a) The permittee must demonstrate substantial progress on construction of that portion of the project relating to the permit within two years of the date of issuance.

(b) Approval of a permit is valid for ~~((a period of))~~ up to five years from the date of issuance, except as provided in (c) of this subsection and in RCW 77.55.151.

(c) A permit remains in effect without need for periodic renewal for hydraulic projects that divert water for agricultural irrigation or stock watering purposes and that involve seasonal construction or other work. A permit for streambank stabilization projects to protect farm and agricultural land as defined in RCW 84.34.020 remains in effect without need for periodic renewal if the problem causing the need for the streambank stabilization occurs on an annual or more frequent basis. The permittee must notify the appropriate agency before commencing the construction or other work within the area covered by the permit.

~~((6))~~ (10) The department may, after consultation with the permittee, modify a permit due to changed conditions. A modification under this subsection is not subject to the fees provided under section 103 of this act. The modification is appealable as provided in subsection ~~((4))~~ (8) of this section. For a hydraulic project~~((s))~~ that diverts water for agricultural irrigation or stock watering purposes, ~~((e))~~ when the hydraulic project or other work is associated with streambank stabilization to protect farm and agricultural land as defined in RCW 84.34.020, the burden is on the department to show that changed conditions warrant the modification in order to protect fish life.

~~((7))~~ (11) A permittee may request modification of a permit due to changed conditions. The request must be processed within forty-five calendar days of receipt of the written request and payment of applicable fees under section 103 of this act. A decision by the department is appealable as provided in subsection ~~((4))~~ (8) of this section. For a hydraulic project~~((s))~~ that diverts water for agricultural irrigation or stock watering purposes, ~~((e))~~ when the hydraulic project or other work is associated with streambank stabilization to protect farm and agricultural land as defined in RCW 84.34.020, the burden is on the permittee to show that changed conditions warrant the requested modification and that such a modification will not impair fish life.

~~((8))~~ (12)(a) The department, the county legislative authority, or the governor may declare and continue an emergency. If the county legislative authority declares an emergency under this subsection, it shall immediately notify the department. A declared state of emergency by the governor under RCW 43.06.010 shall constitute a declaration under this subsection.

(b) The department, through its authorized representatives, shall issue immediately, upon request, ~~((oral))~~ verbal approval for a stream crossing, or work to remove any obstructions, repair existing structures, restore streambanks, protect fish life, or protect property threatened by the stream or a change in the stream flow without the necessity of obtaining a written permit prior to commencing work. Conditions of the emergency ~~((oral))~~ verbal permit must be ~~((established by the department and))~~ reduced to writing within thirty days and complied with as provided for in this chapter.

(c) The department may not require the provisions of the state environmental policy act, chapter 43.21C RCW, to be met as a condition of issuing a permit under this subsection.

~~((9))~~ (d) The department may not charge a person requesting an emergency permit any of the fees authorized by section 103 of this act until after the emergency permit is issued and reduced to

writing.

(13) All state and local agencies with authority under this chapter to issue permits or other authorizations in connection with emergency water withdrawals and facilities authorized under RCW 43.83B.410 shall expedite the processing of such permits or authorizations in keeping with the emergency nature of such requests and shall provide a decision to the applicant within fifteen calendar days of the date of application.

~~((10))~~ (14) The department or the county legislative authority may determine an imminent danger exists. The county legislative authority shall notify the department, in writing, if it determines that an imminent danger exists. In cases of imminent danger, the department shall issue an expedited written permit, upon request, for work to remove any obstructions, repair existing structures, restore banks, protect fish resources, or protect property. Expedited permit requests require a complete written application as provided in subsection (2) of this section and must be issued within fifteen calendar days of the receipt of a complete written application. Approval of an expedited permit is valid for up to sixty days from the date of issuance. The department may not require the provisions of the state environmental policy act, chapter 43.21C RCW, to be met as a condition of issuing a permit under this subsection.

~~((11))~~ (15)(a) For any property, except for property located on a marine shoreline, that has experienced at least two consecutive years of flooding or erosion that has damaged or has threatened to damage a major structure, water supply system, septic system, or access to any road or highway, the county legislative authority may determine that a chronic danger exists. The county legislative authority shall notify the department, in writing, when it determines that a chronic danger exists. In cases of chronic danger, the department shall issue a permit, upon request, for work necessary to abate the chronic danger by removing any obstructions, repairing existing structures, restoring banks, restoring road or highway access, protecting fish resources, or protecting property. Permit requests must be made and processed in accordance with subsections (2) and ~~((3))~~ (7) of this section.

(b) Any projects proposed to address a chronic danger identified under (a) of this subsection that satisfies the project description identified in RCW 77.55.181(1)(a)(ii) are not subject to the provisions of the state environmental policy act, chapter 43.21C RCW. However, the project is subject to the review process established in RCW 77.55.181(3) as if it were a fish habitat improvement project.

~~((12))~~ (16) The department may issue an expedited written permit in those instances where normal permit processing would result in significant hardship for the applicant or unacceptable damage to the environment. Expedited permit requests require a complete written application as provided in subsection (2) of this section and must be issued within fifteen calendar days of the receipt of a complete written application. Approval of an expedited permit is valid for up to sixty days from the date of issuance. The department may not require the provisions of the state environmental policy act, chapter 43.21C RCW, to be met as a condition of issuing a permit under this subsection.

NEW SECTION. Sec. 103. A new section is added to chapter 77.55 RCW to read as follows:

(1) The department shall charge an application fee of one hundred fifty dollars for a hydraulic project permit or permit modification issued under RCW 77.55.021 where the project is located at or below the ordinary high water line. The application fee established under this subsection may not be charged after June 30, 2017.

(2) The following hydraulic projects are exempt from all fees listed under this section:

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(a) Hydraulic projects approved under applicant-funded contracts with the department that pay for the costs of processing those projects;

(b) If sections 201 through 203 of this act are enacted into law by June 30, 2012, forest practices hydraulic projects;

(c) Pamphlet hydraulic projects;

(d) Mineral prospecting and mining activities; and

(e) Hydraulic projects occurring on farm and agricultural land, as that term is defined in RCW 84.34.020.

(3) All fees collected under this section must be deposited in the hydraulic project approval account created in section 104 of this act.

(4) The fee provisions contained in this section are prospective only. The department of fish and wildlife may not charge fees for hydraulic project permits issued under this title prior to the effective date of this section.

(5) This section expires June 30, 2017.

**NEW SECTION. Sec. 104.** A new section is added to chapter 77.55 RCW to read as follows:

(1) The hydraulic project approval account is created in the state treasury. All receipts from application fees for hydraulic project approval applications collected under section 103 of this act must be deposited into the account.

(2) Except for unanticipated receipts under RCW 43.79.260 through 43.79.282, moneys in the hydraulic project approval account may be spent only after appropriation.

(3) Expenditures from the hydraulic project approval account may be used only to fund department activities relating to implementing and operating the hydraulic project approval program.

**Sec. 105.** RCW 77.55.151 and 2005 c 146 s 502 are each amended to read as follows:

(1) (For a marina or marine terminal in existence on June 6, 1996, or a marina or marine terminal that has received a permit for its initial construction, a renewable, five-year permit shall be issued, upon request, for regular maintenance activities of the marina or marine terminal.

(2) Upon construction of a new marina or marine terminal that has received a permit, a renewable, five-year permit shall be issued, upon request, for regular maintenance activities of the marina or marine terminal.

(3) For the purposes of this section, regular maintenance activities are only those activities necessary to restore the marina or marine terminal to the conditions approved in the initial permit. These activities may include, but are not limited to, dredging, piling replacement, and float replacement.

(4)) Upon application under RCW 77.55.021, the department shall issue a renewable, five-year permit to a marina or marine terminal for its regular maintenance activities identified in the application.

(2) For the purposes of this section, regular maintenance activities may include, but are not limited to:

(a) Maintenance or repair of a boat ramp, launch, or float within the existing footprint;

(b) Maintenance or repair of an existing overwater structure within the existing footprint;

(c) Maintenance or repair of boat lifts or railway launches;

(d) Maintenance or repair of pilings, including the replacement of bumper pilings;

(e) Dredging of less than fifty cubic yards;

(f) Maintenance or repair of shoreline armoring or bank protection;

(g) Maintenance or repair of wetland, riparian, or estuarine habitat; and

(h) Maintenance or repair of an existing outfall.

(3) The five-year permit must include a requirement that a

fourteen-day notice be given to the department before regular maintenance activities begin.

(4) A permit under this section is subject to the application fee provided in section 103 of this act.

**Sec. 106.** RCW 77.55.231 and 2005 c 146 s 601 are each amended to read as follows:

(1) Conditions imposed upon a permit must be reasonably related to the project. The permit conditions must ensure that the project provides proper protection for fish life, but the department may not impose conditions that attempt to optimize conditions for fish life that are out of proportion to the impact of the proposed project.

(2) The permit must contain provisions allowing for minor modifications to the plans and specifications without requiring reissuance of the permit.

(3) The permit must contain provisions that allow for minor modifications to the required work timing without requiring the reissuance of the permit. "Minor modifications to the required work timing" means a minor deviation from the timing window set forth in the permit when there are no spawning or incubating fish present within the vicinity of the project.

**NEW SECTION. Sec. 107.** A new section is added to chapter 77.55 RCW to read as follows:

The department shall prepare and distribute technical and educational information to the general public to assist the public in complying with the requirements of this chapter, including the changes resulting from this act.

**NEW SECTION. Sec. 108.** A new section is added to chapter 77.55 RCW to read as follows:

The department shall develop a system to provide local governments, affected tribes, and other interested parties with access to hydraulic project approval applications.

**NEW SECTION. Sec. 109.** The director of fish and wildlife shall adopt any rules required or deemed necessary to implement RCW 77.55.011, 77.55.021, 77.55.151, 77.55.231, and sections 103, 104, 107, and 108 of this act.

## PART TWO

### Hydraulic Project

#### Approval and Forest Practices Integration

**NEW SECTION. Sec. 201.** A new section is added to chapter 77.55 RCW to read as follows:

(1) The requirements of this chapter do not apply to any forest practices hydraulic project, or to any activities that are associated with such a project, upon incorporation of fish protection standards adopted under this chapter into the forest practices rules and approval of technical guidance as required under RCW 76.09.040, at which time these projects are regulated under chapter 76.09 RCW.

(2) The department must continue to conduct regulatory and enforcement activities under this chapter for forest practices hydraulic projects until the forest practices board incorporates fish protection standards adopted under this chapter into the forest practices rules and approves technical guidance as required under RCW 76.09.040.

(3) By December 31, 2013, the department shall adopt rules establishing the procedures for the concurrence review process consistent with section 202 of this act. The concurrence review process must allow the department up to thirty days to review forest practices hydraulic projects meeting the criteria under section 202(2) (a) and (b) of this act for consistency with fish protection standards.



(4) The department shall notify the department of natural resources prior to beginning a rule-making process that may affect activities regulated under chapter 76.09 RCW.

(5) The department shall act consistent with appendix M of the forest and fish report, as the term "forests and fish report" is defined in RCW 76.09.020, when modifying fish protection rules that may affect activities regulated under chapter 76.09 RCW.

(6) The department may review and provide comments on any forest practices application. The department shall review, and either verify that the review has occurred or comment on, forest practices applications that include a forest practices hydraulic project involving fish bearing waters or shorelines of the state, as that term is defined in RCW 90.58.030. Prior to commenting and whenever reasonably practicable, the department shall communicate with the applicant regarding the substance of the project.

(7) The department shall participate in effectiveness monitoring for forest practices hydraulic projects through its role in the review processes provided under WAC 222-08-160 as it existed on the effective date of this section.

**NEW SECTION. Sec. 202.** A new section is added to chapter 76.09 RCW to read as follows:

(1) The department may request information and technical assistance from the department of fish and wildlife regarding any forest practices hydraulic project regulated under this chapter.

(2) A concurrence review process is established for certain forest practices hydraulic projects, as follow:

(a) After receiving an application under RCW 76.09.050 that includes a forest practices hydraulic project involving one or more water crossing structures meeting the criteria of (b) of this subsection, the department shall provide all necessary information provided by the applicant to the department of fish and wildlife for concurrence review consistent with section 201(3) of this act. The required information must be transmitted by the department to the department of fish and wildlife as soon as practicable following the receipt of a complete application.

(b) The concurrence review process applies only to:

(i) Culvert installation or replacement, and repair at or below the bankfull width, as that term is defined in WAC 222-16-010 on the effective date of this section, in fish bearing rivers and streams that exceed five percent gradient;

(ii) Bridge construction or replacement, and repair at or below the bankfull width, of fish bearing unconfined streams; or

(iii) Fill within the flood level - 100 year, as that term is defined in WAC 222-16-010, as it existed on the effective date of this section, of fish bearing unconfined streams.

**Sec. 203.** RCW 76.09.040 and 2010 c 188 s 4 are each amended to read as follows:

(1)(a) Where necessary to accomplish the purposes and policies stated in RCW 76.09.010, and to implement the provisions of this chapter, the board shall adopt forest practices rules pursuant to chapter 34.05 RCW and in accordance with the procedures enumerated in this section that:

(i) Establish minimum standards for forest practices;

(ii) Provide procedures for the voluntary development of resource management plans which may be adopted as an alternative to the minimum standards in (a)(i) of this subsection if the plan is consistent with the purposes and policies stated in RCW 76.09.010 and the plan meets or exceeds the objectives of the minimum standards;

(iii) Set forth necessary administrative provisions;

(iv) Establish procedures for the collection and administration of forest practice fees as set forth by this chapter; and

(v) Allow for the development of watershed analyses.

(b) Forest practices rules pertaining to water quality protection shall be adopted by the board after reaching agreement with the director of the department of ecology or the director's designee on the board with respect ~~((hereto))~~ to these rules. All other forest practices rules shall be adopted by the board.

(c) Forest practices rules shall be administered and enforced by either the department or the local governmental entity as provided in this chapter. Such rules shall be adopted and administered so as to give consideration to all purposes and policies set forth in RCW 76.09.010.

(2)(a) The board shall prepare proposed forest practices rules consistent with this section and chapter 34.05 RCW. In addition to any forest practices rules relating to water quality protection proposed by the board, the department of ecology may submit to the board proposed forest practices rules relating to water quality protection.

(b)(i) ((Prior to initiating the rule-making process, the proposed rules shall be submitted for review and comments to the department of fish and wildlife and to the counties of the state. After receipt of the proposed forest practices rules, the department of fish and wildlife and the counties of the state shall have thirty days in which to review and submit comments to the board, and to the department of ecology with respect to its proposed rules relating to water quality protection.

(ii) After the expiration of the thirty day period,) The board ((and the department of ecology)) shall ((jointly)) hold one or more hearings on the proposed rules pursuant to chapter 34.05 RCW. Any county representative may propose specific forest practices rules relating to problems existing within the county at the hearings.

~~((iii))~~ (ii) The board may adopt and the department of ecology may approve such proposals if they find the proposals are consistent with the purposes and policies of this chapter.

(3)(a) The board shall incorporate into the forest practices rules those fish protection standards in the rules adopted under chapter 77.55 RCW, as the rules existed on the effective date of this section, that are applicable to activities regulated under the forest practices rules. If fish protection standards are incorporated by reference, the board shall minimize administrative processes by utilizing the exception from the administrative procedures controlling significant legislative rules under RCW 34.05.328(5)(b)(iii) for the incorporation of rules adopted by other state agencies.

(b) Thereafter, the board shall incorporate into the forest practices rules any changes to those fish protection standards in the rules adopted under chapter 77.55 RCW that are: (i) Adopted consistent with section 201 of this act; and (ii) applicable to activities regulated under the forest practices rules. If fish protection standards are incorporated by reference, the board shall minimize administrative processes by utilizing the exception from the administrative procedures controlling significant legislative rules under RCW 34.05.328(5)(b)(iii) for the incorporation of rules adopted by other state agencies.

(c) The board shall establish and maintain technical guidance in the forest practices board manual, as provided under WAC 222-12-090 as it existed on the effective date of this section, to assist with implementation of the standards incorporated into the forest practices rules under this section. The guidance must include best management practices and standard techniques to ensure fish protection.

(d) The board must complete the requirements of (a) of this subsection and establish initial technical guidance under (c) of this subsection by December 31, 2013.

(4)(a) The board shall establish by rule a program for the acquisition of riparian open space and critical habitat for threatened or endangered species as designated by the board. Acquisition must be a conservation easement. Lands eligible for acquisition are

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forest lands within unconfined channel migration zones or forest lands containing critical habitat for threatened or endangered species as designated by the board. Once acquired, these lands may be held and managed by the department, transferred to another state agency, transferred to an appropriate local government agency, or transferred to a private nonprofit nature conservancy corporation, as defined in RCW 64.04.130, in fee or transfer of management obligation. The board shall adopt rules governing the acquisition by the state or donation to the state of such interest in lands including the right of refusal if the lands are subject to unacceptable liabilities. The rules shall include definitions of qualifying lands, priorities for acquisition, and provide for the opportunity to transfer such lands with limited warranties and with a description of boundaries that does not require full surveys where the cost of securing the surveys would be unreasonable in relation to the value of the lands conveyed. The rules shall provide for the management of the lands for ecological protection or fisheries enhancement. For the purposes of conservation easements entered into under this section, the following apply:

(i) For conveyances of a conservation easement in which the landowner conveys an interest in the trees only, the compensation must include the timber value component, as determined by the cruised volume of any timber located within the channel migration zone or critical habitat for threatened or endangered species as designated by the board, multiplied by the appropriate quality code stumpage value for timber of the same species shown on the appropriate table used for timber harvest excise tax purposes under RCW 84.33.091;

(ii) For conveyances of a conservation easement in which the landowner conveys interests in both land and trees, the compensation must include the timber value component in (a)(i) of this subsection plus such portion of the land value component as determined just and equitable by the department. The land value component must be the acreage of qualifying channel migration zone or critical habitat for threatened or endangered species as determined by the board, to be conveyed, multiplied by the average per acre value of all commercial forest land in western Washington or the average for eastern Washington, whichever average is applicable to the qualifying lands. The department must determine the western and eastern Washington averages based on the land value tables established by RCW 84.33.140 and revised annually by the department of revenue.

(b) Subject to appropriations sufficient to cover the cost of such an acquisition program and the related costs of administering the program, the department must establish a conservation easement in land that an owner tenders for purchase; provided that such lands have been taxed as forest lands and are located within an unconfined channel migration zone or contain critical habitat for threatened or endangered species as designated by the board. Lands acquired under this section shall become riparian or habitat open space. These acquisitions shall not be deemed to trigger the compensating tax of chapters 84.33 and 84.34 RCW.

(c) Instead of offering to sell interests in qualifying lands, owners may elect to donate the interests to the state.

(d) Any acquired interest in qualifying lands by the state under this section shall be managed as riparian open space or critical habitat.

**NEW SECTION. Sec. 204.** A new section is added to chapter 77.55 RCW to read as follows:

(1) The department and the department of natural resources shall enter into and maintain a memorandum of agreement between the two agencies that describes how to implement integration of hydraulic project approvals into forest practices applications consistent with this act.

(2) The initial memorandum of agreement required under subsection (1) of this section between the two departments must be executed by December 31, 2012. The memorandum of agreement may be amended as agreed to by the two departments.

(3) The department and the department of natural resources shall enter into and maintain an interagency contract to ensure implementation of this act and the memorandum of agreement between the two agencies required under subsection (1) of this section. The contract must include funding provisions for the department's review of forest practices hydraulic projects.

**Sec. 205.** RCW 76.09.050 and 2011 c 207 s 1 are each amended to read as follows:

(1) The board shall establish by rule which forest practices shall be included within each of the following classes:

Class I: Minimal or specific forest practices that have no direct potential for damaging a public resource and that may be conducted without submitting an application or a notification except that when the regulating authority is transferred to a local governmental entity, those Class I forest practices that involve timber harvesting or road construction within "urban growth areas," designated pursuant to chapter 36.70A RCW, are processed as Class IV forest practices, but are not subject to environmental review under chapter 43.21C RCW;

Class II: Forest practices which have a less than ordinary potential for damaging a public resource that may be conducted without submitting an application and may begin five calendar days, or such lesser time as the department may determine, after written notification by the operator, in the manner, content, and form as prescribed by the department, is received by the department. However, the work may not begin until all forest practice fees required under RCW 76.09.065 have been received by the department. Class II shall not include forest practices:

(a) On forest lands that are being converted to another use;

(b) ((Which require approvals under the provisions of the hydraulics act, RCW 77.55.021;

(c)) Within "shorelines of the state" as defined in RCW 90.58.030;

((d)) (c) Excluded from Class II by the board; or

((e)) (d) Including timber harvesting or road construction within "urban growth areas," designated pursuant to chapter 36.70A RCW, which are Class IV;

Class III: Forest practices other than those contained in Class I, II, or IV. A Class III application must be approved or disapproved by the department according to the following timelines; however, the applicant may not begin work on the forest practice until all forest practice fees required under RCW 76.09.065 have been received by the department:

(a) Within thirty calendar days from the date the department receives the application((~~However, the applicant may not begin work on that forest practice until all forest practice fees required under RCW 76.09.065 have been received by the department~~)) if the application is not subject to concurrence review by the department of fish and wildlife under section 202 of this act; and

(b) Within thirty days of the completion of the concurrence review by the department of fish and wildlife if the application is subject to concurrence review by the department of fish and wildlife under section 202 of this act;

Class IV: Forest practices other than those contained in Class I or II:

(a) On forest lands that are being converted to another use;

(b) On lands which, pursuant to RCW 76.09.070 as now or hereafter amended, are not to be reforested because of the likelihood of future conversion to urban development;

(c) That involve timber harvesting or road construction on forest lands that are contained within "urban growth areas," designated

pursuant to chapter 36.70A RCW, except where the forest landowner provides:

(i) A written statement of intent signed by the forest landowner not to convert to a use other than commercial forest product operations for ten years, accompanied by either a written forest management plan acceptable to the department or documentation that the land is enrolled under the provisions of chapter 84.33 or 84.34 RCW; or

(ii) A conversion option harvest plan approved by the local governmental entity and submitted to the department as part of the application; and/or

(d) Which have a potential for a substantial impact on the environment and therefore require an evaluation by the department as to whether or not a detailed statement must be prepared pursuant to the state environmental policy act, chapter 43.21C RCW. Such evaluation shall be made within ~~(ten days from the date the department receives the application: PROVIDED, That)~~ the timelines established in RCW 43.21C.037; however, nothing herein shall be construed to prevent any local or regional governmental entity from determining that a detailed statement must be prepared for an action pursuant to a Class IV forest practice taken by that governmental entity concerning the land on which forest practices will be conducted. Unless the application is subject to concurrence review by the department of fish and wildlife under section 202 of this act, a Class IV application must be approved or disapproved by the department within thirty calendar days from the date the department receives the application(~~unless the department determines that a detailed statement must be made, in which case the application must be approved or disapproved by the department within sixty calendar days from the date the department receives the application, unless the commissioner of public lands, through the promulgation of a formal order, determines that the process cannot be completed within such period~~)). If a Class IV application is subject to concurrence review by the department of fish and wildlife under section 202 of this act, then the application must be approved or disapproved by the department within thirty calendar days from the completion of the concurrence review by the department of fish and wildlife. However, the department may extend the timelines applicable to the approval or disapproval of the application an additional thirty calendar days if the department determines that a detailed statement must be made, unless the commissioner of public lands, through the promulgation of a formal order, determines that the process cannot be completed within such a period. However, the applicant may not begin work on that forest practice until all forest practice fees required under RCW 76.09.065 have been received by the department.

Forest practices under Classes I, II, and III are exempt from the requirements for preparation of a detailed statement under the state environmental policy act.

(2) Except for those forest practices being regulated by local governmental entities as provided elsewhere in this chapter, no Class II, Class III, or Class IV forest practice shall be commenced or continued after January 1, 1975, unless the department has received a notification with regard to a Class II forest practice or approved an application with regard to a Class III or Class IV forest practice containing all information required by RCW 76.09.060 as now or hereafter amended. However, in the event forest practices regulations necessary for the scheduled implementation of this chapter and RCW 90.48.420 have not been adopted in time to meet such schedules, the department shall have the authority to regulate forest practices and approve applications on such terms and conditions consistent with this chapter and RCW 90.48.420 and the purposes and policies of RCW 76.09.010 until applicable forest practices regulations are in effect.

(3) Except for those forest practices being regulated by local governmental entities as provided elsewhere in this chapter, if a notification or application is delivered in person to the department by the operator or the operator's agent, the department shall immediately provide a dated receipt thereof. In all other cases, the department shall immediately mail a dated receipt to the operator.

(4) Except for those forest practices being regulated by local governmental entities as provided elsewhere in this chapter, forest practices shall be conducted in accordance with the forest practices regulations, orders and directives as authorized by this chapter or the forest practices regulations, and the terms and conditions of any approved applications.

(5) Except for those forest practices being regulated by local governmental entities as provided elsewhere in this chapter, the department of natural resources shall notify the applicant in writing of either its approval of the application or its disapproval of the application and the specific manner in which the application fails to comply with the provisions of this section or with the forest practices regulations. Except as provided otherwise in this section, if the department fails to either approve or disapprove an application or any portion thereof within the applicable time limit, the application shall be deemed approved and the operation may be commenced: PROVIDED, That this provision shall not apply to applications which are neither approved nor disapproved pursuant to the provisions of subsection (7) of this section: PROVIDED, FURTHER, That if seasonal field conditions prevent the department from being able to properly evaluate the application, the department may issue an approval conditional upon further review within sixty days(~~: PROVIDED, FURTHER, That the department shall have until April 1, 1975, to approve or disapprove an application involving forest practices allowed to continue to April 1, 1975, under the provisions of subsection (2) of this section~~)). Upon receipt of any notification or any satisfactorily completed application the department shall in any event no later than two business days after such receipt transmit a copy to the departments of ecology and fish and wildlife, and to the county, city, or town in whose jurisdiction the forest practice is to be commenced. Any comments by such agencies shall be directed to the department of natural resources.

(6) For those forest practices regulated by the board and the department, if the county, city, or town believes that an application is inconsistent with this chapter, the forest practices regulations, or any local authority consistent with RCW 76.09.240 as now or hereafter amended, it may so notify the department and the applicant, specifying its objections.

(7) For those forest practices regulated by the board and the department, the department shall not approve portions of applications to which a county, city, or town objects if:

(a) The department receives written notice from the county, city, or town of such objections within fourteen business days from the time of transmittal of the application to the county, city, or town, or one day before the department acts on the application, whichever is later; and

(b) The objections relate to forest lands that are being converted to another use.

The department shall either disapprove those portions of such application or appeal the county, city, or town objections to the appeals board. If the objections related to (b) of this subsection are based on local authority consistent with RCW 76.09.240 as now or hereafter amended, the department shall disapprove the application until such time as the county, city, or town consents to its approval or such disapproval is reversed on appeal. The applicant shall be a party to all department appeals of county, city, or town objections. Unless the county, city, or town either consents or has waived its rights under this subsection, the department shall not approve

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portions of an application affecting such lands until the minimum time for county, city, or town objections has expired.

(8) For those forest practices regulated by the board and the department, in addition to any rights under the above paragraph, the county, city, or town may appeal any department approval of an application with respect to any lands within its jurisdiction. The appeals board may suspend the department's approval in whole or in part pending such appeal where there exists potential for immediate and material damage to a public resource.

(9) For those forest practices regulated by the board and the department, appeals under this section shall be made to the appeals board in the manner and time provided in RCW 76.09.205. In such appeals there shall be no presumption of correctness of either the county, city, or town or the department position.

(10) For those forest practices regulated by the board and the department, the department shall, within four business days notify the county, city, or town of all notifications, approvals, and disapprovals of an application affecting lands within the county, city, or town, except to the extent the county, city, or town has waived its right to such notice.

(11) For those forest practices regulated by the board and the department, a county, city, or town may waive in whole or in part its rights under this section, and may withdraw or modify any such waiver, at any time by written notice to the department.

(12) Notwithstanding subsections (2) through (5) of this section, forest practices applications or notifications are not required for exotic insect and disease control operations conducted in accordance with RCW 76.09.060(8) where eradication can reasonably be expected.

**Sec. 206.** RCW 76.09.060 and 2007 c 480 s 11 and 2007 c 106 s 1 are each reenacted and amended to read as follows:

(1) The department shall prescribe the form and contents of the notification and application. The forest practices rules shall specify by whom and under what conditions the notification and application shall be signed or otherwise certified as acceptable. Activities conducted by the department or a contractor under the direction of the department under the provisions of RCW 76.04.660, shall be exempt from the landowner signature requirement on any forest practices application required to be filed. The application or notification shall be delivered in person to the department, sent by first-class mail to the department or electronically filed in a form defined by the department. The form for electronic filing shall be readily convertible to a paper copy, which shall be available to the public pursuant to chapter 42.56 RCW. The information required may include, but is not limited to:

(a) Name and address of the forest landowner, timber owner, and operator;

(b) Description of the proposed forest practice or practices to be conducted;

(c) Legal description and tax parcel identification numbers of the land on which the forest practices are to be conducted;

(d) Planimetric and topographic maps showing location and size of all lakes and streams and other public waters in and immediately adjacent to the operating area and showing all existing and proposed roads and major tractor roads;

(e) Description of the silvicultural, harvesting, or other forest practice methods to be used, including the type of equipment to be used and materials to be applied;

(f) For an application or notification submitted on or after the effective date of section 202 of this act that includes a forest practices hydraulic project, plans and specifications for the forest practices hydraulic project to ensure the proper protection of fish life;

(g) Proposed plan for reforestation and for any revegetation

necessary to reduce erosion potential from roadsides and yarding roads, as required by the forest practices rules;

~~((g))~~ (h) Soil, geological, and hydrological data with respect to forest practices;

~~((h))~~ (i) The expected dates of commencement and completion of all forest practices specified in the application;

~~((i))~~ (j) Provisions for continuing maintenance of roads and other construction or other measures necessary to afford protection to public resources;

~~((j))~~ (k) An affirmation that the statements contained in the notification or application are true; and

~~((k))~~ (l) All necessary application or notification fees.

(2) Long range plans may be submitted to the department for review and consultation.

(3) The application for a forest practice or the notification of a forest practice is subject to the reforestation requirement of RCW 76.09.070.

(a) If the application states that any land will be or is intended to be converted:

(i) The reforestation requirements of this chapter and of the forest practices rules shall not apply if the land is in fact converted unless applicable alternatives or limitations are provided in forest practices rules issued under RCW 76.09.070;

(ii) Completion of such forest practice operations shall be deemed conversion of the lands to another use for purposes of chapters 84.33 and 84.34 RCW unless the conversion is to a use permitted under a current use tax agreement permitted under chapter 84.34 RCW;

(iii) The forest practices described in the application are subject to applicable county, city, town, and regional governmental authority permitted under RCW 76.09.240 as well as the forest practices rules.

(b) Except as provided elsewhere in this section, if the landowner harvests without an approved application or notification or the landowner does not state that any land covered by the application or notification will be or is intended to be converted, and the department or the county, city, town, or regional governmental entity becomes aware of conversion activities to a use other than commercial timber operations, as that term is defined in RCW 76.09.020, then the department shall send to the department of ecology and the appropriate county, city, town, and regional governmental entities the following documents:

(i) A notice of a conversion to nonforestry use;

(ii) A copy of the applicable forest practices application or notification, if any; and

(iii) Copies of any applicable outstanding final orders or decisions issued by the department related to the forest practices application or notification.

(c) Failure to comply with the reforestation requirements contained in any final order or decision shall constitute a removal of designation under the provisions of RCW 84.33.140, and a change of use under the provisions of RCW 84.34.080, and, if applicable, shall subject such lands to the payments and/or penalties resulting from such removals or changes.

(d) Conversion to a use other than commercial forest product operations within six years after approval of the forest practices application or notification without the consent of the county, city, or town shall constitute a violation of each of the county, municipal city, town, and regional authorities to which the forest practice operations would have been subject if the application had stated an intent to convert.

(e) Land that is the subject of a notice of conversion to a nonforestry use produced by the department and sent to the department of ecology and a local government under this subsection

is subject to the development prohibition and conditions provided in RCW 76.09.460.

(f) Landowners who have not stated an intent to convert the land covered by an application or notification and who decide to convert the land to a nonforestry use within six years of receiving an approved application or notification must do so in a manner consistent with RCW 76.09.470.

(g) The application or notification must include a statement requiring an acknowledgment by the forest landowner of his or her intent with respect to conversion and acknowledging that he or she is familiar with the effects of this subsection.

(4) Whenever an approved application authorizes a forest practice which, because of soil condition, proximity to a water course or other unusual factor, has a potential for causing material damage to a public resource, as determined by the department, the applicant shall, when requested on the approved application, notify the department two days before the commencement of actual operations.

(5) Before the operator commences any forest practice in a manner or to an extent significantly different from that described in a previously approved application or notification, there shall be submitted to the department a new application or notification form in the manner set forth in this section.

(6)(a) Except as provided in RCW 76.09.350(4), the notification to or the approval given by the department to an application to conduct a forest practice shall be effective for a term of ~~((two))~~ three years from the date of approval or notification ~~((and shall not be renewed unless a new application is filed and approved or a new notification has been filed))~~.

(b) A notification or application may be renewed for an additional three-year term by the filing and approval of a notification or application, as applicable, prior to the expiration of the original application or notification. A renewal application or notification is subject to the forest practices rules in effect at the time the renewal application or notification is filed. Nothing in this section precludes the applicant from applying for a new application or notification after the renewal period has lapsed.

(c) At the option of the applicant, an application or notification may be submitted to cover a single forest practice or a number of forest practices within reasonable geographic or political boundaries as specified by the department. An application or notification that covers more than one forest practice may have an effective term of more than ~~((two))~~ three years.

~~((d))~~ (d) The board shall adopt rules that establish standards and procedures for approving an application or notification that has an effective term of more than ~~((two))~~ three years. Such rules shall include extended time periods for application or notification approval or disapproval. ~~((On an approved application with a term of more than two years, the applicant shall inform the department before commencing operations))~~ The department may require the applicant to provide advance notice before commencing operations on an approved application or notification.

(7) Notwithstanding any other provision of this section, no prior application or notification shall be required for any emergency forest practice necessitated by fire, flood, windstorm, earthquake, or other emergency as defined by the board, but the operator shall submit an application or notification, whichever is applicable, to the department within forty-eight hours after commencement of such practice or as required by local regulations.

(8) Forest practices applications or notifications are not required for forest practices conducted to control exotic forest insect or disease outbreaks, when conducted by or under the direction of the department of agriculture in carrying out an order of the governor or director of the department of agriculture to implement pest control measures as authorized under chapter 17.24 RCW, and are not

required when conducted by or under the direction of the department in carrying out emergency measures under a forest health emergency declaration by the commissioner of public lands as provided in RCW 76.06.130.

(a) For the purposes of this subsection, exotic forest insect or disease has the same meaning as defined in RCW 76.06.020.

(b) In order to minimize adverse impacts to public resources, control measures must be based on integrated pest management, as defined in RCW 17.15.010, and must follow forest practices rules relating to road construction and maintenance, timber harvest, and forest chemicals, to the extent possible without compromising control objectives.

(c) Agencies conducting or directing control efforts must provide advance notice to the appropriate regulatory staff of the department of the operations that would be subject to exemption from forest practices application or notification requirements.

(d) When the appropriate regulatory staff of the department are notified under (c) of this subsection, they must consult with the landowner, interested agencies, and affected tribes, and assist the notifying agencies in the development of integrated pest management plans that comply with forest practices rules as required under (b) of this subsection.

(e) Nothing under this subsection relieves agencies conducting or directing control efforts from requirements of the federal clean water act as administered by the department of ecology under RCW 90.48.260.

(f) Forest lands where trees have been cut as part of an exotic forest insect or disease control effort under this subsection are subject to reforestation requirements under RCW 76.09.070.

(g) The exemption from obtaining approved forest practices applications or notifications does not apply to forest practices conducted after the governor, the director of the department of agriculture, or the commissioner of public lands have declared that an emergency no longer exists because control objectives have been met, that there is no longer an imminent threat, or that there is no longer a good likelihood of control.

**Sec. 207.** RCW 76.09.150 and 2000 c 11 s 7 are each amended to read as follows:

(1) The department shall make inspections of forest lands, before, during, and after the conducting of forest practices as necessary for the purpose of ensuring compliance with this chapter ~~((and)),~~ the forest practices rules, including forest practices rules incorporated under RCW 76.09.040(3), and to ensure that no material damage occurs to the natural resources of this state as a result of ~~((such))~~ forest practices.

(2) Any duly authorized representative of the department shall have the right to enter upon forest land at any reasonable time to enforce the provisions of this chapter and the forest practices rules.

(3) The department or the department of ecology may apply for an administrative inspection warrant to either Thurston county superior court, or the superior court in the county in which the property is located. An administrative inspection warrant may be issued where:

(a) The department has attempted an inspection of forest lands under this chapter to ensure compliance with this chapter and the forest practices rules or to ensure that no potential or actual material damage occurs to the natural resources of this state, and access to all or part of the forest lands has been actually or constructively denied; or

(b) The department has reasonable cause to believe that a violation of this chapter or of rules adopted under this chapter is occurring or has occurred.

(4) In connection with any watershed analysis, any review of a pending application by an identification team appointed by the department, any compliance studies, any effectiveness monitoring,

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or other research that has been agreed to by a landowner, the department may invite representatives of other agencies, tribes, and interest groups to accompany a department representative and, at the landowner's election, the landowner, on any such inspections. Reasonable efforts shall be made by the department to notify the landowner of the persons being invited onto the property and the purposes for which they are being invited.

**NEW SECTION. Sec. 208.** A new section is added to chapter 43.30 RCW to read as follows:

(1) By December 31, 2013, the department must make examples of complete, high quality forest practices applications and the resulting approvals readily available to the public on its internet site, as well as the internet site of the office of regulatory assistance established in RCW 43.42.010. The department must maximize assistance to the public and interested parties by seeking to make readily available examples from forest practices that generate significant permitting activity or frequent questions.

(2) The department must regularly review and update the examples required to be made available on the internet under subsection (1) of this section.

(3) The department must obtain the written permission of an applicant before making publicly available that applicant's application or approval under this section and must work cooperatively with the applicant to ensure that no personal or proprietary information is made available.

**Sec. 209.** RCW 76.09.065 and 2000 c 11 s 5 are each amended to read as follows:

(1) ~~(Effective July 1, 1997,)~~ An applicant shall pay an application fee ((and a recording fee)), if applicable, at the time an application or notification is submitted to the department or to the local governmental entity as provided in this chapter.

(2) ~~(For applications and notifications submitted to the department, the application fee)~~ (a) If sections 201 through 203 and 206 of this act are not enacted into law by June 30, 2012, then the fee for applications and notifications submitted to the department shall be fifty dollars for class II, III, and IV forest practices applications or notifications relating to the commercial harvest of timber. However, the fee shall be five hundred dollars for class IV forest practices applications on lands being converted to other uses or on lands which are not to be reforested because of the likelihood of future conversion to urban development or on lands that are contained within "urban growth areas," designated pursuant to chapter 36.70A RCW, except the fee shall be fifty dollars on those lands where the forest landowner provides:

~~((a))~~ (i) A written statement of intent signed by the forest landowner not to convert to a use other than commercial forest product operations for ten years, accompanied by either a written forest management plan acceptable to the department or documentation that the land is enrolled under the provisions of chapter 84.33 RCW; or

~~((b))~~ (ii) A conversion option harvest plan approved by the local governmental entity and submitted to the department as part of the forest practices application.

(b)(i) If sections 201 through 203 and 206 of this act are enacted into law by June 30, 2012, then:

(A) The fee for applications and notifications relating to the commercial harvest of timber submitted to the department shall be one hundred dollars for class II applications and notifications, class III applications, and class IV forest practices that have a potential for a substantial impact on the environment and therefore require an evaluation by the department as to whether or not a detailed statement must be prepared pursuant to the state environmental policy act, chapter 43.21C RCW, when the application or notification is submitted by a landowner who satisfies the definition of small forest landowner provided in RCW 76.09.450 and the

application or notification applies to a single contiguous ownership consisting of one or more parcels;

(B) The fee for applications and notifications relating to the commercial harvest of timber submitted to the department shall be one hundred fifty dollars for class II applications and notifications, class III applications, and class IV forest practices that have a potential for a substantial impact on the environment and therefore require an evaluation by the department as to whether or not a detailed statement must be prepared pursuant to the state environmental policy act, chapter 43.21C RCW, when the application or notification is submitted by a landowner who does not satisfy the criteria for a reduced application fee as provided in (b)(i)(A) of this subsection (2); and

(C) The fee shall be one thousand five hundred dollars for class IV forest practices applications on lands being converted to other uses or on lands that are not to be reforested because of the likelihood of future conversion to urban development or on lands that are contained within urban growth areas, designated pursuant to chapter 36.70A RCW, except the fee shall be the same as for a class III forest practices application where the forest landowner provides:

(I) A written statement of intent signed by the forest landowner not to convert to a use other than commercial forest product operations for ten years, accompanied by either a written forest management plan acceptable to the department or documentation that the land is enrolled under the provisions of chapter 84.33 RCW; or

(II) A conversion option harvest plan approved by the local governmental entity and submitted to the department as part of the forest practices application.

(ii) If the board has not incorporated fish protection standards adopted under chapter 77.55 RCW into the forest practices rules and approved technical guidance as required under RCW 76.09.040 by December 31, 2013, the fee for applications and notifications submitted to the department shall be as provided under (a) of this subsection until the rules are adopted and technical guidance approved.

(3) The forest practices application account is created in the state treasury. Moneys in the account may be spent only after appropriation. All money collected from fees under ~~((this))~~ subsection (2) of this section shall be deposited in the ~~((state general fund))~~ forest practices application account for the purposes of implementing this chapter, chapter 76.13 RCW, and Title 222 WAC.

~~((3))~~ (4) For applications submitted to ((the)) a local governmental entity as provided in this chapter, the fee shall be ((five hundred dollars for class IV forest practices on lands being converted to other uses or lands that are contained within "urban growth areas," designated pursuant to chapter 36.70A RCW, except as otherwise provided in this section, unless a different fee is otherwise provided)) determined, collected, and retained by the local governmental entity.

~~((4))~~ Recording fees shall be as provided in chapter 36.18 RCW.

(5) An application fee under subsection (2) of this section shall be refunded or credited to the applicant if either the application or notification is disapproved by the department or the application or notification is withdrawn by the applicant due to restrictions imposed by the department.)

**Sec. 210.** RCW 76.09.470 and 2007 c 106 s 3 are each amended to read as follows:

(1) If a landowner who did not state an intent to convert his or her land to a nonforestry use decides to convert his or her land to a nonforestry use within six years of receiving an approved forest practices application or notification under this chapter, the landowner must:

(a) Stop all forest practices activities on the parcels subject to the proposed land use conversion to a nonforestry use;

(b) Contact the department of ecology and the applicable county, city, town, or regional governmental entity to begin the permitting process; and

(c) Notify the department ~~((and))~~, withdraw any applicable applications or notifications ~~((or request))~~, and submit a new application for the conversion. The fee for a new application for conversion under this subsection (1)(c) is the difference between the applicable fee for the new application under RCW 76.09.065 and the fee previously paid for the original application or notification, which must be deposited in the forest practices application account created in RCW 76.09.065.

(2) Upon being contacted by a landowner under this section, the county, city, town, or regional governmental entity must:

(a) Notify the department and request from the department the status of any applicable forest practices applications, notifications, or final orders or decisions; and

(b) Complete the following activities:

(i) Require that the landowner be in full compliance with chapter 43.21C RCW, if applicable;

(ii) Receive notification from the department that the landowner has resolved any outstanding final orders or decisions issued by the department; and

(iii) Make a determination as to whether or not the condition of the land in question is in full compliance with local ordinances and regulations. If full compliance is not found, a mitigation plan to address violations of local ordinances or regulations must be required for the parcel in question by the county, city, town, or regional governmental entity. Required mitigation plans must be prepared by the landowner and approved by the county, city, town, or regional governmental entity. Once approved, the mitigation plan must be implemented by the landowner. Mitigation measures that may be required include, but are not limited to, revegetation requirements to plant and maintain trees of sufficient maturity and appropriate species composition to restore critical area and buffer function or to be in compliance with applicable local government regulations.

**Sec. 211.** RCW 76.09.030 and 2008 c 46 s 1 are each amended to read as follows:

(1) There is hereby created the forest practices board of the state of Washington as an agency of state government consisting of members as follows:

(a) The commissioner of public lands or the commissioner's designee;

(b) The director of the department of ~~((community, trade, and economic development))~~ commerce or the director's designee;

(c) The director of the department of agriculture or the director's designee;

(d) The director of the department of ecology or the director's designee;

(e) The director of the department of fish and wildlife or the director's designee;

(f) An elected member of a county legislative authority appointed by the governor ~~((:—PROVIDED, That such))~~. However, the county member's service on the board shall be conditioned on the member's continued service as an elected county official;

(g) One member representing a timber products union, appointed by the governor from a list of three names submitted by a timber labor coalition affiliated with a statewide labor organization that represents a majority of the timber product unions in the state; and

(h) Six members of the general public appointed by the governor, one of whom shall be a small forest landowner who

actively manages his or her land, and one of whom shall be an independent logging contractor.

(2) ~~((The director of the department of fish and wildlife's service on the board may be terminated two years after August 18, 1999, if the legislature finds that after two years the department has not made substantial progress toward integrating the laws, rules, and programs governing forest practices, chapter 76.09 RCW, and the laws, rules, and programs governing hydraulic projects, chapter 77.55 RCW. Such a finding shall be based solely on whether the department of fish and wildlife makes substantial progress as defined in this subsection, and will not be based on other actions taken as a member of the board. Substantial progress shall include recommendations to the legislature for closer integration of the existing rule-making authorities of the board and the department of fish and wildlife, and closer integration of the forest practices and hydraulics permitting processes, including exploring the potential for a consolidated permitting process. These recommendations shall be designed to resolve problems currently associated with the existing dual regulatory and permitting processes.~~

(3) The members of the initial board appointed by the governor shall be appointed so that the term of one member shall expire December 31, 1975, the term of one member shall expire December 31, 1976, the term of one member shall expire December 31, 1977, the terms of two members shall expire December 31, 1978, and the terms of two members shall expire December 31, 1979. Thereafter, each member shall be appointed for a term of four years. Vacancies on the board shall be filled in the same manner as the original appointments. Each member of the board shall continue in office until his or her successor is appointed and qualified. The commissioner of public lands or the commissioner's designee shall be the chair of the board.

~~((4))~~ (3) The board shall meet at such times and places as shall be designated by the chair or upon the written request of the majority of the board. The principal office of the board shall be at the state capital.

~~((5))~~ (4) Members of the board, except public employees and elected officials, shall be compensated in accordance with RCW 43.03.250. Each member shall be entitled to reimbursement for travel expenses incurred in the performance of their duties as provided in RCW 43.03.050 and 43.03.060.

~~((6))~~ (5) The board may employ such clerical help and staff pursuant to chapter 41.06 RCW as is necessary to carry out its duties.

**Sec. 212.** RCW 76.09.020 and 2010 c 210 s 19 and 2010 c 188 s 6 are each reenacted and amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Adaptive management" means reliance on scientific methods to test the results of actions taken so that the management and related policy can be changed promptly and appropriately.

(2) "Appeals board" means the pollution control hearings board created by RCW 43.21B.010.

(3) "Application" means the application required pursuant to RCW 76.09.050.

(4) "Aquatic resources" includes water quality, salmon, other species of the vertebrate classes Cephalaspidomorphi and Osteichthyes identified in the forests and fish report, the Columbia torrent salamander (*Rhyacotriton kezeri*), the Cascade torrent salamander (*Rhyacotriton cascadae*), the Olympic torrent salamander (*Rhyacotriton olympian*), the Dunn's salamander (*Plethodon dunni*), the Van Dyke's salamander (*Plethodon vandyke*), the tailed frog (*Ascaphus truei*), and their respective habitats.

(5) "Board" means the forest practices board created in RCW 76.09.030.

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(6) "Commissioner" means the commissioner of public lands.

(7) "Contiguous" means land adjoining or touching by common corner or otherwise. Land having common ownership divided by a road or other right-of-way shall be considered contiguous.

(8) "Conversion to a use other than commercial timber operation" means a bona fide conversion to an active use which is incompatible with timber growing and as may be defined by forest practices rules.

(9) "Date of receipt" has the same meaning as defined in RCW 43.21B.001.

(10) "Department" means the department of natural resources.

(11) "Ecosystem services" means the benefits that the public enjoys as a result of natural processes and biological diversity.

(12) "Ecosystem services market" means a system in which providers of ecosystem services can access financing or market capital to protect, restore, and maintain ecological values, including the full spectrum of regulatory, quasiregulatory, and voluntary markets.

(13) "Fish passage barrier" means any artificial instream structure that impedes the free passage of fish.

(14) "Forest land" means all land which is capable of supporting a merchantable stand of timber and is not being actively used for a use which is incompatible with timber growing. Forest land does not include agricultural land that is or was enrolled in the conservation reserve enhancement program by contract if such agricultural land was historically used for agricultural purposes and the landowner intends to continue to use the land for agricultural purposes in the future. As it applies to the operation of the road maintenance and abandonment plan element of the forest practices rules on small forest landowners, the term "forest land" excludes:

(a) Residential home sites, which may include up to five acres; and

(b) Cropfields, orchards, vineyards, pastures, feedlots, fish pens, and the land on which appurtenances necessary to the production, preparation, or sale of crops, fruit, dairy products, fish, and livestock exist.

(15) "Forest landowner" means any person in actual control of forest land, whether such control is based either on legal or equitable title, or on any other interest entitling the holder to sell or otherwise dispose of any or all of the timber on such land in any manner. However, any lessee or other person in possession of forest land without legal or equitable title to such land shall be excluded from the definition of "forest landowner" unless such lessee or other person has the right to sell or otherwise dispose of any or all of the timber located on such forest land.

(16) "Forest practice" means any activity conducted on or directly pertaining to forest land and relating to growing, harvesting, or processing timber, including but not limited to:

(a) Road and trail construction, including forest practices hydraulic projects that include water crossing structures, and associated activities and maintenance;

(b) Harvesting, final and intermediate;

(c) Precommercial thinning;

(d) Reforestation;

(e) Fertilization;

(f) Prevention and suppression of diseases and insects;

(g) Salvage of trees; and

(h) Brush control.

"Forest practice" shall not include preparatory work such as tree marking, surveying and road flagging, and removal or harvesting of incidental vegetation from forest lands such as berries, ferns, greenery, mistletoe, herbs, mushrooms, and other products which cannot normally be expected to result in damage to forest soils, timber, or public resources.

(17) "Forest practices rules" means any rules adopted pursuant to RCW 76.09.040.

(18) "Forest road," as it applies to the operation of the road maintenance and abandonment plan element of the forest practices rules on small forest landowners, means a road or road segment that crosses land that meets the definition of forest land, but excludes residential access roads.

(19) "Forest trees" does not include hardwood trees cultivated by agricultural methods in growing cycles shorter than fifteen years if the trees were planted on land that was not in forest use immediately before the trees were planted and before the land was prepared for planting the trees. "Forest trees" includes Christmas trees, but does not include Christmas trees that are cultivated by agricultural methods, as that term is defined in RCW 84.33.035.

(20) "Forests and fish report" means the forests and fish report to the board dated April 29, 1999.

(21) "Operator" means any person engaging in forest practices except an employee with wages as his or her sole compensation.

(22) "Person" means any individual, partnership, private, public, or municipal corporation, county, the department or other state or local governmental entity, or association of individuals of whatever nature.

(23) "Public resources" means water, fish and wildlife, and in addition shall mean capital improvements of the state or its political subdivisions.

(24) "Small forest landowner" has the same meaning as defined in RCW 76.09.450.

(25) "Timber" means forest trees, standing or down, of a commercial species, including Christmas trees. However, "timber" does not include Christmas trees that are cultivated by agricultural methods, as that term is defined in RCW 84.33.035.

(26) "Timber owner" means any person having all or any part of the legal interest in timber. Where such timber is subject to a contract of sale, "timber owner" shall mean the contract purchaser.

(27) "Unconfined channel migration zone" means the area within which the active channel of an unconfined stream is prone to move and where the movement would result in a potential near-term loss of riparian forest adjacent to the stream. Sizeable islands with productive timber may exist within the zone.

(28) "Unconfined stream" means generally fifth order or larger waters that experience abrupt shifts in channel location, creating a complex floodplain characterized by extensive gravel bars, disturbance species of vegetation of variable age, numerous side channels, wall-based channels, oxbow lakes, and wetland complexes. Many of these streams have dikes and levees that may temporarily or permanently restrict channel movement.

(29) "Forest practices hydraulic project" means a hydraulic project, as defined under RCW 77.55.011, that requires a forest practices application or notification under this chapter.

(30) "Fill" means the placement of earth material or aggregate for road or landing construction or other similar activities.

**NEW SECTION. Sec. 213.** A new section is added to chapter 43.21C RCW to read as follows:

The incorporation of fish protection standards adopted under chapter 77.55 RCW into the forest practices rules as required under RCW 76.09.040(3) is exempt from compliance with this chapter.

**NEW SECTION. Sec. 214.** (1) The departments of natural resources and fish and wildlife must jointly provide a report to the appropriate committees of the legislature containing findings and any recommendations relating to the regulatory integration of hydraulic projects and forest practices as provided in this act, including:

(a) Progress made in implementing the integration required under this act, including rule incorporation and development of forest practices board manual guidance;



(b) An update on and potential for permitting efficiencies in addition to the integration required under this act;

(c) The process for and outcomes from review of forest practices applications that include forest practices hydraulic projects by the department of fish and wildlife; and

(d) Compliance monitoring for forest practices hydraulic projects through the review processes provided under WAC 222-08-160 as it existed on the effective date of this section.

(2) The departments of natural resources and fish and wildlife must provide an initial report by September 1, 2014, and a second report by September 1, 2016.

(3) This section expires December 31, 2016.

**NEW SECTION. Sec. 215.** Sections 202 and 205 of this act take effect on the date the forest practices board incorporates fish protection standards adopted under chapter 77.55 RCW into the forest practices rules and approves technical guidance as required under RCW 76.09.040. The department of natural resources must provide written notice of the effective date of these sections to affected parties, the chief clerk of the house of representatives, the secretary of the senate, the office of the code reviser, and others as deemed appropriate by the department of natural resources.

**NEW SECTION. Sec. 216.** Nothing in this act affects any rules, processes, or procedures of the department of fish and wildlife and the department of natural resources existing on the effective date of this section that provide for regulatory integration of hydraulic projects and forest practices for projects in nonfish-bearing waters.

**NEW SECTION. Sec. 217.** Nothing in this act authorizes the department of fish and wildlife to assume authority over approval, disapproval, conditioning, or enforcement of applications or notifications submitted under chapter 76.09 RCW.

**NEW SECTION. Sec. 218.** Nothing in this act affects the jurisdiction or other authority of a federally recognized Indian tribe within the boundary of its reservation or on other tribally owned lands.

**NEW SECTION. Sec. 219.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

### PART THREE

#### State Environmental Policy Act and Local Development Regulations

**NEW SECTION. Sec. 301.** (1) The legislature recognizes that the rule-based categorical exemption thresholds to chapter 43.21C RCW, found in WAC 197-11-800, have not been updated in recent years, and should be reviewed in light of the increased environmental protections in place under chapters 36.70A and 90.58 RCW, and other laws. It is the intent of the legislature to direct the department of ecology to conduct two phases of rulemaking over the next two years to increase the thresholds for these categorical exemptions.

(2) By December 31, 2012, the department of ecology shall increase the rule-based categorical exemptions to chapter 43.21C RCW found in WAC 197-11-800 and update the environmental checklist found in WAC 197-11-960. In updating the categorical exemptions, the department of ecology must:

(a) At a minimum, increase the existing maximum threshold levels for the following project types:

(i) The construction or location of single-family residential developments;

(ii) The construction or location of multifamily residential developments;

(iii) The construction of an agricultural structure, other than a feed lot, that is similar to the following: A barn, a loafing shed, a farm equipment storage building, or a produce storing or packing structure;

(iv) The construction of the following, including any associated parking areas or facilities: An office, a school, a commercial building, a recreational building, a service building, or a storage building;

(v) Landfilling or excavation activities; and

(vi) The installation of an electric facility, lines, equipment, or appurtenances, other than substations.

(b) Establish maximum exemption levels for action types that differ based on whether the project is proposed to occur in:

(i) An incorporated city;

(ii) An unincorporated area within an urban growth area;

(iii) An unincorporated area outside of an urban growth area but within a county planning under chapter 36.70A RCW; or

(iv) An unincorporated area within a county not planning under chapter 36.70A RCW.

(c) In updating the environmental checklist found in WAC 197-11-960, the department of ecology shall:

(i) Improve efficiency of the environmental checklist; and

(ii) Not include any new subjects into the scope of the checklist, including climate change and greenhouse gases.

(d) Until the completion of the rule making required under this section, a city or county may apply the highest categorical exemption levels authorized under WAC 197-11-800 to any action, regardless if the city or county with jurisdiction has exercised its authority to raise the exemption levels above the established minimums, unless the city or county with jurisdiction passes an ordinance or resolution that lowers the exemption levels to a level below the allowed maximum but not less than the default minimum levels detailed in WAC 197-11-800.

(3)(a) By December 31, 2013, the department of ecology shall:

(i) Update, but not decrease, the thresholds for all other project actions not specified in subsection (2) of this section;

(ii) Propose methods for integrating the state environmental policy act process with provisions of the growth management act, chapter 36.70A RCW, including consideration of ways to revise WAC 197-11-210 through 197-11-232 to further the goals of RCW 43.21C.240; and

(iii) Create categorical exemptions for minor code amendments for which review under chapter 43.21C RCW would not be required because they do not lessen environmental protection.

(b) During this process, the department of ecology may also review and update the thresholds resulting from the 2012 rule-making process outlined in subsection (2) of this section.

(4)(a) The department of ecology shall convene an advisory committee consisting of members representing, at minimum, cities, counties, business interests, environmental interests, agricultural interests, cultural resources interests, state agencies, and tribal governments to:

(i) Assist in updating the environmental checklist and updating the thresholds for other project actions for both rule-making processes under subsections (2) and (3) of this section;

(ii) Ensure that state agencies and other interested parties can receive notice about projects of interest through notice under chapter 43.21C RCW and means other than chapter 43.21C RCW; and

(iii) Ensure that federally recognized tribes receive notice about projects that impact tribal interests through notice under chapter 43.21C RCW and means other than chapter 43.21C RCW.

(b) Advisory committee members must have direct experience with the implementation or application of the state environmental policy act.

(5) This section expires July 31, 2014.

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**Sec. 302.** RCW 43.21C.031 and 1995 c 347 s 203 are each amended to read as follows:

(1) An environmental impact statement (the detailed statement required by RCW 43.21C.030(2)(c)) shall be prepared on proposals for legislation and other major actions having a probable significant, adverse environmental impact. The environmental impact statement may be combined with the recommendation or report on the proposal or issued as a separate document. The substantive decisions or recommendations shall be clearly identifiable in the combined document. Actions categorically exempt under RCW 43.21C.110(1)(a) and section 308 of this act do not require environmental review or the preparation of an environmental impact statement under this chapter. ~~((In a county, city, or town planning under RCW 36.70A.040, a planned action, as provided for in subsection (2) of this section, does not require a threshold determination or the preparation of an environmental impact statement under this chapter, but is subject to environmental review and mitigation as provided in this chapter.))~~

(2) An environmental impact statement is required to analyze only those probable adverse environmental impacts which are significant. Beneficial environmental impacts may be discussed. The responsible official shall consult with agencies and the public to identify such impacts and limit the scope of an environmental impact statement. The subjects listed in RCW 43.21C.030(2)(c) need not be treated as separate sections of an environmental impact statement. Discussions of significant short-term and long-term environmental impacts, significant irrevocable commitments of natural resources, significant alternatives including mitigation measures, and significant environmental impacts which cannot be mitigated should be consolidated or included, as applicable, in those sections of an environmental impact statement where the responsible official decides they logically belong.

((2)(a) For purposes of this section, a planned action means one or more types of project action that:

(i) Are designated planned actions by an ordinance or resolution adopted by a county, city, or town planning under RCW 36.70A.040;

(ii) Have had the significant impacts adequately addressed in an environmental impact statement prepared in conjunction with (A) a comprehensive plan or subarea plan adopted under chapter 36.70A RCW, or (B) a fully contained community, a master planned resort, a master planned development, or a phased project;

(iii) Are subsequent or implementing projects for the proposals listed in (a)(ii) of this subsection;

(iv) Are located within an urban growth area, as defined in RCW 36.70A.030;

(v) Are not essential public facilities, as defined in RCW 36.70A.200; and

(vi) Are consistent with a comprehensive plan adopted under chapter 36.70A RCW.

(b) A county, city, or town shall limit planned actions to certain types of development or to specific geographical areas that are less extensive than the jurisdictional boundaries of the county, city, or town and may limit a planned action to a time period identified in the environmental impact statement or the ordinance or resolution adopted under this subsection.)

**NEW SECTION. Sec. 303.** A new section is added to chapter 43.21C RCW to read as follows:

(1) For purposes of this chapter, a planned action means one or more types of development or redevelopment that meet the following criteria:

(a) Are designated as planned actions by an ordinance or resolution adopted by a county, city, or town planning under RCW 36.70A.040;

(b) Have had the significant impacts adequately addressed in an environmental impact statement under the requirements of this chapter in conjunction with, or to implement, a comprehensive plan or subarea plan adopted under chapter 36.70A RCW, or a fully contained community, a master planned resort, a master planned development, or a phased project;

(c) Have had project level significant impacts adequately addressed in an environmental impact statement unless the impacts are specifically deferred for consideration at the project level pursuant to subsection (3)(b) of this section;

(d) Are subsequent or implementing projects for the proposals listed in (b) of this subsection;

(e) Are located within an urban growth area designated pursuant to RCW 36.70A.110;

(f) Are not essential public facilities, as defined in RCW 36.70A.200, unless an essential public facility is accessory to or part of a residential, office, school, commercial, recreational, service, or industrial development that is designated a planned action under this subsection; and

(g) Are consistent with a comprehensive plan or subarea plan adopted under chapter 36.70A RCW.

(2) A county, city, or town shall define the types of development included in the planned action and may limit a planned action to:

(a) A specific geographic area that is less extensive than the jurisdictional boundaries of the county, city, or town; or

(b) A time period identified in the ordinance or resolution adopted under this subsection.

(3)(a) A county, city, or town shall determine during permit review whether a proposed project is consistent with a planned action ordinance adopted by the jurisdiction. To determine project consistency with a planned action ordinance, a county, city, or town may utilize a modified checklist pursuant to the rules adopted to implement RCW 43.21C.110, a form that is designated within the planned action ordinance, or a form contained in agency rules adopted pursuant to RCW 43.21C.120.

(b) A county, city, or town is not required to make a threshold determination and may not require additional environmental review, for a proposal that is determined to be consistent with the development or redevelopment described in the planned action ordinance, except for impacts that are specifically deferred to the project level at the time of the planned action ordinance's adoption. At least one community meeting must be held before the notice is issued for the planned action ordinance. Notice for the planned action and notice of the community meeting required by this subsection (3)(b) must be mailed or otherwise verifiably provided to: (i) All affected federally recognized tribal governments; and (ii) agencies with jurisdiction over the future development anticipated for the planned action. The determination of consistency, and the adequacy of any environmental review that was specifically deferred, are subject to the type of administrative appeal that the county, city, or town provides for the proposal itself consistent with RCW 36.70B.060.

(4) For a planned action ordinance that encompasses the entire jurisdictional boundary of a county, city, or town, at least one community meeting must be held before the notice is issued for the planned action ordinance. Notice for the planned action ordinance and notice of the community meeting required by this subsection must be mailed or otherwise verifiably provided to:

(a) All property owners of record within the county, city, or town;

(b) All affected federally recognized tribal governments; and

(c) All agencies with jurisdiction over the future development anticipated for the planned action.

**Sec. 304.** RCW 43.21C.229 and 2003 c 298 s 1 are each amended to read as follows:

(1) In order to accommodate infill development and thereby realize the goals and policies of comprehensive plans adopted according to chapter 36.70A RCW, a city or county planning under RCW 36.70A.040 is authorized by this section to establish categorical exemptions from the requirements of this chapter. An exemption adopted under this section applies even if it differs from the categorical exemptions adopted by rule of the department under RCW 43.21C.110(1)(a). An exemption may be adopted by a city or county under this section if it meets the following criteria:

(a) It categorically exempts government action related to development ~~((that is new residential or mixed use development))~~ proposed to fill in an urban growth area, designated according to RCW 36.70A.110, where current density and intensity of use in the area is lower than called for in the goals and policies of the applicable comprehensive plan and the development is either:

(i) Residential development;

(ii) Mixed-use development; or

(iii) Commercial development up to sixty-five thousand square feet, excluding retail development;

(b) It does not exempt government action related to development that is inconsistent with the applicable comprehensive plan or would exceed the density or intensity of use called for in the goals and policies of the applicable comprehensive plan; ~~((and))~~

(c) The local government considers the specific probable adverse environmental impacts of the proposed action and determines that these specific impacts are adequately addressed by the development regulations or other applicable requirements of the comprehensive plan, subarea plan element of the comprehensive plan, planned action ordinance, or other local, state, or federal rules or laws; and

(d)(i) The city or county's applicable comprehensive plan was previously subjected to environmental analysis through an environmental impact statement under the requirements of this chapter prior to adoption; or

(ii) The city or county has prepared an environmental impact statement that considers the proposed use or density and intensity of use in the area proposed for an exemption under this section.

(2) Any categorical exemption adopted by a city or county under this section shall be subject to the rules of the department adopted according to RCW 43.21C.110(1)(a) that provide exceptions to the use of categorical exemptions adopted by the department.

**NEW SECTION. Sec. 305.** A new section is added to chapter 43.21C RCW to read as follows:

(1) A county, city, or town may recover its reasonable expenses of preparation of a nonproject environmental impact statement prepared under RCW 43.21C.229 and section 303 of this act:

(a) Through access to financial assistance under RCW 36.70A.490;

(b) With funding from private sources; and

(c) By the assessment of fees consistent with the requirements and limitations of this section.

(2)(a) A county, city, or town is authorized to assess a fee upon subsequent development that will make use of and benefit from: (i) The analysis in an environmental impact statement prepared for the purpose of compliance with section 303 of this act regarding planned actions; or (ii) the reduction in environmental analysis requirements resulting from the exercise of authority under RCW 43.21C.229 regarding infill development.

(b) The amount of the fee must be reasonable and proportionate to the total expenses incurred by the county, city, or town in the preparation of the environmental impact statement.

(3) A county, city, or town assessing fees under subsection (2)(a) of this section must provide for a mechanism by which project proponents may either elect to utilize the environmental review

completed by the lead agency and pay the fees under subsection (1) of this section or certify that they do not want the local jurisdiction to utilize the environmental review completed as a part of a planned action and therefore not be assessed any associated fees. Project proponents who choose this option may not make use of or benefit from the up-front environmental review prepared by the local jurisdiction.

(4) Prior to the collection of fees, the county, city, or town must enact an ordinance that establishes the total amount of expenses to be recovered through fees and provides objective standards for determining the fee amount to be imposed upon each development proposal proportionate to the impacts of each development and to the benefits accruing to each development from the nonproject environmental review. The ordinance must provide (a) a procedure by which an applicant who disagrees with whether the amount of the fee is correct, reasonable, or proportionate may pay the fee with the written stipulation "paid under protest"; and (b) if the county, city, or town provides for an administrative appeal of its decision on the project for which the fees are imposed, any dispute about the amount of the fees must be resolved in the same administrative appeals process. Any disagreement about the reasonableness, proportionality, or amount of the fees imposed upon a development may not be the basis for delay in issuance of a project permit for that development.

(5) The ordinance adopted under subsection (4) of this section must make information available about the amount of the expenses designated for recovery. When such expenses have been fully recovered, the county, city, or town may no longer assess a fee under this section.

(6) Any fees collected under this section from subsequent development may be used to reimburse funding received from private sources to conduct the environmental review.

(7) The city, county, or town shall refund fees collected where a court of competent jurisdiction determines that the environmental review conducted under section 303 of this act, regarding planned actions, or under RCW 43.21C.229, regarding infill development, was not sufficient to comply with the requirements of this chapter regarding the proposed development activity for which the fees were collected. The applicant and the city, county, or town may mutually agree to a partial refund or to waive the refund in the interest of resolving any dispute regarding compliance with this chapter.

**Sec. 306.** RCW 43.21C.037 and 2011 c 207 s 3 are each amended to read as follows:

(1) Decisions pertaining to applications for Class I, II, and III forest practices, as defined by rule of the forest practices board under RCW 76.09.050, are not subject to the requirements of RCW 43.21C.030(2)(c) ~~((as now or hereafter amended))~~.

(2) When the applicable county, city, or town requires a license in connection with any proposal involving forest practices:

(a) On forest lands that are being converted to another use; or

(b) On lands which, pursuant to RCW 76.09.070 as now or hereafter amended, are not to be reforested because of the likelihood of future conversion to urban development, then the local government, rather than the department of natural resources, is responsible for any detailed statement required under RCW 43.21C.030(2)(c).

(3)(a) Those forest practices determined by rule of the forest practices board to have a potential for a substantial impact on the environment, and thus to be Class IV practices, require an evaluation by the department of natural resources as to whether or not a detailed statement must be prepared pursuant to this chapter.

(b) The evaluation ~~((shall))~~ required by this section must be made within ten days from the date the department receives the application unless the application is subject to concurrence review

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by the department of fish and wildlife under section 202 of this act. Evaluations for applications that are subject to concurrence review by the department of fish and wildlife under section 202 of this act must be made within ten days from the date the department of fish and wildlife completes the concurrent review.

(c) A Class IV forest practice application must be approved or disapproved by the department ((within thirty calendar days from the date the department receives the application, unless the department determines that a detailed statement must be made, in which case the application must be approved or disapproved by the department within sixty days from the date the department receives the application, unless the commissioner of public lands, through the promulgation of a formal order, determines that the process cannot be completed within such period)) according to the timelines established in RCW 76.09.050.

(d) This section shall not be construed to prevent any local or regional governmental entity from determining that a detailed statement must be prepared for an action regarding a Class IV forest practice taken by that governmental entity concerning the land on which forest practices will be conducted.

**Sec. 307.** RCW 82.02.020 and 2010 c 153 s 3 are each amended to read as follows:

Except only as expressly provided in chapters 67.28, 81.104, and 82.14 RCW, the state preempts the field of imposing retail sales and use taxes and taxes upon parimutuel wagering authorized pursuant to RCW 67.16.060, conveyances, and cigarettes, and no county, town, or other municipal subdivision shall have the right to impose taxes of that nature. Except as provided in RCW 64.34.440 and 82.02.050 through 82.02.090, no county, city, town, or other municipal corporation shall impose any tax, fee, or charge, either direct or indirect, on the construction or reconstruction of residential buildings, commercial buildings, industrial buildings, or on any other building or building space or appurtenance thereto, or on the development, subdivision, classification, or reclassification of land. However, this section does not preclude dedications of land or easements within the proposed development or plat which the county, city, town, or other municipal corporation can demonstrate are reasonably necessary as a direct result of the proposed development or plat to which the dedication of land or easement is to apply.

This section does not prohibit voluntary agreements with counties, cities, towns, or other municipal corporations that allow a payment in lieu of a dedication of land or to mitigate a direct impact that has been identified as a consequence of a proposed development, subdivision, or plat. A local government shall not use such voluntary agreements for local off-site transportation improvements within the geographic boundaries of the area or areas covered by an adopted transportation program authorized by chapter 39.92 RCW. Any such voluntary agreement is subject to the following provisions:

(1) The payment shall be held in a reserve account and may only be expended to fund a capital improvement agreed upon by the parties to mitigate the identified, direct impact;

(2) The payment shall be expended in all cases within five years of collection; and

(3) Any payment not so expended shall be refunded with interest to be calculated from the original date the deposit was received by the county and at the same rate applied to tax refunds pursuant to RCW 84.69.100; however, if the payment is not expended within five years due to delay attributable to the developer, the payment shall be refunded without interest.

No county, city, town, or other municipal corporation shall require any payment as part of such a voluntary agreement which the county, city, town, or other municipal corporation cannot

establish is reasonably necessary as a direct result of the proposed development or plat.

Nothing in this section prohibits cities, towns, counties, or other municipal corporations from collecting reasonable fees from an applicant for a permit or other governmental approval to cover the cost to the city, town, county, or other municipal corporation of processing applications, inspecting and reviewing plans, or preparing detailed statements required by chapter 43.21C RCW, including reasonable fees that are consistent with RCW 43.21C.420(6) and section 305 of this act.

This section does not limit the existing authority of any county, city, town, or other municipal corporation to impose special assessments on property specifically benefited thereby in the manner prescribed by law.

Nothing in this section prohibits counties, cities, or towns from imposing or permits counties, cities, or towns to impose water, sewer, natural gas, drainage utility, and drainage system charges. However, no such charge shall exceed the proportionate share of such utility or system's capital costs which the county, city, or town can demonstrate are attributable to the property being charged. Furthermore, these provisions may not be interpreted to expand or contract any existing authority of counties, cities, or towns to impose such charges.

Nothing in this section prohibits a transportation benefit district from imposing fees or charges authorized in RCW 36.73.120 nor prohibits the legislative authority of a county, city, or town from approving the imposition of such fees within a transportation benefit district.

Nothing in this section prohibits counties, cities, or towns from imposing transportation impact fees authorized pursuant to chapter 39.92 RCW.

Nothing in this section prohibits counties, cities, or towns from requiring property owners to provide relocation assistance to tenants under RCW 59.18.440 and 59.18.450.

Nothing in this section limits the authority of counties, cities, or towns to implement programs consistent with RCW 36.70A.540, nor to enforce agreements made pursuant to such programs.

This section does not apply to special purpose districts formed and acting pursuant to Title 54, 57, or 87 RCW, nor is the authority conferred by these titles affected.

**NEW SECTION. Sec. 308.** A new section is added to chapter 43.21C RCW to read as follows:

The following nonproject actions are categorically exempt from the requirements of this chapter:

(1) Amendments to development regulations that are required to ensure consistency with an adopted comprehensive plan pursuant to RCW 36.70A.040, where the comprehensive plan was previously subjected to environmental review pursuant to this chapter and the impacts associated with the proposed regulation were specifically addressed in the prior environmental review;

(2) Amendments to development regulations that are required to ensure consistency with a shoreline master program approved pursuant to RCW 90.58.090, where the shoreline master program was previously subjected to environmental review pursuant to this chapter and the impacts associated with the proposed regulation were specifically addressed in the prior environmental review;

(3) Amendments to development regulations that, upon implementation of a project action, will provide increased environmental protection, limited to the following:

(a) Increased protections for critical areas, such as enhanced buffers or setbacks;

(b) Increased vegetation retention or decreased impervious surface areas in shoreline jurisdiction; and

(c) Increased vegetation retention or decreased impervious surface areas in critical areas;

(4) Amendments to technical codes adopted by a county, city, or town to ensure consistency with minimum standards contained in state law, including the following:

- (a) Building codes required by chapter 19.27 RCW;
- (b) Energy codes required by chapter 19.27A RCW; and
- (c) Electrical codes required by chapter 19.28 RCW.

**NEW SECTION. Sec. 309.** A new section is added to chapter 43.21C RCW to read as follows:

(1) The lead agency for an environmental review under this chapter utilizing an environmental checklist developed by the department of ecology pursuant to RCW 43.21C.110 may identify within the checklist provided to applicants instances where questions on the checklist are adequately covered by a locally adopted ordinance, development regulation, land use plan, or other legal authority.

(2) If a lead agency identifies an instance as described in subsection (1) of this section, it still must consider whether the action has an impact on the particular element or elements of the environment in question.

(3) In instances where the locally adopted ordinance, development regulation, land use plan, or other legal authority provide the necessary information to answer a specific question, the lead agency must explain how the proposed project satisfies the underlying local legal authority.

(4) If the lead agency identifies instances where questions on the checklist are adequately covered by a locally adopted ordinance, development regulation, land use plan, or other legal authority, an applicant may still provide answers to any questions on the checklist.

(5) Nothing in this section authorizes a lead agency to ignore or delete a question on the checklist.

(6) Nothing in this section changes the standard for whether an environmental impact statement is required for an action that may have a probable significant, adverse environmental impact pursuant to RCW 43.21C.030.

(7) Nothing in this section affects the appeal provisions provided in this chapter.

(8) Nothing in this section modifies existing rules for determining the lead agency, as defined in WAC 197-11-922 through 197-11-948, nor does it modify agency procedures for complying with the state environmental policy act when an agency other than a local government is serving as the lead agency.

**Sec. 310.** RCW 36.70A.490 and 1995 c 347 s 115 are each amended to read as follows:

The growth management planning and environmental review fund is hereby established in the state treasury. Moneys may be placed in the fund from the proceeds of bond sales, tax revenues, budget transfers, federal appropriations, gifts, or any other lawful source. Moneys in the fund may be spent only after appropriation. Moneys in the fund shall be used to make grants or loans to local governments for the purposes set forth in RCW 43.21C.240, 43.21C.031, or 36.70A.500. Any payment of either principal or interest, or both, derived from loans made from this fund must be deposited into the fund.

**Sec. 311.** RCW 36.70A.500 and 1997 c 429 s 28 are each amended to read as follows:

(1) The department of (~~community, trade, and economic development~~) commerce shall provide management services for the growth management planning and environmental review fund created by RCW 36.70A.490. The department shall establish procedures for fund management. The department shall encourage participation in the grant or loan program by other public agencies. The department shall develop the grant or loan criteria, monitor the grant or loan program, and select grant or loan recipients in consultation with state agencies participating in the grant or loan

program through the provision of grant or loan funds or technical assistance.

(2) A grant or loan may be awarded to a county or city that is required to or has chosen to plan under RCW 36.70A.040 and that is qualified pursuant to this section. The grant or loan shall be provided to assist a county or city in paying for the cost of preparing an environmental analysis under chapter 43.21C RCW, that is integrated with a comprehensive plan, subarea plan, plan element, countywide planning policy, development regulation, monitoring program, or other planning activity adopted under or implementing this chapter that:

(a) Improves the process for project permit review while maintaining environmental quality; or

(b) Encourages use of plans and information developed for purposes of complying with this chapter to satisfy requirements of other state programs.

(3) In order to qualify for a grant or loan, a county or city shall:

(a) Demonstrate that it will prepare an environmental analysis pursuant to chapter 43.21C RCW and subsection (2) of this section that is integrated with a comprehensive plan, subarea plan, plan element, countywide planning policy, development regulations, monitoring program, or other planning activity adopted under or implementing this chapter;

(b) Address environmental impacts and consequences, alternatives, and mitigation measures in sufficient detail to allow the analysis to be adopted in whole or in part by applicants for development permits within the geographic area analyzed in the plan;

(c) Demonstrate that procedures for review of development permit applications will be based on the integrated plans and environmental analysis;

(d) Include mechanisms to monitor the consequences of growth as it occurs in the plan area and to use the resulting data to update the plan, policy, or implementing mechanisms and associated environmental analysis;

(e) Demonstrate substantial progress towards compliance with the requirements of this chapter. A county or city that is more than six months out of compliance with a requirement of this chapter is deemed not to be making substantial progress towards compliance; and

(f) Provide local funding, which may include financial participation by the private sector.

(4) In awarding grants or loans, the department shall give preference to proposals that include one or more of the following elements:

(a) Financial participation by the private sector, or a public/private partnering approach;

(b) Identification and monitoring of system capacities for elements of the built environment, and to the extent appropriate, of the natural environment;

(c) Coordination with state, federal, and tribal governments in project review;

(d) Furtherance of important state objectives related to economic development, protection of areas of statewide significance, and siting of essential public facilities;

(e) Programs to improve the efficiency and effectiveness of the permitting process by greater reliance on integrated plans and prospective environmental analysis;

(f) Programs for effective citizen and neighborhood involvement that contribute to greater likelihood that planning decisions can be implemented with community support; (~~and~~)

(g) Programs to identify environmental impacts and establish mitigation measures that provide effective means to satisfy concurrency requirements and establish project consistency with the plans; or

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(h) Environmental review that addresses the impacts of increased density or intensity of comprehensive plans, subarea plans, or receiving areas designated by a city or town under the regional transfer of development rights program in chapter 43.362 RCW.

(5) If the local funding includes funding provided by other state functional planning programs, including open space planning and watershed or basin planning, the functional plan shall be integrated into and be consistent with the comprehensive plan.

(6) State agencies shall work with grant or loan recipients to facilitate state and local project review processes that will implement the projects receiving grants or loans under this section.

**Sec. 312.** RCW 43.21C.110 and 1997 c 429 s 47 are each amended to read as follows:

It shall be the duty and function of the department of ecology:

(1) To adopt and amend (~~hereafter~~) rules of interpretation and implementation of this chapter, subject to the requirements of chapter 34.05 RCW, for the purpose of providing uniform rules and guidelines to all branches of government including state agencies, political subdivisions, public and municipal corporations, and counties. The proposed rules shall be subject to full public hearings requirements associated with rule (~~promulgation~~) adoption. Suggestions for modifications of the proposed rules shall be considered on their merits, and the department shall have the authority and responsibility for full and appropriate independent (~~promulgation and~~) adoption of rules, assuring consistency with this chapter as amended and with the preservation of protections afforded by this chapter. The rule-making powers authorized in this section shall include, but shall not be limited to, the following phases of interpretation and implementation of this chapter:

(a) Categories of governmental actions which are not to be considered as potential major actions significantly affecting the quality of the environment, including categories pertaining to applications for water right permits pursuant to chapters 90.03 and 90.44 RCW. The types of actions included as categorical exemptions in the rules shall be limited to those types which are not major actions significantly affecting the quality of the environment. The rules shall provide for certain circumstances where actions which potentially are categorically exempt require environmental review. An action that is categorically exempt under the rules adopted by the department may not be conditioned or denied under this chapter.

(b) Rules for criteria and procedures applicable to the determination of when an act of a branch of government is a major action significantly affecting the quality of the environment for which a detailed statement is required to be prepared pursuant to RCW 43.21C.030.

(c) Rules and procedures applicable to the preparation of detailed statements and other environmental documents, including but not limited to rules for timing of environmental review, obtaining comments, data and other information, and providing for and determining areas of public participation which shall include the scope and review of draft environmental impact statements.

(d) Scope of coverage and contents of detailed statements assuring that such statements are simple, uniform, and as short as practicable; statements are required to analyze only reasonable alternatives and probable adverse environmental impacts which are significant, and may analyze beneficial impacts.

(e) Rules and procedures for public notification of actions taken and documents prepared.

(f) Definition of terms relevant to the implementation of this chapter including the establishment of a list of elements of the environment. Analysis of environmental considerations under RCW 43.21C.030(2) may be required only for those subjects listed as elements of the environment (or portions thereof). The list of

elements of the environment shall consist of the "natural" and "built" environment. The elements of the built environment shall consist of public services and utilities (such as water, sewer, schools, fire and police protection), transportation, environmental health (such as explosive materials and toxic waste), and land and shoreline use (including housing, and a description of the relationships with land use and shoreline plans and designations, including population).

(g) Rules for determining the obligations and powers under this chapter of two or more branches of government involved in the same project significantly affecting the quality of the environment.

(h) Methods to assure adequate public awareness of the preparation and issuance of detailed statements required by RCW 43.21C.030(2)(c).

(i) To prepare rules for projects setting forth the time limits within which the governmental entity responsible for the action shall comply with the provisions of this chapter.

(j) Rules for utilization of a detailed statement for more than one action and rules improving environmental analysis of nonproject proposals and encouraging better interagency coordination and integration between this chapter and other environmental laws.

(k) Rules relating to actions which shall be exempt from the provisions of this chapter in situations of emergency.

(l) Rules relating to the use of environmental documents in planning and decision making and the implementation of the substantive policies and requirements of this chapter, including procedures for appeals under this chapter.

(m) Rules and procedures that provide for the integration of environmental review with project review as provided in RCW 43.21C.240. The rules and procedures shall be jointly developed with the department of (~~community, trade, and economic development~~) commerce and shall be applicable to the preparation of environmental documents for actions in counties, cities, and towns planning under RCW 36.70A.040. The rules and procedures shall also include procedures and criteria to analyze planned actions under (~~RCW 43.21C.031(2))~~ section 303 of this act and revisions to the rules adopted under this section to ensure that they are compatible with the requirements and authorizations of chapter 347, Laws of 1995, as amended by chapter 429, Laws of 1997. Ordinances or procedures adopted by a county, city, or town to implement the provisions of chapter 347, Laws of 1995 prior to the effective date of rules adopted under this subsection (1)(m) shall continue to be effective until the adoption of any new or revised ordinances or procedures that may be required. If any revisions are required as a result of rules adopted under this subsection (1)(m), those revisions shall be made within the time limits specified in RCW 43.21C.120.

(2) In exercising its powers, functions, and duties under this section, the department may:

(a) Consult with the state agencies and with representatives of science, industry, agriculture, labor, conservation organizations, state and local governments, and other groups, as it deems advisable; and

(b) Utilize, to the fullest extent possible, the services, facilities, and information (including statistical information) of public and private agencies, organizations, and individuals, in order to avoid duplication of effort and expense, overlap, or conflict with similar activities authorized by law and performed by established agencies.

(3) Rules adopted pursuant to this section shall be subject to the review procedures of chapter 34.05 RCW.

**Sec. 313.** RCW 43.21C.095 and 1983 c 117 s 5 are each amended to read as follows:

The rules (~~promulgated~~) adopted under RCW 43.21C.110 shall be accorded substantial deference in the interpretation of this chapter.

**Sec. 314.** RCW 90.48.260 and 2011 c 353 s 12 are each amended to read as follows:

(1) The department of ecology is hereby designated as the state water pollution control agency for all purposes of the federal clean water act as it exists on February 4, 1987, and is hereby authorized to participate fully in the programs of the act as well as to take all action necessary to secure to the state the benefits and to meet the requirements of that act. With regard to the national estuary program established by section 320 of that act, the department shall exercise its responsibility jointly with the Puget Sound partnership, created in RCW 90.71.210. The department of ecology may delegate its authority under this chapter, including its national pollutant discharge elimination permit system authority and duties regarding animal feeding operations and concentrated animal feeding operations, to the department of agriculture through a memorandum of understanding. Until any such delegation receives federal approval, the department of agriculture's adoption or issuance of animal feeding operation and concentrated animal feeding operation rules, permits, programs, and directives pertaining to water quality shall be accomplished after reaching agreement with the director of the department of ecology. Adoption or issuance and implementation shall be accomplished so that compliance with such animal feeding operation and concentrated animal feeding operation rules, permits, programs, and directives will achieve compliance with all federal and state water pollution control laws. The powers granted herein include, among others, and notwithstanding any other provisions of this chapter (~~(90.48 RCW)~~) or otherwise, the following:

(a) Complete authority to establish and administer a comprehensive state point source waste discharge or pollution discharge elimination permit program which will enable the department to qualify for full participation in any national waste discharge or pollution discharge elimination permit system and will allow the department to be the sole agency issuing permits required by such national system operating in the state of Washington subject to the provisions of RCW 90.48.262(2). Program elements authorized herein may include, but are not limited to: (i) Effluent treatment and limitation requirements together with timing requirements related thereto; (ii) applicable receiving water quality standards requirements; (iii) requirements of standards of performance for new sources; (iv) pretreatment requirements; (v) termination and modification of permits for cause; (vi) requirements for public notices and opportunities for public hearings; (vii) appropriate relationships with the secretary of the army in the administration of his or her responsibilities which relate to anchorage and navigation, with the administrator of the environmental protection agency in the performance of his or her duties, and with other governmental officials under the federal clean water act; (viii) requirements for inspection, monitoring, entry, and reporting; (ix) enforcement of the program through penalties, emergency powers, and criminal sanctions; (x) a continuing planning process; and (xi) user charges.

(b) The power to establish and administer state programs in a manner which will (~~insure~~) ensure the procurement of moneys, whether in the form of grants, loans, or otherwise; to assist in the construction, operation, and maintenance of various water pollution control facilities and works; and the administering of various state water pollution control management, regulatory, and enforcement programs.

(c) The power to develop and implement appropriate programs pertaining to continuing planning processes, area-wide waste treatment management plans, and basin planning.

(2) The governor shall have authority to perform those actions required of him or her by the federal clean water act.

~~((2))~~ (3) By July 31, 2012, the department shall:

(a) Reissue without modification and for a term of one year any national pollutant discharge elimination system municipal storm water general permit applicable to western Washington municipalities first issued on January 17, 2007; and

(b) Issue an updated national pollutant discharge elimination system municipal storm water general permit applicable to western Washington municipalities for any permit first issued on January 17, 2007. An updated permit issued under this subsection shall become effective beginning August 1, 2013.

(i) Provisions of the updated permit issued under (b) of this subsection relating to new requirements for low-impact development and review and revision of local development codes, rules, standards, or other enforceable documents to incorporate low-impact development principles must be implemented simultaneously. These requirements may go into effect no earlier than December 31, 2016, or the time of the scheduled update under RCW 36.70A.130(5), as existing on the effective date of this section, whichever is later.

(ii) Provisions of the updated permit issued under (b) of this subsection related to increased catch basin inspection and illicit discharge detection frequencies and application of new storm water controls to projects smaller than one acre may go into effect no earlier than December 31, 2016, or the time of the scheduled update under RCW 36.70A.130(5), as existing on the effective date of this section, whichever is later.

(4) By July 31, 2012, the department shall:

(a) Reissue without modification and for a term of two years any national pollutant discharge elimination system municipal storm water general permit applicable to eastern Washington municipalities first issued on January 17, 2007; and

(b) Issue an updated national pollutant discharge elimination system municipal storm water general permit for any permit first issued on January 17, 2007, applicable to eastern Washington municipalities. An updated permit issued under this subsection becomes effective August 1, 2014."

Correct the title.

On page 47, line 13 of the striking amendment, after "RCW 36.70A.490;" insert "and"

On page 47, line 14 of the striking amendment, after "sources" strike "; and" and insert "."

On page 47, at the beginning of line 15, strike all material through line 35 on page 49

ReNUMBER the remaining sections consecutively and correct any internal references accordingly.  
and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

Senator Hargrove moved that the Senate concur in the House amendment(s) to Second Engrossed Substitute Senate Bill No. 6406.

Senator Hargrove spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Hargrove that the Senate concur in the House amendment(s) to Second Engrossed Substitute Senate Bill No. 6406.

The motion by Senator Hargrove carried and the Senate concurred in the House amendment(s) to Second Engrossed Substitute Senate Bill No. 6406 by voice vote.

The President declared the question before the Senate to be the final passage of Second Engrossed Substitute Senate Bill No. 6406, as amended by the House.

THIRTIETH DAY, APRIL 10, 2012

2012 1ST SPECIAL SESSION

ROLL CALL

The Secretary called the roll on the final passage of Second Engrossed Substitute Senate Bill No. 6406, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 34; Nays, 13; Absent, 0; Excused, 2.

Voting yea: Senators Becker, Benton, Carrell, Delvin, Eide, Ericksen, Fain, Frockt, Hargrove, Hatfield, Haugen, Hill, Hobbs, Holmquist Newbry, Honeyford, Kastama, Keiser, Kilmer, King, Litzow, Morton, Nelson, Parlette, Pflug, Ranker, Regala, Roach, Rolfes, Schoesler, Sheldon, Shin, Swecker, Tom and Zarelli

Voting nay: Senators Baumgartner, Brown, Chase, Conway, Fraser, Harper, Kline, Kohl-Welles, McAuliffe, Murray, Padden, Prentice and Pridemore

Excused: Senators Hewitt and Stevens

SECOND ENGROSSED SUBSTITUTE SENATE BILL NO. 6406, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Eide, the Senate advanced to the sixth order of business.

SECOND READING

SENATE CONCURRENT RESOLUTION NO. 8412, by Senators Brown and Parlette

Returning bills to their house of origin.

The measure was read the second time.

MOTION

On motion of Senator Eide, the rules were suspended, Senate Concurrent Resolution No. 8412 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the final passage of Senate Concurrent Resolution No. 8412.

SENATE CONCURRENT RESOLUTION NO. 8412 was adopted on third reading by voice vote.

SECOND READING

SENATE CONCURRENT RESOLUTION NO. 8413, by Senators Brown and Parlette

Adjourning SINE DIE.

The measure was read the second time.

MOTION

On motion of Senator Eide, the rules were suspended, Senate Concurrent Resolution No. 8413 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the final passage of Senate Concurrent Resolution No. 8413.

SENATE CONCURRENT RESOLUTION NO. 8413 was adopted on third reading by voice vote.

MOTION

On motion of Senator Eide and without objection, the measures on the second and third reading calendars and held at the desk were referred to the Committee on Rules.

MOTION

On motion of Senator Eide, the reading of the Journal for the 30<sup>th</sup> day of the 2012 First Special Session of the 62<sup>nd</sup> Legislature was dispensed with and it was approved.

SIGNED BY THE PRESIDENT

The President signed:  
SECOND ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6204.

SIGNED BY THE PRESIDENT

The President signed:  
SECOND ENGROSSED SUBSTITUTE SENATE BILL NO. 6406.

MESSAGE FROM THE HOUSE

April 10, 2012

MR. PRESIDENT:  
The House has adopted:  
SENATE CONCURRENT RESOLUTION NO. 8412,  
SENATE CONCURRENT RESOLUTION NO. 8413,  
and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:  
SENATE CONCURRENT RESOLUTION NO. 8412,  
SENATE CONCURRENT RESOLUTION NO. 8413.

MESSAGE FROM THE HOUSE

April 10, 2012

MR. PRESIDENT:  
The Speaker has signed:  
HOUSE BILL NO. 2822.  
and the same is herewith transmitted.

BARBARA BAKER, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:  
HOUSE BILL NO. 2822.

MESSAGE FROM THE HOUSE

April 10, 2012



HOUSE BILL NO. 2830,

MR. PRESIDENT:

The Speaker has signed:  
SECOND ENGROSSED SENATE BILL NO. 6378,  
and the same is herewith transmitted.

BARBARA BAKER, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:

SUBSTITUTE SENATE BILL NO. 6636.

MESSAGE FROM THE HOUSE

April 10, 2012

MR. PRESIDENT:

The Speaker has signed:  
HOUSE BILL NO. 2824,  
HOUSE BILL NO. 2834,  
and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:

HOUSE BILL NO. 2824,  
HOUSE BILL NO. 2834.

MESSAGE FROM THE HOUSE

April 10, 2012

MR. PRESIDENT:

The Speaker has signed:  
SECOND ENGROSSED SECOND SUBSTITUTE  
SENATE BILL NO. 6204,  
SECOND ENGROSSED SUBSTITUTE SENATE BILL  
NO. 6406,  
SUBSTITUTE SENATE BILL NO. 6636,  
SENATE CONCURRENT RESOLUTION NO. 8412.  
and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MESSAGE FROM THE HOUSE

April 10, 2012

MR. PRESIDENT:

The Speaker has signed:  
SENATE CONCURRENT RESOLUTION NO. 8413.  
and the same is herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

Under the provisions of SENATE CONCURRENT  
RESOLUTION NO. 8412, the following House Bills were  
returned to the House of Representatives:

THIRD ENGROSSED SUBSTITUTE HOUSE BILL NO.  
2127,  
THIRD ENGROSSED SECOND SUBSTITUTE HOUSE  
BILL NO. 2565,  
ENGROSSED HOUSE BILL NO. 2821,

MESSAGE FROM THE HOUSE

MR. PRESIDENT:

Under the provisions of SENATE CONCURRENT  
RESOLUTION NO. 8412, the following Senate bills were  
returned to the Senate:

SUBSTITUTE SENATE BILL NO. 5940,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 6392,  
ENGROSSED SENATE JOINT RESOLUTION NO. 8221,  
and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

At 12:01 a.m., on motion of Senator Eide, the 2012 First  
Special Session of the Sixty-Second Legislature adjourned SINE  
DIE.

BRAD OWEN, President of the Senate

THOMAS HOEMANN, Secretary of the Senate

**SENATE JOURNAL**  
**SIXTY-SECOND LEGISLATURE**  
**STATE OF WASHINGTON**  
**AT**  
**OLYMPIA, THE STATE CAPITOL**

*2012 Second Special Session Convened April 11, 2012*  
*Adjourned Sine Die April 11, 2012*

Official Record of All Senate Actions Compiled, Edited and Indexed  
Pursuant to Article II, Section 11 of the Constitution of the State of  
Washington, by Thomas Hoemann, Secretary of the Senate



Linda Jansson,  
Minute and Journal Clerk

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Lieutenant Governor Brad Owen, *President of the Senate*  
Senator Margarita Prentice, *President Pro Tempore*  
Senator Paull Shin, *Vice President Pro Tempore*

**SENATE CAUCUS OFFICERS**

**2012**

**DEMOCRATIC CAUCUS**

*Majority Leader*.....Lisa Brown  
*Majority Caucus Chair*.....Karen Fraser  
*Majority Floor Leader* .....Tracey J. Eide  
*Majority Whip* .....Nick Harper  
*Majority Assistant Floor Leader*.....David Frockt  
*Majority Caucus Vice Chair* .....Debbie Regala  
*Majority Assistant Whip* .....Kevin Ranker

**REPUBLICAN CAUCUS**

*Republican Leader*.....Mike Hewitt  
*Republican Caucus Chair* .....Linda Evans Parlette  
*Republican Floor Leader*.....Mark Schoesler  
*Republican Whip*.....Doug Ericksen  
*Republican Deputy Leader*.....Mike Carrell  
*Republican Caucus Vice Chair*.....Dan Swecker  
*Republican Deputy Floor Leader*.....Jim Honeyford  
*Republican Deputy Whip*.....Jerome Delvin

=====

*Secretary of the Senate* ..... Thomas Hoemann  
*Deputy Secretary* ..... Brad Hendrickson  
*Sergeant at Arms* ..... Jim Ruble  
*Minute and Journal Clerk* ..... Linda Jansson  
*Readers* ..... Kenneth Edmonds and Dave Whitmore

**FIRST DAY**

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MORNING SESSION

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Senate Chamber, Olympia, Wednesday, April 11, 2012

The Senate was called to order at 2:01 a.m. by President Owen. The Secretary called the roll and announced to the President that all members were present with the exception of Senators Ericksen, Hewitt, Morton and Stevens.

MOTION

On motion of Senator Eide, the Senate advanced to the third order of business.

MESSAGE FROM THE GOVERNOR

PROCLAMATION BY THE GOVERNOR  
12-05

WHEREAS, in accordance with Article II, Section 12 (Amendment 68) of the Washington State Constitution, the Legislature adjourned its 2012 regular session on March 8, 2012, the 60<sup>th</sup> day of the session and adjourned its 1<sup>st</sup> special session of 2012 on April 10, 2012, the 30<sup>th</sup> day of the special session; and WHEREAS, substantial progress has been made by the Legislature in its 1<sup>st</sup> special session of 2012 to address matters relating to the supplemental biennial operating and capital budgets, bills necessary to implement those budgets, and health care benefits for K-12 school employees; and WHEREAS, the Speaker of the House, House Minority Leader, Senate Majority Leader, and Senate Republican Leader agree that the Legislature can continue and complete its work in a one-day 2<sup>nd</sup> special session convened immediately following the adjournment of the 1<sup>st</sup> special session; and WHEREAS, work remains to be done with respect to the supplemental biennial operating and capital budgets, bills necessary to implement those budgets, and health care benefits for K-12 school employees; and WHEREAS, the Speaker of the House, House Minority Leader, Senate Majority Leader, and Senate Republican Leader together with the Governor may agree upon additional matters that are necessary for the Legislature to address;

NOW, THEREFORE, I, Christine O. Gregoire, Governor of the state of Washington, by virtue of the authority vested in me by Article II, Section 12 (Amendment 68) and Article III, Section 7 of the Washington State Constitution, do hereby convene the Washington State Legislature in Special Session in the Capitol at Olympia on April 11, 2012 at 12:01 a.m. for one day for the purpose of enacting legislation as described above.

Signed and sealed with the official seal of the state of Washington this 11<sup>th</sup> day of April, A. D. Two-thousand and Twelve at Olympia, Washington

Seal

CHRISTINE O. GREGOIRE,  
Governor of Washington

BY THE GOVERNOR  
SAM REED  
Secretary of State

MOTION

On motion of Senator Eide, the Senate advanced to the fourth order of business.

MESSAGE FROM THE HOUSE

April 11, 2012

MR. PRESIDENT:  
The House has adopted:  
HOUSE CONCURRENT RESOLUTION NO. 4412.  
and the same is herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

On motion of Senator Eide, the Senate advanced to the fifth order of business.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

HCR 4412 by Representatives Sullivan and Kretz

Specifying the status of bills.

MOTION

On motion of Senator Eide and without objection, House Concurrent Resolution No. 4412 was placed on the second reading calendar under suspension of the rules.

MOTION TO LIMIT DEBATE

Senator Eide: "Mr. President, I move that the members of the Senate be allowed to speak but once on each question before the Senate, that such speech be limited to three minutes and that members be prohibited from yielding their time, however, the maker of a motion shall be allowed to open and close debate. This motion shall be in effect through April 11, 2012."

The President declared the question before the Senate to be the motion by Senator Eide to limit debate.

The motion by Senator Eide carried and debate was limited through April 11, 2012 by voice vote.

MOTION

On motion of Senator Eide and without objection, the rules were suspended and pursuant to Rule 48, the Committee on Rules was relieved of further consideration of Engrossed Senate Joint Resolution No. 8221 and, Substitute Senate Bill No. 5940 and the measures were placed on the day's third reading calendar; the Committee on Rules was relieved of further consideration of Senate Bill No. 6635, Senate Bill No. 5127, and Engrossed Senate Bill No. 6074 and the measures were placed on the day's second reading calendar.

MOTION

On motion of Senator Eide, the Senate advanced to the sixth order of business.

SECOND READING

HOUSE CONCURRENT RESOLUTION NO. 4412, by Representatives Sullivan and Kretz

Specifying the status of bills.

The measure was read the second time.

MOTION

On motion of Senator Eide, the rules were suspended, House Concurrent Resolution No. 4412 was advanced to third reading, the second reading considered the third and the resolution was placed on final passage.

The President declared the question before the Senate to be the final passage of House Concurrent Resolution No. 4412.

HOUSE CONCURRENT RESOLUTION NO. 4412 was adopted on third reading by voice vote.

MOTION

On motion of Senator Eide, the Senate advanced to the seventh order of business.

THIRD READING

ENGROSSED SENATE JOINT RESOLUTION NO. 8221, by Senators Parlette, Kilmer, Benton, Murray, Brown, King, Hewitt, Becker and Morton.

Amending the Constitution to include the recommendations of the commission on state debt.

The resolution was read on Third Reading.

Senator Parlette spoke in favor of passage of the resolution.

MOTION

On motion of Senator Holmquist Newbry, Senators Ericksen, Hewitt, Morton and Stevens were excused.

The President declared the question before the Senate to be the final passage of Engrossed Senate Joint Resolution No. 8221.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Joint Resolution No. 8221 and the resolution passed the Senate by the following vote: Yeas, 38; Nays, 7; Absent, 0; Excused, 4.

Voting yea: Senators Baumgartner, Becker, Benton, Brown, Carrell, Delvin, Eide, Fain, Fraser, Frockt, Hargrove, Harper, Hatfield, Haugen, Hill, Hobbs, Holmquist Newbry, Honeyford, Kastama, Kilmer, King, Kline, Litzow, McAuliffe, Murray, Padden, Parlette, Pflug, Prentice, Regala, Roach, Rolfes, Schoesler, Sheldon, Shin, Swecker, Tom and Zarelli

Voting nay: Senators Chase, Conway, Keiser, Kohl-Welles, Nelson, Pridemore and Ranker

Excused: Senators Ericksen, Hewitt, Morton and Stevens

ENGROSSED SENATE JOINT RESOLUTION NO. 8221, having received the constitutional majority, was declared passed.

MOTION

On motion of Senator Eide, the Senate reverted to the fourth order of business.

MESSAGE FROM THE HOUSE

April 11, 2012

MR. PRESIDENT:

The House has passed HOUSE BILL NO. 2830, and the same is herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

On motion of Senator Eide, the Senate advanced to the fifth order of business.

SUPPLEMENTAL INTRODUCTION AND FIRST READING OF HOUSE BILLS

HB 2830 by Representative Hunter

AN ACT Relating to language access providers; amending RCW 41.56.030, 41.56.510, and 74.04.025; creating new sections; and declaring an emergency.

MOTION

On motion of Senator Eide and without objection, House Bill No. 2830 was placed on the day's second reading calendar under suspension of the rules.

MOTION

On motion of Senator Eide, the Senate advanced to the sixth order of business.

SECOND READING

SENATE BILL NO. 6635, by Senators Murray and Kline

Improving revenue and budget sustainability by repealing, modifying, or revising tax preferences. (REVISED FOR ENGROSSED: Improving revenue and budget sustainability by repealing, modifying, or revising tax preference and license fees.)

The measure was read the second time.

MOTION

Senator Murray moved that the following striking amendment by Senators Murray and Zarelli be adopted:

Strike everything after the enacting clause and insert the following:

"PART I

**LIMITING THE FIRST INTEREST MORTGAGE B&O DEDUCTION TO COMMUNITY BANKS**

NEW SECTION. **Sec. 101.** A new section is added to chapter 82.04 RCW to read as follows:

(1) Amounts received as interest on loans originated by a person located in more than ten states, or an affiliate of such person, and primarily secured by first mortgages or trust deeds on nontransient residential properties are subject to tax under RCW 82.04.290(2)(a).

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(2) For the purposes of this subsection, a person is located in a state if:

(a) The person or an affiliate of the person maintains a branch, office, or one or more employees or representatives in the state; and

(b) Such in-state presence allows borrowers or potential borrowers to contact the branch, office, employee, or representative concerning the acquiring, negotiating, renegotiating, or restructuring of, or making payments on, mortgages issued or to be issued by the person or an affiliate of the person.

(3) For purposes of this section:

(a) "Affiliate" means a person is affiliated with another person, and "affiliated" has the same meaning as in RCW 82.04.645; and

(b) "Interest" has the same meaning as in RCW 82.04.4292 and also includes servicing fees described in RCW 82.04.4292(4).

**Sec. 102.** RCW 82.04.4292 and 2010 1st sp.s. c 23 s 301 are each amended to read as follows:

(1) In computing tax there may be deducted from the measure of tax by those engaged in banking, loan, security or other financial businesses, interest received on investments or loans primarily secured by first mortgages or trust deeds on nontransient residential properties.

(2) Interest deductible under this section includes the portion of fees charged to borrowers, including points and loan origination fees, that is recognized over the life of the loan as an adjustment to yield in the taxpayer's books and records according to generally accepted accounting principles.

(3) Subsections (1) and (2) of this section notwithstanding, the following is a nonexclusive list of items that are not deductible under this section:

(a) Fees for specific services such as: Document preparation fees; finder fees; brokerage fees; title examination fees; fees for credit checks; notary fees; loan application fees; interest lock-in fees if the loan is not made; servicing fees; and similar fees or amounts;

(b) Fees received in consideration for an agreement to make funds available for a specific period of time at specified terms, commonly referred to as commitment fees;

(c) Any other fees, or portion of a fee, that is not recognized over the life of the loan as an adjustment to yield in the taxpayer's books and records according to generally accepted accounting principles;

(d) Gains on the sale of valuable rights such as service release premiums, which are amounts received when servicing rights are sold; and

(e) Gains on the sale of loans, except deferred loan origination fees and points deductible under subsection (2) of this section, are not to be considered part of the proceeds of sale of the loan.

(4) Notwithstanding subsection (3) of this section, in computing tax there may be deducted from the measure of tax by those engaged in banking, loan, security, or other financial businesses, amounts received for servicing loans primarily secured by first mortgages or trust deeds on nontransient residential properties, including such loans that secure mortgage-backed or mortgage-related securities, but only if:

(a)(i) The loans were originated by the person claiming a deduction under this subsection (4) and that person either sold the loans on the secondary market or securitized the loans and sold the securities on the secondary market; or

(ii)(A) The person claiming a deduction under this subsection (4) acquired the loans from the person that originated the loans through a merger or acquisition of substantially all of the assets of the person who originated the loans, or the person claiming a deduction under this subsection (4) is affiliated with the person that originated the loans. For purposes of this subsection, "affiliated" means under common control. "Control" means the possession, directly or indirectly, of more than fifty percent of the power to

direct or cause the direction of the management and policies of a person, whether through the ownership of voting shares, by contract, or otherwise; and

(B) Either the person who originated the loans or the person claiming a deduction under this subsection (4) sold the loans on the secondary market or securitized the loans and sold the securities on the secondary market; and

(b) The amounts received for servicing the loans are determined by a percentage of the interest paid by the borrower and are only received if the borrower makes interest payments.

(5) The deductions provided in this section do not apply to persons subject to tax under section 101 of this act.

(6) By June 30, 2015, the joint legislative audit and review committee must review the deductions provided in this section in accordance with RCW 43.136.055 and make a recommendation as to whether the deductions should be continued without modification, modified, or terminated immediately.

## PART II

### EXTENDING THE B&O TAX EXEMPTION FOR FRUIT, VEGETABLE, DAIRY, AND SEAFOOD BUSINESSES

**Sec. 201.** RCW 82.04.4266 and 2011 c 2 s 202 (Initiative Measure No. 1107) are each amended to read as follows:

(1) This chapter does not apply to the value of products or the gross proceeds of sales derived from:

(a) Manufacturing fruits or vegetables by canning, preserving, freezing, processing, or dehydrating fresh fruits or vegetables; or

(b) Selling at wholesale fruits or vegetables manufactured by the seller by canning, preserving, freezing, processing, or dehydrating fresh fruits or vegetables and sold to purchasers who transport in the ordinary course of business the goods out of this state. A person taking an exemption under this subsection (1)(b) must keep and preserve records for the period required by RCW 82.32.070 establishing that the goods were transported by the purchaser in the ordinary course of business out of this state.

(2) A person claiming the exemption provided in this section must file a complete annual survey with the department under RCW 82.32.585.

(3) This section expires July 1, (~~2012~~) 2017.

**Sec. 202.** RCW 82.04.4268 and 2010 c 114 s 112 are each amended to read as follows:

(1) This chapter does not apply to the value of products or the gross proceeds of sales derived from:

(a) Manufacturing dairy products; or

(b) Selling manufactured dairy products to purchasers who transport in the ordinary course of business the goods out of this state. A person taking an exemption under this subsection (1)(b) must keep and preserve records for the period required by RCW 82.32.070 establishing that the goods were transported by the purchaser in the ordinary course of business out of this state.

(2) "Dairy products" means dairy products that as of September 20, 2001, are identified in 21 C.F.R., chapter 1, parts 131, 133, and 135, including byproducts from the manufacturing of the dairy products such as whey and casein.

(3) A person claiming the exemption provided in this section must file a complete annual survey with the department under RCW 82.32.585.

(4) This section expires July 1, (~~2012~~) 2017.

**Sec. 203.** RCW 82.04.4269 and 2010 c 114 s 113 are each amended to read as follows:

(1) This chapter does not apply to the value of products or the gross proceeds of sales derived from:

(a) Manufacturing seafood products that remain in a raw, raw frozen, or raw salted state at the completion of the manufacturing by that person; or

(b) Selling manufactured seafood products that remain in a raw, raw frozen, or raw salted state to purchasers who transport in the ordinary course of business the goods out of this state. A person taking an exemption under this subsection (1)(b) must keep and preserve records for the period required by RCW 82.32.070 establishing that the goods were transported by the purchaser in the ordinary course of business out of this state.

(2) A person claiming the exemption provided in this section must file a complete annual survey with the department under RCW 82.32.585.

(3) This section expires July 1, ~~((2012))~~ 2017.

**Sec. 204.** RCW 82.04.260 and 2011 c 2 s 203 (Initiative Measure No. 1107) are each amended to read as follows:

(1) Upon every person engaging within this state in the business of manufacturing:

(a) Wheat into flour, barley into pearl barley, soybeans into soybean oil, canola into canola oil, canola meal, or canola by-products, or sunflower seeds into sunflower oil; as to such persons the amount of tax with respect to such business is equal to the value of the flour, pearl barley, oil, canola meal, or canola by-product manufactured, multiplied by the rate of 0.138 percent;

(b) Beginning July 1, ~~((2012))~~ 2017, seafood products that remain in a raw, raw frozen, or raw salted state at the completion of the manufacturing by that person; or selling manufactured seafood products that remain in a raw, raw frozen, or raw salted state at the completion of the manufacturing, to purchasers who transport in the ordinary course of business the goods out of this state; as to such persons the amount of tax with respect to such business is equal to the value of the products manufactured or the gross proceeds derived from such sales, multiplied by the rate of 0.138 percent. Sellers must keep and preserve records for the period required by RCW 82.32.070 establishing that the goods were transported by the purchaser in the ordinary course of business out of this state;

(c) Beginning July 1, ~~((2012))~~ 2017, dairy products that as of September 20, 2001, are identified in 21 C.F.R., chapter 1, parts 131, 133, and 135, including by-products from the manufacturing of the dairy products such as whey and casein; or selling the same to purchasers who transport in the ordinary course of business the goods out of state; as to such persons the tax imposed is equal to the value of the products manufactured or the gross proceeds derived from such sales multiplied by the rate of 0.138 percent. Sellers must keep and preserve records for the period required by RCW 82.32.070 establishing that the goods were transported by the purchaser in the ordinary course of business out of this state;

(d) Beginning July 1, ~~((2012))~~ 2017, fruits or vegetables by canning, preserving, freezing, processing, or dehydrating fresh fruits or vegetables, or selling at wholesale fruits or vegetables manufactured by the seller by canning, preserving, freezing, processing, or dehydrating fresh fruits or vegetables and sold to purchasers who transport in the ordinary course of business the goods out of this state; as to such persons the amount of tax with respect to such business is equal to the value of the products manufactured or the gross proceeds derived from such sales multiplied by the rate of 0.138 percent. Sellers must keep and preserve records for the period required by RCW 82.32.070 establishing that the goods were transported by the purchaser in the ordinary course of business out of this state;

(e) Until July 1, 2009, alcohol fuel, biodiesel fuel, or biodiesel feedstock, as those terms are defined in RCW 82.29A.135; as to such persons the amount of tax with respect to the business is equal to the value of alcohol fuel, biodiesel fuel, or biodiesel feedstock manufactured, multiplied by the rate of 0.138 percent; and

(f) Wood biomass fuel as defined in RCW 82.29A.135; as to such persons the amount of tax with respect to the business is equal to the value of wood biomass fuel manufactured, multiplied by the rate of 0.138 percent.

(2) Upon every person engaging within this state in the business of splitting or processing dried peas; as to such persons the amount of tax with respect to such business is equal to the value of the peas split or processed, multiplied by the rate of 0.138 percent.

(3) Upon every nonprofit corporation and nonprofit association engaging within this state in research and development, as to such corporations and associations, the amount of tax with respect to such activities is equal to the gross income derived from such activities multiplied by the rate of 0.484 percent.

(4) Upon every person engaging within this state in the business of slaughtering, breaking and/or processing perishable meat products and/or selling the same at wholesale only and not at retail; as to such persons the tax imposed is equal to the gross proceeds derived from such sales multiplied by the rate of 0.138 percent.

(5) Upon every person engaging within this state in the business of acting as a travel agent or tour operator; as to such persons the amount of the tax with respect to such activities is equal to the gross income derived from such activities multiplied by the rate of 0.275 percent.

(6) Upon every person engaging within this state in business as an international steamship agent, international customs house broker, international freight forwarder, vessel and/or cargo charter broker in foreign commerce, and/or international air cargo agent; as to such persons the amount of the tax with respect to only international activities is equal to the gross income derived from such activities multiplied by the rate of 0.275 percent.

(7) Upon every person engaging within this state in the business of stevedoring and associated activities pertinent to the movement of goods and commodities in waterborne interstate or foreign commerce; as to such persons the amount of tax with respect to such business is equal to the gross proceeds derived from such activities multiplied by the rate of 0.275 percent. Persons subject to taxation under this subsection are exempt from payment of taxes imposed by chapter 82.16 RCW for that portion of their business subject to taxation under this subsection. Stevedoring and associated activities pertinent to the conduct of goods and commodities in waterborne interstate or foreign commerce are defined as all activities of a labor, service or transportation nature whereby cargo may be loaded or unloaded to or from vessels or barges, passing over, onto or under a wharf, pier, or similar structure; cargo may be moved to a warehouse or similar holding or storage yard or area to await further movement in import or export or may move to a consolidation freight station and be stuffed, unstuffed, containerized, separated or otherwise segregated or aggregated for delivery or loaded on any mode of transportation for delivery to its consignee. Specific activities included in this definition are: Wharfage, handling, loading, unloading, moving of cargo to a convenient place of delivery to the consignee or a convenient place for further movement to export mode; documentation services in connection with the receipt, delivery, checking, care, custody and control of cargo required in the transfer of cargo; imported automobile handling prior to delivery to consignee; terminal stevedoring and incidental vessel services, including but not limited to plugging and unplugging refrigerator service to containers, trailers, and other refrigerated cargo receptacles, and securing ship hatch covers.

(8) Upon every person engaging within this state in the business of disposing of low-level waste, as defined in RCW 43.145.010; as to such persons the amount of the tax with respect to such business is equal to the gross income of the business, excluding any fees

FIRST DAY, APRIL 11, 2012

imposed under chapter 43.200 RCW, multiplied by the rate of 3.3 percent.

If the gross income of the taxpayer is attributable to activities both within and without this state, the gross income attributable to this state must be determined in accordance with the methods of apportionment required under RCW 82.04.460.

(9) Upon every person engaging within this state as an insurance producer or title insurance agent licensed under chapter 48.17 RCW or a surplus line broker licensed under chapter 48.15 RCW; as to such persons, the amount of the tax with respect to such licensed activities is equal to the gross income of such business multiplied by the rate of 0.484 percent.

(10) Upon every person engaging within this state in business as a hospital, as defined in chapter 70.41 RCW, that is operated as a nonprofit corporation or by the state or any of its political subdivisions, as to such persons, the amount of tax with respect to such activities is equal to the gross income of the business multiplied by the rate of 0.75 percent through June 30, 1995, and 1.5 percent thereafter.

(11)(a) Beginning October 1, 2005, upon every person engaging within this state in the business of manufacturing commercial airplanes, or components of such airplanes, or making sales, at retail or wholesale, of commercial airplanes or components of such airplanes, manufactured by the seller, as to such persons the amount of tax with respect to such business is, in the case of manufacturers, equal to the value of the product manufactured and the gross proceeds of sales of the product manufactured, or in the case of processors for hire, equal to the gross income of the business, multiplied by the rate of:

(i) 0.4235 percent from October 1, 2005, through June 30, 2007; and

(ii) 0.2904 percent beginning July 1, 2007.

(b) Beginning July 1, 2008, upon every person who is not eligible to report under the provisions of (a) of this subsection (11) and is engaging within this state in the business of manufacturing tooling specifically designed for use in manufacturing commercial airplanes or components of such airplanes, or making sales, at retail or wholesale, of such tooling manufactured by the seller, as to such persons the amount of tax with respect to such business is, in the case of manufacturers, equal to the value of the product manufactured and the gross proceeds of sales of the product manufactured, or in the case of processors for hire, be equal to the gross income of the business, multiplied by the rate of 0.2904 percent.

(c) For the purposes of this subsection (11), "commercial airplane" and "component" have the same meanings as provided in RCW 82.32.550.

(d) In addition to all other requirements under this title, a person reporting under the tax rate provided in this subsection (11) must file a complete annual report with the department under RCW 82.32.534.

(e) This subsection (11) does not apply on and after July 1, 2024.

(12)(a) Until July 1, 2024, upon every person engaging within this state in the business of extracting timber or extracting for hire timber; as to such persons the amount of tax with respect to the business is, in the case of extractors, equal to the value of products, including by-products, extracted, or in the case of extractors for hire, equal to the gross income of the business, multiplied by the rate of 0.4235 percent from July 1, 2006, through June 30, 2007, and 0.2904 percent from July 1, 2007, through June 30, 2024.

(b) Until July 1, 2024, upon every person engaging within this state in the business of manufacturing or processing for hire: (i) Timber into timber products or wood products; or (ii) timber products into other timber products or wood products; as to such

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persons the amount of the tax with respect to the business is, in the case of manufacturers, equal to the value of products, including by-products, manufactured, or in the case of processors for hire, equal to the gross income of the business, multiplied by the rate of 0.4235 percent from July 1, 2006, through June 30, 2007, and 0.2904 percent from July 1, 2007, through June 30, 2024.

(c) Until July 1, 2024, upon every person engaging within this state in the business of selling at wholesale: (i) Timber extracted by that person; (ii) timber products manufactured by that person from timber or other timber products; or (iii) wood products manufactured by that person from timber or timber products; as to such persons the amount of the tax with respect to the business is equal to the gross proceeds of sales of the timber, timber products, or wood products multiplied by the rate of 0.4235 percent from July 1, 2006, through June 30, 2007, and 0.2904 percent from July 1, 2007, through June 30, 2024.

(d) Until July 1, 2024, upon every person engaging within this state in the business of selling standing timber; as to such persons the amount of the tax with respect to the business is equal to the gross income of the business multiplied by the rate of 0.2904 percent. For purposes of this subsection (12)(d), "selling standing timber" means the sale of timber apart from the land, where the buyer is required to sever the timber within thirty months from the date of the original contract, regardless of the method of payment for the timber and whether title to the timber transfers before, upon, or after severance.

(e) For purposes of this subsection, the following definitions apply:

(i) "Biocomposite surface products" means surface material products containing, by weight or volume, more than fifty percent recycled paper and that also use nonpetroleum-based phenolic resin as a bonding agent.

(ii) "Paper and paper products" means products made of interwoven cellulosic fibers held together largely by hydrogen bonding. "Paper and paper products" includes newsprint; office, printing, fine, and pressure-sensitive papers; paper napkins, towels, and toilet tissue; kraft bag, construction, and other kraft industrial papers; paperboard, liquid packaging containers, containerboard, corrugated, and solid-fiber containers including linerboard and corrugated medium; and related types of cellulosic products containing primarily, by weight or volume, cellulosic materials. "Paper and paper products" does not include books, newspapers, magazines, periodicals, and other printed publications, advertising materials, calendars, and similar types of printed materials.

(iii) "Recycled paper" means paper and paper products having fifty percent or more of their fiber content that comes from postconsumer waste. For purposes of this subsection (12)(e)(iii), "postconsumer waste" means a finished material that would normally be disposed of as solid waste, having completed its life cycle as a consumer item.

(iv) "Timber" means forest trees, standing or down, on privately or publicly owned land. "Timber" does not include Christmas trees that are cultivated by agricultural methods or short-rotation hardwoods as defined in RCW 84.33.035.

(v) "Timber products" means:

(A) Logs, wood chips, sawdust, wood waste, and similar products obtained wholly from the processing of timber, short-rotation hardwoods as defined in RCW 84.33.035, or both;

(B) Pulp, including market pulp and pulp derived from recovered paper or paper products; and

(C) Recycled paper, but only when used in the manufacture of biocomposite surface products.

(vi) "Wood products" means paper and paper products; dimensional lumber; engineered wood products such as particleboard, oriented strand board, medium density fiberboard,



and plywood; wood doors; wood windows; and biocomposite surface products.

(f) Except for small harvesters as defined in RCW 84.33.035, a person reporting under the tax rate provided in this subsection (12) must file a complete annual survey with the department under RCW 82.32.585.

(13) Upon every person engaging within this state in inspecting, testing, labeling, and storing canned salmon owned by another person, as to such persons, the amount of tax with respect to such activities is equal to the gross income derived from such activities multiplied by the rate of 0.484 percent.

(14)(a) Upon every person engaging within this state in the business of printing a newspaper, publishing a newspaper, or both, the amount of tax on such business is equal to the gross income of the business multiplied by the rate of 0.2904 percent.

(b) A person reporting under the tax rate provided in this subsection (14) must file a complete annual report with the department under RCW 82.32.534.

### PART III AMENDING THE SALES AND USE TAX EXEMPTION FOR CERTAIN EQUIPMENT USED IN COMPUTER DATA CENTERS

**NEW SECTION. Sec. 301.** (1) It is the legislature's intent to encourage immediate investments in technology facilities that can provide an economic stimulus, sustain long-term jobs that provide living wages, and help build the digital infrastructure that can enable the state to be competitive for additional technology investment and jobs.

(2) There is currently an intense competition for data center construction and operation in many states including: Oregon, Arizona, North and South Carolina, North Dakota, Iowa, Virginia, Texas, and Illinois. Unprecedented incentives are available as a result of the desire of these states to attract investments that will serve as a catalyst for additional clusters of economic activity.

(3) Data center technology has advanced rapidly, with marked increases in energy efficiency. Large, commercial-grade data centers leverage the economies of scale to reduce energy consumption. Combining digitized processes with the economies of scale recognized at these data centers, today's enterprises can materially reduce the energy they consume and greatly improve their efficiency.

(4) The legislature finds that offering an exemption for server and related electrical equipment and installation will act as a stimulus to incent immediate investment. This investment will bring jobs, tax revenues, and economic growth to some of our state's rural areas.

**Sec. 302.** RCW 82.08.986 and 2010 1st sp.s. c 23 s 1601 are each amended to read as follows:

(1) An exemption from the tax imposed by RCW 82.08.020 is provided for sales to qualifying businesses and to qualifying tenants of eligible server equipment to be installed, without intervening use, in an eligible computer data center, and to charges made for labor and services rendered in respect to installing eligible server equipment. The exemption also applies to sales to qualifying businesses and to qualifying tenants of eligible power infrastructure, including labor and services rendered in respect to constructing, installing, repairing, altering, or improving eligible power infrastructure.

(2)(a) In order to claim the exemption under this section, a qualifying business or a qualifying tenant must submit an application to the department for an exemption certificate. The application must include the information necessary, as required by the department, to determine that a business or tenant qualifies for

the exemption under this section. The department must issue exemption certificates to qualifying businesses and qualifying tenants. The department may assign a unique identification number to each exemption certificate issued under this section.

(b) A qualifying business or a qualifying tenant claiming the exemption under this section must present the seller with an exemption certificate in a form and manner prescribed by the department. The seller must retain a copy of the certificate for the seller's files.

(3)(a) Within six years of the date that the department issued an exemption certificate under this section to a qualifying business or a qualifying tenant with respect to an eligible computer data center, the qualifying business or qualifying tenant must establish that net employment at the eligible computer data center has increased by a minimum of:

(i) Thirty-five family wage employment positions; or

(ii) Three family wage employment positions for each twenty thousand square feet of space or less that is newly dedicated to housing working servers at the eligible computer data center. For qualifying ~~((businesses that lease space at an eligible computer data center))~~ tenants, the number of family wage employment positions that must be increased under this subsection (3)(a)(ii) is based only on the space occupied by the ~~((lessee))~~ qualifying tenant in the eligible computer data center.

(b) In calculating the net increase in family wage employment positions:

(i) The owner of an eligible computer data center, in addition to its own net increase in family wage employment positions, may include:

(A) The net increase in family wage employment positions employed by qualifying ~~((businesses leasing space within the eligible computer data center from the owner))~~ tenants; and

(B) The net increase in family wage employment positions described in (c)(ii)(B) of this subsection (3).

(ii)(A) ~~((Lessees of the owner of an eligible computer data center))~~ Qualifying tenants, in addition to their own net increase in family wage employment positions, may include:

(I) A portion of the net increase in family wage employment positions employed by the owner; and

(II) A portion of the net increase in family wage employment positions described in (c)(ii)(B) of this subsection (3).

(B) The portion of the net increase in family wage employment positions to be counted under this subsection (3)(b)(ii) by each ~~((lessee))~~ qualifying tenant must be in proportion to the amount of space in the eligible computer data center occupied by the ~~((lessee))~~ qualifying tenant compared to the total amount of space in the eligible computer data center occupied by all ~~((lessees that are qualifying businesses))~~ qualifying tenants.

(c)(i) For purposes of this subsection, family wage employment positions are new permanent employment positions requiring forty hours of weekly work, or their equivalent, on a full-time basis at the eligible computer data center and receiving a wage equivalent to or greater than one hundred fifty percent of the per capita personal income of the county in which the qualified project is located. An employment position may not be counted as a family wage employment position unless the employment position is entitled to health insurance coverage provided by the employer of the employment position. For purposes of this subsection (3)(c), "new permanent employment position" means an employment position that did not exist or that had not previously been filled as of the date that the department issued an exemption certificate to the owner or ~~((lessee))~~ qualifying tenant of an eligible computer data center, as the case may be.

(ii)(A) Family wage employment positions include positions filled by employees of the owner of the eligible computer data

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center and by employees of qualifying ~~((businesses leasing space from the owner of the eligible computer data center))~~ tenants.

(B) Family wage employment positions also include individuals performing work at an eligible computer data center as an independent contractor hired by the owner of the eligible computer data center or as an employee of an independent contractor hired by the owner of the eligible computer data center, if the work is necessary for the operation of the computer data center, such as security and building maintenance, and provided that all of the requirements in (c)(i) of this subsection (3) are met.

(d) All previously exempted sales and use taxes are immediately due and payable for a qualifying business or qualifying tenant that does not meet the requirements of this subsection.

(4) A qualifying business or a qualifying tenant claiming an exemption under this section or RCW 82.12.986 must complete an annual report with the department as required under RCW 82.32.534.

(5)(a) The exemption provided in this section does not apply to:

(i) Any person who has received the benefit of the deferral program under chapter 82.60 RCW on: (A) The construction, renovation, or expansion of a structure or structures used as a computer data center; or (B) machinery or equipment used in a computer data center; and

(ii) Any person affiliated with a person within the scope of (a)(i) of this subsection (5). ~~((For purposes of this subsection, "affiliated" means that one person has a direct or indirect ownership interest of at least twenty percent in another person.))~~

(b) If a person claims an exemption under this section and subsequently receives the benefit of the deferral program under chapter 82.60 RCW on either the construction, renovation, or expansion of a structure or structures used as a computer data center or machinery or equipment used in a computer data center, the person must repay the amount of taxes exempted under this section. Interest as provided in chapter 82.32 RCW applies to amounts due under this section until paid in full.

(6) For purposes of this section the following definitions apply unless the context clearly requires otherwise:

(a) "Affiliated" means that one person has a direct or indirect ownership interest of at least twenty percent in another person.

(b)(i) "Computer data center" means a facility comprised of one or more buildings, which may be comprised of multiple businesses, constructed or refurbished specifically, and used primarily, to house working servers, where the facility has the following characteristics: (A) Uninterruptible power supplies, generator backup power, or both; (B) sophisticated fire suppression and prevention systems; and (C) enhanced physical security, such as: Restricted access to the facility to selected personnel; permanent security guards; video camera surveillance; an electronic system requiring passcodes, keycards, or biometric scans, such as hand scans and retinal or fingerprint recognition; or similar security features.

(ii) For a computer data center comprised of multiple buildings, each separate building constructed or refurbished specifically, and used primarily, to house working servers is considered a computer data center if it has all of the characteristics listed in ~~((a))~~ (b)(i)(A) through (C) of this subsection (6).

(iii) A facility comprised of one building or more than one building must have a combined square footage of at least one hundred thousand square feet.

~~((b))~~ (c) "Electronic data storage and data management services" include, but are not limited to: Providing data storage and backup services, providing computer processing power, hosting enterprise software applications, and hosting web sites. The term also includes providing services such as e-mail, web browsing and searching, media applications, and other online services, regardless of whether a charge is made for such services.

~~((e))~~ (d)(i) "Eligible computer data center" means a computer data center:

(A) Located in a rural county as defined in RCW 82.14.370;

(B) Having at least twenty thousand square feet dedicated to housing working servers, where the server space has not previously been dedicated to housing working servers; and

(C) For which the commencement of construction occurs:

(I) After March 31, 2010, and before July 1, 2011; or

(II) After March 31, 2012, and before July 1, 2015.

(ii) For purposes of this section, "commencement of construction" means the date that a building permit is issued under the building code adopted under RCW 19.27.031 for construction of the computer data center. The construction of a computer data center includes the expansion, renovation, or other improvements made to existing facilities, including leased or rented space. "Commencement of construction" does not include soil testing, site clearing and grading, site preparation, or any other related activities that are initiated before the issuance of a building permit for the construction of the foundation of a computer data center.

~~((f))~~ (iii) With respect to facilities in existence on April 1, 2010, that are expanded, renovated, or otherwise improved after March 31, 2010, or facilities in existence on April 1, 2012, that are expanded, renovated, or otherwise improved after March 31, 2012, an eligible computer data center includes only the portion of the computer data center meeting the requirements in ~~((e))~~ (d)(i)(B) of this subsection (6).

~~((d))~~ (e) "Eligible power infrastructure" means all fixtures and equipment owned by a qualifying business or qualifying tenant and necessary for the transformation, distribution, or management of electricity that is required to operate eligible server equipment within an eligible computer data center. The term includes ~~((electrical substations,))~~ generators~~(,)~~; wiring~~(, and)~~; cogeneration equipment; and associated fixtures and equipment, such as electrical switches, batteries, and distribution, testing, and monitoring equipment.

~~((e))~~ (f) "Eligible server equipment" means:

(i) For a qualifying business whose computer data center qualifies as an eligible computer data center under (d)(i)(C)(I) of this subsection (6), the original server equipment installed in an eligible computer data center on or after April 1, 2010, and replacement server equipment. For purposes of this subsection (6)~~((e))~~ (f)(i), "replacement server equipment" means server equipment that:

~~((g))~~ (A) Replaces existing server equipment, if the sale or use of the server equipment to be replaced qualified for an exemption under this section or RCW 82.12.986; and

~~((h))~~ (B) Is installed and put into regular use before April 1, 2018.

(ii) For a qualifying business whose computer data center qualifies as an eligible computer data center under (d)(i)(C)(II) of this subsection (6), "eligible server equipment" means the original server equipment installed in an eligible computer data center on or after April 1, 2012, and replacement server equipment. For purposes of this subsection (6)(f)(ii), "replacement server equipment" means server equipment that:

(A) Replaces existing server equipment, if the sale or use of the server equipment to be replaced qualified for an exemption under this section or RCW 82.12.986; and

(B) Is installed and put into regular use before April 1, 2020.

(iii) For a qualifying tenant who leases space within an eligible computer data center, "eligible server equipment" means the original server equipment installed within the space it leases from an eligible computer data center on or after April 1, 2010, and replacement server equipment. For purposes of this subsection (6)(f)(iii), "replacement server equipment" means server equipment that:

(A) Replaces existing server equipment, if the sale or use of the server equipment to be replaced qualified for an exemption under this section or RCW 82.12.986; and

(B) Is installed and put into regular use before April 1, 2020.

~~((#)) (g) "Qualifying business" means a business entity that exists for the primary purpose of engaging in commercial activity for profit and that is the owner of an eligible computer data center ((or the lessee of at least twenty thousand square feet within an eligible computer data center dedicated to housing working servers, where the server space has not previously been dedicated to housing working servers)). The term does not include the state or federal government or any of their departments, agencies, and institutions; tribal governments; political subdivisions of this state; or any municipal, quasi-municipal, public, or other corporation created by the state or federal government, tribal government, municipality, or political subdivision of the state.~~

~~((#) "Server" means blade or rack mount server computers used in a computer data center exclusively to provide electronic data storage and data management services for internal use by the owner or lessee of the computer data center, for clients of the owner or lessee of the computer data center, or both. "Server" does not include personal computers.~~

~~((#) "Server equipment" means the server chassis and all computer hardware contained within the server chassis. "Server equipment" also includes computer software necessary to operate the server. "Server equipment" does not include the racks upon which the server chassis is installed, and computer peripherals such as keyboards, monitors, printers, mice, and other devices that work outside of the computer.))~~

(h) "Qualifying tenant" means a business entity that exists for the primary purpose of engaging in commercial activity for profit and that leases space from a qualifying business within an eligible computer data center. The term does not include the state or federal government or any of their departments, agencies, and institutions; tribal governments; political subdivisions of this state; or any municipal, quasi-municipal, public, or other corporation created by the state or federal government, tribal government, municipality, or political subdivision of the state. The term also does not include a lessee of space in an eligible computer data center under (d)(i)(C)(I) of this subsection (6), if the lessee and lessor are affiliated and:

(i) That space will be used by the lessee to house server equipment that replaces server equipment previously installed and operated in that eligible computer data center by the lessor or another person affiliated with the lessee; or

(ii) Prior to the effective date of this section, the primary use of the server equipment installed in that eligible computer data center was to provide electronic data storage and data management services for the business purposes of either the lessor, persons affiliated with the lessor, or both.

(i) "Server equipment" means the computer hardware located in an eligible computer data center and used exclusively to provide electronic data storage and data management services for internal use by the owner or lessee of the computer data center, for clients of the owner or lessee of the computer data center, or both. "Server equipment" also includes computer software necessary to operate the computer hardware. "Server equipment" does not include personal computers, the racks upon which the server equipment is installed, and computer peripherals such as keyboards, monitors, printers, and mice.

(7) This section expires April 1, ((2018)) 2020.

**Sec. 303.** RCW 82.08.986 and 2010 1st sp.s. c 23 s 1601 are each amended to read as follows:

(1) An exemption from the tax imposed by RCW 82.08.020 is provided for sales to qualifying businesses and to qualifying tenants of eligible server equipment to be installed, without intervening use,

in an eligible computer data center, and to charges made for labor and services rendered in respect to installing eligible server equipment. The exemption also applies to sales to qualifying businesses and to qualifying tenants of eligible power infrastructure, including labor and services rendered in respect to constructing, installing, repairing, altering, or improving eligible power infrastructure.

(2)(a) In order to claim the exemption under this section, a qualifying business or a qualifying tenant must submit an application to the department for an exemption certificate. The application must include the information necessary, as required by the department, to determine that a business or tenant qualifies for the exemption under this section. The department must issue exemption certificates to qualifying businesses and qualifying tenants. The department may assign a unique identification number to each exemption certificate issued under this section.

(b) A qualifying business or a qualifying tenant claiming the exemption under this section must present the seller with an exemption certificate in a form and manner prescribed by the department. The seller must retain a copy of the certificate for the seller's files.

(3)(a) Within six years of the date that the department issued an exemption certificate under this section to a qualifying business or a qualifying tenant with respect to an eligible computer data center, the qualifying business or qualifying tenant must establish that net employment at the eligible computer data center has increased by a minimum of:

(i) Thirty-five family wage employment positions; or

(ii) Three family wage employment positions for each twenty thousand square feet of space or less that is newly dedicated to housing working servers at the eligible computer data center. For qualifying ~~((businesses that lease space at an eligible computer data center))~~ tenants, the number of family wage employment positions that must be increased under this subsection (3)(a)(ii) is based only on the space occupied by the ~~((lessee))~~ qualifying tenant in the eligible computer data center.

(b) In calculating the net increase in family wage employment positions:

(i) The owner of an eligible computer data center, in addition to its own net increase in family wage employment positions, may include:

(A) The net increase in family wage employment positions employed by qualifying ~~((businesses leasing space within the eligible computer data center from the owner))~~ tenants; and

(B) The net increase in family wage employment positions described in (c)(ii)(B) of this subsection (3).

(ii)(A) ~~((Lessees of the owner of an eligible computer data center))~~ Qualifying tenants, in addition to their own net increase in family wage employment positions, may include:

(I) A portion of the net increase in family wage employment positions employed by the owner; and

(II) A portion of the net increase in family wage employment positions described in (c)(ii)(B) of this subsection (3).

(B) The portion of the net increase in family wage employment positions to be counted under this subsection (3)(b)(ii) by each ~~((lessee))~~ qualifying tenant must be in proportion to the amount of space in the eligible computer data center occupied by the ~~((lessee))~~ qualifying tenant compared to the total amount of space in the eligible computer data center occupied by all ~~((lessees that are qualifying businesses))~~ qualifying tenants.

(c)(i) For purposes of this subsection, family wage employment positions are new permanent employment positions requiring forty hours of weekly work, or their equivalent, on a full-time basis at the eligible computer data center and receiving a wage equivalent to or greater than one hundred fifty percent of the per capita personal

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income of the county in which the qualified project is located. An employment position may not be counted as a family wage employment position unless the employment position is entitled to health insurance coverage provided by the employer of the employment position. For purposes of this subsection (3)(c), "new permanent employment position" means an employment position that did not exist or that had not previously been filled as of the date that the department issued an exemption certificate to the owner or (~~lessee~~) qualifying tenant of an eligible computer data center, as the case may be.

(ii)(A) Family wage employment positions include positions filled by employees of the owner of the eligible computer data center and by employees of qualifying (~~businesses leasing space from the owner of the eligible computer data center~~) tenants.

(B) Family wage employment positions also include individuals performing work at an eligible computer data center as an independent contractor hired by the owner of the eligible computer data center or as an employee of an independent contractor hired by the owner of the eligible computer data center, if the work is necessary for the operation of the computer data center, such as security and building maintenance, and provided that all of the requirements in (c)(i) of this subsection (3) are met.

(d) All previously exempted sales and use taxes are immediately due and payable for a qualifying business or qualifying tenant that does not meet the requirements of this subsection.

(4) A qualifying business or a qualifying tenant claiming an exemption under this section or RCW 82.12.986 must complete an annual (~~report~~) survey with the department as required under RCW (~~(82.32.534)~~) 82.32.585.

(5)(a) The exemption provided in this section does not apply to:

(i) Any person who has received the benefit of the deferral program under chapter 82.60 RCW on: (A) The construction, renovation, or expansion of a structure or structures used as a computer data center; or (B) machinery or equipment used in a computer data center; and

(ii) Any person affiliated with a person within the scope of (a)(i) of this subsection (5). (~~For purposes of this subsection, "affiliated" means that one person has a direct or indirect ownership interest of at least twenty percent in another person.~~)

(b) If a person claims an exemption under this section and subsequently receives the benefit of the deferral program under chapter 82.60 RCW on either the construction, renovation, or expansion of a structure or structures used as a computer data center or machinery or equipment used in a computer data center, the person must repay the amount of taxes exempted under this section. Interest as provided in chapter 82.32 RCW applies to amounts due under this section until paid in full.

(6) For purposes of this section the following definitions apply unless the context clearly requires otherwise:

(a) "Affiliated" means that one person has a direct or indirect ownership interest of at least twenty percent in another person.

(b)(i) "Computer data center" means a facility comprised of one or more buildings, which may be comprised of multiple businesses, constructed or refurbished specifically, and used primarily, to house working servers, where the facility has the following characteristics: (A) Uninterruptible power supplies, generator backup power, or both; (B) sophisticated fire suppression and prevention systems; and (C) enhanced physical security, such as: Restricted access to the facility to selected personnel; permanent security guards; video camera surveillance; an electronic system requiring passcodes, keycards, or biometric scans, such as hand scans and retinal or fingerprint recognition; or similar security features.

(ii) For a computer data center comprised of multiple buildings, each separate building constructed or refurbished specifically, and used primarily, to house working servers is considered a computer

data center if it has all of the characteristics listed in (~~((b))~~) (b)(i)(A) through (C) of this subsection (6).

(iii) A facility comprised of one building or more than one building must have a combined square footage of at least one hundred thousand square feet.

(~~((c))~~) (c) "Electronic data storage and data management services" include, but are not limited to: Providing data storage and backup services, providing computer processing power, hosting enterprise software applications, and hosting web sites. The term also includes providing services such as e-mail, web browsing and searching, media applications, and other online services, regardless of whether a charge is made for such services.

(~~((d))~~) (d)(i) "Eligible computer data center" means a computer data center:

(A) Located in a rural county as defined in RCW 82.14.370;

(B) Having at least twenty thousand square feet dedicated to housing working servers, where the server space has not previously been dedicated to housing working servers; and

(C) For which the commencement of construction occurs:

(I) After March 31, 2010, and before July 1, 2011; or

(II) After March 31, 2012, and before July 1, 2015.

(ii) For purposes of this section, "commencement of construction" means the date that a building permit is issued under the building code adopted under RCW 19.27.031 for construction of the computer data center. The construction of a computer data center includes the expansion, renovation, or other improvements made to existing facilities, including leased or rented space. "Commencement of construction" does not include soil testing, site clearing and grading, site preparation, or any other related activities that are initiated before the issuance of a building permit for the construction of the foundation of a computer data center.

(~~((iii))~~) (iii) With respect to facilities in existence on April 1, 2010, that are expanded, renovated, or otherwise improved after March 31, 2010, or facilities in existence on April 1, 2012, that are expanded, renovated, or otherwise improved after March 31, 2012, an eligible computer data center includes only the portion of the computer data center meeting the requirements in (~~((e))~~) (d)(i)(B) of this subsection (6).

(~~((d))~~) (e) "Eligible power infrastructure" means all fixtures and equipment owned by a qualifying business, or qualifying tenant and necessary for the transformation, distribution, or management of electricity that is required to operate eligible server equipment within an eligible computer data center. The term includes (~~(electrical substations,)~~) generators(,); wiring(, and); cogeneration equipment; and associated fixtures and equipment, such as electrical switches, batteries, and distribution, testing, and monitoring equipment.

(~~((e))~~) (f) "Eligible server equipment" means:

(i) For a qualifying business whose computer data center qualifies as an eligible computer data center under (d)(i)(C)(I) of this subsection (6), the original server equipment installed in an eligible computer data center on or after April 1, 2010, and replacement server equipment. For purposes of this subsection (6)(~~((e))~~) (f)(i), "replacement server equipment" means server equipment that:

(~~((f))~~) (A) Replaces existing server equipment, if the sale or use of the server equipment to be replaced qualified for an exemption under this section or RCW 82.12.986; and

(~~((f))~~) (B) Is installed and put into regular use before April 1, 2018.

(ii) For a qualifying business whose computer data center qualifies as an eligible computer data center under (d)(i)(C)(II) of this subsection (6), "eligible server equipment" means the original server equipment installed in an eligible computer data center on or after April 1, 2012, and replacement server equipment. For purposes of this subsection (6)(f)(ii), "replacement server equipment" means

server equipment that:

(A) Replaces existing server equipment, if the sale or use of the server equipment to be replaced qualified for an exemption under this section or RCW 82.12.986; and

(B) Is installed and put into regular use before April 1, 2020.

(iii) For a qualifying tenant who leases space within an eligible computer data center, "eligible server equipment" means the original server equipment installed within the space it leases from an eligible computer data center on or after April 1, 2010, and replacement server equipment. For purposes of this subsection (6)(f)(iii), "replacement server equipment" means server equipment that:

(A) Replaces existing server equipment, if the sale or use of the server equipment to be replaced qualified for an exemption under this section or RCW 82.12.986; and

(B) Is installed and put into regular use before April 1, 2020.

((#)) (g) "Qualifying business" means a business entity that exists for the primary purpose of engaging in commercial activity for profit and that is the owner of an eligible computer data center ((or the lessee of at least twenty thousand square feet within an eligible computer data center dedicated to housing working servers, where the server space has not previously been dedicated to housing working servers)). The term does not include the state or federal government or any of their departments, agencies, and institutions; tribal governments; political subdivisions of this state; or any municipal, quasi-municipal, public, or other corporation created by the state or federal government, tribal government, municipality, or political subdivision of the state.

((g) "Server" means blade or rack mount server computers used in a computer data center exclusively to provide electronic data storage and data management services for internal use by the owner or lessee of the computer data center, for clients of the owner or lessee of the computer data center, or both. "Server" does not include personal computers.

(h) "Server equipment" means the server chassis and all computer hardware contained within the server chassis. "Server equipment" also includes computer software necessary to operate the server. "Server equipment" does not include the racks upon which the server chassis is installed, and computer peripherals such as keyboards, monitors, printers, mice, and other devices that work outside of the computer.))

(h) "Qualifying tenant" means a business entity that exists for the primary purpose of engaging in commercial activity for profit and that leases space from a qualifying business within an eligible computer data center. The term does not include the state or federal government or any of their departments, agencies, and institutions; tribal governments; political subdivisions of this state; or any municipal, quasi-municipal, public, or other corporation created by the state or federal government, tribal government, municipality, or political subdivision of the state. The term also does not include a lessee of space in an eligible computer data center under (d)(i)(C)(I) of this subsection (6), if the lessee and lessor are affiliated and:

(i) That space will be used by the lessee to house server equipment that replaces server equipment previously installed and operated in that eligible computer data center by the lessor or another person affiliated with the lessee; or

(ii) Prior to the effective date of this section, the primary use of the server equipment installed in that eligible computer data center was to provide electronic data storage and data management services for the business purposes of either the lessor, persons affiliated with the lessor, or both.

(i) "Server equipment" means the computer hardware located in an eligible computer data center and used exclusively to provide electronic data storage and data management services for internal use by the owner or lessee of the computer data center, for clients of

the owner or lessee of the computer data center, or both. "Server equipment" also includes computer software necessary to operate the computer hardware. "Server equipment" does not include personal computers, the racks upon which the server equipment is installed, and computer peripherals such as keyboards, monitors, printers, and mice.

(7) This section expires April 1, ((2018)) 2020.

**Sec. 304.** RCW 82.12.986 and 2010 1st sp.s. c 23 s 1602 are each amended to read as follows:

(1) An exemption from the tax imposed by RCW 82.12.020 is provided for the use by qualifying businesses or qualifying tenants of eligible server equipment to be installed, without intervening use, in an eligible computer data center, and to the use of labor and services rendered in respect to installing such server equipment. The exemption also applies to the use ((of)) by a qualifying business or qualifying tenant of eligible power infrastructure, including labor and services rendered in respect to installing, repairing, altering, or improving such infrastructure.

(2) A qualifying business or a qualifying tenant is not eligible for the exemption under this section unless the department issued an exemption certificate to the qualifying business or a qualifying tenant for the exemption provided in RCW 82.08.986.

(3)(a) The exemption provided in this section does not apply to:

(i) Any person who has received the benefit of the deferral program under chapter 82.60 RCW on: (A) The construction, renovation, or expansion of a structure or structures used as a computer data center; or (B) machinery or equipment used in a computer data center; and

(ii) Any person affiliated with a person within the scope of (a)(i) of this subsection (3). ((For purposes of this subsection, "affiliated" means that one person has a direct or indirect ownership interest of at least twenty percent in another person.))

(b) If a person has received the benefit of the exemption under this section and subsequently receives the benefit of the deferral program under chapter 82.60 RCW on either the construction, renovation, or expansion of a structure or structures used as a computer data center or machinery or equipment used in a computer data center, the person must repay the amount of taxes exempted under this section. Interest as provided in chapter 82.32 RCW applies to amounts due under this subsection (3)(b) until paid in full. A person is not required to repay taxes under this subsection with respect to property and services for which the person is required to repay taxes under RCW 82.08.986(5).

(4) The definitions and requirements in RCW 82.08.986 apply to this section.

(5) This section expires April 1, ((2018)) 2020.

#### PART IV

#### EXEMPTING CRAFT DISTILLERIES FROM CERTAIN LICENSE ISSUANCE FEES

**Sec. 401.** RCW 66.24.630 and 2012 c 2 s 103 (Initiative Measure No. 1183) are each amended to read as follows:

(1) There is a spirits retail license to: Sell spirits in original containers to consumers for consumption off the licensed premises and to permit holders; sell spirits in original containers to retailers licensed to sell spirits for consumption on the premises, for resale at their licensed premises according to the terms of their licenses, although no single sale may exceed twenty-four liters, unless the sale is by a licensee that was a contract liquor store manager of a contract liquor store at the location of its spirits retail licensed premises from which it makes such sales; and export spirits.

(2) For the purposes of this title, a spirits retail license is a retail license, and a sale by a spirits retailer is a retail sale only if not for resale. Nothing in this title authorizes sales by on-sale licensees to

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other retail licensees. The board must establish by rule an obligation of on-sale spirits retailers to:

(a) Maintain a schedule by stock-keeping unit of all their purchases of spirits from spirits retail licensees, indicating the identity of the seller and the quantities purchased; and

(b) Provide, not more frequently than quarterly, a report for each scheduled item containing the identity of the purchasing on-premise licensee and the quantities of that scheduled item purchased since any preceding report to:

(i) A distributor authorized by the distiller to distribute a scheduled item in the on-sale licensee's geographic area; or

(ii) A distiller acting as distributor of the scheduled item in the area.

(3)(a) Except as otherwise provided in (c) of this subsection (~~((c) of this section)~~), the board may issue spirits retail licenses only for premises comprising at least ten thousand square feet of fully enclosed retail space within a single structure, including storerooms and other interior auxiliary areas but excluding covered or fenced exterior areas, whether or not attached to the structure, and only to applicants that the board determines will maintain systems for inventory management, employee training, employee supervision, and physical security of the product substantially as effective as those of stores currently operated by the board with respect to preventing sales to or pilferage by underage or inebriated persons.

(b) License issuances and renewals are subject to RCW 66.24.010 and the regulations promulgated thereunder, including without limitation rights of cities, towns, county legislative authorities, the public, churches, schools, and public institutions to object to or prevent issuance of local liquor licenses. However, existing grocery premises licensed to sell beer and/or wine are deemed to be premises "now licensed" under RCW 66.24.010(9)(a) for the purpose of processing applications for spirits retail licenses.

(c) The board may not deny a spirits retail license to an otherwise qualified contract liquor store at its contract location or to the holder of former state liquor store operating rights sold at auction under RCW 66.24.620 on the grounds of location, nature, or size of the premises to be licensed. The board (~~(shall)~~) may not deny a spirits retail license to applicants that are not contract liquor stores or operating rights holders on the grounds of the size of the premises to be licensed, if such applicant is otherwise qualified and the board determines that:

(i) There is no retail spirits license holder in the trade area that the applicant proposes to serve;

(ii) The applicant meets, or upon licensure will meet, the operational requirements established by the board by rule; and

(iii) The licensee has not committed more than one public safety violation within the three years preceding application.

(d) A retailer authorized to sell spirits for consumption on or off the licensed premises may accept delivery of spirits at its licensed premises or at one or more warehouse facilities registered with the board, which facilities may also warehouse and distribute nonliquor items, and from which the retailer may deliver to its own licensed premises and, pursuant to sales permitted under subsection (1) of this section:

(i) To other retailer premises licensed to sell spirits for consumption on the licensed premises;

(ii) To other registered facilities; or

(iii) To lawful purchasers outside the state. The facilities may be registered and utilized by associations, cooperatives, or comparable groups of retailers, including at least one retailer licensed to sell spirits.

(4)(a) Except as otherwise provided in (b) of this subsection, each spirits retail licensee must pay to the board, for deposit into the liquor revolving fund, a license issuance fee equivalent to seventeen percent of all spirits sales revenues under the license, exclusive of

taxes collected by the licensee and of sales of items on which a license fee payable under this section has otherwise been incurred. The board must establish rules setting forth the timing of such payments and reporting of sales dollar volume by the licensee, with payments required quarterly in arrears. The first payment is due October 1, 2012.

(b) This subsection (4) does not apply to craft distilleries.

(5) In addition to the payment required under subsection (4) of this section, each licensee must pay an annual license renewal fee of one hundred sixty-six dollars. The board must periodically review and adjust the renewal fee as may be required to maintain it as comparable to annual license renewal fees for licenses to sell beer and wine not for consumption on the licensed premises. If required by law at the time, any increase of the annual renewal fee becomes effective only upon ratification by the legislature.

(6) As a condition to receiving and renewing a retail spirits license the licensee must provide training as prescribed by the board by rule for individuals who sell spirits or who manage others who sell spirits regarding compliance with laws and regulations regarding sale of spirits, including without limitation the prohibitions against sale of spirits to individuals who are underage or visibly intoxicated. The training must be provided before the individual first engages in the sale of spirits and must be renewed at least every five years. The licensee must maintain records documenting the nature and frequency of the training provided. An employee training program is presumptively sufficient if it incorporates a "responsible vendor program" promulgated by the board.

(7) The maximum penalties prescribed by the board in WAC 314-29-020 through 314-29-040 relating to fines and suspensions are doubled for violations relating to the sale of spirits by retail spirits licensees.

(8)(a) The board must promulgate regulations concerning the adoption and administration of a compliance training program for spirits retail licensees, to be known as a "responsible vendor program," to reduce underage drinking, encourage licensees to adopt specific best practices to prevent sales to minors, and provide licensees with an incentive to give their employees ongoing training in responsible alcohol sales and service.

(b) Licensees who join the responsible vendor program under this section and maintain all of the program's requirements are not subject to the doubling of penalties provided in this section for a single violation in any period of twelve calendar months.

(c) The responsible vendor program must be free, voluntary, and self-monitoring.

(d) To participate in the responsible vendor program, licensees must submit an application form to the board. If the application establishes that the licensee meets the qualifications to join the program, the board must send the licensee a membership certificate.

(e) A licensee participating in the responsible vendor program must at a minimum:

(i) Provide ongoing training to employees;

(ii) Accept only certain forms of identification for alcohol sales;

(iii) Adopt policies on alcohol sales and checking identification;

(iv) Post specific signs in the business; and

(v) Keep records verifying compliance with the program's requirements.

## PART V CLARIFYING THE DEFINITION OF LEASEHOLD INTEREST

**Sec. 501.** RCW 82.29A.020 and 1999 c 220 s 2 are each amended to read as follows:

~~(As used in this chapter the following terms shall be defined as follows.)~~ The definitions in this section apply throughout this chapter unless the context ((otherwise)) requires((:)) otherwise.

(1) "Leasehold interest" ~~((shall))~~ means an interest in publicly owned real or personal property which exists by virtue of any lease, permit, license, or any other agreement, written or verbal, between the public owner of the property and a person who would not be exempt from property taxes if that person owned the property in fee, granting possession and use, to a degree less than fee simple ownership ~~((: PROVIDED, That))~~. However, no interest in personal property (excluding land or buildings) which is owned by the United States, whether or not as trustee, or by any foreign government ~~((shall))~~ may constitute a leasehold interest hereunder when the right to use such property is granted pursuant to a contract solely for the manufacture or production of articles for sale to the United States or any foreign government. The term "leasehold interest" ~~((shall))~~ includes the rights of use or occupancy by others of property which is owned in fee or held in trust by a public corporation, commission, or authority created under RCW 35.21.730 or 35.21.660 if the property is listed on or is within a district listed on any federal or state register of historical sites. The term "leasehold interest" ~~((shall))~~ does not include road or utility easements, rights of access, occupancy, or use granted solely for the purpose of removing materials or products purchased from a public owner or the lessee of a public owner, or rights of access, occupancy, or use granted solely for the purpose of natural energy resource exploration. "Leasehold interest" does not include the preferential use of publicly owned cargo cranes and docks and associated areas used in the loading and discharging of cargo located at a port district marine facility. "Preferential use" means that publicly owned real or personal property is used by a private party under a written agreement with the public owner, but the public owner or any third party maintains a right to use the property when not being used by the private party.

(2)(a) "Taxable rent" ~~((shall))~~ means contract rent as defined in ~~((subsection (a)))~~ (c) of this subsection in all cases where the lease or agreement has been established or renegotiated through competitive bidding, or negotiated or renegotiated in accordance with statutory requirements regarding the rent payable, or negotiated or renegotiated under circumstances, established by public record, clearly showing that the contract rent was the maximum attainable by the lessor ~~((: PROVIDED, That))~~. However, after January 1, 1986, with respect to any lease which has been in effect for ten years or more without renegotiation, taxable rent may be established by procedures set forth in ~~((subsection (b)))~~ (g) of this subsection. All other leasehold interests ~~((shall be))~~ are subject to the determination of taxable rent under the terms of ~~((subsection (b)))~~ (g) of this subsection.

(b) For purposes of determining leasehold excise tax on any lands on the Hanford reservation subleased to a private or public entity by the department of ecology, taxable rent ~~((shall))~~ includes only the annual cash rental payment made by such entity to the department of ecology as specifically referred to as rent in the sublease agreement between the parties and ~~((shall))~~ does not include any other fees, assessments, or charges imposed on or collected by such entity irrespective of whether the private or public entity pays or collects such other fees, assessments, or charges as specified in the sublease agreement.

~~((a))~~ (c) "Contract rent" ~~((shall))~~ means the amount of consideration due as payment for a leasehold interest, including: The total of cash payments made to the lessor or to another party for the benefit of the lessor according to the requirements of the lease or agreement, including any rents paid by a sublessee; expenditures for the protection of the lessor's interest when required by the terms of the lease or agreement; and expenditures for improvements to the

property to the extent that such improvements become the property of the lessor. Where the consideration conveyed for the leasehold interest is made in combination with payment for concession or other rights granted by the lessor, only that portion of such payment which represents consideration for the leasehold interest ~~((shall be))~~ is part of contract rent.

(d) "Contract rent" ~~((shall))~~ does not include: (i) Expenditures made by the lessee, which under the terms of the lease or agreement, are to be reimbursed by the lessor to the lessee or expenditures for improvements and protection made pursuant to a lease or an agreement which requires that the use of the improved property be open to the general public and that no profit will inure to the lessee from the lease; (ii) expenditures made by the lessee for the replacement or repair of facilities due to fire or other casualty including payments for insurance to provide reimbursement for losses or payments to a public or private entity for protection of such property from damage or loss or for alterations or additions made necessary by an action of government taken after the date of the execution of the lease or agreement; (iii) improvements added to publicly owned property by a sublessee under an agreement executed prior to January 1, 1976, which have been taxed as personal property of the sublessee prior to January 1, 1976, or improvements made by a sublessee of the same lessee under a similar agreement executed prior to January 1, 1976, and such improvements ~~((shall be))~~ are taxable to the sublessee as personal property; (iv) improvements added to publicly owned property if such improvements are being taxed as personal property to any person.

(e) Any prepaid contract rent ~~((shall be))~~ is considered to have been paid in the year due and not in the year actually paid with respect to prepayment for a period of more than one year. Expenditures for improvements with a useful life of more than one year which are included as part of contract rent ~~((shall))~~ must be treated as prepaid contract rent and prorated over the useful life of the improvement or the remaining term of the lease or agreement if the useful life is in excess of the remaining term of the lease or agreement. Rent prepaid prior to January 1, 1976, ~~((shall))~~ must be prorated from the date of prepayment.

(f) With respect to a "product lease", the value ~~((shall be))~~ is that value determined at the time of sale under terms of the lease.

~~((b))~~ (g) If it ~~((shall be))~~ is determined by the department of revenue, upon examination of a lessee's accounts or those of a lessor of publicly owned property, that a lessee is occupying or using publicly owned property in such a manner as to create a leasehold interest and that such leasehold interest has not been established through competitive bidding, or negotiated in accordance with statutory requirements regarding the rent payable, or negotiated under circumstances, established by public record, clearly showing that the contract rent was the maximum attainable by the lessor, the department may establish a taxable rent computation for use in determining the tax payable under authority granted in this chapter based upon the following criteria: (i) Consideration ~~((shall))~~ must be given to rental being paid to other lessors by lessees of similar property for similar purposes over similar periods of time; (ii) consideration ~~((shall))~~ must be given to what would be considered a fair rate of return on the market value of the property leased less reasonable deductions for any restrictions on use, special operating requirements or provisions for concurrent use by the lessor, another person or the general public.

(3) "Product lease" as used in this chapter ~~((shall))~~ means a lease of property for use in the production of agricultural or marine products to the extent that such lease provides for the contract rent to be paid by the delivery of a stated percentage of the production of such agricultural or marine products to the credit of the lessor or the

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payment to the lessor of a stated percentage of the proceeds from the sale of such products.

(4) "Renegotiated" means a change in the lease agreement which changes the agreed time of possession, restrictions on use, the rate of the cash rental or of any other consideration payable by the lessee to or for the benefit of the lessor, other than any such change required by the terms of the lease or agreement. In addition "renegotiated" ~~((shall))~~ means a continuation of possession by the lessee beyond the date when, under the terms of the lease agreement, the lessee had the right to vacate the premises without any further liability to the lessor.

(5) "City" means any city or town.

(6) "Products" includes natural resource products such as cut or picked evergreen foliage, Cascara bark, wild edible mushrooms, native ornamental trees and shrubs, ore and minerals, natural gas, geothermal water and steam, and forage removed through the grazing of livestock.

**PART VI  
MISCELLANEOUS PROVISIONS**

NEW SECTION. **Sec. 601.** This act does not affect any existing right acquired or liability or obligation incurred under the sections amended or repealed or under any rule or order adopted under those sections, nor does it affect any proceeding instituted under those sections.

NEW SECTION. **Sec. 602.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. **Sec. 603.** (1) Parts I, II, V, and VI of this act are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and take effect July 1, 2012.

(2) Section 302 of this act does not take effect if the contingency in subsection (3) of this section occurs.

(3) Section 303 of this act takes effect if Substitute House Bill No. 2530 or any other legislation repealing RCW 82.32.534 is enacted during the 2012 1st special session and signed into law.

(4) Parts III and IV of this act are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and take effect immediately."

**MOTION**

Senator Murray moved that the following amendment by Senators Murray and Zarelli to the striking amendment be adopted:

- On page 4, line 11, strike "2017" and insert "2015"
- On page 4, line 29, strike "2017" and insert "2015"
- On page 5, line 10, strike "2017" and insert "2015"
- On page 5, line 21, strike "2017" and insert "2015"
- On page 5, line 33, strike "2017" and insert "2015"
- On page 6, line 7, strike "2017" and insert "2015"
- On page 35, after line 12, insert the following:

**"PART VI  
NEWSPAPER BUSINESS AND OCCUPATION TAX**

**Sec. 601.** RCW 82.04.214 and 2008 c 273 s 1 are each amended to read as follows:

(1)~~((a) Until June 30, 2011,))~~ "Newspaper" means:

~~((#))~~ (a) A publication issued regularly at stated intervals at least twice a month and printed on newsprint in tabloid or

broadsheet format folded loosely together without stapling, glue, or any other binding of any kind, including any supplement of a printed newspaper; and

~~((#))~~ (b) An electronic version of a printed newspaper that:

~~((A))~~ (i) Shares content with the printed newspaper; and

~~((B))~~ (ii) Is prominently identified by the same name as the printed newspaper or otherwise conspicuously indicates that it is a complement to the printed newspaper.

~~((B))~~ (2) For purposes of this section, "supplement" means a printed publication, including a magazine or advertising section, that is:

~~((#))~~ (a) Labeled and identified as part of the printed newspaper; and

~~((#))~~ (b) Circulated or distributed:

~~((A))~~ (i) As an insert or attachment to the printed newspaper; or

~~((B))~~ (ii) Separate and apart from the printed newspaper so long as the distribution is within the general circulation area of the newspaper.

~~((2) Beginning July 1, 2011, "newspaper" means a publication issued regularly at stated intervals at least twice a month and printed on newsprint in tabloid or broadsheet format folded loosely together without stapling, glue, or any other binding of any kind, including any supplement of a printed newspaper as defined in subsection (1)(b) of this section.))~~

**Sec. 602.** RCW 82.04.260 and 2011 c 2 s 203 (Initiative Measure No. 1107) are each amended to read as follows:

(1) Upon every person engaging within this state in the business of manufacturing:

(a) Wheat into flour, barley into pearl barley, soybeans into soybean oil, canola into canola oil, canola meal, or canola by-products, or sunflower seeds into sunflower oil; as to such persons the amount of tax with respect to such business is equal to the value of the flour, pearl barley, oil, canola meal, or canola by-product manufactured, multiplied by the rate of 0.138 percent;

(b) Beginning July 1, 2012, seafood products that remain in a raw, raw frozen, or raw salted state at the completion of the manufacturing by that person; or selling manufactured seafood products that remain in a raw, raw frozen, or raw salted state at the completion of the manufacturing, to purchasers who transport in the ordinary course of business the goods out of this state; as to such persons the amount of tax with respect to such business is equal to the value of the products manufactured or the gross proceeds derived from such sales, multiplied by the rate of 0.138 percent. Sellers must keep and preserve records for the period required by RCW 82.32.070 establishing that the goods were transported by the purchaser in the ordinary course of business out of this state;

(c) Beginning July 1, 2012, dairy products that as of September 20, 2001, are identified in 21 C.F.R., chapter 1, parts 131, 133, and 135, including by-products from the manufacturing of the dairy products such as whey and casein; or selling the same to purchasers who transport in the ordinary course of business the goods out of state; as to such persons the tax imposed is equal to the value of the products manufactured or the gross proceeds derived from such sales multiplied by the rate of 0.138 percent. Sellers must keep and preserve records for the period required by RCW 82.32.070 establishing that the goods were transported by the purchaser in the ordinary course of business out of this state;

(d) Beginning July 1, 2012, fruits or vegetables by canning, preserving, freezing, processing, or dehydrating fresh fruits or vegetables, or selling at wholesale fruits or vegetables manufactured by the seller by canning, preserving, freezing, processing, or dehydrating fresh fruits or vegetables and sold to purchasers who transport in the ordinary course of business the goods out of this state; as to such persons the amount of tax with respect to such



business is equal to the value of the products manufactured or the gross proceeds derived from such sales multiplied by the rate of 0.138 percent. Sellers must keep and preserve records for the period required by RCW 82.32.070 establishing that the goods were transported by the purchaser in the ordinary course of business out of this state;

(e) Until July 1, 2009, alcohol fuel, biodiesel fuel, or biodiesel feedstock, as those terms are defined in RCW 82.29A.135; as to such persons the amount of tax with respect to the business is equal to the value of alcohol fuel, biodiesel fuel, or biodiesel feedstock manufactured, multiplied by the rate of 0.138 percent; and

(f) Wood biomass fuel as defined in RCW 82.29A.135; as to such persons the amount of tax with respect to the business is equal to the value of wood biomass fuel manufactured, multiplied by the rate of 0.138 percent.

(2) Upon every person engaging within this state in the business of splitting or processing dried peas; as to such persons the amount of tax with respect to such business is equal to the value of the peas split or processed, multiplied by the rate of 0.138 percent.

(3) Upon every nonprofit corporation and nonprofit association engaging within this state in research and development, as to such corporations and associations, the amount of tax with respect to such activities is equal to the gross income derived from such activities multiplied by the rate of 0.484 percent.

(4) Upon every person engaging within this state in the business of slaughtering, breaking and/or processing perishable meat products and/or selling the same at wholesale only and not at retail; as to such persons the tax imposed is equal to the gross proceeds derived from such sales multiplied by the rate of 0.138 percent.

(5) Upon every person engaging within this state in the business of acting as a travel agent or tour operator; as to such persons the amount of the tax with respect to such activities is equal to the gross income derived from such activities multiplied by the rate of 0.275 percent.

(6) Upon every person engaging within this state in business as an international steamship agent, international customs house broker, international freight forwarder, vessel and/or cargo charter broker in foreign commerce, and/or international air cargo agent; as to such persons the amount of the tax with respect to only international activities is equal to the gross income derived from such activities multiplied by the rate of 0.275 percent.

(7) Upon every person engaging within this state in the business of stevedoring and associated activities pertinent to the movement of goods and commodities in waterborne interstate or foreign commerce; as to such persons the amount of tax with respect to such business is equal to the gross proceeds derived from such activities multiplied by the rate of 0.275 percent. Persons subject to taxation under this subsection are exempt from payment of taxes imposed by chapter 82.16 RCW for that portion of their business subject to taxation under this subsection. Stevedoring and associated activities pertinent to the conduct of goods and commodities in waterborne interstate or foreign commerce are defined as all activities of a labor, service or transportation nature whereby cargo may be loaded or unloaded to or from vessels or barges, passing over, onto or under a wharf, pier, or similar structure; cargo may be moved to a warehouse or similar holding or storage yard or area to await further movement in import or export or may move to a consolidation freight station and be stuffed, unstuffed, containerized, separated or otherwise segregated or aggregated for delivery or loaded on any mode of transportation for delivery to its consignee. Specific activities included in this definition are: Wharfage, handling, loading, unloading, moving of cargo to a convenient place of delivery to the consignee or a convenient place for further movement to export mode; documentation services in connection with the receipt, delivery, checking, care, custody and

control of cargo required in the transfer of cargo; imported automobile handling prior to delivery to consignee; terminal stevedoring and incidental vessel services, including but not limited to plugging and unplugging refrigerator service to containers, trailers, and other refrigerated cargo receptacles, and securing ship hatch covers.

(8) Upon every person engaging within this state in the business of disposing of low-level waste, as defined in RCW 43.145.010; as to such persons the amount of the tax with respect to such business is equal to the gross income of the business, excluding any fees imposed under chapter 43.200 RCW, multiplied by the rate of 3.3 percent.

If the gross income of the taxpayer is attributable to activities both within and without this state, the gross income attributable to this state must be determined in accordance with the methods of apportionment required under RCW 82.04.460.

(9) Upon every person engaging within this state as an insurance producer or title insurance agent licensed under chapter 48.17 RCW or a surplus line broker licensed under chapter 48.15 RCW; as to such persons, the amount of the tax with respect to such licensed activities is equal to the gross income of such business multiplied by the rate of 0.484 percent.

(10) Upon every person engaging within this state in business as a hospital, as defined in chapter 70.41 RCW, that is operated as a nonprofit corporation or by the state or any of its political subdivisions, as to such persons, the amount of tax with respect to such activities is equal to the gross income of the business multiplied by the rate of 0.75 percent through June 30, 1995, and 1.5 percent thereafter.

(11)(a) Beginning October 1, 2005, upon every person engaging within this state in the business of manufacturing commercial airplanes, or components of such airplanes, or making sales, at retail or wholesale, of commercial airplanes or components of such airplanes, manufactured by the seller, as to such persons the amount of tax with respect to such business is, in the case of manufacturers, equal to the value of the product manufactured and the gross proceeds of sales of the product manufactured, or in the case of processors for hire, equal to the gross income of the business, multiplied by the rate of:

(i) 0.4235 percent from October 1, 2005, through June 30, 2007; and

(ii) 0.2904 percent beginning July 1, 2007.

(b) Beginning July 1, 2008, upon every person who is not eligible to report under the provisions of (a) of this subsection (11) and is engaging within this state in the business of manufacturing tooling specifically designed for use in manufacturing commercial airplanes or components of such airplanes, or making sales, at retail or wholesale, of such tooling manufactured by the seller, as to such persons the amount of tax with respect to such business is, in the case of manufacturers, equal to the value of the product manufactured and the gross proceeds of sales of the product manufactured, or in the case of processors for hire, be equal to the gross income of the business, multiplied by the rate of 0.2904 percent.

(c) For the purposes of this subsection (11), "commercial airplane" and "component" have the same meanings as provided in RCW 82.32.550.

(d) In addition to all other requirements under this title, a person reporting under the tax rate provided in this subsection (11) must file a complete annual report with the department under RCW 82.32.534.

(e) This subsection (11) does not apply on and after July 1, 2024.

(12)(a) Until July 1, 2024, upon every person engaging within this state in the business of extracting timber or extracting for hire

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timber; as to such persons the amount of tax with respect to the business is, in the case of extractors, equal to the value of products, including by-products, extracted, or in the case of extractors for hire, equal to the gross income of the business, multiplied by the rate of 0.4235 percent from July 1, 2006, through June 30, 2007, and 0.2904 percent from July 1, 2007, through June 30, 2024.

(b) Until July 1, 2024, upon every person engaging within this state in the business of manufacturing or processing for hire: (i) Timber into timber products or wood products; or (ii) timber products into other timber products or wood products; as to such persons the amount of the tax with respect to the business is, in the case of manufacturers, equal to the value of products, including by-products, manufactured, or in the case of processors for hire, equal to the gross income of the business, multiplied by the rate of 0.4235 percent from July 1, 2006, through June 30, 2007, and 0.2904 percent from July 1, 2007, through June 30, 2024.

(c) Until July 1, 2024, upon every person engaging within this state in the business of selling at wholesale: (i) Timber extracted by that person; (ii) timber products manufactured by that person from timber or other timber products; or (iii) wood products manufactured by that person from timber or timber products; as to such persons the amount of the tax with respect to the business is equal to the gross proceeds of sales of the timber, timber products, or wood products multiplied by the rate of 0.4235 percent from July 1, 2006, through June 30, 2007, and 0.2904 percent from July 1, 2007, through June 30, 2024.

(d) Until July 1, 2024, upon every person engaging within this state in the business of selling standing timber; as to such persons the amount of the tax with respect to the business is equal to the gross income of the business multiplied by the rate of 0.2904 percent. For purposes of this subsection (12)(d), "selling standing timber" means the sale of timber apart from the land, where the buyer is required to sever the timber within thirty months from the date of the original contract, regardless of the method of payment for the timber and whether title to the timber transfers before, upon, or after severance.

(e) For purposes of this subsection, the following definitions apply:

(i) "Biocomposite surface products" means surface material products containing, by weight or volume, more than fifty percent recycled paper and that also use nonpetroleum-based phenolic resin as a bonding agent.

(ii) "Paper and paper products" means products made of interwoven cellulosic fibers held together largely by hydrogen bonding. "Paper and paper products" includes newsprint; office, printing, fine, and pressure-sensitive papers; paper napkins, towels, and toilet tissue; kraft bag, construction, and other kraft industrial papers; paperboard, liquid packaging containers, containerboard, corrugated, and solid-fiber containers including linerboard and corrugated medium; and related types of cellulosic products containing primarily, by weight or volume, cellulosic materials. "Paper and paper products" does not include books, newspapers, magazines, periodicals, and other printed publications, advertising materials, calendars, and similar types of printed materials.

(iii) "Recycled paper" means paper and paper products having fifty percent or more of their fiber content that comes from postconsumer waste. For purposes of this subsection (12)(e)(iii), "postconsumer waste" means a finished material that would normally be disposed of as solid waste, having completed its life cycle as a consumer item.

(iv) "Timber" means forest trees, standing or down, on privately or publicly owned land. "Timber" does not include Christmas trees that are cultivated by agricultural methods or short-rotation hardwoods as defined in RCW 84.33.035.

(v) "Timber products" means:

(A) Logs, wood chips, sawdust, wood waste, and similar products obtained wholly from the processing of timber, short-rotation hardwoods as defined in RCW 84.33.035, or both;

(B) Pulp, including market pulp and pulp derived from recovered paper or paper products; and

(C) Recycled paper, but only when used in the manufacture of biocomposite surface products.

(vi) "Wood products" means paper and paper products; dimensional lumber; engineered wood products such as particleboard, oriented strand board, medium density fiberboard, and plywood; wood doors; wood windows; and biocomposite surface products.

(f) Except for small harvesters as defined in RCW 84.33.035, a person reporting under the tax rate provided in this subsection (12) must file a complete annual survey with the department under RCW 82.32.585.

(13) Upon every person engaging within this state in inspecting, testing, labeling, and storing canned salmon owned by another person, as to such persons, the amount of tax with respect to such activities is equal to the gross income derived from such activities multiplied by the rate of 0.484 percent.

(14)(a) Upon every person engaging within this state in the business of printing a newspaper, publishing a newspaper, or both, the amount of tax on such business is equal to the gross income of the business multiplied by the rate of ~~((0.2904))~~ 0.365 percent through June 30, 2013, and beginning July 1, 2013, multiplied by the rate of 0.35 percent.

(b) A person reporting under the tax rate provided in this subsection (14) must file a complete annual report with the department under RCW 82.32.534."

On page 35, line 24, after "I, II, V" strike ", and VI" and insert "through VII"

On page 35, after line 19, insert the following:

"**NEW SECTION. Sec. 603.** Part VI expires July 1, 2015."

Renumber the remaining sections consecutively and correct any internal references accordingly.

Senator Murray spoke in favor of adoption of the amendment to the striking amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senators Murray and Zarelli on page 4, line 11 to the striking amendment to Senate Bill No. 6635.

The motion by Senator Murray carried and the amendment to the striking amendment was adopted by voice vote.

The President declared the question before the Senate to be the adoption of the striking amendment by Senators Murray and Zarelli as amended to Senate Bill No. 6635.

The motion by Senator Murray carried and the striking amendment as amended was adopted by voice vote.

#### MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 2 of the title, after "tax" strike the remainder of the title and insert "preference and license fees; amending RCW 82.04.4292, 82.04.4266, 82.04.4268, 82.04.4269, 82.04.260, 82.08.986, 82.08.986, 82.12.986, 66.24.630, and 82.29A.020; adding a new section to chapter 82.04 RCW; creating new sections; providing an effective date; providing a contingent effective date; providing expiration dates; and declaring an emergency."

#### MOTION

On motion of Senator Murray, the rules were suspended, Engrossed Senate Bill No. 6635 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Murray spoke in favor of passage of the bill.

#### PARLIAMENTARY INQUIRY

Senator Frockt: "Thank you Mr. President. As I understand it, the legislation before us does five things: it closes a tax exemption for certain banks for interest derived for first mortgages; it extends the tax exemption for certain food processors; it reauthorizes a sales tax exemption for server farms; it exempts, from the liquor license fee, some retail sales by craft distilleries; it exempts from the lease-hold excise tax preferential use of leased marine property. Mr. President, is it generally permissible to include a variety of tax measures in a single piece of legislation as it has been done in this bill?"

#### REPLY BY THE PRESIDENT

President Owen: "Yes Senator, it is."

#### PARLIAMENTARY INQUIRY

Senator Frockt: "Mr. President, what are the votes required for final passage on this bill?"

#### REPLY BY THE PRESIDENT

President Owen: "The President believes that it would take two-thirds vote to pass this bill."

#### PARLIAMENTARY INQUIRY

Senator Frockt: "Thank you Mr. President. Is the two-thirds vote required for final passage on this bill due exclusively to the closure of the tax exemption for certain banks. That is the tax increase?"

#### REPLY BY THE PRESIDENT

President Owen: "Based on the President's understanding of this bill, that would be correct."

#### PARLIAMENTARY INQUIRY

Senator Frockt: "Finally Mr. President, is it possible under our rules to divide the question on final passage with one vote on the closure of the tax exemption and the second vote requiring a simple majority on the other parts of the bill that do not require the two-thirds vote?"

#### REPLY BY THE PRESIDENT

President Owen: "No. You may not divide the question on a bill."

Senator Zarelli spoke in favor of passage of the bill.

Senators Frockt, Rolfes and Benton spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Senate Bill No. 6635.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 6635 and the bill passed the Senate by the following vote: Yeas, 35; Nays, 10; Absent, 1; Excused, 3.

Voting yea: Senators Baumgartner, Becker, Brown, Chase, Conway, Delvin, Eide, Fain, Fraser, Hargrove, Harper, Hatfield, Haugen, Hill, Hobbs, Holmquist Newbry, Honeyford, Kastama, Kilmer, King, Kline, Kohl-Welles, Litzow, McAuliffe, Murray, Parlette, Prentice, Pridemore, Regala, Roach, Sheldon, Shin, Swecker, Tom and Zarelli

Voting nay: Senators Benton, Carrell, Ericksen, Frockt, Keiser, Nelson, Padden, Ranker, Rolfes and Schoesler

Absent: Senator Pflug

Excused: Senators Hewitt, Morton and Stevens

ENGROSSED SENATE BILL NO. 6635, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MOTION

On motion of Senator Eide, Engrossed Senate Bill No. 6635 was immediately transmitted to the House of Representatives.

#### SECOND READING

SENATE BILL NO. 5127, by Senators Kilmer, Parlette, Murray and Zarelli

Concerning state general obligation bonds and related accounts.

The measure was read the second time.

#### MOTION

Senator Kilmer moved that the following striking amendment by Senators Kilmer and Parlette be adopted:

Strike everything after the enacting clause and insert the following:

#### "PART I SHORT TITLE

NEW SECTION. **Sec. 101.** This act shall be known as the 2012 jobs now act.

#### PART II BOND AUTHORIZATION

NEW SECTION. **Sec. 201.** For the purpose of providing funds to finance the projects described and authorized by the legislature in the capital and operating appropriations acts for the 2011-2013 fiscal biennium, and all costs incidental thereto, the state finance committee is authorized to issue general obligation bonds of the state of Washington in the sum of five hundred five million four hundred sixty- six thousand dollars, or as much thereof as may be required, to finance these projects and all costs incidental thereto. Bonds authorized in this section may be sold at such price as the state finance committee shall determine. No bonds authorized in this section may be offered for sale without prior legislative appropriation of the net proceeds of the sale of the bonds.

NEW SECTION. **Sec. 202.** (1) The proceeds from the sale of the bonds authorized in section 201 of this act shall be deposited

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in the state building construction account created by RCW 43.83.020. The proceeds shall be transferred as follows:

(a) Four hundred eighty million forty-five thousand dollars to remain in the state building construction account created by RCW 43.83.020;

(b) Twenty million four hundred sixteen thousand dollars to the state taxable building construction account. All receipts from taxable bond issues are to be deposited into the account. If the state finance committee deems it necessary or advantageous to issue more than the amount specified in this subsection (b) as taxable bonds in order to comply with federal internal revenue service rules and regulations pertaining to the use of nontaxable bond proceeds or in order to reduce the total financing costs for bonds issued, the proceeds of such additional taxable bonds shall be transferred to the state taxable building construction account in lieu of any transfer otherwise provided by this section. If the state finance committee determines that a portion of the amount specified in this subsection (b) as taxable bonds may be issued as nontaxable bonds in compliance with federal internal revenue service rules and regulations pertaining to the use of nontaxable bond proceeds, then such bond proceeds shall be transferred to the state building construction account in lieu of the transfer to the state taxable building construction account otherwise provided by this subsection (b). The state treasurer shall submit written notice to the director of financial management if it is determined that any such additional transfer to the state taxable building construction account is necessary or that a transfer from the state taxable building construction account to the state building construction account may be made. Moneys in the account may be spent only after appropriation.

(2) These proceeds shall be used exclusively for the purposes specified in this section and for the payment of expenses incurred in the issuance and sale of the bonds issued for the purposes of this section, and shall be administered by the office of financial management subject to legislative appropriation.

**NEW SECTION. Sec. 203.** (1) The debt-limit general fund bond retirement account shall be used for the payment of the principal of and interest on the bonds authorized in section 202(1) of this act.

(2) The state finance committee shall, on or before June 30th of each year, certify to the state treasurer the amount needed in the ensuing twelve months to meet the bond retirement and interest requirements on the bonds authorized in section 202(1) of this act.

(3) On each date on which any interest or principal and interest payment is due on bonds issued for the purposes of section 202(1) of this act, the state treasurer shall withdraw from any general state revenues received in the state treasury and deposit in the debt-limit general fund bond retirement account an amount equal to the amount certified by the state finance committee to be due on the payment date.

**NEW SECTION. Sec. 204.** (1) Bonds issued under sections 201 through 203 of this act shall state that they are a general obligation of the state of Washington, shall pledge the full faith and credit of the state to the payment of the principal thereof and the interest thereon, and shall contain an unconditional promise to pay the principal and interest as the same shall become due.

(2) The owner and holder of each of the bonds or the trustee for the owner and holder of any of the bonds may by mandamus or other appropriate proceeding require the transfer and payment of funds as directed in this section.

**NEW SECTION. Sec. 205.** The legislature may provide additional means for raising moneys for the payment of the principal of and interest on the bonds authorized in section 201 of this act, and sections 202 and 203 of this act shall not be deemed to provide an exclusive method for the payment.

**PART III  
APPROPRIATIONS--GENERAL GOVERNMENT**

**NEW SECTION. Sec. 301. FOR THE DEPARTMENT OF COMMERCE**

Energy Efficiency Grants for Local Governments (91000241)

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation in this section is provided solely for grants to local agencies for operational cost savings improvements to local agency facilities and related projects that result in energy and operational cost savings. Related projects are those projects that must be completed in order for the energy efficiency improvements to be effective. Grants may also be used for loan interest payments over the term of a loan.

(2) The community services and housing division within the department of commerce, in consultation with the department of enterprise services, and the Washington State University energy program shall establish a competitive process to solicit and evaluate applications from local agencies. Final grant awards shall be determined by the department of commerce.

(3) For the purposes of this section:

(a) "Cost-effectiveness" means that the present value to the local agency of the energy reasonably expected to be saved or produced by a facility, activity, measure, or piece of equipment over its useful life, including any compensation received from a utility or the Bonneville power administration, is greater than the net present value of the costs of implementing, maintaining, and operating such facility, activity, measure, or piece of equipment over its useful life, when discounted at the cost of public borrowing.

(b) "Energy equipment" means energy management systems and any equipment, materials, or supplies that are expected, upon installation, to reduce the energy use or energy cost of an existing building or facility, and the services associated with the equipment, materials, or supplies, including, but not limited to, design, engineering, financing, installation, project management, guarantees, operations, and maintenance. Reduction in energy use or energy cost may also include reductions in the use or cost of water, wastewater, or solid waste.

(c) "Energy cost savings" means savings realized in expenses for energy use and expenses associated with water, wastewater, or solid waste systems.

(d) "Energy savings performance contracting" means the process authorized by chapter 39.35C RCW by which a company contracts with a local agency to conduct energy audits and guarantee energy savings from energy efficiency.

(e) "Operational cost savings" means savings realized from parts, service fees, capital renewal costs, and other measurable annual expenses to maintain and repair systems. This definition does not mean labor savings related to existing facility staff.

(f) "Public facilities" means buildings, building components, and major equipment or systems owned by local agencies.

(g) "Local agency" means any city and any town, county, special district, municipal corporation, agency, port district or authority, or political subdivision of any type, or any other entity or authority of local government in corporate form or otherwise.

(4) Grants must be awarded in competitive rounds, based on demand and capacity, with at least ten percent of each competitive grant round awarded to small cities or towns with a population of fewer than five thousand residents.

(5) In order to be eligible for energy efficiency grants under this section, applicants must complete an investment grade audit, or an equivalent, prior to submitting an application for funding.

(6) Within each competitive round, projects must be weighted and prioritized based on the following criteria and in the following order:

(a) Leverage ratio: In each round, the higher the leverage ratio of nonstate funding sources to state grant, the higher the project ranking.

(b) Energy savings: In each round, the higher the energy savings, the higher the project ranking. Applicants must submit documentation that demonstrates energy and operational cost savings resulting from the installation of the energy equipment and improvements. The energy savings analysis shall be performed by a licensed engineer, and the documentation must include but is not limited to the following:

(i) A description of the energy equipment and improvements; and

(ii) A description of the energy and operational cost savings.

(c) Expediency of expenditure: Project readiness to spend funds must be prioritized so that the legislative intent to expend funds quickly is met.

(7) Projects that do not use energy savings performance contracting must: (a) Verify energy and operational cost savings for ten years or until the energy and operational costs savings pay for the project, whichever is shorter; (b) follow the department of enterprise services energy savings performance contracting project guidelines; and (c) employ a licensed engineer for the energy audit and construction. The department of commerce may require third-party verification of savings if a project is not implemented by an energy savings performance contractor selected by the department of enterprise services through the request of qualifications process. Third-party verification must be conducted either by an energy savings performance contractor selected by the department of enterprise services through a request for qualifications, a licensed engineer that is a certified energy manager, or a project resource conservation manager.

(8) To intensify competition, the department of commerce may only award funds to the top eighty-five percent of projects applying in a round until the department of commerce determines a final round is appropriate. Projects that do not receive a grant award in one round may reapply in subsequent rounds.

(9) Grant amounts awarded to each project must allow for the maximum number of projects funded with the greatest energy and cost benefit.

(10) The department of commerce may charge projects administrative fees and may pay the department of enterprise services, and the Washington State University energy program administration fees in an amount determined through a memorandum of understanding.

(11) The department of commerce and the department of enterprise services must submit a joint report to the appropriate committees of the legislature and the office of financial management on the timing and use of the grant funds, program administrative function, compliance with apprenticeship utilization requirements in RCW 39.04.320, compliance with prevailing wage requirements, and administration fees by the end of each fiscal year, until the funds are fully expended and all savings verification requirements are fulfilled.

Appropriation:

State Building Construction Account--State.....\$18,000,000  
 Prior Biennia (Expenditures).....\$0  
 Future Biennia (Projected Costs) .....\$0  
 TOTAL.....\$18,000,000

**NEW SECTION. Sec. 302. FOR THE DEPARTMENT OF COMMERCE**

2012 Local and Community Projects (91000417)

The appropriations in this section are subject to the following conditions and limitations:

(1) Except as directed otherwise prior to the effective date of this section, the department shall not expend the appropriations in this section unless and until the nonstate share of project costs have been either expended, or firmly committed, or both, in an amount sufficient to complete the project or a distinct phase of the project that is useable to the public for the purpose intended by the legislature.

(2) Prior to receiving funds, project recipients must demonstrate that the project site is under control for a minimum of ten years, either through ownership or a long-term lease. This requirement does not apply to appropriations for preconstruction activities or appropriations whose sole purpose is to purchase real property that does not include a construction or renovation component.

(3) Projects funded in this section may be required to comply with Washington's high performance building standards as required by chapter 39.35D RCW.

(4) Project funds are available on a reimbursement basis only, and shall not be advanced under any circumstances.

(5) Projects funded in this section must be held by the recipient for a minimum of ten years and used for the same purpose or purposes intended by the legislature as required in RCW 43.63A.125(6).

(6) Projects funded in this section, including those that are owned and operated by nonprofit organizations, are generally required to pay state prevailing wages.

(7) The appropriation is provided solely for the following list of projects:

<b>Project</b>	<b>Authorized Amount</b>
Clark County Family YMCA Building Remodel	\$1,500,000
Community Space for Completion of Capitol Hill Housing	\$1,500,000
Covington Aquatics Center Roof Replacement and Related Construction	\$400,000
Drug Abuse Prevention Center	\$61,000
El Centro de la Raza Life Safety Seismic Retrofit	\$408,000
Everett Medical Clinic	\$250,000
Life Support	\$2,000,000
Santos Place	\$525,000
Sprague Emergency Response Center	\$339,000
Star Center - SERA Campus	\$2,640,000
<b>Total</b>	<b>\$9,623,000</b>

Appropriation:

State Building Construction Account--State.....\$9,623,000  
 Prior Biennia (Expenditures).....\$0  
 Future Biennia (Projected Costs) .....\$0  
 TOTAL.....\$9,623,000

**NEW SECTION. Sec. 303. FOR THE DEPARTMENT OF COMMERCE**

Connell Klindworth Water Line Distribution (91000318)

Appropriation:

State Building Construction Account--State.....\$540,000  
 Prior Biennia (Expenditures).....\$0  
 Future Biennia (Projected Costs) .....\$0

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TOTAL.....\$540,000  
**NEW SECTION. Sec. 304. FOR THE DEPARTMENT OF COMMERCE**

CERB Administered Economic Development, Innovation & Export Grants (92000096)

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for the following specified economic development projects. The board may allocate up to twenty-five percent of the amounts for specified projects to other specified projects or to additional grants awarded on a competitive basis if, upon further review of the specified projects, the cost of the projects is less than originally assumed or other nonstate funds become available. If specified projects have not met the requirements for executing a contract with the department by April 30, 2013, the board may allocate the amount specified to additional grants awarded on a competitive basis provided that the grant awardee is ready to proceed with the project.

<b>Project</b>	<b>Authorized Amount</b>
Chelatchee Prairie RR Project	\$500,000
Trans Alta Industrial Park Infrastructure	\$998,000
Lakehaven Utility Dist/Federal Way Sewer Project	\$1,000,000
Renton Aerospace Center	\$2,500,000
NE Redevelopment Area - Storm Water Facilities	\$3,500,000
WA Aerospace Training & Research Center Expansion	\$1,500,000
Infrastructure for NW Friberg Development in Camas	\$3,000,000
Port of Quincy Industrial Park No. 6 Infrastructure	\$1,100,000
Federal Way Sewer Line	\$1,500,000
Vancouver Waterfront Park Development	\$1,000,000
<b>Total</b>	<b>\$16,598,000</b>

Appropriation:

State Building Construction Account--State.....	\$16,598,000
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs) .....	\$0
<b>TOTAL.....</b>	<b>\$16,598,000</b>

**NEW SECTION. Sec. 305. FOR THE DEPARTMENT OF COMMERCE**

Main Street Improvement Grants (92000098)

The appropriation in this section is subject to the following conditions and limitations: The appropriation in this section is provided solely for the following main street improvement projects administered by the public works board (board). The board may allocate up to twenty-five percent of the amounts for specified projects in this section to other specified projects or to grants awarded on a competitive basis if, upon further review of the specified projects, the cost of the projects is less than originally assumed or other nonstate funds become available. If specified projects have not met the requirements for executing a contract with the department by April 30, 2013, the board may allocate the amount specified to additional grants awarded on a competitive basis provided that the grant awardee is ready to proceed with the project.

**Project** **Authorized Amount**

Bay Street Pedestrian Path	\$500,000
Downtown Longview Corridor Project	\$500,000
Edmonds Main Street Project	\$500,000
La Conner Boardwalk	\$750,000
Cushman Phase 4	\$1,200,000
Kendall Yards Public Infrastructure	\$2,000,000
Pacific Ave Streetscape Improvements	\$3,000,000
University District Pedestrian/Bike	\$3,200,000
Bridge Design & Acquisition Cross Kirkland Corridor	\$2,000,000
Everett Parks Roofs	\$400,000
<b>Total</b>	<b>\$14,050,000</b>

Appropriation:

State Building Construction Account--State.....	\$14,050,000
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs) .....	\$0
<b>TOTAL.....</b>	<b>\$14,050,000</b>

**NEW SECTION. Sec. 306. FOR THE DEPARTMENT OF COMMERCE**

Port and Export Related Infrastructure (92000102)

The appropriation in this section is subject to the following conditions and limitations: The appropriation in this section is provided solely for the following list of projects. The department may allocate up to twenty-five percent of the amounts for specified projects to other specified projects or to additional grants awarded on a competitive basis if, upon further review of the specified projects, the cost of the projects is less than originally assumed or other nonstate funds become available. If specified projects have not met the requirements for executing a contract with the department by April 30, 2013, the department may allocate the amount specified to additional grants awarded on a competitive basis provided that the grant awardee is ready to proceed with the project.

<b>Project</b>	<b>Authorized Amount</b>
Benton - Railroad Bridge Replacement	\$2,200,000
Camas Washougal - Steigerwald Commerce Center Development	\$1,500,000
Columbia - Blue Mountain Station Site	\$750,000
Pasco - Heritage Industrial Rail Extension	\$1,800,000
Pasco - Rail Hub Development - Phase 5	\$1,400,000
Skamania - Access Road	\$650,000
Skamania - Water and Wastewater System	\$350,000
Tacoma - Puyallup River Bridge Replacement	\$7,000,000
Vancouver - Centennial Industrial Park Infrastructure	\$5,750,000
Walla Walla - Infrastructure for Warehouse Project	\$2,750,000

Tacoma - South Lead Rail	\$5,000,000
Speed Improvements for Short Line Rail for Agricultural Exports	\$4,000,000
<b>Total</b>	<b>\$33,150,000</b>

Appropriation:

State Building Construction Account--State .....	\$33,150,000
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs) .....	\$0
<b>TOTAL.....</b>	<b>\$33,150,000</b>

**NEW SECTION. Sec. 307. FOR THE DEPARTMENT OF COMMERCE**

Energy Efficiency Grants For Higher Education (91000242)

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation in this section is provided solely for grants to public higher education institutions for operational cost savings improvements to higher education facilities and related projects that result in energy and operational cost savings. Related projects are those projects that must be completed in order for the energy efficiency improvements to be effective. Grants may also be used for loan interest payments over the term of a loan.

(2) The community services and housing division within the department of commerce, in consultation with the department of enterprise services, and the Washington State University energy program shall establish a competitive process to solicit and evaluate applications from public higher education institutions. Final grant awards shall be determined by the department of commerce.

(3) For the purposes of this section:

(a) "Cost-effectiveness" means that the present value to the higher education institution of the energy reasonably expected to be saved or produced by a facility, activity, measure, or piece of equipment over its useful life, including any compensation received from a utility or the Bonneville power administration, is greater than the net present value of the costs of implementing, maintaining, and operating such facility, activity, measure, or piece of equipment over its useful life, when discounted at the cost of public borrowing.

(b) "Energy equipment" means energy management systems and any equipment, materials, or supplies that are expected, upon installation, to reduce the energy use or energy cost of an existing building or facility, and the services associated with the equipment, materials, or supplies, including, but not limited to, design, engineering, financing, installation, project management, guarantees, operations, and maintenance. Reduction in energy use or energy cost may also include reductions in the use or cost of water, wastewater, or solid waste.

(c) "Energy cost savings" means savings realized in expenses for energy use and expenses associated with water, wastewater, or solid waste systems.

(d) "Energy savings performance contracting" means the process authorized by chapter 39.35C RCW by which a company contracts with a public agency to conduct energy audits and guarantee energy savings from energy efficiency.

(e) "Operational cost savings" means savings realized from parts, service fees, capital renewal costs, and other measurable annual expenses to maintain and repair systems. This definition does not mean labor savings related to existing facility staff.

(f) "Public facilities" means buildings, building components, and major equipment or systems owned by public higher education institutions.

(4) Grants must be awarded in competitive rounds, based on demand and capacity.

(5) In order to be eligible for energy efficiency grants under this section, applicants must complete an investment grade audit, or an equivalent, prior to submitting an application for funding.

(6) Within each competitive round, projects must be weighted and prioritized based on the following criteria and in the following order:

(a) Leverage ratio: In each round, the higher the leverage ratio of nonstate funding sources to state grant, the higher the project ranking.

(b) Energy savings: In each round, the higher the energy savings, the higher the project ranking. Applicants must submit documentation that demonstrates energy and operational cost savings resulting from the installation of the energy equipment and improvements. The energy savings analysis shall be performed by a licensed engineer, and the documentation must include, but is not limited to, the following:

(i) A description of the energy equipment and improvements; and

(ii) A description of the energy and operational cost savings.

(c) Expediency of expenditure: Project readiness to spend funds must be prioritized so that the legislative intent to expend funds quickly is met.

(7) Projects that do not use energy savings performance contracting must: (a) Verify energy and operational cost savings for ten years or until the energy and operational costs savings pay for the project, whichever is shorter; (b) follow the department of enterprise services energy savings performance contracting project guidelines; and (c) employ a licensed engineer for the energy audit and construction. The department of commerce may require third-party verification of savings if a project is not implemented by an energy savings performance contractor selected by the department of enterprise services through the request of qualifications process. Third-party verification must be conducted either by an energy savings performance contractor selected by the department of enterprise services through a request for qualifications, a licensed engineer that is a certified energy manager, or a project resource conservation manager.

(8) To intensify competition, the department of commerce may only award funds to the top eighty-five percent of projects applying in a round until the department of commerce determines a final round is appropriate. Projects that do not receive a grant award in one round may reapply in subsequent rounds.

(9) Grant amounts awarded to each project must allow for the maximum number of projects funded with the greatest energy and cost benefit.

(10) The department of commerce may charge projects administrative fees and may pay the department of enterprise services, and the Washington State University energy program administration fees in an amount determined through a memorandum of understanding.

(11) The department of commerce and the department of enterprise services must submit a joint report to the appropriate committees of the legislature and the office of financial management on the timing and use of the grant funds, program administrative function, compliance with apprenticeship utilization requirements in RCW 39.04.320, compliance with prevailing wage requirements, and administration fees by the end of each fiscal year, until the funds are fully expended and all savings verification requirements are fulfilled.

Appropriation:

State Building Construction Account--State.....	\$20,000,000
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs) .....	\$0
<b>TOTAL.....</b>	<b>\$20,000,000</b>

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**Sec. 308.** 2011 1st sp.s. c 49 s 1027 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF COMMERCE**

Building Communities Fund Grants (30000102)

The appropriation in this section is subject to the following conditions and limitations:

(1) Except as directed otherwise prior to the effective date of this section, the department shall not expend the appropriation in this section unless and until the nonstate share of project costs have been either expended, or firmly committed, or both, in an amount sufficient to complete the projects or a distinct phase of the project that is useable to the public for this purpose intended by the legislature.

(2) Prior to receiving funds, project recipients must demonstrate that the project site is under control for a minimum of ten years, either through ownership or a long-term lease. This requirement does not apply to appropriations for preconstruction activities or appropriations whose sole purpose is to purchase real property that does not include a construction or renovation component.

(3) Projects funded in this section may be required to comply with Washington's high performance building standards as required by chapter 39.35D RCW.

(4) Project funds are available on a reimbursement basis only, and shall not be advanced under any circumstances.

(5) Projects funded in this section must be held by the recipient for a minimum of ten years and used for the same purpose or purposes intended by the legislature as required in RCW 43.63A.125(6).

(6) Projects funded in this section, including those that are owned and operated by nonprofit organizations, are generally required to pay state prevailing wages.

(7) The appropriation is provided solely for the following list of projects:

<b>Project</b>	<b>Authorized Amount</b>
Serenity House of Clallam County	\$52,000
Boys & Girls Clubs of King County	\$316,000
YMCA of Pierce and Kitsap Counties	\$1,250,000
Jewish Family Service	\$2,313,000
Low Income Housing Institute	\$313,000
The Salvation Army	\$56,000
Share	\$581,000
Navos	(( <del>\$2,500,000</del> ))
	<u>\$2,350,000</u>
Kitsap Community Resources	\$600,000
Transitions	\$109,000
Boys & Girls Clubs of the Columbia Basin	\$648,000
Village Green Foundation	\$1,029,000
Community Action Council of LMT	\$95,000
United Way of Kitsap County	\$605,000
ARC of Spokane	\$862,000

Dynamic Family Services	\$575,000
University District Food Bank	\$573,000
<u>Kent Youth and Family Services</u>	<u>\$298,000</u>
<u>Safe Place</u>	<u>\$778,000</u>
<b>Total</b>	(( <del>\$12,327,000</del> ))
	<b><u>\$13,403,000</u></b>

Appropriation:

State Building Construction Account--State ....	(( <del>\$12,327,000</del> ))
.....	\$13,403,000
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs) .....	\$56,000,000
TOTAL.....	(( <del>\$68,327,000</del> ))
.....	\$69,403,000

**NEW SECTION. Sec. 309. FOR THE DEPARTMENT OF COMMERCE**

Innovation Partnership Zones - Facilities and Infrastructure (92000089)

The appropriation in this section is subject to the following conditions and limitations: The appropriation in this section is provided solely for the following list of projects. The department may allocate up to twenty-five percent of the amounts for specified projects to other specified projects or to additional grants awarded on a competitive basis if, upon further review of the specified projects, the cost of the projects is less than originally assumed or other nonstate funds become available. If specified projects have not met the requirements for executing a contract with the department by April 30, 2013, the department may allocate the amount specified to additional grants awarded on a competitive basis provided that the grant awardee is ready to proceed with the project.

<b>Project</b>	<b>Authorized Amount</b>
Tri-Cities Research District - Wine Science Center	\$5,000,000
Alternative Energy - Training and Innovation - Walla Walla	\$3,670,000
Reuse of Industrial By-Products and Waste - Grays Harbor	\$750,000
Biomedical Technology Innovation - Bothell	\$500,000
Clean Water Innovations - University of Washington Tacoma & Washington State University - Pierce	\$3,600,000
<b>Total</b>	<b>\$13,520,000</b>

Appropriation:

State Building Construction Account--State.....	\$13,520,000
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs) .....	\$0
TOTAL.....	\$13,520,000

**NEW SECTION. Sec. 310. FOR THE DEPARTMENT OF COMMERCE**

Housing for Families with Children (91000409)

The appropriation in this section is subject to the following conditions and limitations: The appropriation in this section is provided for the ranked list of projects in the category "Housing for Families with Children" in LEAP capital document No. 2012-7A, developed April 3, 2012. The department shall evaluate projects on the LEAP list and allocate the funding based on the requirements of



RCW 43.185.050 and 43.185.070. Upon review of a completed application, if the department determines that a project is not eligible or is not ready to proceed, the department may allocate funding to a project in another category on the LEAP list, or to any type of alternate project. The department shall, at its discretion, determine the actual amount of funding to be allocated to each project, provided that the total allocation does not exceed the appropriation provided in this section.

Appropriation:

State Taxable Building Construction	
Account--State.....	\$8,250,000
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs) .....	\$0
TOTAL.....	\$8,250,000

**NEW SECTION. Sec. 311. FOR THE DEPARTMENT OF COMMERCE**

Housing for Seniors and People with Physical Disabilities (91000411)

The appropriation in this section is subject to the following conditions and limitations: The appropriation in this section is provided for the ranked list of projects in the category "Housing for Seniors and People with Physical Disabilities" in LEAP capital document No. 2012-7A, developed April 3, 2012. The department shall evaluate projects on the LEAP list and allocate the funding based on the requirements of RCW 43.185.050 and 43.185.070. Upon review of a completed application, if the department determines that a project is not eligible or is not ready to proceed, the department may allocate funding to a project in another category on the LEAP list, or to any type of alternate project. The department shall, at its discretion, determine the actual amount of funding to be allocated to each project, provided that the total allocation does not exceed the appropriation provided in this section.

Appropriation:

State Taxable Building Construction	
Account--State.....	\$9,666,000
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs) .....	\$0
TOTAL.....	\$9,666,000

**NEW SECTION. Sec. 312. FOR THE DEPARTMENT OF COMMERCE**

Housing for People at Risk of Homelessness (91000415)

The appropriation in this section is subject to the following conditions and limitations: The appropriation in this section is provided for the ranked list of projects in the category "Housing for People at Risk of Homelessness" in LEAP capital document No. 2012-7A, developed April 3, 2012. The department shall evaluate projects on the LEAP list and allocate the funding based on the requirements of RCW 43.185.050 and 43.185.070. Upon review of a completed application, if the department determines that a project is not eligible or is not ready to proceed, the department may allocate funding to a project in another category on the LEAP list, or to any type of alternate project. The department shall, at its discretion, determine the actual amount of funding to be allocated to each project, provided that the total allocation does not exceed the appropriation provided in this section.

Appropriation:

State Taxable Building Construction	
Account--State.....	\$2,500,000
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs) .....	\$0
TOTAL.....	\$2,500,000

**NEW SECTION. Sec. 313. FOR THE OFFICE OF FINANCIAL MANAGEMENT**

Chehalis River Basin Flood Relief Projects (91000398)

The appropriation in this section is subject to the following conditions and limitations:

(1) Projects funded under this section must be reviewed and approved by both the Chehalis River basin flood authority and the Chehalis tribe prior to the allotment of funds by the office of financial management.

(2) Up to \$1,875,000 of the appropriation is for repairing and modifying levees and dikes, including but not limited to, the airport levee, levees protecting the Adna and Bucoda areas.

(3) Up to \$2,075,000 of the appropriation is for modification of the Sickman Ford bridge, and floodplain culverts, to open up the channel, increase conveyance, and allow for flood relief.

(4) Up to \$50,000 of the appropriation is for installation and calibration of a rain gauge on the Chehalis reservation.

(5) Up to \$500,000 of the appropriation is for construction of evacuation routes and pads to avoid future livestock losses.

(6) Up to \$500,000 of the appropriation is for improvements to areas affected by the Satsop river.

Appropriation:

State Building Construction Account--State.....	\$5,000,000
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs) .....	\$0
TOTAL.....	\$5,000,000

**NEW SECTION. Sec. 314. FOR THE OFFICE OF FINANCIAL MANAGEMENT**

Aerospace and Manufacturing Training Equipment Pool (91000003)

Appropriation:

State Building Construction Account--State.....	\$2,265,000
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs) .....	\$0
TOTAL.....	\$2,265,000

**PART IV  
APPROPRIATIONS--HUMAN SERVICES**

**NEW SECTION. Sec. 401. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

Rainier School: Cottages Remodel and Renovation (91000017)

Appropriation:

State Building Construction Account--State.....	\$3,000,000
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs) .....	\$0
TOTAL.....	\$3,000,000

**NEW SECTION. Sec. 402. FOR THE DEPARTMENT OF HEALTH**

Safe Reliable Drinking Water Grants (92000002)

The appropriation in this section is subject to the following conditions and limitations: The appropriation in this section is provided solely for the following list of projects. The department may allocate up to twenty-five percent of the amounts for specified projects to other specified projects or to additional grants awarded on a competitive basis if, upon further review of the specified projects, the cost of the projects is less than originally assumed or other nonstate funds become available. If specified projects have not met the requirements for executing a contract with the department by April 30, 2013, the department may allocate the amount specified to additional grants awarded on a competitive basis provided that the grant awardee is ready to proceed with the project.

Project	Authorized Amount
Cowlitz County Water System - Arsenic Treatment	\$200,000

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Kapowsin Water District	\$50,000
Cryptosporidium Treatment	
Rhodena Beach Water District	\$72,000
Arsenic Treatment	
Greater Bar Water District	\$1,000,000
Consolidations System	
City of Ilwaco Water Treatment	\$940,000
Town of Malden Water Facility	\$975,000
Repair	
City of Colville System	\$750,000
Repair/Upgrade	
Skagit PUD Water System	\$200,000
Consolidation	
Pend Oreille PUD System	\$900,000
Repair/Upgrade	
Gig Harbor - Replace Asbesto	\$2,000,000
Water Mains.....	
Everett Water System Extension to	\$1,000,000
Tulalip	
Tacoma - Fennel Heights	\$300,000
Consolidation	
Kitsap PUD - Consolidate to	\$2,500,000
Resolve Water Quality	
Concerns	
Mason County PUD No. 1 Canal	\$650,000
Mutual System Upgrade	
Agency Program Administration	\$101,000
Total	\$11,638,000

Appropriation:

State Building Construction Account--State.....	\$11,638,000
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs) .....	\$0
TOTAL.....	\$11,638,000

Sec. 403. 2011 1st sp.s. c 49 s 2017 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF VETERANS AFFAIRS  
Walla Walla Nursing Facility (20082008)

Appropriation:

State Building Construction Account--State.....(((\$2,400,000))	
.....	\$16,800,000
Prior Biennia (Expenditures).....	\$125,000
Future Biennia (Projected Costs) .....	(((\$29,141,000))
.....	\$0
TOTAL.....(((\$31,666,000))	
.....	\$16,925,000

**PART V**

**APPROPRIATIONS--NATURAL RESOURCES**

**NEW SECTION. Sec. 501. FOR THE DEPARTMENT OF ECOLOGY**

Skagit Mitigation (91000181)

The appropriation in this section is subject to the following conditions and limitations: The appropriation in this section is provided solely for the department to develop mitigation options and alternative water sources or tools to make water available for stream flows and for rural domestic permit-exempt uses within the Carpenter- Fisher, East Nookachamps, and Upper Nookachamps Subbasins. Up to \$100,000 of the amount specified shall be used to develop a rural domestic demonstration project to determine if on-site best management practices, including, but not limited to, rainwater infiltration, water conservation, and low impact

development standards, can meet the mitigation requirements of chapter 173-503 WAC and be reasonably and feasibly integrated into rural domestic developments.

Appropriation:

State Building Construction Account--State.....	\$2,225,000
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs) .....	\$0
TOTAL.....	\$2,225,000

**NEW SECTION. Sec. 502. FOR THE DEPARTMENT OF ECOLOGY**

Columbia River Water Management Projects (91000179)

The appropriation in this section is subject to the following conditions and limitations:

(1) \$2,000,000 of the appropriation in this section is provided solely for the Lake Roosevelt Incremental Storage Release - East Low Canal Project.

(2) \$2,500,000 of the appropriation in this section is provided solely for the Keechelus to Kachess Pipeline I-90 Crossing Project in Kittitas County.

Appropriation:

Columbia River Basin Water Supply Development	
Account--State.....	\$4,500,000
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs) .....	\$0
TOTAL.....	\$4,500,000

**NEW SECTION. Sec. 503. FOR THE DEPARTMENT OF ECOLOGY**

Flood Levee Improvements (92000057)

The appropriation in this section is subject to the following conditions and limitations: The appropriation in this section is provided solely for the Mt. Vernon flood protection project.

Appropriation:

State Building Construction Account--State.....	\$1,500,000
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs) .....	\$0
TOTAL.....	\$1,500,000

**NEW SECTION. Sec. 504. FOR THE DEPARTMENT OF ECOLOGY**

Ground Water Management Yakima Basin (92000061)

Appropriation:

Columbia River Basin Water Supply Development	
Account--State.....	\$450,000
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs) .....	\$0
TOTAL.....	\$450,000

**NEW SECTION. Sec. 505. FOR THE STATE PARKS AND RECREATION COMMISSION**

Comfort Stations (91000036)

Appropriation:

State Building Construction Account--State.....	\$1,754,000
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs) .....	\$0
TOTAL.....	\$1,754,000

**NEW SECTION. Sec. 506. FOR THE STATE PARKS AND RECREATION COMMISSION**

..... Rocky Reach Trail (91000035)

Appropriation:

State Building Construction Account--State.....	\$400,000
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs) .....	\$0
TOTAL.....	\$400,000

**NEW SECTION. Sec. 507. FOR THE STATE CONSERVATION COMMISSION**

Farms and Water Quality (91000004)

Appropriation:

State Building Construction Account--State.....\$5,000,000  
 Prior Biennia (Expenditures).....\$0  
 Future Biennia (Projected Costs) .....\$0  
 TOTAL.....\$5,000,000

**NEW SECTION. Sec. 508. FOR THE STATE CONSERVATION COMMISSION**

Conservation Reserve Enhancement Program (91000007)

**Appropriation:**

State Building Construction Account--State.....\$1,277,000  
 Prior Biennia (Expenditures).....\$0  
 Future Biennia (Projected Costs) .....\$0  
 TOTAL.....\$1,277,000

**NEW SECTION. Sec. 509. FOR THE DEPARTMENT OF FISH AND WILDLIFE**

Dry Forest Restoration (91000039)

The appropriation in this section is subject to the following conditions and limitations:

(1) \$375,000 of the appropriation is provided solely for the Sherman Creek prescribed burning project.

(2) \$421,000 of the appropriation is provided solely for the Sinlahekin dry forest restoration project.

**Appropriation:**

State Building Construction Account--State.....\$796,000  
 Prior Biennia (Expenditures).....\$0  
 Future Biennia (Projected Costs) .....\$0  
 TOTAL.....\$796,000

**NEW SECTION. Sec. 510. FOR THE DEPARTMENT OF FISH AND WILDLIFE**

Fishway Improvements/Diversions (91000033)

**Appropriation:**

State Building Construction Account--State.....\$8,000,000  
 Prior Biennia (Expenditures).....\$0  
 Future Biennia (Projected Costs) .....\$0  
 TOTAL.....\$8,000,000

**NEW SECTION. Sec. 511. FOR THE DEPARTMENT OF FISH AND WILDLIFE**

Hatchery Improvements (91000036)

**Appropriation:**

State Building Construction Account--State.....\$34,775,000  
 Prior Biennia (Expenditures).....\$0  
 Future Biennia (Projected Costs) .....\$0  
 TOTAL.....\$34,775,000

**NEW SECTION. Sec. 512. FOR THE DEPARTMENT OF FISH AND WILDLIFE**

Minor Works - Dam and Dike (91000042)

**Appropriation:**

State Building Construction Account--State.....\$200,000  
 Prior Biennia (Expenditures).....\$0  
 Future Biennia (Projected Costs) .....\$0  
 TOTAL.....\$200,000

**NEW SECTION. Sec. 513. FOR THE DEPARTMENT OF FISH AND WILDLIFE**

Minor Works - Access Sites (91000044)

**Appropriation:**

State Building Construction Account--State.....\$7,406,000  
 Prior Biennia (Expenditures).....\$0  
 Future Biennia (Projected Costs) .....\$0  
 TOTAL.....\$7,406,000

**NEW SECTION. Sec. 514. FOR THE DEPARTMENT OF FISH AND WILDLIFE**

Minor Works - Fish Passage Barriers (Culverts) (91000045)

**Appropriation:**

State Building Construction Account--State.....\$1,495,000  
 Prior Biennia (Expenditures).....\$0  
 Future Biennia (Projected Costs) .....\$0

TOTAL.....\$1,495,000

**NEW SECTION. Sec. 515. FOR THE DEPARTMENT OF FISH AND WILDLIFE**

Minor Works - Road Maintenance and Abandonment Plan (91000046)

**Appropriation:**

State Building Construction Account--State.....\$516,000  
 Prior Biennia (Expenditures).....\$0  
 Future Biennia (Projected Costs) .....\$0  
 TOTAL.....\$516,000

**NEW SECTION. Sec. 516. FOR THE DEPARTMENT OF FISH AND WILDLIFE**

Wildlife Area Improvements (91000047)

**Appropriation:**

State Building Construction Account--State.....\$60,000  
 Prior Biennia (Expenditures).....\$0  
 Future Biennia (Projected Costs) .....\$0  
 TOTAL.....\$60,000

**NEW SECTION. Sec. 517. FOR THE DEPARTMENT OF FISH AND WILDLIFE**

Acquire Dryden Gravel Pit from Washington Department of Transportation (92000028)

**Appropriation:**

State Building Construction Account--State.....\$251,000  
 Prior Biennia (Expenditures).....\$0  
 Future Biennia (Projected Costs) .....\$0  
 TOTAL.....\$251,000

**Sec. 518.** 2011 1st sp.s. c 49 s 3082 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF FISH AND WILDLIFE**

Voights Creek Hatchery (20081003)

~~((The appropriation in this section is subject to the following conditions and limitations: The appropriations in this section are provided solely for property acquisition, design, and permitting. If the department does not acquire property, the amounts provided in this section shall lapse.))~~

**Reappropriation:**

State Building Construction Account--State.....\$115,000

**Appropriation:**

State Building Construction Account--State.....(((\$1,000,000))  
 .....\$14,000,000  
 Prior Biennia (Expenditures).....\$1,182,000  
 Future Biennia (Projected Costs) .....(((\$13,000,000))  
 .....\$0  
 TOTAL.....\$15,297,000

**NEW SECTION. Sec. 519. FOR THE DEPARTMENT OF NATURAL RESOURCES**

Road Maintenance and Abandonment Plan (91000040)

The appropriation is subject to the following conditions and limitations:

(1) \$1,084,000 of the appropriation in this section is provided solely to replace fish passage barriers and bring roads up to salmon recovery and clean water standards within natural area preserves and natural resource conservation areas.

(2) \$5,750,000 of the appropriation in this section is provided solely to replace fish passage barriers and bring roads up to salmon recovery and clean water standards on state grant lands and state forest lands.

**Appropriation:**

State Building Construction Account--State.....\$6,834,000  
 Prior Biennia (Expenditures).....\$0  
 Future Biennia (Projected Costs) .....\$0  
 TOTAL.....\$6,834,000

**NEW SECTION. Sec. 520. FOR THE DEPARTMENT OF NATURAL RESOURCES**

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Restoration Projects to Improve Natural Resources (91000054)

The appropriation in this section is subject to the following conditions and limitations:

(1) \$435,000 of the appropriation is provided solely for a grant to a nonprofit organization for road repairs and restoration of forestlands along the Clearwater River.

(2) \$1,020,000 of the appropriation is provided solely for a grant for road repairs and forest treatments in the Ellsworth Creek watershed.

(3) \$1,030,000 of the appropriation is provided solely for a grant for dike removal and construction of a setback dike and flood attenuation structure at Port Susan Bay.

(4) \$75,000 of the appropriation is provided solely to the department of fish and wildlife for forest restoration treatments in the Oak Creek - Teton landscape.

Appropriation:

State Building Construction Account--State.....	\$2,560,000
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs) .....	\$0
TOTAL.....	\$2,560,000

**NEW SECTION. Sec. 521. FOR THE DEPARTMENT OF NATURAL RESOURCES**

Forest Hazard Reduction and Safety (91000066)

The appropriation in this section is subject to the following conditions and limitations:

(1) Up to \$4,320,000 of the appropriation in this section is for forest treatments that benefit state trust lands in eastern Washington by reducing insect, disease and wildfire hazards, of which not more than \$500,000 may be used for implementing treatments on federal lands solely within areas identified by a forest health technical advisory committee to warrant a forest health hazard warning or order authorized under RCW 76.06.180;

(2) Up to \$4,150,000 of the appropriation in this section is for noxious weed abatement and precommercial thinning on state trust lands; and

(3) Forest treatments to reduce insect, disease and wildfire hazards on private or federal lands shall require a contract with the department of natural resources to provide at least a one-to-one nonstate or in-kind fund match, and to provide a ten-year landowner maintenance agreement.

Appropriation:

State Building Construction Account--State.....	\$8,470,000
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs) .....	\$0
TOTAL.....	\$8,470,000

**NEW SECTION. Sec. 522. FOR THE DEPARTMENT OF NATURAL RESOURCES**

Puget SoundCorps (91000046)

The appropriation is subject to the following conditions and limitations: The appropriation in this section is provided solely for water quality and habitat protection and restoration projects that benefit Puget Sound recovery and that are primarily on public lands. The department of natural resources must contract with the department of ecology for Puget SoundCorps crews of youth and military veterans to implement these projects pursuant to chapter 20, Laws of 2011.

Appropriation:

State Building Construction Account--State.....	\$10,000,000
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs) .....	\$0
TOTAL.....	\$10,000,000

**NEW SECTION. Sec. 523. FOR THE DEPARTMENT OF NATURAL RESOURCES**

Creosote Piling Removal (92000014)

The appropriation is subject to the following conditions and limitations: The appropriation in this section is provided solely to remove creosote pilings from Puget Sound.

Appropriation:

State Building Construction Account--State.....	\$1,650,000
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs) .....	\$0
TOTAL.....	\$1,650,000

**NEW SECTION. Sec. 524. FOR THE DEPARTMENT OF NATURAL RESOURCES**

Derelict Vessel Removal and Disposal (91000049)

Appropriation:

State Building Construction Account--State.....	\$3,000,000
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs) .....	\$0
TOTAL.....	\$3,000,000

**NEW SECTION. Sec. 525. FOR THE DEPARTMENT OF NATURAL RESOURCES**

Shoreline Restoration (92000011)

The appropriation is subject to the following conditions and limitations: The appropriation in this section is provided solely to fund aquatic restoration projects in Puget Sound through partnerships with other agencies and organizations. Within the amount provided, \$1,966,000 is provided solely for the Admiralty Inlet feeder bank preservation project.

Appropriation:

State Building Construction Account--State.....	\$3,966,000
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs) .....	\$0
TOTAL.....	\$3,966,000

**NEW SECTION. Sec. 526. FOR THE DEPARTMENT OF NATURAL RESOURCES**

Urban Forest Restoration (Puget Sound Basin)(91000051)

The appropriation is subject to the following conditions and limitations: The appropriation in this section is provided solely to assist municipalities and jurisdictions across the state to better manage existing urban forests and plan for improvements to the urban forest infrastructure.

Appropriation:

State Building Construction Account--State.....	\$400,000
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs) .....	\$0
TOTAL.....	\$400,000

**NEW SECTION. Sec. 527. FOR THE DEPARTMENT OF NATURAL RESOURCES**

Large Debris Removal (91000052)

The appropriation is subject to the following conditions and limitations: The appropriation in this section is provided solely to assist public and private shoreline property owners with the removal of large, artificial marine debris from Puget Sound shorelines.

Appropriation:

State Building Construction Account--State.....	\$200,000
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs) .....	\$0
TOTAL.....	\$200,000

**NEW SECTION. Sec. 528. FOR THE DEPARTMENT OF NATURAL RESOURCES**

Secret Harbor Estuary Restoration - Cypress Island (91000053)

The appropriation is subject to the following conditions and limitations: The appropriation in this section is provided solely to restore the Secret Harbor estuary, enhance public access, and expand the capacity of the Cypress Island natural resources conservation area for tourism and low-impact public use.

Appropriation:

State Building Construction Account--State.....	\$535,000
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs) .....	\$0
<b>TOTAL.....</b>	<b>\$535,000</b>

**PART VI  
APPROPRIATIONS—EDUCATION**

**NEW SECTION. Sec. 601. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION**

Energy Efficiency Grants for K-12 Schools (91000017)

The appropriation is subject to the following conditions and limitations: The superintendent of public instruction may charge program administrative fees.

Appropriation:

State Building Construction Account--State.....	\$40,000,000
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs) .....	\$0
<b>TOTAL.....</b>	<b>\$40,000,000</b>

**NEW SECTION. Sec. 602. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION**

Distressed Schools (92000009)

The appropriation in this section is subject to the following conditions and limitations:

(1) \$9,400,000 of the appropriation in this section is provided solely for updating existing classrooms at John Marshall, Boren, and Van Asselt schools in the Seattle school district.

(2) \$1,000,000 of the appropriation in this section is provided solely for emergency repairs at Orcas Island schools.

(3) \$17,000,000 is provided solely for additional state funding for the Grand Coulee Dam school project.

Appropriation:

State Building Construction Account--State.....	\$27,400,000
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs) .....	\$0
<b>TOTAL.....</b>	<b>\$27,400,000</b>

**NEW SECTION. Sec. 603. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION**

Grant County Branch Campus of Wenatchee Valley Skills Center (30000091)

Appropriation:

State Building Construction Account--State.....	\$19,408,000
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs) .....	\$9,488,000
<b>TOTAL.....</b>	<b>\$28,896,000</b>

**Sec. 604.** 2011 1st sp.s. c 49 s 5013 (uncodified) is amended to read as follows:

**FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION**

SEA-Tech Branch Campus of Tri-Tech Skills Center (30000078)

Appropriation:

State Building Construction Account--State.....	(\$1,169,000)
\$11,519,000	
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs) .....	(\$11,739,000)
.....	\$0
<b>TOTAL.....</b>	<b>(\$12,908,000)</b>
.....	\$11,519,000

Sec. 605. 2011 1st sp.s. c 49 s 5003 (uncodified) is amended to read as follows:

**FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION**

Pierce County Skills Center (20084856)

Reappropriation:

School Construction and Skill Centers Building

Account--State.....	\$2,087,000
Appropriation:	
State Building Construction Account--State.....	(\$7,100,000)
.....	\$11,900,000
Prior Biennia (Expenditures).....	\$9,949,000
Future Biennia (Projected Costs) .....	(\$10,772,000)
.....	\$11,427,000
<b>TOTAL.....</b>	<b>(\$29,908,000)</b>
.....	\$35,363,000

Sec. 606. 2011 1st sp.s. c 49 s 5012 (uncodified) is amended to read as follows:

**FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION**

Clark County Skills Center (30000093)

Appropriation:

State Building Construction Account--State.....	(\$100,000)
.....	\$1,550,000
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs) .....	(\$14,750,000)
<b>TOTAL.....</b>	<b>\$12,300,000</b>
.....	(\$14,850,000)
.....	\$13,850,000

**NEW SECTION. Sec. 607. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION**

Wenatchee Valley Skills Center (92000004)

Appropriation:

State Building Construction Account--State.....	\$9,500,000
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs) .....	\$0
<b>TOTAL.....</b>	<b>\$9,500,000</b>

**NEW SECTION. Sec. 608. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION**

Spokane Area Professional-Technical Skills Center (92000005)

Appropriation:

State Building Construction Account--State.....	\$1,800,000
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs) .....	\$0
<b>TOTAL.....</b>	<b>\$1,800,000</b>

**NEW SECTION. Sec. 609. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION**

WA-NIC Skills Center - Snoqualmie Valley School District/Bellevue Community College (92000006)

Appropriation:

State Building Construction Account--State.....	\$1,715,000
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs) .....	\$0
<b>TOTAL.....</b>	<b>\$1,715,000</b>

**NEW SECTION. Sec. 610. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION**

Puget Sound Skills Center (92000007)

Appropriation:

State Building Construction Account--State.....	\$1,500,000
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs) .....	\$21,400,000
<b>TOTAL.....</b>	<b>\$22,900,000</b>

**NEW SECTION. Sec. 611. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION**

Yakima Valley Technical Skills Center Sunnyside Satellite (92000013)

Appropriation:

State Building Construction Account--State.....	\$6,225,000
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs) .....	\$0
<b>TOTAL.....</b>	<b>\$6,225,000</b>

**NEW SECTION. Sec. 612. FOR THE STATE SCHOOL FOR THE BLIND**

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General Campus Preservation (30000018)

Appropriation:

State Building Construction Account--State.....\$550,000  
 Prior Biennia (Expenditures).....\$0  
 Future Biennia (Projected Costs) .....\$2,557,000  
 TOTAL.....\$3,107,000

NEW SECTION. Sec. 613. FOR THE WASHINGTON STATE CENTER FOR THE CHILDHOOD DEAFNESS AND HEARING LOSS

Minor Public Works (30000013)

Appropriation:

State Building Construction Account--State.....\$536,000  
 Prior Biennia (Expenditures).....\$0  
 Future Biennia (Projected Costs) .....\$3,811,000  
 TOTAL.....\$4,347,000

NEW SECTION. Sec. 614. FOR THE UNIVERSITY OF WASHINGTON

Burke Museum Renovation (20082850)

Appropriation:

State Building Construction Account--State.....\$3,500,000  
 Prior Biennia (Expenditures).....\$300,000  
 Future Biennia (Projected Costs) .....\$14,000,000  
 TOTAL.....\$17,800,000

NEW SECTION. Sec. 615. FOR THE UNIVERSITY OF WASHINGTON

University of Washington Tacoma Campus Development and Soil Remediation (92000002)

Appropriation:

State Building Construction Account--State.....\$4,300,000  
 Prior Biennia (Expenditures).....\$0  
 Future Biennia (Projected Costs) .....\$0  
 TOTAL.....\$4,300,000

Sec. 616. 2011 1st sp.s. c 49 s 5017 (uncodified) is amended to read as follows:

FOR THE UNIVERSITY OF WASHINGTON

University of Washington Bothell (20082006)

Reappropriation:

State Building Construction Account--State.....\$2,934,000

Appropriation:

State Building Construction Account--State.....\$19,887,000  
 Prior Biennia (Expenditures).....\$2,216,000  
 Future Biennia (Projected Costs) .....(((\$77,435,000))  
 .....\$0  
 TOTAL.....(((\$82,585,000))  
 .....\$25,037,000

NEW SECTION. Sec. 617. FOR THE WASHINGTON STATE UNIVERSITY

Washington State University Spokane - Riverpoint Biomedical and Health Sciences (20162953)

Appropriation:

State Building Construction Account--State.....\$6,000,000  
 Prior Biennia (Expenditures).....\$0  
 Future Biennia (Projected Costs) .....\$0  
 TOTAL.....\$6,000,000

NEW SECTION. Sec. 618. FOR THE WASHINGTON STATE UNIVERSITY

High-Technology Education Equipment (92000007)

Appropriation:

State Building Construction Account--State.....\$1,821,000  
 Prior Biennia (Expenditures).....\$0  
 Future Biennia (Projected Costs) .....\$0  
 TOTAL.....\$1,821,000

NEW SECTION. Sec. 619. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Equipment Pool (92000011)

The appropriation in this section is subject to the following conditions and limitations: The appropriation is for major equipment in high demand fields from among the list as specified in LEAP capital document No. 2012-34, developed March 7, 2012. The state board for community and technical colleges may allocate amounts among the equipment items specified to cover differences in actual bid prices, but may not allocate amounts to equipment items not on the list.

Appropriation:

State Building Construction Account--State.....\$12,300,000  
 Prior Biennia (Expenditures).....\$0  
 Future Biennia (Projected Costs) .....\$0  
 TOTAL.....\$12,300,000

NEW SECTION. Sec. 620. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Olympic College: College Instruction Center (30000122)

Appropriation:

State Building Construction Account--State.....\$3,624,000  
 Prior Biennia (Expenditures).....\$0  
 Future Biennia (Projected Costs) .....\$51,079,000  
 TOTAL.....\$54,703,000

Sec. 621. 2011 1st sp.s. c 49 s 5075 (uncodified) is amended to read as follows:

FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

North Seattle Community College: Technology Building Renewal (30000129)

Reappropriation:

State Building Construction Account--State.....\$1,478,000

Appropriation:

State Building Construction Account--State.....\$23,335,000  
 Prior Biennia (Expenditures).....\$606,000  
 Future Biennia (Projected Costs) .....(((\$20,950,000))  
 .....\$0  
 TOTAL.....(((\$23,034,000))  
 .....\$25,419,000

Sec. 622. 2011 1st sp.s. c 49 s 5062 (uncodified) is amended to read as follows:

FOR THE WASHINGTON STATE HISTORICAL SOCIETY  
Washington Heritage Grants (30000117)

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation is subject to the provisions of RCW 27.34.330.

(2) The appropriation is provided solely for the following list of projects:

Project	Authorized Amount
Schooner Martha Foundation	\$118,000
Cascade Land Conservancy	\$155,000
Port of Chinook	\$45,000
City of Bellingham	\$100,000
La Conner Quilt and Textile Museum	\$25,000
City of Vancouver	\$610,000
Blue Mountain Heritage Society	\$30,000
Metro Parks Tacoma	\$60,000

Si View Metro Park District	\$25,000
<u>City of Port Townsend</u>	<u>\$375,000</u>
<u>San Juan County Parks Department</u>	<u>\$18,000</u>
<u>Seattle Theatre Group</u>	<u>\$531,000</u>
<u>Jefferson County</u>	<u>\$300,000</u>
<u>Sound Experience</u>	<u>\$288,000</u>
<u>Museum of History and Industry</u>	<u>\$1,000,000</u>
<u>Seattle Department of Transportation</u>	<u>\$700,000</u>
<u>Historic Seattle Preservation and Development Authority</u>	<u>\$470,000</u>
<u>Town of Wilkeson</u>	<u>\$75,000</u>
<u>Maryhill Museum of Fine Art</u>	<u>\$57,000</u>
<u>Clymer Museum of Art</u>	<u>\$9,000</u>
<u>Phinney Neighborhood Association</u>	<u>\$995,000</u>
<u>Foss Waterway Seaport</u>	<u>\$750,000</u>
<u>Polson Museum</u>	<u>\$143,000</u>
<u>Broadway Center for the Performing Arts</u>	<u>\$203,000</u>
Total	(( <u>\$1,168,000</u> )) <u>\$7,082,000</u>

Appropriation:

State Building Construction Account--State.....	(( <u>\$1,168,000</u> ))
.....	\$7,082,000
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs) .....	\$0
TOTAL.....	(( <u>\$1,168,000</u> ))
.....	<u>\$7,082,000</u>

**PART VII  
MISCELLANEOUS**

**NEW SECTION. Sec. 701.** (1) Allotments for appropriations in this act shall be provided in accordance with expedited capital project review requirements adopted by the office of financial management.

(2) Each project is defined as proposed in the legislative budget notes or in the governor's budget document.

**NEW SECTION. Sec. 702.** (1) To ensure minor works appropriations are carried out in accordance with legislative intent, funds appropriated in this act shall not be allotted until project lists are on file at the office of financial management, the house of representatives capital budget committee, and the senate ways and means committee. All projects must meet the criteria included in subsection (2)(a) of this section. Revisions to the lists must be filed with the office of financial management, the house of representatives capital budget committee, and the senate ways and means committee and include an explanation of variances from the prior lists before funds may be expended on the revisions.

(2)(a) Minor works projects are single line appropriations that include multiple projects of a similar nature and that are valued between \$25,000 and \$1,000,000 each, with the exceptions of: (i)

Higher education minor works projects that may be valued up to \$2,000,000; and (ii) department of fish and wildlife minor works projects funded in this act that may be valued up to \$3,200,000. These projects can generally be completed within two years of the appropriation with the funding provided. Except for department of fish and wildlife minor works projects funded in this act, agencies are prohibited from including projects on their minor works lists that are a phase of a larger project, and that if combined over a continuous period of time, would exceed \$1,000,000, or \$2,000,000 for higher education minor works projects. Improvements for accessibility in compliance with the Americans with disabilities act may be included in any of the above minor works categories.

(b) Minor works appropriations shall not be used for, among other things: Studies, except for technical or engineering reviews or designs that lead directly to and support a project on the same minor works list; planning; design outside the scope of work on a minor works list; moveable, temporary, and traditionally funded operating equipment not in compliance with the equipment criteria established by the office of financial management; software not dedicated to control of a specialized system; moving expenses; land or facility acquisition; or to supplement funding for projects with funding shortfalls unless expressly authorized elsewhere in this act. The office of financial management may make an exception to the limitations described in this subsection (2)(b) for exigent circumstances after notifying the legislative fiscal committees and waiting ten days for comments by the legislature regarding the proposed exception.

(c) Minor works preservation projects may include program improvements of no more than twenty-five percent of the individual minor works preservation project cost.

(3) It is generally not the intent of the legislature to make future appropriations for capital expenditures or for maintenance and operating expenses for an acquisition project or a significant expansion project that is initiated through the minor works process and therefore does not receive a policy and fiscal analysis by the legislature. Minor works projects are intended to be one-time expenditures that do not require future state resources to complete.

**NEW SECTION. Sec. 703.** (1) The office of financial management may authorize a transfer of appropriation authority provided for a capital project that is in excess of the amount required for the completion of such project to another capital project for which the appropriation is insufficient. No such transfer may be used to expand the capacity of any facility beyond that intended in making the appropriation. Such transfers may be effected only between capital appropriations to a specific department, commission, agency, or institution of higher education and only between capital projects that are funded from the same fund or account. No transfers may occur between projects to local government agencies except where the grants are provided within a single omnibus appropriation and where such transfers are specifically authorized by the implementing statutes that govern the grants.

(2) The office of financial management may find that an amount is in excess of the amount required for the completion of a project only if: (a) The project as defined in the notes to the budget document is substantially complete and there are funds remaining; or (b) bids have been let on a project and it appears to a substantial certainty that the project as defined in the notes to the budget document can be completed within the biennium for less than the amount appropriated in this act.

(3) For the purposes of this section, the intent is that each project be defined as proposed to the legislature in the governor's budget document, unless it clearly appears from the legislative history that the legislature intended to define the scope of a project in a different way.

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(End of Bill)

(4) The office of financial management shall report any transfer effected under this section to the house of representatives capital budget committee, the senate ways and means committee, and the legislative evaluation and accountability program committee, at least thirty days before the date the transfer is effected. The office of financial management shall report all emergency or smaller transfers within thirty days from the date of transfer. The governor's capital budget request following any transfer shall reflect that transfer in the affected agency.

**NEW SECTION. Sec. 704.** (1) It is expected that projects be ready to proceed in a timely manner depending on the type or phase of the project or program that is the subject of the appropriation in this act. Except for major projects that customarily may take more than two biennia to complete from predesign to the end of construction, or large infrastructure grant or loan programs supporting projects that often take more than two biennia to complete, the legislature generally does not intend to reappropriate funds more than once, particularly for smaller grant programs, local/community projects, and minor works.

(2) Agencies shall expedite the expenditure of reappropriations and appropriations in this act in order to: (a) Rehabilitate infrastructure resources; (b) accelerate environmental rehabilitation and restoration projects for the improvement of the state's natural environment; (c) reduce additional costs associated with acquisition and construction inflationary pressures; and (d) provide additional employment opportunities associated with capital expenditures.

(3) To the extent feasible, agencies are directed to accelerate expenditure rates at their current level of permanent employees and shall use contracted design and construction services wherever necessary to meet the goals of this section.

**NEW SECTION. Sec. 705. FOR THE ARTS COMMISSION--ART WORK ALLOWANCE POOLING**

(1) One-half of one percent of moneys appropriated in this act for original construction of school plant facilities may be expended for the purposes of RCW 28A.335.210. The Washington state arts commission may combine the proceeds from individual projects in order to fund larger works of art or mobile art displays in consultation with the superintendent of public instruction and representatives of school district boards.

(2) One-half of one percent of moneys appropriated in this act for original construction or any major renovation or remodel work exceeding two hundred thousand dollars by colleges or universities may be expended for the purposes of RCW 28B.10.027. The Washington state arts commission may combine the proceeds from individual projects in order to fund larger works of art or mobile art displays in consultation with the board of regents or trustees.

(3) At least eighty-five percent of the moneys spent by the Washington state arts commission during the 2011-2013 biennium for the purposes of RCW 28A.335.210, 28B.10.027, and 43.17.200 must be expended solely for direct acquisition of works of art. The commission may use up to \$100,000 of this amount to conserve or maintain existing pieces in the state art collection pursuant to chapter 36, Laws of 2005.

**NEW SECTION. Sec. 706. CODIFICATION.** Sections 201 through 205 of this act constitute a new chapter in Title 43 RCW.

**NEW SECTION. Sec. 707. SEVERABILITY.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

**NEW SECTION. Sec. 708. EFFECTIVE DATE.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately.

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Senator Kilmer spoke in favor of adoption of the striking amendment.

The President declared the question before the Senate to be the adoption of the striking amendment by Senators Kilmer and Parlette to Engrossed Senate Bill No. 5127.

The motion by Senator Kilmer carried and the striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 2 of the title, after "accounts;" strike the remainder of the title and insert "amending 2011 1st sp.s. c 49 ss 1027, 2017, 3082, 5013, 5003, 5012, 5017, 5075, 5062 (uncodified); adding a new chapter to Title 43 RCW; creating new sections; making appropriations; and declaring an emergency."

MOTION

At 2:50 a.m., on motion of Senator Eide, the Senate was declared to be at ease subject to the call of the President.

The Senate was called to order at 4:04 a.m. by President Owen.

MOTION

On motion of Senator Eide, the Senate reverted to the fourth order of business.

MESSAGE FROM THE HOUSE

April 11, 2012

MR. PRESIDENT:  
The House has passed:  
THIRD ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2565,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2823.  
and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk



## MOTION

On motion of Senator Eide, the Senate advanced to the fifth order of business.

SECOND SUPPLEMENTAL AND FIRST READING  
OF HOUSE BILLS

3E2SHB 2565 by House Committee on Ways & Means (originally sponsored by Representatives Kirby, Harris, Dammeier, Walsh, Orwall, Kelley, Moscoso and Zeiger)

AN ACT Relating to persons who operate a roll-your-own cigarette machine at retail establishments; amending RCW 82.24.010, 82.24.030, 82.24.035, 82.24.050, 82.24.060, 82.24.110, 82.24.120, 82.24.180, 82.24.295, 82.24.500, and 82.24.530; reenacting and amending RCW 82.24.130; prescribing penalties; providing an effective date; and declaring an emergency.

ESHB 2823 by House Committee on Ways & Means (originally sponsored by Representative Hunter)

AN ACT Relating to redirecting existing state revenues into the state general fund; amending RCW 43.135.045, 82.18.040, 82.08.160, 82.08.170, 43.110.030, 66.08.190, 66.08.196, 66.08.200, 66.08.210, and 43.63A.190; creating a new section; repealing RCW 43.110.050 and 43.110.060; providing an effective date; and declaring an emergency.

## MOTION

On motion of Senator Eide, and without objections, the rules were suspended and the measures listed on the Second Supplement Introduction and First Reading report were placed on the day's second reading calendar under suspension of the rules.

## MOTION

On motion of Senator Eide, further consideration of Engrossed Senate Bill No. 5127 was deferred and the bill held its place on the second reading calendar.

## MOTION

On motion of Senator Eide, the Senate advanced to the seventh order of business.

## THIRD READING

SUBSTITUTE SENATE BILL NO. 5940, by Senate Committee on Ways & Means (originally sponsored by Senators Hobbs, Ericksen, Keiser, Tom, Kastama and Zarelli).

Regarding reforms to school employee benefits purchasing. Revised for 1st Substitute: Concerning public school employees' insurance benefits.

The bill was read on Third Reading.

## MOTION

On motion of Senator Hobbs, the rules were suspended and Engrossed Substitute Senate Bill No. 5940 was returned to second reading for the purpose of amendment.

## SECOND READING

SUBSTITUTE SENATE BILL NO. 5940, by Senate Committee on Ways & Means (originally sponsored by Senators Hobbs, Ericksen, Keiser, Tom, Kastama and Zarelli)

Regarding reforms to school employee benefits purchasing. Revised for 1st Substitute: Concerning public school employees' insurance benefits.

The measure was read the second time.

## MOTION

Senator Hobbs moved that the following striking amendment by Senator Hobbs and others be adopted:

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** (1) The legislature finds that:

(a) Each year, nearly one billion dollars in public funds are spent on the purchase of employee insurance benefits for more than two hundred thousand public school employees and their dependents;

(b) The legislature and school districts and their employees need better information to improve current practices and inform future decisions with regard to health insurance benefits;

(c) Recent work by the state auditor's office and the state health care authority have advanced discussions throughout the state on opportunities to improve the current system; and

(d) Two major themes have emerged: (i) The state, school districts, and employees need better information and data to make better health insurance purchasing decisions within the K-12 system; (ii) affordability is a significant concern for all employees, especially for employees seeking full family insurance coverage and for the lowest-paid and part-time employees.

(2) The legislature establishes the following goals:

(a) Improve the transparency of health benefit plan claims and financial data to assure prudent and efficient use of taxpayers' funds at the state and local levels;

(b) Create greater affordability for full family coverage and greater equity between premium costs for full family coverage and for employee only coverage for the same health benefit plan;

(c) Promote health care innovations and cost savings, and significantly reduce administrative costs; and

(d) Provide greater parity in state allocations for state employee and K-12 employee health benefits.

(3) The legislature intends to retain current collective bargaining for benefits, and retain state, school district, and employee contributions to benefits.

**Sec. 2.** RCW 28A.400.280 and 2011 c 269 s 1 are each amended to read as follows:

(1) Except as provided in subsection (2) of this section, school districts may provide employer fringe benefit contributions after October 1, 1990, only for basic benefits. However, school districts may continue payments under contracts with employees or benefit providers in effect on April 13, 1990, until the contract expires.

(2) School districts may provide employer contributions after October 1, 1990, for optional benefit plans, in addition to basic benefits, only for employees included in pooling arrangements under this subsection. Optional benefits may include direct agreements as defined in chapter 48.150 RCW, but may not include employee beneficiary accounts that can be liquidated by the employee on termination of employment. Optional benefit plans may be offered only if:

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(a) The school district pools benefit allocations among employees using a pooling arrangement that includes at least one employee bargaining unit and/or all nonbargaining group employees;

(b) Each full-time employee included in the pooling arrangement is offered basic benefits, including coverage for dependents(~~(, without a payroll deduction for premium charges)~~);

(c) Each employee included in the pooling arrangement who elects medical benefit coverage pays a minimum premium charge subject to collective bargaining under chapter 41.59 or 41.56 RCW;

(d) The employee premiums are structured to ensure employees selecting richer benefit plans pay the higher premium;

(e) Each full-time employee included in the pooling arrangement, regardless of the number of dependents receiving basic coverage, receives the same additional employer contribution for other coverage or optional benefits; and

~~((d))~~ (f) For part-time employees included in the pooling arrangement, participation in optional benefit plans shall be governed by the same eligibility criteria and/or proration of employer contributions used for allocations for basic benefits.

(3) Savings accruing to school districts due to limitations on benefit options under this section shall be pooled and made available by the districts to reduce out-of-pocket premium expenses for employees needing basic coverage for dependents. School districts are not intended to divert state benefit allocations for other purposes.

**Sec. 3.** RCW 28A.400.350 and 2011 c 269 s 2 are each amended to read as follows:

(1) The board of directors of any of the state's school districts or educational service districts may make available liability, life, health, health care, accident, disability, and salary protection or insurance, direct agreements as defined in chapter 48.150 RCW, or any one of, or a combination of the types of employee benefits enumerated in this subsection, or any other type of insurance or protection, for the members of the boards of directors, the students, and employees of the school district or educational service district, and their dependents. Such coverage may be provided by contracts or agreements with private carriers, with the state health care authority after July 1, 1990, pursuant to the approval of the authority administrator, or through self-insurance or self-funding pursuant to chapter 48.62 RCW, or in any other manner authorized by law. Any direct agreement must comply with RCW 48.150.050.

(2) Whenever funds are available for these purposes the board of directors of the school district or educational service district may contribute all or a part of the cost of such protection or insurance for the employees of their respective school districts or educational service districts and their dependents. The premiums on such liability insurance shall be borne by the school district or educational service district.

After October 1, 1990, school districts may not contribute to any employee protection or insurance other than liability insurance unless the district's employee benefit plan conforms to RCW 28A.400.275 and 28A.400.280.

(3) For school board members, educational service district board members, and students, the premiums due on such protection or insurance shall be borne by the assenting school board member, educational service district board member, or student. The school district or educational service district may contribute all or part of the costs, including the premiums, of life, health, health care, accident or disability insurance which shall be offered to all students participating in interschool activities on the behalf of or as representative of their school, school district, or educational service district. The school district board of directors and the educational service district board may require any student participating in extracurricular interschool activities to, as a condition of participation, document evidence of insurance or purchase

insurance that will provide adequate coverage, as determined by the school district board of directors or the educational service district board, for medical expenses incurred as a result of injury sustained while participating in the extracurricular activity. In establishing such a requirement, the district shall adopt regulations for waiving or reducing the premiums of such coverage as may be offered through the school district or educational service district to students participating in extracurricular activities, for those students whose families, by reason of their low income, would have difficulty paying the entire amount of such insurance premiums. The district board shall adopt regulations for waiving or reducing the insurance coverage requirements for low-income students in order to assure such students are not prohibited from participating in extracurricular interschool activities.

(4) All contracts or agreements for insurance or protection written to take advantage of the provisions of this section shall provide that the beneficiaries of such contracts may utilize on an equal participation basis the services of those practitioners licensed pursuant to chapters 18.22, 18.25, 18.53, 18.57, and 18.71 RCW.

(5) School districts offering medical, vision, and dental benefits shall:

(a) Offer a high deductible health plan option with a health savings account that conforms to section 223, part VII of subchapter 1 of the internal revenue code of 1986. School districts shall comply with all applicable federal standards related to the establishment of health savings accounts;

(b) Make progress toward employee premiums that are established to ensure that full family coverage premiums are not more than three times the premiums for employees purchasing single coverage for the same coverage plan, unless a subsequent premium differential target is defined as a result of the review and subsequent actions described in section 6 of this act;

(c) Offer employees at least one health benefit plan that is not a high deductible health plan offered in conjunction with a health savings account in which the employee share of the premium cost for a full-time employee, regardless of whether the employee chooses employee-only coverage or coverage that includes dependents, does not exceed the share of premium cost paid by state employees during the state employee benefits year that started immediately prior to the school year.

(6) All contracts or agreements for employee benefits must be held to responsible contracting standards, meaning a fair, prudent, and accountable competitive procedure for procuring services that includes an open competitive process, except where an open process would compromise cost-effective purchasing, with documentation justifying the approach.

(7) School districts offering medical, vision, and dental benefits shall also make progress on promoting health care innovations and cost savings and significantly reduce administrative costs.

(8) All contracts or agreements for insurance or protection described in this section shall be in compliance with this act.

(9) Upon notification from the office of the insurance commissioner of a school district's substantial noncompliance with the data reporting requirements of RCW 28A.400.275, and the failure is due to the action or inaction of the school district, and if the noncompliance has occurred for two reporting periods, the superintendent is authorized and required to limit the school district's authority provided in subsection (1) of this section regarding employee health benefits to the provision of health benefit coverage provided by the state health care authority.

**Sec. 4.** RCW 28A.400.275 and 1990 1st ex.s. c 11 s 5 are each amended to read as follows:

(1) Any contract or agreement for employee benefits executed after April 13, 1990, between a school district and a benefit provider or employee bargaining unit is null and void unless it contains an

agreement to abide by state laws relating to school district employee benefits. The term of the contract or agreement may not exceed one year.

(2) School districts and their benefit providers shall annually submit, by a date determined by the office of the insurance commissioner, the following information and data for the prior calendar year to the ~~((Washington state health care authority a summary descriptions of all benefits offered under the district's employee benefit plan. The districts shall also submit data to the health care authority specifying the total number of employees and, for each employee, types of coverage or benefits received including numbers of covered dependents, the number of eligible dependents, the amount of the district's contribution, additional premium costs paid by the employee through payroll deductions, and the age and sex of the employee and each dependent.))~~

office of the insurance commissioner:

(a) Progress by the district and its benefit providers toward greater affordability for full family coverage, health care cost savings, and significantly reduced administrative costs;

(b) Compliance with the requirement to provide a high deductible health plan option with a health savings account;

(c) An overall plan summary including the following:

(i) The financial plan structure and overall performance of each health plan including:

(A) Total premium expenses;

(B) Total claims expenses;

(C) Claims reserves; and

(D) Plan administration expenses, including compensation paid to brokers;

(ii) A description of the plan's use of innovative health plan features designed to reduce health benefit premium growth and reduce utilization of unnecessary health services including but not limited to the use of enrollee health assessments or health coach services, care management for high cost or high-risk enrollees, medical or health home payment mechanisms, and plan features designed to create incentives for improved personal health behaviors;

(iii) Data to provide an understanding of employee health benefit plan coverage and costs, including: The total number of employees and, for each employee, the employee's full-time equivalent status, types of coverage or benefits received including numbers of covered dependents, the number of eligible dependents, the amount of the district's contribution to premium, additional premium costs paid by the employee through payroll deductions, and the age and sex of the employee and each dependent;

(iv) Data necessary for school districts to more effectively and competitively manage and procure health insurance plans for employees. The data must include, but not be limited to, the following:

(A) A summary of the benefit packages offered to each group of district employees, including covered benefits, employee deductibles, coinsurance and copayments, and the number of employees and their dependents in each benefit package;

(B) Aggregated employee and dependent demographic information, including age band and gender, by insurance tier and by benefit package;

(C) Total claim payments by benefit package, including premiums paid, inpatient facility claims paid, outpatient facility claims paid, physician claims paid, pharmacy claims paid, capitation amounts paid, and other claims paid;

(D) Total premiums paid by benefit package;

(E) A listing of large claims defined as annual amounts paid in excess of one hundred thousand dollars including the amount paid, the member enrollment status, and the primary diagnosis.

(3) Annually, school districts and their benefit providers shall

jointly report to the office of the insurance commissioner on their health insurance-related efforts and achievements to:

(a) Significantly reduce administrative costs for school districts;

(b) Improve customer service;

(c) Reduce differential plan premium rates between employee only and family health benefit premiums;

(d) Protect access to coverage for part-time K-12 employees;

(4) The ~~((plan descriptions and the))~~ information and data shall be submitted in a format and according to a schedule established by the ~~((health care authority))~~ office of the insurance commissioner under section 5 of this act to enable the commissioner to meet the reporting obligations under that section.

~~((3))~~ (5) Any benefit provider offering a benefit plan by contract or agreement with a school district under subsection (1) of this section shall ~~((agree to))~~ make available to the school district the benefit plan descriptions and, where available, the demographic information on plan subscribers that the district ~~((is))~~ and benefit provider are required to report to the ~~((Washington state health care authority))~~ office of the insurance commissioner under this section.

~~((4))~~ (6) This section shall not apply to benefit plans offered in the 1989-90 school year.

NEW SECTION. Sec. 5. A new section is added to chapter 48.02 RCW to read as follows:

(1) For purposes of this section, "benefit provider" has the same meaning as provided in RCW 28A.400.270.

(2)(a) By December 1, 2013, and December 1st of each year thereafter, the commissioner shall submit a report to the governor, the health care authority, and the legislature on school district health insurance benefits. The report shall be available to the public on the commissioner's web site. The confidentiality of personally identifiable district employee data shall be safeguarded consistent with the provisions of RCW 42.56.400(21).

(b) The report shall include a summary of each school district's health insurance benefit plans and each district's aggregated financial data and other information as required in RCW 28A.400.275.

(3) The commissioner shall collect data from school districts or their benefit providers to fulfill the requirements of this section. The commissioner may adopt rules necessary to implement the data submission requirements under this section and RCW 28A.400.275, including, but not limited to, the format, timing of data reporting, data elements, data standards, instructions, definitions, and data sources.

(4) In fulfilling the duties under this act, the commissioner shall consult with school district representatives to ensure that the data and reports from benefit providers will give individual school districts sufficient information to enhance districts' ability to understand, manage, and seek competitive alternatives for health insurance coverage for their employees.

(5) If the commissioner determines that a school district has not substantially complied with the reporting requirements of RCW 28A.400.275, and the failure is due to the action or inaction of the school district, the commissioner will inform the superintendent of public instruction of the noncompliance.

(6) Data, information, and documents, other than those described in subsection (2) of this section, that are provided by a school district or an entity providing coverage pursuant to this section are exempt from public inspection and copying under this act and chapters 42.17A and 42.56 RCW.

(7) If a school district or benefit provider does not comply with the data reporting requirements of this section or RCW 28A.400.275, and the failure is due to the actions of an entity providing coverage authorized under Title 48 RCW, the commissioner may take enforcement actions under this chapter.

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(8) The commissioner may enter into one or more personal services contracts with third-party contractors to provide services necessary to accomplish the commissioner's responsibilities under this act.

**NEW SECTION. Sec. 6.** A new section is added to chapter 41.05 RCW to read as follows:

By June 1, 2015, the health care authority must report to the governor, legislature, and joint legislative audit and review committee the following duties and analyses, based on two years of reports on school district health benefits submitted to it by the office of the insurance commissioner:

(1) The director shall establish a specific target to realize the goal of greater equity between premium costs for full family coverage and employee only coverage for the same health benefit plan. In developing this target, the director shall consider the appropriateness of the three-to-one ratio of employee premium costs between full family coverage and employee only coverage, and consider alternatives based on the data and information received from the office of the insurance commissioner.

(2) The director shall also study and report the advantages and disadvantages to the state, local school districts, and district employees:

(a) Whether better progress on the legislative goals could be achieved through consolidation of school district health insurance purchasing through a single consolidated school employee health benefits purchasing plan;

(b) Whether better progress on the legislative goals could be achieved by consolidating K-12 health insurance purchasing through the public employees' benefits board program, and whether consolidation into the public employees' benefits board program would be preferable to the creation of a consolidated school employee health benefits purchasing plan;

(c) Whether certificated or classified employees, as separate groups, would be better served by purchasing health insurance through a single consolidated school employee health benefits purchasing plan or through participation in the public employees' benefits board program; and

(d) Analyses shall include implications of taking any of the actions described in (a) through (c) of this subsection to include, at a minimum, the following: The costs for the state and school employees, impacts for existing purchasing programs, a proposed timeline for the implementation of any recommended actions.

**NEW SECTION. Sec. 7.** A new section is added to chapter 44.28 RCW to read as follows:

(1) By December 31, 2015, the joint committee must review the reports on school district health benefits submitted to it by the office of the insurance commissioner and the health care authority and report to the legislature on the progress by school districts and their benefit providers in meeting the following legislative goals to:

(a) Improve the transparency of health benefit plan claims and financial data to assure prudent and efficient use of taxpayers' funds at the state and local levels;

(b) Create greater affordability for full family coverage and greater equity between premium costs for full family coverage and employee only coverage for the same health benefit plan;

(c) Promote health care innovations and cost savings and significantly reduce administrative costs.

(2) The joint committee shall also make a recommendation regarding a specific target to realize the goal in subsection (1)(b) of this section.

(3) The joint committee shall report on the status of individual school districts' progress in achieving the goals in subsection (1) of this section.

(4)(a) In the 2015-2016 school year, the joint committee shall determine which school districts have met the requirements of RCW

28A.400.350 (5) and (6), and shall rank order these districts from highest to lowest in term of their performance in meeting the requirements.

(b) The joint committee shall then allocate performance grants to the highest performing districts from a performance fund of five million dollars appropriated by the legislature for this purpose. Performance grants shall be used by school districts only to reduce employee health insurance co-payments and deductibles. In determining the number of school districts to receive awards, the joint committee must consider the impact of the award on district employee co-payments and deductibles in such a manner that the award amounts have a meaningful impact.

(5) If the joint committee determines that districts and their benefit providers have not made adequate progress, in the judgment of the joint committee, in achieving one or more of the legislative goals in subsection (1) of this section, the joint committee report to the legislature must contain advantages, disadvantages, and recommendations on the following:

(a) Why adequate progress has not been made, to the extent the joint committee is able to determine the reason or reasons for the insufficient progress;

(b) What legislative or agency actions would help remove barriers to improvement;

(c) Whether school district health insurance purchasing should be accomplished through a single consolidated school employee health benefits purchasing plan;

(d) Whether school district health insurance purchasing should be accomplished through the public employees' benefits board program, and whether consolidation into the public employees' benefits board program would be preferable to the creation of a consolidated school employee health benefits purchasing plan; and

(e) Whether certificated or classified employees, as separate groups, would be better served by purchasing health insurance through a single consolidated school employee health benefits purchasing plan or through participation in the public employees' benefits board program.

(6) The report shall contain any legislation necessary to implement the recommendations of the joint committee.

(7) The legislature shall take all steps necessary to implement the recommendations of the joint committee unless the legislature adopts alternative strategies to meet its goals during the 2016 session.

**Sec. 8.** RCW 42.56.400 and 2012 c 222 s 2 are each amended to read as follows:

The following information relating to insurance and financial institutions is exempt from disclosure under this chapter:

(1) Records maintained by the board of industrial insurance appeals that are related to appeals of crime victims' compensation claims filed with the board under RCW 7.68.110;

(2) Information obtained and exempted or withheld from public inspection by the health care authority under RCW 41.05.026, whether retained by the authority, transferred to another state purchased health care program by the authority, or transferred by the authority to a technical review committee created to facilitate the development, acquisition, or implementation of state purchased health care under chapter 41.05 RCW;

(3) The names and individual identification data of either all owners or all insureds, or both, received by the insurance commissioner under chapter 48.102 RCW;

(4) Information provided under RCW 48.30A.045 through 48.30A.060;

(5) Information provided under RCW 48.05.510 through 48.05.535, 48.43.200 through 48.43.225, 48.44.530 through 48.44.555, and 48.46.600 through 48.46.625;

(6) Examination reports and information obtained by the department of financial institutions from banks under RCW 30.04.075, from savings banks under RCW 32.04.220, from savings and loan associations under RCW 33.04.110, from credit unions under RCW 31.12.565, from check cashers and sellers under RCW 31.45.030(3), and from securities brokers and investment advisers under RCW 21.20.100, all of which is confidential and privileged information;

(7) Information provided to the insurance commissioner under RCW 48.110.040(3);

(8) Documents, materials, or information obtained by the insurance commissioner under RCW 48.02.065, all of which are confidential and privileged;

(9) Confidential proprietary and trade secret information provided to the commissioner under RCW 48.31C.020 through 48.31C.050 and 48.31C.070;

(10) Data filed under RCW 48.140.020, 48.140.030, 48.140.050, and 7.70.140 that, alone or in combination with any other data, may reveal the identity of a claimant, health care provider, health care facility, insuring entity, or self-insurer involved in a particular claim or a collection of claims. For the purposes of this subsection:

(a) "Claimant" has the same meaning as in RCW 48.140.010(2).

(b) "Health care facility" has the same meaning as in RCW 48.140.010(6).

(c) "Health care provider" has the same meaning as in RCW 48.140.010(7).

(d) "Insuring entity" has the same meaning as in RCW 48.140.010(8).

(e) "Self-insurer" has the same meaning as in RCW 48.140.010(11);

(11) Documents, materials, or information obtained by the insurance commissioner under RCW 48.135.060;

(12) Documents, materials, or information obtained by the insurance commissioner under RCW 48.37.060;

(13) Confidential and privileged documents obtained or produced by the insurance commissioner and identified in RCW 48.37.080;

(14) Documents, materials, or information obtained by the insurance commissioner under RCW 48.37.140;

(15) Documents, materials, or information obtained by the insurance commissioner under RCW 48.17.595;

(16) Documents, materials, or information obtained by the insurance commissioner under RCW 48.102.051(1) and 48.102.140(3) and (7)(a)(ii);

(17) Documents, materials, or information obtained by the insurance commissioner in the commissioner's capacity as receiver under RCW 48.31.025 and 48.99.017, which are records under the jurisdiction and control of the receivership court. The commissioner is not required to search for, log, produce, or otherwise comply with the public records act for any records that the commissioner obtains under chapters 48.31 and 48.99 RCW in the commissioner's capacity as a receiver, except as directed by the receivership court;

(18) Documents, materials, or information obtained by the insurance commissioner under RCW 48.13.151;

(19) Data, information, and documents provided by a carrier pursuant to section 1, chapter 172, Laws of 2010; ~~(and)~~

(20) Information in a filing of usage-based insurance about the usage-based component of the rate pursuant to RCW 48.19.040(5)(b); and

(21) Data, information, and documents, other than those described in section 5(2) of this act, that are submitted to the office of the insurance commissioner by an entity providing health care coverage pursuant to RCW 28A.400.275 and section 5 of this act.

NEW SECTION. Sec. 9. A new section is added to chapter 48.62 RCW to read as follows:

If an individual or joint local government self-insured health and welfare benefits program formed by a school district or educational service district does not comply with the data reporting requirements of RCW 28A.400.275 and section 5 of this act, the self-insured health and welfare benefits program is no longer authorized to operate in the state. The state risk manager shall notify the state auditor and the attorney general of the violation and the attorney general, on behalf of the state risk manager, must take all necessary action to terminate the operation of the self-insured health and welfare benefits program."

The President declared the question before the Senate to be the adoption of the striking amendment by Senator Hobbs and others to Substitute Senate Bill No. 5940.

The motion by Senator Hobbs carried and the striking amendment was adopted by voice vote.

#### MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 1 of the title, after "benefits;" strike the remainder of the title and insert "amending RCW 28A.400.280, 28A.400.350, 28A.400.275, and 42.56.400; adding a new section to chapter 48.02 RCW; adding a new section to chapter 41.05 RCW; adding a new section to chapter 44.28 RCW; adding a new section to chapter 48.62 RCW; and creating a new section."

#### MOTION

On motion of Senator Hobbs, the rules were suspended, Engrossed Substitute Senate Bill No. 5940 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Hobbs and Hatfield spoke in favor of passage of the bill.

Senator McAuliffe spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5940.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5940 and the bill passed the Senate by the following vote: Yeas, 25; Nays, 20; Absent, 1; Excused, 3.

Voting yea: Senators Baumgartner, Becker, Benton, Carrell, Delvin, Fain, Hargrove, Hatfield, Hill, Hobbs, Holmquist, Newbry, Honeyford, Kastama, Keiser, King, Kline, Litzow, Padden, Parlette, Roach, Schoesler, Sheldon, Swecker, Tom and Zarelli

Voting nay: Senators Brown, Chase, Conway, Eide, Ericksen, Fraser, Frockt, Harper, Haugen, Kilmer, Kohl-Welles, McAuliffe, Murray, Nelson, Prentice, Pridemore, Ranker, Regala, Rolfes and Shin

Absent: Senator Pflug

Excused: Senators Hewitt, Morton and Stevens

ENGROSSED SUBSTITUTE SENATE BILL NO. 5940, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

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MOTION

On motion of Senator Eide, Engrossed Substitute Senate Bill No. 5940 was immediately transmitted to the House of Representatives.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2823, by House Committee on Ways & Means (originally sponsored by Representative Hunter)

Redirecting existing state revenues into the state general fund.

The measure was read the second time.

MOTION

On motion of Senator Murray, the rules were suspended, Engrossed Substitute House Bill No. 2823 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Murray spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 2823.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 2823 and the bill passed the Senate by the following vote: Yeas, 25; Nays, 21; Absent, 0; Excused, 3.

Voting yea: Senators Becker, Brown, Chase, Delvin, Fain, Fraser, Frockt, Hargrove, Harper, Hatfield, Hobbs, Honeyford, Kastama, King, Kline, Litzow, Murray, Parlette, Prentice, Regala, Schoesler, Sheldon, Swecker, Tom and Zarelli

Voting nay: Senators Baumgartner, Benton, Carrell, Conway, Eide, Ericksen, Haugen, Hill, Holmquist Newbry, Keiser, Kilmer, Kohl-Welles, McAuliffe, Nelson, Padden, Pflug, Pridemore, Ranker, Roach, Rolfes and Shin

Excused: Senators Hewitt, Morton and Stevens

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2823, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

THIRD ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2565, by House Committee on Business & Financial Services (originally sponsored by Representatives Kirby, Harris, Dammeier, Walsh, Orwall, Kelley, Moscoso and Zeiger)

Providing for the operation of roll your own cigarette machines at retail establishments. Revised for 2nd Substitute: Concerning persons who operate a roll-your-own cigarette machine at retail establishments.

The measure was read the second time.

MOTION

On motion of Senator Murray, the rules were suspended, Third Engrossed Second Substitute House Bill No. 2565 was

advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Murray spoke in favor of passage of the bill.

POINT OF ORDER

Senator Padden: "Mr. President, approximately five hours ago in the first special session of 2012 I rose to a point of parliamentary inquiry on Senate Bill No. 6623. I would renew that for Third Engrossed Second Substitute House Bill No. 2565 as I believe the issues are the same. I'd ask for your ruling as to its applicability to Initiative 1053."

RULING BY THE PRESIDENT

President Owen: "In ruling on the Point of Order raised by Senator Padden as to whether Third Engrossed Second Substitute House No. 2565 raises taxes in a manner that requires a 2/3 supermajority vote, the President finds and rules as follows:

Second Engrossed Second Substitute House No. 2565 concerns the taxation of "roll your own" cigarettes. Such cigarettes are made by a consumer who purchases loose tobacco and paper tubes for holding the tobacco. A machine available in many Washington stores allows the consumer to have the loose tobacco inserted into the paper tubes. This form of cigarette manufacturing is not subject to the cigarette tax under current Washington law.

This situation is most similar to the Legislature's action in 2009, when it acted to clarify another pre-existing tax by confirming that it applied to digital goods. Here, the Legislature has already enacted the tax, but is simply applying that tax to a cigarette process that did not exist until recently. As the President previously ruled, the Legislature retains the power to clarify existing law and apply it to new technologies, and such an action does not trigger the supermajority provisions of I-1053.

The bill also imposes a licensing fee on businesses that operate a roll your own machine. Licensing fees generally do not constitute tax increases, and there is no showing that the licensing fee in this instance is a tax.

For these reasons, the President finds that the bill does not "raise taxes" as defined in Initiative 1053, and will require a constitutional majority for final passage. Senator Padden's point is not well-taken."

Senator Pflug spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Third Engrossed Second Substitute House Bill No. 2565.

ROLL CALL

The Secretary called the roll on the final passage of Third Engrossed Second Substitute House Bill No. 2565 and the bill passed the Senate by the following vote: Yeas, 27; Nays, 19; Absent, 0; Excused, 3.

Voting yea: Senators Brown, Chase, Conway, Eide, Fraser, Frockt, Hobbs, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles, Litzow, Murray, Nelson, Prentice, Pridemore, Ranker, Regala, Rolfes, Schoesler, Sheldon, Shin, Swecker, Tom and Zarelli

Voting nay: Senators Baumgartner, Becker, Benton, Carrell, Delvin, Ericksen, Fain, Hargrove, Harper, Hatfield, Haugen, Hill, Holmquist Newbry, Honeyford, McAuliffe, Padden, Parlette, Pflug and Roach

Excused: Senators Hewitt, Morton and Stevens

THIRD ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2565, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Eide, the Senate reverted to the fourth order of business.

MESSAGE FROM THE HOUSE

April 11, 2012

MR. PRESIDENT:

The House has passed:

ENGROSSED SUBSTITUTE SENATE BILL NO. 5940.

and the same is herewith transmitted.

BARBARA BAKER, Chief Clerk

MESSAGE FROM THE HOUSE

April 11, 2012

MR. PRESIDENT:

The House has passed:

THIRD ENGROSSED SUBSTITUTE HOUSE BILL NO. 2127.

and the same is herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

On motion of Senator Eide, the Senate advanced to the fifth order of business.

THIRD SUPPLEMENTAL AND FIRST READING OF HOUSE BILLS

3ESHB 2127 by House Committee on Ways & Means (originally sponsored by Representative Hunter)

AN ACT Relating to fiscal matters; amending RCW 28B.15.067, 38.52.540, 41.06.560, 43.07.129, 43.30.720, 43.88.110, 74.48.090, 76.04.610, 77.12.201, 77.12.203, 79.22.010, 79.22.040, 79.64.100, 79.105.150, 79.105.240, 79A.25.200, 86.26.007, and 90.48.390; amending 2012 c 86 (ESHB 2190) (uncodified); amending 2011 2nd sp.s. c 9 ss 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 125, 128, 129, 130, 131, 126, 127, 132, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 401, 402, 501, 502, 503, 504, 505, 507, 508, 509, 510, 511, 513, 514, 515, 601, 602, 603, 604, 605, 606, 607, 608, 609, 612, 613, 614, 615, 616, 617, 701, 702, and 801 (uncodified); amending 2011 1st sp.s. c 50 ss 103, 104, 106, 105, 108, 112, 115, 117, 120, 124, 128, 132, 133, 137, 136, 142, 147, 151, 149, 214, 516, 616, 715, 801, 802, 803, 910, 920, 921, and 922 (uncodified); amending 2010 c 23 s 205 (uncodified); reenacting and amending RCW 2.68.020, 70.105D.070, and 79.64.040; adding new sections to 2011 1st sp.s. c 50 (uncodified); repealing 2011 2nd sp.s. c 9 ss 610,

611, 705, 706, 707, and 708 (uncodified); repealing 2011 1st sp.s. c 50 ss 709 and 710 (uncodified); making appropriations; and declaring an emergency.

MOTION

On motion of Senator Eide and without objections, the rules were suspended and the measure listed on the third supplemental Introduction and First Reading report was placed on the day's second reading calendar.

MOTION

On motion of Senator Eide, the Senate advanced to the sixth order of business.

SECOND READING

SENATE BILL NO. 6074, by Senators Kilmer, Parlette and Shin

Concerning the capital budget. (REVISED FOR ENGROSSED: Funding capital projects. )

The measure was read the second time.

MOTION

Senator Kilmer moved that the following striking amendment by Senators Kilmer and Parlette be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A supplemental capital budget is hereby adopted and, subject to the provisions set forth in this act, the several dollar amounts hereinafter specified, or so much thereof as shall be sufficient to accomplish the purposes designated, are hereby appropriated and authorized to be incurred for capital projects during the period beginning with the effective date of this act and ending June 30, 2013, out of the several funds specified in this act.

PART 1 GENERAL GOVERNMENT

Sec. 1001. 2011 1st sp.s. c 49 s 1011 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF COMMERCE

Local and Community Projects (20084001)

The reappropriation in this section is subject to the following conditions and limitations:

(1) The projects must comply with RCW 43.63A.125 and other requirements for community projects administered by the department.

(2) The reappropriation is subject to the provisions of section 1008, chapter 328, Laws of 2008 and section 1003, chapter 36, Laws of 2010 1st sp. sess.

Reappropriation:

State Building Construction Account--State.....	(\$18,387,000))
.....	\$18,477,000
Prior Biennia (Expenditures).....	(\$106,757,000))
.....	\$106,667,000
Future Biennia (Projected Costs) .....	\$0
TOTAL.....	\$125,144,000

Sec. 1002. 2011 1st sp.s. c 49 s 1028 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF COMMERCE

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Local and Community Projects (30000166)

The appropriation in this section is subject to the following conditions and limitations:

(1) Except as directed otherwise prior to the effective date of this section, the department shall not expend the appropriations in this section unless and until the nonstate share of project costs have been either expended, or firmly committed, or both, in an amount sufficient to complete the project or a distinct phase of the project that is useable to the public for the purpose intended by the legislature.

(2) Prior to receiving funds, project recipients must demonstrate that the project site is under control for a minimum of ten years, either through ownership or a long-term lease. This requirement does not apply to appropriations for preconstruction activities or appropriations whose sole purpose is to purchase real property that does not include a construction or renovation component.

(3) Projects funded in this section may be required to comply with Washington's high performance building standards as required by chapter 39.35D RCW.

(4) Project funds are available on a reimbursement basis only, and shall not be advanced under any circumstances.

(5) Projects funded in this section must be held by the recipient for a minimum of ten years and used for the same purpose or purposes intended by the legislature as required in RCW 43.63A.125(6).

(6) Projects funded in this section, including those that are owned and operated by nonprofit organizations, are generally required to pay state prevailing wages.

(7) The appropriation in this section for the Roslyn Renaissance project is subject to the following conditions and limitations: It is the intent of this appropriation to undertake a feasibility study of structural and program integrity of historic buildings including (a) the northwest improvement company store, (b) the Sylvia's house, and (c) vacant commercial lots within the city of Roslyn. The study will analyze the adaptability of relocating the city offices to the renovated city hall building. The Roslyn downtown association shall submit the completed study to the department by July 1, 2012, including a detailed cost estimate for the property acquisition and redevelopment, and a capital fundraising plan to support the acquisitions through multiple funding sources.

(8) The appropriation is provided solely for the following list of projects:

Project	Authorized Amount
Adna Athletic and Fitness Facility	\$80,000
American Lake Veterans' Golf Course	\$250,000
Anacortes Depot	\$380,000
Bothell North Creek Forest Land Acquisition	\$200,000
Boys and Girls Federal Way	\$50,000
Bucoda Odd Fellows Community Center	\$150,000
Central WA State Fair Association	\$35,000
City of Kirkland Athletic Fields	\$150,000
Colville Tribal Museum	\$250,000
Daybreak Youth Services Pre-Construction Activities	\$100,000

Dekalb Pier Project	\$700,000
Gig Harbor Maritime Pier	\$390,000
Grays Harbor Historical Seaport	\$169,000
Lady Washington Rehabilitation	
Legion Park Visitors Center and Trailhead Project	\$110,000
Match FEMA funds for Sprague Response Center	\$300,000
North Mason Senior Center	\$1,360,000
Port of Bremerton	\$1,100,000
Puyallup Transit Oriented Development	\$1,500,000
Redmond Central Connector	\$850,000
Roslyn Renaissance	\$300,000
Seattle Children's Hospital Emergency Department	\$1,000,000
Skagit Valley Hospital	\$750,000
South Tacoma Community Center Playground	\$380,000
Spokane Food Bank Distribution Center Capacity and Renovation	\$1,250,000
Spokane Valley Partners Boiler Replacement	\$100,000
Sultan Boys and Girls Club	\$500,000
Tacoma Hilltop Health Center	\$1,500,000
The Arc of Tri-Cities Facility	\$350,000
Traumatic Brain Injury Center	\$900,000
Vancouver Waterfront Park Pre-Construction Activities	\$500,000
Veteran's Memorial	\$210,000
West Hill Skyway Redevelopment	\$750,000
YWCA Yakima	\$203,000

**Total \$16,817,000**

(9) Up to \$80,000 of the Roslyn Renaissance project authorized amount may be used to acquire Sylvia House.

Appropriation:

State Building Construction Account--State	\$16,817,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
<b>TOTAL</b>	<b>\$16,817,000</b>

NEW SECTION. Sec. 1003. A new section is added to 2011

1st sp.s. c 49 (uncodified) to read as follows:

**FOR THE DEPARTMENT OF COMMERCE**

Local and Community Projects 2012 (91000437)

The appropriation in this section is subject to the following conditions and limitations:

(1) Except as directed otherwise prior to the effective date of this section, the department shall not expend the appropriations in this section unless and until the nonstate share of project costs have been either expended, or firmly committed, or both, in an amount sufficient to complete the project or a distinct phase of the project



that is useable to the public for the purpose intended by the legislature.

(2) Prior to receiving funds, project recipients must demonstrate that the project site is under control for a minimum of ten years, either through ownership or a long-term lease. This requirement does not apply to appropriations for preconstruction activities or appropriations whose sole purpose is to purchase real property that does not include a construction or renovation component.

(3) Projects funded in this section may be required to comply with Washington's high performance building standards as required by chapter 39.35D RCW.

(4) Project funds are available on a reimbursement basis only, and shall not be advanced under any circumstances.

(5) Projects funded in this section must be held by the recipient for a minimum of ten years and used for the same purpose or purposes intended by the legislature as required in RCW 43.63A.125(6).

(6) Projects funded in this section, including those that are owned and operated by nonprofit organizations, are generally required to pay state prevailing wages.

(7) The appropriation is provided solely for the following list of projects:

<b>Project</b>	<b>Authorized Amount</b>
Low Income Housing Institute	\$1,800,000
-Housing for Homeless Young Adults	
Roslyn Northwest Improvement Building	\$1,035,000
<b>Total</b>	<b>\$2,835,000</b>

**Appropriation:**

State Taxable Building Construction Account--State	\$1,800,000
State Building Construction Account--State	\$1,035,000
Subtotal Appropriation	\$2,835,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
<b>TOTAL</b>	<b>\$2,835,000</b>

Sec. 1004. 2011 1st sp.s. c 49 s 1024 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF COMMERCE**

Temporary Public Works Grant Program (92000021)

The reappropriation in this section is subject to the provisions of section 1050, chapter 497, Laws of 2009.

**Reappropriation:**

State Building Construction Account--State	\$17,106,000
State Taxable Building Construction Account--State	(\$1,298,000)
	\$328,000
Subtotal Reappropriation	(\$18,404,000)
	\$17,434,000
Prior Biennia (Expenditures)	\$23,936,000
Future Biennia (Projected Costs)	\$0
<b>TOTAL</b>	<b>(\$42,340,000)</b>
	\$41,370,000

**NEW SECTION. Sec. 1005.** A new section is added to 2011

1st sp.s. c 48 (uncodified) to read as follows:

**FOR THE DEPARTMENT OF COMMERCE**

CERB Administered Economic Development, Innovation & Export Grants (92000096)

The appropriations in this section are subject to the following conditions and limitations: The appropriation is provided solely for a competitive economic development and community revitalization grant program administered by the community economic revitalization board (board) in consultation with the public works

board and for the economic development projects specified in subsection (2) of this section.

(1) The intent of the competitive program is to provide grants to local governments, including ports, and innovation partnership zones for public infrastructure, facilities, and related improvements that enable and encourage private sector business creation or expansion, the redevelopment of brownfields, and to enhance the vitality and livability of the community. The board shall establish all grant application requirements. The board may choose to establish two separate grant competitions for the economic development projects and the community revitalization projects.

(2) The boards shall prioritize economic development grants by considering at a minimum the following criteria:

(a) The number of jobs created by the expected business creation or expansion and the average wage of those expected jobs. In evaluating proposals for their job creation potential, the board may adjust the job estimates in applications based on the board's judgment of the credibility of the job estimates;

(b) The board shall also consider the need for job creation based on the unemployment rate of the county or counties in which the project is located. In evaluating the average wages of the jobs created, the board shall compare those wages to median wages of private sector jobs in the county or counties surrounding the project location;

(c) When evaluating the jobs created by the project, the board may consider the area labor supply and readily available skill sets of the labor pool in the county or counties surrounding the project location;

(d) How the expected business creation or expansion fits within the region's preferred economic growth strategy as indicated by the efforts of nearby innovation partnership zones, industry clusters as defined by the Washington Economic Development Commission, future export prospects, or local government equivalent if available;

(e) The speed with which the project can begin construction;

(f) The extent that the final list of grant awards provides broad geographic distribution, leverages nonstate funds, and achieves overall the greatest benefit in job creation at good wages for the amount of money provided;

(g) In no event shall the board award a grant that supplants previously committed project resources.

(3) The board shall prioritize community revitalization grants by considering at a minimum the following criteria:

(a) The value of the project to the community. In evaluating the value of the project, the board shall, at a minimum, consider the difficulty the applicant has in financing main street improvement projects with their own local resources and the extent the project will increase economic activity for existing businesses, improve safety and enjoyment of pedestrians and bicyclists, enhance in-city recreational opportunities, and revitalize downtown business districts.

(b) The extent to which businesses and local governments in the affected area support the project;

(c) Whether or not the project is in the local government's adopted capital facility plan, comprehensive plan, or equivalent. Additional consideration is given to projects located within one of the aforementioned plans;

(d) The extent to which the project promotes infill and redevelopment of the downtown area;

(e) The speed with which the project can begin construction;

(f) The extent that the final list of grant awards provides broad geographic distribution, leverages nonstate funds, and achieves overall the greatest benefit for the amount of money provided;

(g) The extent to which the applicant demonstrates the ability to maintain the project funded through the grant program;

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(h) In no event shall the board award a grant that supplants previously committed project resources.

(4) \$4,000,000 of the appropriation is provided solely for the Satsop wastewater improvement project.

Appropriation:

Public Works Assistance Account--State.....	\$16,000,000
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs) .....	\$0
TOTAL.....	\$16,000,000

NEW SECTION. **Sec. 1006.** A new section is added to 2011

1st sp.s. c 48 (uncodified) to read as follows:

FOR THE DEPARTMENT OF COMMERCE

Brownfield Redevelopment Grants (92000100)

The appropriation in this section is subject to the following conditions and limitations: The appropriation in this section is provided solely for redevelopment of the Bellingham waterfront.

Appropriation:

Local Toxics Control Account--State .....	\$1,500,000
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs) .....	\$0
TOTAL.....	\$1,500,000

NEW SECTION. **Sec. 1007.** A new section is added to 2011

1st sp.s. c 48 (uncodified) to read as follows:

FOR THE DEPARTMENT OF COMMERCE

Main Street Improvement Grants (92000098)

The appropriation in this section is subject to the following conditions and limitations: The appropriation in this section is provided solely for the Scriber Creek pedestrian bridge project.

Appropriation:

Public Works Assistance Account--State.....	\$800,000
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs) .....	\$0
TOTAL.....	\$800,000

Sec. 1008. 2011 1st sp.s. c 48 s 1018 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF COMMERCE

Drinking Water State Revolving Fund Loan Program (30000095)

The appropriations in this section are subject to the following conditions and limitations: For projects involving repair, replacement, or improvement of a clean water infrastructure facility or other public works facility for which an investment grade audit is obtainable, the public works board must require as a contract condition that the project sponsor undertake an investment grade audit. The project sponsor may finance the costs of the audit as part of its drinking water state revolving fund program loan.

Appropriation:

Drinking Water Assistance Account--State .....	\$16,000,000
Drinking Water Assistance Repayment Account-- State .....	(\$32,000,000)
.....	\$92,000,000
Subtotal Appropriation.....	(\$48,000,000)
.....	\$108,000,000
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs) .....	\$192,000,000
TOTAL.....	(\$240,000,000)
.....	\$300,000,000

NEW SECTION. **Sec. 1009.** A new section is added to 2011

1st sp.s. c 49 (uncodified) to read as follows:

FOR THE DEPARTMENT OF COMMERCE

Housing for People with Developmental Disabilities (91000410)

The appropriation in this section is subject to the following conditions and limitations: The appropriation in this section is provided for the ranked list of projects in the category "Housing for

People with Developmental Disabilities" in LEAP capital document No. 2012-7A, developed April 3, 2012. The department shall evaluate projects on the LEAP list and allocate the funding based on the requirements of RCW 43.185.050 and 43.185.070. Upon review of a completed application, if the department determines that a project is not eligible or is not ready to proceed, the department may allocate funding to a project in another category on the LEAP list, or to any type of alternate project. The department shall, at its discretion, determine the actual amount of funding to be allocated to each project, provided that the total allocation does not exceed the appropriation provided in this section.

Appropriation:

State Taxable Building Construction

Account--State.....	\$2,900,000
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs) .....	\$0
TOTAL.....	\$2,900,000

NEW SECTION. **Sec. 1010.** A new section is added to 2011

1st sp.s. c 49 (uncodified) to read as follows:

FOR THE DEPARTMENT OF COMMERCE

Housing for People with Chronic Mental Illness (91000412)

The appropriation in this section is subject to the following conditions and limitations: The appropriation in this section is provided for the ranked list of projects in the category "Housing for People with Chronic Mental Illness" in LEAP capital document No. 2012-7A, developed April 3, 2012. The department shall evaluate projects on the LEAP list and allocate the funding based on the requirements of RCW 43.185.050 and 43.185.070. Upon review of a completed application, if the department determines that a project is not eligible or is not ready to proceed, the department may allocate funding to a project in another category on the LEAP list, or to any type of alternate project. The department shall, at its discretion, determine the actual amount of funding to be allocated to each project, provided that the total allocation does not exceed the appropriation provided in this section.

Appropriation:

State Taxable Building Construction

Account--State.....	\$1,125,000
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs) .....	\$0
TOTAL.....	\$1,125,000

NEW SECTION. **Sec. 1011.** A new section is added to 2011

1st sp.s. c 49 (uncodified) to read as follows:

FOR THE DEPARTMENT OF COMMERCE

Housing for the Homeless (91000413)

The appropriation in this section is subject to the following conditions and limitations: The appropriation in this section is provided for the ranked list of projects in the category "Housing for the Homeless" in LEAP capital document No. 2012-7A, developed April 3, 2012. The department shall evaluate projects on the LEAP list and allocate the funding based on the requirements of RCW 43.185.050 and 43.185.070. Upon review of a completed application, if the department determines that a project is not eligible or is not ready to proceed, the department may allocate funding to a project in another category on the LEAP list, or to any type of alternate project. The department shall, at its discretion, determine the actual amount of funding to be allocated to each project, provided that the total allocation does not exceed the appropriation provided in this section.

Appropriation:

State Taxable Building Construction

Account--State.....	\$28,944,000
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs) .....	\$0
TOTAL.....	\$28,944,000

NEW SECTION. **Sec. 1012.** A new section is added to 2011 1st sp.s. c 49 (uncodified) to read as follows:  
FOR THE DEPARTMENT OF COMMERCE

Housing for Farmworkers (91000414)

The appropriation in this section is subject to the following conditions and limitations: The appropriation in this section is provided for the ranked list of projects in the category "Housing for Farmworkers" in LEAP capital document No. 2012-7A, developed April 3, 2012. The department shall evaluate projects on the LEAP list and allocate the funding based on the requirements of RCW 43.185.050 and 43.185.070. Upon review of a completed application, if the department determines that a project is not eligible or is not ready to proceed, the department may allocate funding to a project in another category on the LEAP list, or to any type of alternate project. The department shall, at its discretion, determine the actual amount of funding to be allocated to each project, provided that the total allocation does not exceed the appropriation provided in this section.

Appropriation:

State Taxable Building Construction Account--State.....	\$6,215,000
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs) .....	\$0
TOTAL.....	\$6,215,000

NEW SECTION. **Sec. 1013.** A new section is added to 2011 1st sp.s. c 49 (uncodified) to read as follows:  
FOR THE DEPARTMENT OF COMMERCE

Housing for Low-Income Households (91000416)

The appropriation in this section is subject to the following conditions and limitations: The appropriation in this section is provided for the ranked list of projects in the category "Housing for Low Income Households" in LEAP capital document No. 2012-7A, developed April 3, 2012. The department shall evaluate projects on the LEAP list and allocate the funding based on the requirements of RCW 43.185.050 and 43.185.070. Upon review of a completed application, if the department determines that a project is not eligible or is not ready to proceed, the department may allocate funding to a project in another category on the LEAP list, or to any type of alternate project. The department shall, at its discretion, determine the actual amount of funding to be allocated to each project, provided that the total allocation does not exceed the appropriation provided in this section.

Appropriation:

State Taxable Building Construction Account--State.....	\$2,982,000
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs) .....	\$0
TOTAL.....	\$2,982,000

NEW SECTION. **Sec. 1014.** A new section is added to 2011 1st sp.s. c 49 (uncodified) to read as follows:  
FOR THE DEPARTMENT OF COMMERCE

Housing Competitive Pool (91000432)

The appropriation in this section is subject to the following conditions and limitations: \$1,500,000 of the appropriation is provided solely for a demonstration project that supports homeless individuals with low cost living quarters and shared facilities such as kitchens, showers, and community meeting space. The project must meet all local zoning requirements and have the support of the local jurisdiction in which it is located. The department must require the project to report cost and outcome measures after the first five years of operation, and must report this information to the appropriate committees of the legislature.

Appropriation:

State Taxable Building Construction Account--State.....	\$4,530,000
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs) .....	\$0

TOTAL.....\$4,530,000  
NEW SECTION. **Sec. 1015.** A new section is added to 2011 1st sp.s. c 49 (uncodified) to read as follows:  
FOR THE DEPARTMENT OF COMMERCE

Weatherization (91000247)

The appropriation in this section is subject to the following conditions and limitations:

(1) \$10,000,000 of the appropriation in this section is provided solely for low-income weatherization through the energy matchmakers program.

(2) \$15,000,000 of the appropriation in this section is provided solely for continuation of the community energy efficiency program administered by WSU energy extension.

Appropriation:

State Taxable Building Construction Account--State.....	\$25,000,000
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs) .....	\$0
TOTAL.....	\$25,000,000

NEW SECTION. **Sec. 1016.** A new section is added to 2011 1st sp.s. c 48 (uncodified) to read as follows:  
FOR THE DEPARTMENT OF COMMERCE

Public Works Assistance Account Program 2013 Loan List (30000184)

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for the list of projects in LEAP capital document No. 2012-1B, developed February 18, 2012.

Appropriation:

Public Works Assistance Account--State.....	\$152,781,000
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs) .....	\$0
TOTAL.....	\$152,781,000

NEW SECTION. **Sec. 1017.** A new section is added to 2011 1st sp.s. c 48 (uncodified) to read as follows:  
FOR THE DEPARTMENT OF COMMERCE

Public Works Pre-Construction Loan Program (91000319)

Appropriation:

Public Works Assistance Account--State.....	\$3,000,000
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs) .....	\$0
TOTAL.....	\$3,000,000

NEW SECTION. **Sec. 1018.** A new section is added to 2011 1st sp.s. c 48 (uncodified) to read as follows:  
FOR THE DEPARTMENT OF COMMERCE

Financing Energy/Water Efficiency (30000180)

Appropriation:

Public Works Assistance Account--State.....	\$5,000,000
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs) .....	\$0
TOTAL.....	\$5,000,000

**Sec. 1019.** 2011 1st sp.s. c 49 s 1017 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF COMMERCE**

Youth Recreational Facilities Grants (30000007)

The reappropriation in this section is subject to the following conditions and limitations: Funding for the Allen Place project is reduced by \$673,000.

Reappropriation:

State Building Construction Account--State.....	(\$2,774,000))
.....	\$2,101,000
Prior Biennia (Expenditures).....	\$3,776,000
Future Biennia (Projected Costs) .....	\$0
TOTAL.....	(\$6,550,000))
.....	\$5,877,000

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NEW SECTION. **Sec. 1020.** A new section is added to 2011 1st sp.s. c 48 (uncodified) to read as follows:

**FOR THE OFFICE OF FINANCIAL MANAGEMENT**

Loan Program Consolidation Board (91000005)

The appropriation in this section is subject to the following conditions and limitations:

(1) The legislature intends to consolidate under a single financing authority all existing state lending programs currently dispersed under the management of separate agencies, including, but not limited to, infrastructure and student loan programs. The purposes of this consolidation are to: Increase the effective and accountable use of state resources; increase efficiency and decrease costs through economies of scale; and streamline access for customers to financial and technical assistance.

(2)(a) To assist the legislature in planning for this consolidation, a loan program consolidation board is established, with members as provided in this subsection:

(i) The speaker of the house of representatives shall appoint one member from each of the two largest caucuses of the house of representatives, as voting members.

(ii) The president of the senate shall appoint one member from each of the two largest caucuses of the senate, as voting members.

(iii) The speaker of the house and the president of the senate jointly shall appoint five citizen members with backgrounds in the financing of infrastructure and student loans, as voting members.

(b) The board shall choose its chair or cochair from among its membership. The director of the office of financial management shall convene the initial meeting of the board.

(c) Staff support for the board shall be provided by the office of financial management, the house of representatives office of program research and the senate committee services. The relevant state agencies must provide technical assistance as the board may reasonably request.

(d) Legislative members of the loan program consolidation board must be reimbursed for travel expenses in accordance with RCW 44.04.120. Nonlegislative members, except those representing an employer or organization, are entitled to be reimbursed for travel expenses in accordance with RCW 43.03.050 and 43.03.060.

(3) The following agencies shall each designate a representative to provide information to the board and participate in its discussions: The office of financial management; the state treasurer; the department of health; the department of ecology; the department of transportation; the public works board; the higher education coordinating board, or successor agency; and the state housing finance commission.

(4)(a) By December 15, 2012, the loan program consolidation board shall develop and submit to the governor and appropriate legislative committees a recommended consolidation plan that includes, but is not limited to, infrastructure and educational lending programs administered by the departments of commerce, health, and ecology; the housing finance commission; the office of the state treasurer; and the higher education coordinating board, or successor agency.

(b) The plan must include recommendations on: The organizational structure for the umbrella authority; the process and timeline for transferring existing programs and adding new programs to the umbrella authority; and any statutory and budgetary changes necessary to implement the plan in the 2013-2015 biennium, and thereafter.

(c) The plan must also include recommendations on sources of capital that could be used to make low-interest educational loans to students under the higher education loan program (HELP) authorized in RCW 28B.97.010.

(5) The appropriation in this section is provided solely for:

(a) Contracting with additional persons who have specific technical expertise to carry out the requirements of this section; and  
(b) Paying travel expenses of nonlegislative members of the loan program consolidation board.

Appropriation:

Public Works Assistance Account--State.....	\$150,000
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs) .....	\$0
TOTAL.....	\$150,000

Sec. 1021. 2011 1st sp.s. c 49 s 1036 (uncodified) is amended to read as follows:

**FOR THE OFFICE OF FINANCIAL MANAGEMENT**

Bid Savings Contingency Pool (92000002)

Appropriation:

State Building Construction Account--State.....	(\$6,500,000)
.....	\$0
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs) .....	\$0
TOTAL.....	(\$6,500,000)
.....	\$0

Sec. 1022. 2011 1st sp.s. c 49 s 1046 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF ((GENERAL ADMINISTRATION)) ENTERPRISE SERVICES**

Engineering and Architectural Services: Staffing (91000005)

The appropriation in this section is subject to the following conditions and limitations:

Up to \$75,000 is for the department of enterprise services to conduct a review of the state's current public works procurement processes and provide a report by December 15, 2012, to the appropriate committees of the legislature and the governor with procurement reform recommendations. For recommendations that require a statutory change, the report should include draft legislation needed to accomplish the report's recommendations. The director may contract with a private entity for assistance to conduct the study. The capital projects advisory review board will provide advice and assistance as required by the director. The report will include historical data on (1) the use of change orders; (2) the use of job order contracting; (3) how are competitive public works contracts advertised; and (4) contract closeout procedures. State agencies that will participate include one research university, one natural resource agency, and one general government agency.

Appropriation:

State Building Construction Account--State.....	(\$5,282,000)
.....	\$7,751,000
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs) .....	\$34,250,000
TOTAL.....	(\$39,532,000)
.....	\$42,001,000

NEW SECTION. **Sec. 1023.** A new section is added to 2011 1st sp.s. c 49 (uncodified) to read as follows:

**FOR THE DEPARTMENT OF ENTERPRISE SERVICES**

Legislative Building Critical Repairs (92000004)

Appropriation:

State Building Construction Account--State.....	\$1,400,000
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs) .....	\$0
TOTAL.....	\$1,400,000

Sec. 1024. 2011 1st sp.s. c 49 s 1047 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF ((GENERAL ADMINISTRATION)) ENTERPRISE SERVICES**

Natural Resource Building Roof Replacement and Exterior Foam Insulation System Repairs (30000546)

Appropriation:

State Building Construction Account--State .....(((\$4,482,000))  
 .....\$982,000  
 Prior Biennia (Expenditures).....\$0  
 Future Biennia (Projected Costs) .....\$0  
 TOTAL.....(((\$4,482,000))  
 .....\$982,000

NEW SECTION. **Sec. 1025.** A new section is added to 2011 1st sp.s. c 48 (uncodified) to read as follows:

**FOR THE DEPARTMENT OF ENTERPRISE SERVICES**

Natural Resource Building Roof Replacement and Exterior Foam Insulation System Repairs (30000546)

Appropriation:

Capitol Building Construction Account--State .....\$3,500,000  
 Prior Biennia (Expenditures).....\$0  
 Future Biennia (Projected Costs) .....\$0  
 TOTAL.....\$3,500,000

NEW SECTION. **Sec. 1026.** A new section is added to 2011 1st sp.s. c 48 (uncodified) to read as follows:

**FOR THE MILITARY DEPARTMENT**

Thurston County Readiness Center (91000005)

Appropriation:

General Fund--Federal .....\$75,000  
 Prior Biennia (Expenditures).....\$0  
 Future Biennia (Projected Costs) .....\$0  
 TOTAL.....\$75,000

Sec. 1027. 2011 1st sp.s. c 49 s 1054 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF ARCHAEOLOGY AND HISTORIC PRESERVATION**

Courthouse Preservation (30000006)

The appropriation in this section is subject to the following conditions and limitations: \$150,000 of the appropriation in this section is provided solely for the Mason County Courthouse Renovation Project.

Appropriation:

State Building Construction Account--State.....\$750,000  
 Prior Biennia (Expenditures).....\$0  
 Future Biennia (Projected Costs) .....\$0  
 TOTAL.....\$750,000

(End of part)

**PART 2  
 HUMAN SERVICES**

**Sec. 2001.** 2011 1st sp.s. c 48 s 2005 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF HEALTH**

Drinking Water Assistance Program (30000013)

The appropriations in this section are subject to the following conditions and limitations: The appropriation from the drinking water assistance account--federal stimulus is provided solely for the city of Tacoma McMillan Reservoir project and the city of Seattle Maple Leaf Reservoir project.

Reappropriation:

Drinking Water Assistance Account--Federal .....\$38,348,000  
 Drinking Water Assistance Account--Federal Stimulus.....\$9,373,000  
 Subtotal Reappropriation.....\$47,721,000

Appropriation:

Drinking Water Assistance Account--Federal .....\$49,868,000  
 Drinking Water Assistance Account--Federal Stimulus .....\$832,000  
 Subtotal Appropriation.....\$50,700,000  
 Prior Biennia (Expenditures).....\$29,089,000

Future Biennia (Projected Costs) .....\$199,472,000  
 TOTAL.....(((\$326,150,000))  
 .....\$326,982,000

Sec. 2002. 2011 1st sp.s. c 48 s 2006 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF VETERANS AFFAIRS**

Minor Works Preservation: Facilities Preservation (90000001)

Appropriation:

Charitable, Educational, Penal and Reformatory Institutions Account--State.....(((\$2,722,000))  
 .....\$0  
 Prior Biennia (Expenditures).....\$0  
 Future Biennia (Projected Costs) .....(((\$7,728,000))  
 .....\$0  
 TOTAL.....(((\$10,450,000))  
 .....\$0

NEW SECTION. **Sec. 2003.** A new section is added to 2011 1st sp.s. c 49 (uncodified) to read as follows:

**FOR THE DEPARTMENT OF VETERANS AFFAIRS**

Minor Works Preservation: Facilities Preservation (90000001)

Appropriation:

State Building Construction Account--State.....\$2,722,000  
 Prior Biennia (Expenditures).....\$0  
 Future Biennia (Projected Costs) .....\$6,008,000  
 TOTAL.....\$8,730,000

NEW SECTION. **Sec. 2004.** A new section is added to 2011 1st sp.s. c 48 (uncodified) to read as follows:

**FOR THE DEPARTMENT OF VETERANS AFFAIRS**

Walla Walla Nursing Facility (20082008)

Appropriation:

General Fund--Federal .....\$31,200,000  
 Prior Biennia (Expenditures).....\$0  
 Future Biennia (Projected Costs) .....\$0  
 TOTAL.....\$31,200,000

Sec. 2005. 2011 1st sp.s. c 49 s 2027 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF CORRECTIONS**

Washington State Penitentiary: Housing Units, Kitchen and Site Work (30000482)

Reappropriation:

State Building Construction Account--State.....\$5,810,000  
 Public Safety Reimbursable Bond Account--State .....\$546,000  
 Subtotal Reappropriation.....\$6,356,000

Appropriation:

State Building Construction Account--State .....(((\$42,453,000))  
 .....\$40,753,000  
 Prior Biennia (Expenditures).....\$463,000  
 Future Biennia (Projected Costs) .....\$0  
 TOTAL.....(((\$49,272,000))  
 .....\$47,572,000

**Sec. 2006.** 2011 1st sp.s. c 49 s 2034 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF CORRECTIONS**

Appropriation:

State Building Construction Account--State .....(((\$6,200,000))  
 .....\$0  
 Prior Biennia (Expenditures).....\$0  
 Future Biennia (Projected Costs) .....(((\$246,181,000))  
 .....\$252,226,000  
 TOTAL.....(((\$252,381,000))  
 .....\$252,226,000

(End of part)

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**PART 3  
NATURAL RESOURCES**

**Sec. 3001.** 2011 1st sp.s. c 49 s 3027 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF ECOLOGY**

Habitat Mitigation (91000007)

Reappropriation:

State Building Construction Account--State.....(((\$2,900,000))	
.....	\$3,648,000
Prior Biennia (Expenditures).....(((\$1,500,000))	
.....	\$752,000
Future Biennia (Projected Costs) .....	\$0
TOTAL.....	\$4,400,000

**NEW SECTION. Sec. 3002.** A new section is added to 2011 1st sp.s. c 48 (uncodified) to read as follows:

**FOR THE DEPARTMENT OF ECOLOGY**

Clean Up Toxic Sites - Puget Sound (91000032)

The appropriation in this section is subject to the following conditions and limitations: The appropriation in this section is provided solely for the following ranked list of projects. If a specified project has not met the requirements for executing a contract with the department by April 30, 2013, the department may allocate the amount specified to additional projects awarded on a competitive basis provided that the awardee is ready to proceed with the project.

Project	Authorized Amount
Port Gamble Bay - Open up 90 acres of geoduck tracks	\$2,000,000
Port Gamble Bay - Source control, habitat preservation, and cleanup sustainability Administration	\$7,000,000
	\$270,000
<b>Total</b>	<b>\$9,270,000</b>

Appropriation:

State Toxics Control Account--State.....	\$9,270,000
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs) .....	\$0
TOTAL.....	\$9,270,000

**NEW SECTION. Sec. 3003.** A new section is added to 2011 1st sp.s. c 48 (uncodified) to read as follows:

**FOR THE DEPARTMENT OF ECOLOGY**

Eastern Washington Clean Sites Initiative (91000033)

The appropriation in this section is subject to the following conditions and limitations: The appropriation in this section is provided solely for the following ranked list of projects. If a specified project has not met the requirements for executing a contract with the department by April 30, 2013, the department may allocate the amount specified to additional projects awarded on a competitive basis provided that the awardee is ready to proceed with the project.

Project	Authorized Amount
Cashmere Mill Site	\$1,500,000
Administration	\$45,000
<b>Total</b>	<b>\$1,545,000</b>

Appropriation:

State Toxics Control Account--State.....	\$1,545,000
Prior Biennia (Expenditures).....	\$0

Future Biennia (Projected Costs) .....	\$0
TOTAL.....	\$1,545,000

**NEW SECTION. Sec. 3004.** A new section is added to 2011 1st sp.s. c 48 (uncodified) to read as follows:

**FOR THE DEPARTMENT OF ECOLOGY**

FY 2012 Statewide Storm Water Grant Program (91000053)

The appropriation in this section is subject to the following conditions and limitations: The appropriation in this section is provided solely for the following ranked list of projects. If a specified project has not met the requirements for executing a contract with the department by April 30, 2013, the department may allocate the amount specified to additional grants awarded on a competitive basis provided that the grant awardee is ready to proceed with the project.

Project	Authorized Amount
Lakewood 2012 Drywell Replacement Project	\$330,000
Ferndale Southwest Storm Water Management Facility	\$871,000
Tacoma Cheney Stadium Storm Water LID Retrofit	\$1,000,000
Bellingham Central Business District Raingarden Retrofits	\$450,000
Walla Walla 13th Avenue Storm Water LID Project	\$290,000
Spokane County Regional Decant Facility	\$684,000
Milton 5th Avenue Storm Water Treatment Facility	\$112,000
Pierce County Clarks/Rody Creek Storm Water Retrofits	\$829,000
Mount Vernon Downtown Plaza	\$351,000
Vancouver Water Quality Retrofits for Existing Drywells	\$562,000
Camas Vactor Waste Facility Retrofit	\$150,000
Tumwater Valley Regional Storm Water Facility	\$469,000
West Richland Bombing Range Outfall Elimination Project	\$479,000
Kitsap County Parks: Replace and Installation of Pervious Parking Lots	\$735,000
Woodinville Lake Leota Storm Water Quality Retrofit Project	\$866,000
Richland Leslie Groves Park Regional Infiltration Facility	\$199,000
Spokane County Country Homes Boulevard Restoration Project	\$1,000,000
Redmond NE 84th Street Storm Water Retrofit	\$1,000,000
Pierce County Groundwater Pollutant Reduction Project	\$578,000
Kitsap County Illahee Storm Water - LID Retrofit Project	\$625,000
Bellingham Storm Water Retrofit - Bloedel Donovan Park	\$384,000
Puyallup Porus Alley Initiative Program	\$665,000
Lacey Vactor Waste Decant Facility	\$342,000
Fife 70th Avenue East Phase 2	\$786,000

Kent James Street Storm Water Outfall Retrofit	\$75,000	Mukilteo Smuggler's Gulch Drainage Basin LID and Storm Water Retrofit	\$1,000,000
Renton Sunset Terrace Regional Storm Water Facility	\$983,000	Kirkland Park Lane Pedestrian Corridor	\$739,000
Sumner Site A.2 Outfall Treatment Retrofit	\$1,000,000	Port Angeles 4th Street Storm Water Project	\$1,000,000
Asotin Second Street Storm Water Project	\$172,000	Snohomish County Department of Parks & Recreation Kayak Park Storm Water Treatment	\$1,000,000
University Place Bridgeport Way Low Impact Development Project	\$758,000	Renton Rainier Avenue Storm Water Retrofit	\$644,000
Sumner Site J Outfall Treatment Retrofit	\$538,000	Vancouver Peterson Channel Industrial LID Improvements	\$287,000
Richland Canyon Terrace Storm Water Treatment Project	\$211,000	Wenatchee Snowmelt Facility	\$975,000
Olympia SPSCC Storm Water Retrofit for Water Quality	\$312,000	Port Orchard Cedar Heights Junior High Sidewalks	\$135,000
Renton Harrington Avenue NE Green Connection	\$913,000	Centralia Downtown Rain Garden Revitalization Project	\$487,000
Longview Municipal Pervious Concrete	\$86,000	Snohomish County Paine Field Drainage Subbasin SC-5	\$967,000
Kirkland Northeast King County Co-op Recycling Decant Center	\$2,250,000	Seattle Public Utilities West Seattle Decant Facility	\$289,000
Burlington Gages Slough Storm Water LID Improvements	\$204,000	Skagit County LID Demonstration Project	\$291,000
Clark County Columbia River High School Storm Water Retrofit	\$267,000	Snohomish LID Improvements Project	\$104,000
Bainbridge Island Lynwood Center Outfall Improvement Project	\$188,000	Douglas County 23rd Street (Baker to SR 28)	\$165,000
Puyallup Clarks Creek Targeted Outfall Retrofit Project	\$551,000	Renton NE 10th St and Anacortes Ave NE Detention Pond Retrofit	\$206,000
Pierce County Tacoma Narrows Airport Pavement Removal	\$326,000	Redmond Public Works Kelsey Creek Erosion Reduction Facility	\$1,000,000
Pierce County Spanaway Lake Park Storm Water Retrofit	\$690,000	Whatcom County Upper Silver Beach Creek Restoration	\$988,000
Administrative Costs	\$792,000	Port of Vancouver Terminal 4 Storm Water Pond Retrofit	\$1,000,000
<b>Total</b>	<b>\$24,073,000</b>	Administrative Costs	\$476,000

Appropriation:

Local Toxics Control Account--State .....	\$24,073,000
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs) .....	\$0
<b>TOTAL.....</b>	<b>\$24,073,000</b>

**NEW SECTION. Sec. 3005.** A new section is added to 2011

1st sp.s. c 48 (uncodified) to read as follows:

**FOR THE DEPARTMENT OF ECOLOGY**

Storm Water Retrofit and LID Competitive Grants (91000054)

The appropriation in this section is subject to the following conditions and limitations: The appropriation in this section is provided solely for the following ranked list of projects. If a specified project has not met the requirements for executing a contract with the department by April 30, 2013, the department may allocate the amount specified to additional grants awarded on a competitive basis provided that the grant awardee is ready to proceed with the project.

<b>Project</b>	<b>Authorized Amount</b>
Burien Miller Creek Storm Water Management Facility	\$1,000,000
Tacoma Asotin Court LID Retrofit	\$710,000
Seattle Public Utilities Midvale Storm Water Facility	\$1,000,000

**Total**

**\$14,463,000**

Appropriation:

Local Toxics Control Account--State .....	\$14,463,000
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs) .....	\$0
<b>TOTAL.....</b>	<b>\$14,463,000</b>

**Sec. 3006.** 2011 1st sp.s. c 49 s 3008 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF ECOLOGY**

Columbia River Basin Water Supply Development Program (20062950)

The appropriations in this section are subject to the following conditions and limitations:

(1) \$1,000,000 of the appropriation is provided solely to the Columbia basin groundwater management area for the following projects:

(a) \$600,000 of the appropriation is provided solely to construct localized hydrologic models for municipal supply sources and aquifer storage and recovery potential; and

(b) \$400,000 of the appropriation is provided solely to develop and implement methods to identify sustainable wells near the East Low Canal.

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(2) \$6,000,000 of the appropriation is provided solely for the Sunnyside Valley Irrigation District Water Conservation program.

(3) The department must reexamine its method of accounting for in- stream and out-of-stream benefits and develop a means of accounting for the indirect but substantial and tangible out-of-stream benefits that accrue from conservation, pump exchanges, and other projects. The department must report the results of this reexamination to the legislature by September 15, 2011.

Reappropriation:

Columbia River Basin Water Supply Development Account--State.....\$23,987,000

Appropriation:

Columbia River Basin Water Supply Development Account--State.....(((\$47,000,000)) .....\$36,596,000
Columbia River Basin Taxable Bond Water Supply Development Account--State.....\$10,404,000
Subtotal Appropriation.....\$47,000,000
Prior Biennia (Expenditures).....\$20,513,000
Future Biennia (Projected Costs) .....\$128,700,000
TOTAL.....\$220,200,000

Sec. 3007. 2011 1st sp.s. c 48 s 3024 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF ECOLOGY

Centennial Clean Water Program (30000208)

The appropriation in this section is subject to the following conditions and limitations:

(1) \$3,500,000 of the appropriation is provided solely to the city of Snohomish to implement the near-term wastewater treatment plant improvement project required under agreed order No. 7973 between the department of ecology and the city.

(2) \$3,500,000 of the appropriation is provided solely for a grant for the Freeland sewer project.

(3) ((\$540,000 of the appropriation is provided solely for the city of Connell's Klindworth Campbell waterline distribution project.

(4)) \$600,000 of the appropriation is provided solely for a grant for the town of Mabton's wastewater treatment project.

((5)) (4) For projects involving repair, replacement, or improvement of a wastewater treatment plant or other public works facility for which an investment grade audit is obtainable, the department of ecology must require as a contract condition that the project sponsor undertake an investment grade audit. The project sponsor may finance the costs of the audit as part of its centennial clean water program grant.

Appropriation:

State Toxics Control Account--State.....\$34,100,000
Prior Biennia (Expenditures).....\$0
Future Biennia (Projected Costs) .....\$0
TOTAL.....\$34,100,000

Sec. 3008. 2011 1st sp.s. c 49 s 3028 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF ECOLOGY

Protect Communities from Flood and Drought (92000002)

Reappropriation:

State Building Construction Account--State.....(((\$6,475,000)) .....\$8,172,000
Prior Biennia (Expenditures).....(((\$8,500,000)) .....\$6,609,000
Future Biennia (Projected Costs) .....\$0
TOTAL.....(((\$14,975,000)) .....\$14,781,000

NEW SECTION. Sec. 3009. A new section is added to 2011 1st sp.s. c 48 (uncodified) to read as follows:

FOR THE DEPARTMENT OF ECOLOGY

Flood Levee Improvements (92000057)

The appropriation in this section is subject to the following conditions and limitations: The appropriation in this section is provided solely for the King county flood district for the Briscoe-Desimone levee improvement project.

Appropriation:

Local Toxics Control Account--State .....\$7,000,000
Prior Biennia (Expenditures).....\$0
Future Biennia (Projected Costs) .....\$0
TOTAL.....\$7,000,000

Sec. 3010. 2011 1st sp.s. c 48 s 3025 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF ECOLOGY

Water Pollution Control Revolving Fund Program (30000209)

The appropriations in this section are subject to the following conditions and limitations:

(1) For projects involving repair, replacement, or improvement of a wastewater treatment plant or other public works facility for which an investment grade audit is obtainable, the department of ecology must require as a contract condition that the project sponsor undertake an investment grade audit. The project sponsor may finance the costs of the audit as part of its water pollution control revolving fund program loan.

(2) \$7,939,000 of the appropriation is provided solely for the LOTT clean water alliance primary sedimentation basins project.

Appropriation:

Water Pollution Control Revolving Account--State.....(((\$102,000,000)) .....\$109,939,000
Water Pollution Control Revolving Account--Federal .....\$82,205,000
Subtotal Appropriation.....(((\$184,205,000)) .....\$192,144,000
Prior Biennia (Expenditures).....\$0
Future Biennia (Projected Costs) .....\$736,820,000
TOTAL.....(((\$921,025,000)) .....\$928,964,000

Sec. 3011. 2011 1st sp.s. c 48 s 3036 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF ECOLOGY

Clean Up Toxics Sites - Puget Sound (30000265)

Appropriation:

((Local Toxics Control Account--State)) State Toxics Control Account--State .....\$16,400,000
Prior Biennia (Expenditures).....\$0
Future Biennia (Projected Costs) .....\$11,248,000
TOTAL.....\$27,648,000

NEW SECTION. Sec. 3012. A new section is added to 2011 1st sp.s. c 48 (uncodified) to read as follows:

FOR THE DEPARTMENT OF ECOLOGY

Solid Waste Reduction - Compost (91000197)

Appropriation:

State Toxics Control Account--State.....\$1,694,000
Prior Biennia (Expenditures).....\$0
Future Biennia (Projected Costs) .....\$0
TOTAL.....\$1,694,000

NEW SECTION. Sec. 3013. A new section is added to 2011 1st sp.s. c 49 (uncodified) to read as follows:

FOR THE PARKS AND RECREATION COMMISSION

Deferred Maintenance (91000030)

The appropriation in this section is subject to the following conditions and limitations: \$250,000 of the appropriation is provided solely for improvements at Mt. Spokane state park.

Appropriation:

State Building Construction Account--State.....\$1,070,000



Prior Biennia (Expenditures).....\$0  
 Future Biennia (Projected Costs) .....\$0  
 TOTAL.....\$1,070,000

NEW SECTION. Sec. 3014. A new section is added to 2011 1st sp.s. c 49 (uncodified) to read as follows:

FOR THE STATE PARKS AND RECREATION COMMISSION  
 Picnic Shelters (91000018)

Appropriation:  
 State Building Construction Account--State.....\$500,000  
 Prior Biennia (Expenditures).....\$0  
 Future Biennia (Projected Costs) .....\$0  
 TOTAL.....\$500,000

NEW SECTION. Sec. 3015. A new section is added to 2011 1st sp.s. c 49 (uncodified) to read as follows:

FOR THE STATE PARKS AND RECREATION COMMISSION  
 Wallace Falls Footbridge (91000047)

Appropriation:  
 State Building Construction Account--State.....\$486,000  
 Prior Biennia (Expenditures).....\$0  
 Future Biennia (Projected Costs) .....\$0  
 TOTAL.....\$486,000

NEW SECTION. Sec. 3016. A new section is added to 2011 1st sp.s. c 49 (uncodified) to read as follows:

FOR THE STATE PARKS AND RECREATION COMMISSION  
 Energy Conservation (91000040)

Appropriation:  
 State Building Construction Account--State.....\$215,000  
 Prior Biennia (Expenditures).....\$0  
 Future Biennia (Projected Costs) .....\$0  
 TOTAL.....\$215,000

NEW SECTION. Sec. 3017. A new section is added to 2011 1st sp.s. c 49 (uncodified) to read as follows:

FOR THE STATE PARKS AND RECREATION COMMISSION  
 Lake Sammamish Concession and Event Facility (91000034)

Appropriation:  
 State Building Construction Account--State.....\$1,000,000  
 Prior Biennia (Expenditures).....\$0  
 Future Biennia (Projected Costs) .....\$0  
 TOTAL.....\$1,000,000

NEW SECTION. Sec. 3018. A new section is added to 2011 1st sp.s. c 49 (uncodified) to read as follows:

FOR THE STATE PARKS AND RECREATION COMMISSION  
 Culverts (91000046)

Appropriation:  
 State Building Construction Account--State.....\$1,000,000  
 Prior Biennia (Expenditures).....\$0  
 Future Biennia (Projected Costs) .....\$0  
 TOTAL.....\$1,000,000

NEW SECTION. Sec. 3019. A new section is added to 2011 1st sp.s. c 48 (uncodified) to read as follows:

FOR THE RECREATION AND CONSERVATION FUNDING BOARD

Family Forest Fish Passage Program (91000097)

Appropriation:  
 State Toxics Control Account--State.....\$10,000,000  
 Prior Biennia (Expenditures).....\$0  
 Future Biennia (Projected Costs) .....\$0  
 TOTAL.....\$10,000,000

Sec. 3020. 2011 1st sp.s. c 49 s 3070 (uncodified) is amended to read as follows:

FOR THE RECREATION AND CONSERVATION FUNDING BOARD

Puget Sound Estuary and Salmon Restoration Program (30000148)

The appropriation in this section is subject to the following conditions and limitations:

(1) \$750,000 of the appropriation is provided solely for acquisition of land in Dabob Bay by the nature conservancy for transfer to the department of natural resources.

(2) The balance of the appropriation shall not be expended on the acquisition of lands by state agencies.

Appropriation:  
 State Building Construction Account--State.....\$5,000,000  
 Prior Biennia (Expenditures).....\$0  
 Future Biennia (Projected Costs) .....\$20,000,000  
 TOTAL.....\$25,000,000

NEW SECTION. Sec. 3021. A new section is added to 2011 1st sp.s. c 48 (uncodified) to read as follows:

FOR THE STATE CONSERVATION COMMISSION  
 Livestock Nutrient Program (30000001)

Appropriation:  
 General Fund--Federal .....\$1,000,000  
 Prior Biennia (Expenditures).....\$0  
 Future Biennia (Projected Costs) .....\$0  
 TOTAL.....\$1,000,000

NEW SECTION. Sec. 3022. A new section is added to 2011 1st sp.s. c 48 (uncodified) to read as follows:

FOR THE DEPARTMENT OF NATURAL RESOURCES

Point Ruston Sediment Capping and Shoreline Restoration Stabilization (91000065)

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation in this section is provided solely to the department of natural resources to complete sediment capping and shoreline stabilization on aquatic lands located adjacent to the Asarco clean-up site in Commencement Bay. However, funds shall only be expended if the department has entered into agreements with the environmental protection agency or the adjacent land owner known as Point Ruston, LLC which fully relieves the state from any further liability or contributions relating to the cleanup of such aquatic lands.

(2) This appropriation from the cleanup settlement account is a loan payable over an eight-year period half from the aquatic lands enhancement account and half from the state toxics control account. The state treasurer must maintain a record of expenditures against this appropriation and must calculate repayment obligations to the cleanup settlement account at an interest rate that is five-tenths of a one percent higher than the interest rate that the account would have earned without the expenditures against this appropriation. The state treasurer must submit a report of this repayment obligation to the office of financial management by September 1st of each year. The governor's budget request under RCW 43.88.060 must include sufficient funds to meet the biennial repayment obligation.

Appropriation:  
 Cleanup Settlement Account--State.....\$7,200,000  
 Prior Biennia (Expenditures).....\$0  
 Future Biennia (Projected Costs) .....\$0  
 TOTAL.....\$7,200,000

Sec. 3023. 2011 1st sp.s. c 48 s 3083 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF NATURAL RESOURCES

((Elk River Estuarine)) National Coastal Wetland Conservation Program Lands Acquisition (91000007)

Reappropriation:  
 General Fund--Federal .....\$1,000,000  
 Prior Biennia (Expenditures).....\$0  
 Future Biennia (Projected Costs) .....\$0  
 TOTAL.....\$1,000,000

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Sec. 3024. 2011 1st sp.s. c 49 s 3108 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF NATURAL RESOURCES

Fire Hazard Reductions (30000201)

The appropriation in this section is subject to the following conditions and limitations: The appropriations in this section are provided solely for forest ((improvement)) treatments ((on)) that benefit state trust lands in eastern Washington.

Appropriation:

State Building Construction Account--State .....	\$2,000,000
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs) .....	\$0
TOTAL.....	\$2,000,000

NEW SECTION. Sec. 3025. A new section is added to 2011 1st sp.s. c 48 (uncodified) to read as follows:

FOR THE DEPARTMENT OF NATURAL RESOURCES

Puget SoundCorps (91000046)

The appropriation is subject to the following conditions and limitations: The appropriation in this section is provided solely for water quality and habitat protection and restoration projects that benefit Puget Sound recovery and that are primarily on public lands. The department of natural resources must contract with the department of ecology for Puget SoundCorps crews of youth and military veterans to implement these projects pursuant to chapter 20, Laws of 2011.

Appropriation:

Aquatic Lands Enhancement Account--State .....	\$3,000,000
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs) .....	\$0
TOTAL.....	\$3,000,000

(End of part)

PART 4 TRANSPORTATION

NEW SECTION. Sec. 4001. A new section is added to 2011 1st sp.s. c 48 (uncodified) to read as follows:

FOR THE WASHINGTON STATE PATROL

Fire Training Academy Self Contained Breathing Apparatus Building (30000067)

Appropriation:

Fire Service Training Account--State .....	\$244,000
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs) .....	\$0
TOTAL.....	\$244,000

NEW SECTION. Sec. 4002. A new section is added to 2011 1st sp.s. c 48 (uncodified) to read as follows:

FOR THE WASHINGTON STATE PATROL

Fire Training Academy Master Plan/Environmental Impact Study (30000066)

Appropriation:

Fire Service Training Account--State .....	\$400,000
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs) .....	\$0
TOTAL.....	\$400,000

(End of part)

PART 5 EDUCATION

Sec. 5001. 2011 1st sp.s. c 49 s 5002 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION

Vocational Skills Centers (20084300)

Reappropriation:

State Building Construction Account--State.....(((\$3,187,000))	
.....	\$2,226,000
School Construction and Skills Centers Building	
Account--State.....	\$119,000
Subtotal Reappropriation.....(((\$3,306,000))	
.....	\$2,345,000
Prior Biennia (Expenditures).....	\$67,401,000
Future Biennia (Projected Costs) .....	\$0
TOTAL.....(((\$70,707,000))	
.....	\$69,746,000

Sec. 5002. 2011 1st sp.s. c 49 s 5008 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION

Skills Centers Minor Works - Facility Preservation (30000111)

Appropriation:

State Building Construction Account--State.....(((\$3,000,000))	
.....	\$2,942,000
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs) .....	(((\$12,000,000))
.....	\$20,000,000
TOTAL.....(((\$15,000,000))	
.....	\$22,942,000

Sec. 5003. 2011 1st sp.s. c 49 s 5009 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION

Yakima Valley Technical Skills Center (30000076)

Appropriation:

State Building Construction Account--State.....(((\$28,461,000))	
.....	\$25,443,000
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs) .....	\$0
TOTAL.....(((\$28,461,000))	
.....	\$25,443,000

Sec. 5004. 2011 1st sp.s. c 49 s 5004 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION

2009-11 School Construction Assistance Grant Program (30000031)

The reappropriations in this section are subject to the following conditions and limitations: Up to \$14,000,000 of the state building construction account--state reappropriation in this section is for the Grand Coulee Dam school district school project, contingent on the availability of sufficient contributions from federal, local, ((or)) private, or other sources to make up the remainder of the total cost of the project. The Grand Coulee Dam school district is faced with a unique set of local funding barriers and federal or other funds may substitute as the usual requirement for school district participation. In the event sufficient matching contributions are not secured by the Grand Coulee Dam school district, these funds shall lapse.

Reappropriation:

State Building Construction Account--State.....	\$129,681,000
School Construction and Skill Centers Building	
Account--Bond--State .....	\$40,885,000
Subtotal Reappropriation.....	\$170,566,000
Prior Biennia (Expenditures).....	\$144,862,000
Future Biennia (Projected Costs) .....	\$0
TOTAL.....	\$315,428,000

Sec. 5005. 2011 1st sp.s. c 48 s 5003 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION

2011-13 School Construction Assistance Program (30000071)

The appropriations in this section are subject to the following conditions and limitations:

(1) \$1,337,000 of the common school construction account--state appropriation is provided solely for study and survey grants and for completing inventory and building condition assessments for all public school districts once every six years.

(2) In calculating square foot eligibility for state assistance grants, kindergarten student headcount shall not be reduced by fifty percent.

(3) \$952,000 of the common school construction account--state appropriation is provided solely for mapping the design of new facilities and remapping the design of facilities to be remodeled, for school construction projects funded through the school construction assistance program.

Appropriation:

Common School Construction Account--State.....	.....(((\$314,960,000))
.....	.....\$307,558,000
Common School Construction Account--Federal.....	.....(((\$600,000))
.....	.....\$1,600,000
Subtotal Appropriation.....	.....(((\$315,560,000))
.....	.....\$309,158,000
Prior Biennia (Expenditures).....	.....\$0
Future Biennia (Projected Costs) .....	.....(((\$1,351,581,000))
.....	.....\$1,351,139,000
TOTAL.....	.....(((\$1,667,141,000))
.....	.....\$1,660,297,000

Sec. 5006. 2011 1st sp.s. c 49 s 5006 (uncodified) is amended to read as follows:

**FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION**

2011-13 School Construction Assistance Program (30000071)

The appropriation in this section is subject to the following conditions and limitations:

(1) In calculating square foot eligibility for state assistance grants, kindergarten student headcount shall not be reduced by fifty percent.

(2) The office of the superintendent of public instruction shall review the impact of students enrolled in alternative learning experiences on the calculation of student enrollment projections for determining school district eligibility for school construction assistance, and shall work with interested stakeholders to analyze whether the calculation should be changed. The results of the analysis, including possible recommendations for an adjustment factor, shall be submitted to the senate ways and means committee and the house capital budget committee no later than December 31, 2011.

Appropriation:

State Building Construction Account--State.....	.....(((\$345,754,000))
.....	.....\$247,404,000
Prior Biennia (Expenditures).....	.....\$0
Future Biennia (Projected Costs) .....	.....(((\$1,581,765,000))
.....	.....\$1,586,015,000
TOTAL.....	.....(((\$1,927,519,000))
.....	.....\$1,833,419,000

**NEW SECTION. Sec. 5007.** A new section is added to 2011

1st sp.s. c 48 (uncodified) to read as follows:

**FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION**

Transition to New ALE-Adjusted Construction Asst. Formula (92000002)

The appropriation is subject to the following conditions and limitations: The appropriation is provided solely for reimbursement of demonstrated direct and actual preconstruction costs incurred by the Meridian, Eastmont, and Yakima school districts through January 31, 2012, related to project square footage

affected under Substitute Senate Bill No. 6002. These funds may also be used to provide assistance to the aforementioned districts for revising plans, redesigning projects, or otherwise managing the transition to the amended formula with preference given to those districts with alternative learning experience student full-time equivalent enrollments making up less than five percent of total student full-time equivalent enrollments.

Appropriation:

Common School Construction Account--State.....	.....\$350,000
Prior Biennia (Expenditures).....	.....\$0
Future Biennia (Projected Costs) .....	.....\$0
TOTAL.....	.....\$350,000

NEW SECTION. Sec. 5008. A new section is added to 2011 1st sp.s. c 49 (uncodified) to read as follows:

**FOR THE CENTER FOR CHILDHOOD DEAFNESS AND HEARING LOSS**

Lloyd Auditorium Emergency Repairs (30000012)

Reappropriation:

State Building Construction Account--State.....	.....\$1,858,000
Prior Biennia (Expenditures).....	.....\$0
Future Biennia (Projected Costs) .....	.....\$0
TOTAL.....	.....\$1,858,000

Sec. 5009. 2011 1st sp.s. c 48 s 5007 (uncodified) is amended to read as follows:

**FOR THE WASHINGTON STATE CENTER FOR CHILDHOOD DEAFNESS AND HEARING LOSS**

Minor Public Works (30000013)

Appropriation:

Charitable, Educational, Penal and Reformatory Institutions Account--State.....	.....(((\$536,000))
.....	.....\$0
Prior Biennia (Expenditures).....	.....\$0
Future Biennia (Projected Costs) .....	.....(((\$3,811,000))
.....	.....\$0
TOTAL.....	.....(((\$4,347,000))
.....	.....\$0

Sec. 5010. 2011 1st sp.s. c 48 s 5006 (uncodified) is amended to read as follows:

**FOR THE STATE SCHOOL FOR THE BLIND**

General Campus Preservation (30000018)

Appropriation:

Charitable, Educational, Penal and Reformatory Institutions Account--State.....	.....(((\$550,000))
.....	.....\$0
Prior Biennia (Expenditures).....	.....\$0
Future Biennia (Projected Costs) .....	.....(((\$2,557,000))
.....	.....\$0
TOTAL.....	.....(((\$3,107,000))
.....	.....\$0

NEW SECTION. Sec. 5011. A new section is added to 2011 1st sp.s. c 48 (uncodified) to read as follows:

**FOR THE UNIVERSITY OF WASHINGTON**

University of Washington Tacoma Campus Development and Soil Remediation (92000002)

Appropriation:

State Toxics Control Account--State.....	.....\$700,000
Prior Biennia (Expenditures).....	.....\$0
Future Biennia (Projected Costs) .....	.....\$0
TOTAL.....	.....\$700,000

Sec. 5012. 2011 1st sp.s. c 49 s 5022 (uncodified) is amended to read as follows:

**FOR THE UNIVERSITY OF WASHINGTON**

Anderson Hall Renovation (20091002)

Appropriation:

State Building Construction Account--State.....	.....(((\$1,553,000))
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.....	\$0
Prior Biennia (Expenditures).....	\$200,000
Future Biennia (Projected Costs) .....	(\$19,997,000))
.....	\$0
TOTAL.....	(\$21,750,000))
.....	\$200,000

NEW SECTION. Sec. 5013. A new section is added to 2011 1st sp.s. c 48 (uncodified) to read as follows:

FOR THE UNIVERSITY OF WASHINGTON

University of Washington Bothell (20082006)

In conjunction with the appropriation in this section, the University of Washington is authorized to issue a bond or bonds in an amount not to exceed \$30,000,000 in value for construction of the Bothell Phase 3 project identified in this section. The bond shall be financed from building fee and trust land revenues deposited into the university's bond retirement account, in accordance with RCW 28B.20.700 through 28B.20.740.

Appropriation:

University of Washington Building Account--State .....	\$12,963,000
.....	\$12,963,000
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs) .....	\$0
TOTAL.....	\$12,963,000

Sec. 5014. 2011 1st sp.s. c 48 s 5014 (uncodified) is amended to read as follows:

FOR THE WASHINGTON STATE UNIVERSITY

Washington State University Spokane - Riverpoint Biomedical and Health Sciences (20162953)

In conjunction with the appropriations in this section, the Washington State University is authorized to issue a bond or bonds in an amount not to exceed \$29,775,000 in value for construction of the Riverpoint biomedical and health sciences project identified in this section. The bond shall be financed from building fee and trust land revenues deposited into the university's bond retirement account, in accordance with RCW 28B.30.700 through 28B.30.780.

Appropriation:

Washington State University Building Account--	
State.....	\$3,770,000
State Toxics Control Account--State .....	\$1,300,000
Subtotal Appropriation.....	\$5,070,000
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs) .....	\$0
TOTAL.....	(\$3,770,000))
.....	\$5,070,000

Sec. 5015. 2011 1st sp.s. c 48 s 5027 (uncodified) is amended to read as follows:

FOR THE CENTRAL WASHINGTON UNIVERSITY

Minor Works Preservation: Preservation (30000444)

Appropriation:

Central Washington University Capital	
Projects Account--State.....	(\$7,000,000))
.....	\$7,430,000
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs) .....	(\$10,000,000))
.....	\$9,570,000
TOTAL.....	\$17,000,000

NEW SECTION. Sec. 5016. A new section is added to 2011 1st sp.s. c 48 (uncodified) to read as follows:

FOR THE CENTRAL WASHINGTON UNIVERSITY

Combined Utilities (30000448)

Appropriation:

Central Washington University Capital Projects	
Account--State.....	\$273,000
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs) .....	\$0

TOTAL.....	\$273,000
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Sec. 5017. 2011 1st sp.s. c 49 s 5030 (uncodified) is amended to read as follows:

FOR THE EASTERN WASHINGTON UNIVERSITY

Minor Works: Health, Safety, and Code Requirements (20081002)

Reappropriation:

State Building Construction Account--State.....	(\$286,000))
.....	\$129,000
Prior Biennia (Expenditures).....	\$3,871,000
Future Biennia (Projected Costs) .....	\$0
TOTAL.....	(\$4,157,000))
.....	\$4,000,000

Sec. 5018. 2011 1st sp.s. c 48 s 5022 (uncodified) is amended to read as follows:

FOR THE EASTERN WASHINGTON UNIVERSITY

Minor Works: Preservation (30000427)

Appropriation:

Eastern Washington University Capital Projects	
Account--State.....	(\$9,205,000))
.....	\$11,745,000
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs) .....	\$0
TOTAL.....	(\$9,205,000))
.....	\$11,745,000

Sec. 5019. 2011 1st sp.s. c 48 s 5040 (uncodified) is amended to read as follows:

FOR THE WESTERN WASHINGTON UNIVERSITY

Minor Works: Preservation (30000431)

Appropriation:

Western Washington University Capital Projects	
Account--State.....	(\$8,264,000))
.....	\$9,794,000
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs) .....	(\$16,600,000))
.....	\$15,070,000
TOTAL.....	\$24,864,000

Sec. 5020. 2011 1st sp.s. c 49 s 5070 (uncodified) is amended to read as follows:

FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Clover Park Technical College - Allied Health Care Facility (20062699)

Reappropriation:

State Building Construction Account--State.....	\$317,000
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Appropriation:

State Building Construction Account--State.....	(\$20,706,000))
.....	\$20,585,000
Prior Biennia (Expenditures).....	\$1,748,000
Future Biennia (Projected Costs) .....	\$0
TOTAL.....	(\$22,771,000))
.....	\$22,650,000

Sec. 5021. 2011 1st sp.s. c 49 s 5082 (uncodified) is amended to read as follows:

FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Everett Community College: Index Hall Replacement (20081221)

Reappropriation:

State Building Construction Account--State.....	\$1,468,000
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Appropriation:

State Building Construction Account--State.....	(\$31,988,000))
.....	\$31,357,000
Prior Biennia (Expenditures).....	\$3,489,000

Future Biennia (Projected Costs) .....	\$0
TOTAL.....	(\$36,945,000)
.....	\$36,314,000

Sec. 5022. 2011 1st sp.s. c 49 s 5088 (uncodified) is amended to read as follows:

**FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**

Tacoma Community College: Health Careers Center (20082701)

Reappropriation:

State Building Construction Account--State.....	\$906,000
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Appropriation:

State Building Construction Account--State.....	\$39,107,000
Prior Biennia (Expenditures).....	\$1,160,000
Future Biennia (Projected Costs) .....	(\$38,819,000)
.....	\$0
TOTAL.....	(\$40,885,000)
.....	\$41,173,000

NEW SECTION. Sec. 5023. A new section is added to 2011 1st sp.s. c 48 (uncodified) to read as follows:

**FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES**

Equipment Pool (92000011)

The appropriation in this section is subject to the following conditions and limitations: The appropriation is for major equipment in high demand fields from among the list as specified in LEAP capital document No. 2012-34, developed March 7, 2012. The state board for community and technical colleges may allocate amounts among the equipment items specified to cover differences in actual bid prices, but may not allocate amounts to equipment items not on the list.

Appropriation:

Community/Technical College Capital Projects Account--State.....	\$2,700,000
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs) .....	\$0
TOTAL.....	\$2,700,000

(End of part)

**PART 6  
MISCELLANEOUS**

Sec. 6001. 2011 1st sp.s. c 48 s 7011 (uncodified) is amended to read as follows:

**ACQUISITION OF PROPERTIES AND FACILITIES THROUGH FINANCIAL CONTRACTS**

The following agencies may enter into financial contracts, paid from any funds of an agency, appropriated or nonappropriated, for the purposes indicated and in not more than the principal amounts indicated, plus financing expenses and required reserves pursuant to chapter 39.94 RCW. When securing properties under this section, agencies shall use the most economical financial contract option available, including long-term leases, lease-purchase agreements, lease-development with option to purchase agreements or financial contracts using certificates of participation. Expenditures made by an agency for one of the indicated purposes before the issue date of the authorized financial contract and any certificates of participation therein are intended to be reimbursed from proceeds of the financial contract and any certificates of participation therein to the extent provided in the agency's financing plan approved by the state finance committee.

State agencies may enter into agreements with the department of general administration and the state treasurer's office to develop requests to the legislature for acquisition of properties and facilities

through financial contracts. The agreements may include charges for services rendered.

Those noninstructional facilities of higher education institutions authorized in this section to enter into financial contracts are not eligible for state funded maintenance and operations. Instructional space that is available for regularly scheduled classes for academic transfer, basic skills, and workforce training programs may be eligible for state funded maintenance and operations.

(1) Community and technical colleges:

(a) Enter into a financing contract on behalf of Columbia basin college for up to \$2,500,000 plus financing and required reserves pursuant to chapter 39.94 RCW to add space to the delta high school for the science technology engineering math program.

(b) Enter into a financing contract on behalf of Peninsula college for up to \$2,000,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to renovate the Forks Satellite building.

(c) Enter into a financing contract on behalf of Peninsula college for up to \$800,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to build a wellness center on the Port Angeles campus.

(d) Enter into a financing contract on behalf of Walla Walla Community College for up to \$1,000,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to purchase up to 40 acres of land.

(e) Enter into a financing contract on behalf of Walla Walla Community College for up to \$1,000,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW for the water and environment center.

(f) Enter into a financing contract on behalf of Wenatchee Valley Community College for up to \$2,700,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to construct a music and art center.

(g) Enter into a financing contract on behalf of Whatcom community college for up to \$3,916,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to build an auxiliary services building.

(h) Enter into a financing contract on behalf of Skagit Valley Community College for up to \$30,574,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to build an academic and student services building.

(i) Enter into a financing contract on behalf of Lower Columbia Community College for up to \$38,615,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to build a health and science building.

(j) Enter into a financing contract on behalf of Everett Community College for up to \$4,000,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to renovate a corporate and continuing education building.

(k) Enter into a financing contract on behalf of Spokane Community College for up to \$3,100,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to replace the institute for extended learning building.

(l) Enter into a financing contract on behalf of the state board for community and technical colleges for up to \$50,000,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW for the administrative system replacement project pursuant to RCW 28B.50.515(4).

(m) Enter into a long-term lease on behalf of Spokane Community College at Geiger Field suitable for the Aerospace Training Center Program, subject to the approval of the Office of Financial Management as required by chapter 43.82 RCW.

(2) Central Washington University: Enter into a financing contract for up to \$2,500,000 plus financing and required reserves

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pursuant to chapter 39.94 RCW to purchase the Albertsons's building.

(3) Department of general administration:

(a) Enter into a financing contract for up to \$6,000,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW for the rehabilitation of the John L. O'Brien building.

(b) Enter into a financing contract for up to \$250,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW for the "Perry Street child care site" land purchase.

(4) Department of social and health services: Enter into a financing contract for up to \$15,850,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to construct or renovate specialized housing and treatment facilities for youth committed to the juvenile rehabilitation administration. The debt service is to be paid with the savings associated with closure of the Maple Lane school.

(5) Washington State Parks:

(a) Enter into a financing contract for up to \$1,620,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW for revenue generating facilities including cabins and yurts.

(b) Enter into a financing contract for up to \$2,135,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW for the Lake Sammamish concession and event facility.

**NEW SECTION. Sec. 6002. FOR THE DEPARTMENT OF COMMERCE**

The department of commerce shall work with stakeholders to develop recommendations for a competitive grant program to assist the following nonprofit arts and cultural organizations in acquiring, constructing, or rehabilitating their facilities: Zoos, aquariums, and technology and science centers. To be eligible, a zoo or aquarium must be an organization accredited by the association of zoos and aquariums and a technology and science center must be an organization that meets the membership requirements of the association of science - technology centers. The department and stakeholders shall consider the inclusion of the conditions used in RCW 43.63A.750 to establish eligibility and prioritization of funding. The department shall submit final recommendations in the form of draft legislation to the office of financial management and the legislature by October 1, 2012.

**NEW SECTION. Sec. 6003.** A new section is added to 2011 1st sp.s. c 49 (uncodified) to read as follows:

It is the intent of the legislature that the state dispose of its interest in the Wellington Hills property. Net proceeds from the sale of the Wellington Hills property shall be deposited into the University of Washington building account. The University of Washington must report to the office of financial management and the appropriate fiscal committees of the legislature upon the sale of the property the total sale value and net proceeds deposited into the University of Washington building account.

**Sec. 6004.** RCW 43.155.050 and 2011 1st sp.s. c 50 s 951 are each amended to read as follows:

The public works assistance account is hereby established in the state treasury. Money may be placed in the public works assistance account from the proceeds of bonds when authorized by the legislature or from any other lawful source. Money in the public works assistance account shall be used to make loans and to give financial guarantees to local governments for public works projects. Moneys in the account may also be appropriated to provide for state match requirements under federal law for projects and activities conducted and financed by the board under the drinking water assistance account. Not more than fifteen percent of the biennial capital budget appropriation to the public works board from this account may be expended or obligated for preconstruction loans, emergency loans, or loans for capital facility planning under this chapter; of this amount, not more than ten percent of the biennial

capital budget appropriation may be expended for emergency loans and not more than one percent of the biennial capital budget appropriation may be expended for capital facility planning loans. ~~((For the 2007-2009 biennium, moneys in the account may be used for grants for projects identified in section 138, chapter 488, Laws of 2005 and section 1033, chapter 520, Laws of 2007. During the 2009-2011 fiscal biennium, sums in the public works assistance account may be used for the water pollution control revolving fund program match in section 3013, chapter 36, Laws of 2010 1st sp. sess. During the 2009-2011 fiscal biennium, the legislature may transfer from the job development fund to the general fund such amounts as reflect the excess fund balance of the fund.))~~ During the 2011-2013 fiscal biennium, the legislature may transfer from the public works assistance account to the general fund, the water pollution control revolving account, and the drinking water assistance account such amounts as reflect the excess fund balance of the account. During the 2011-2013 fiscal biennium, the legislature may appropriate moneys from the account for economic development, innovation, and export grants, including brownfields; main street improvement grants; and the loan program consolidation board.

**Sec. 6005.** RCW 70.105D.070 and 2011 1st sp.s. c 50 s 964 are each reenacted and amended to read as follows:

(1) The state toxics control account and the local toxics control account are hereby created in the state treasury.

(2) The following moneys shall be deposited into the state toxics control account: (a) Those revenues which are raised by the tax imposed under RCW 82.21.030 and which are attributable to that portion of the rate equal to thirty-three one-hundredths of one percent; (b) the costs of remedial actions recovered under this chapter or chapter 70.105A RCW; (c) penalties collected or recovered under this chapter; and (d) any other money appropriated or transferred to the account by the legislature. Moneys in the account may be used only to carry out the purposes of this chapter, including but not limited to the following activities:

(i) The state's responsibility for hazardous waste planning, management, regulation, enforcement, technical assistance, and public education required under chapter 70.105 RCW;

(ii) The state's responsibility for solid waste planning, management, regulation, enforcement, technical assistance, and public education required under chapter 70.95 RCW;

(iii) The hazardous waste cleanup program required under this chapter;

(iv) State matching funds required under the federal cleanup law;

(v) Financial assistance for local programs in accordance with chapters 70.95, 70.95C, 70.95I, and 70.105 RCW;

(vi) State government programs for the safe reduction, recycling, or disposal of hazardous wastes from households, small businesses, and agriculture;

(vii) Hazardous materials emergency response training;

(viii) Water and environmental health protection and monitoring programs;

(ix) Programs authorized under chapter 70.146 RCW;

(x) A public participation program, including regional citizen advisory committees;

(xi) Public funding to assist potentially liable persons to pay for the costs of remedial action in compliance with cleanup standards under RCW 70.105D.030(2)(e) but only when the amount and terms of such funding are established under a settlement agreement under RCW 70.105D.040(4) and when the director has found that the funding will achieve both (A) a substantially more expeditious or enhanced cleanup than would otherwise occur, and (B) the prevention or mitigation of unfair economic hardship;

(xii) Development and demonstration of alternative management technologies designed to carry out the hazardous waste management priorities of RCW 70.105.150;

(xiii) During the 2009-2011 and 2011-2013 fiscal biennia, shoreline update technical assistance;

(xiv) During the 2009-2011 fiscal biennium, multijurisdictional permitting teams; and

(xv) During the 2011-2013 fiscal biennium, actions for reducing public exposure to toxic air pollution, and actions taken through the family forest fish passage program to correct barriers to fish passage on privately owned small forest lands.

(3) The following moneys shall be deposited into the local toxics control account: Those revenues which are raised by the tax imposed under RCW 82.21.030 and which are attributable to that portion of the rate equal to thirty-seven one-hundredths of one percent.

(a) Moneys deposited in the local toxics control account shall be used by the department for grants or loans to local governments for the following purposes in descending order of priority:

(i) Remedial actions;

(ii) Hazardous waste plans and programs under chapter 70.105 RCW;

(iii) Solid waste plans and programs under chapters 70.95, 70.95C, 70.95I, and 70.105 RCW;

(iv) Funds for a program to assist in the assessment and cleanup of sites of methamphetamine production, but not to be used for the initial containment of such sites, consistent with the responsibilities and intent of RCW 69.50.511; and

(v) Cleanup and disposal of hazardous substances from abandoned or derelict vessels, defined for the purposes of this section as vessels that have little or no value and either have no identified owner or have an identified owner lacking financial resources to clean up and dispose of the vessel, that pose a threat to human health or the environment.

(b) Funds for plans and programs shall be allocated consistent with the priorities and matching requirements established in chapters 70.105, 70.95C, 70.95I, and 70.95 RCW, except that any applicant that is a Puget Sound partner, as defined in RCW 90.71.010, along with any project that is referenced in the action agenda developed by the Puget Sound partnership under RCW 90.71.310, shall, except as conditioned by RCW 70.105D.120, receive priority for any available funding for any grant or funding programs or sources that use a competitive bidding process. During the 2007-2009 fiscal biennium, moneys in the account may also be used for grants to local governments to retrofit public sector diesel equipment and for storm water planning and implementation activities.

(c) To expedite cleanups throughout the state, the department shall partner with local communities and liable parties for cleanups. The department is authorized to use the following additional strategies in order to ensure a healthful environment for future generations:

(i) The director may alter grant-matching requirements to create incentives for local governments to expedite cleanups when one of the following conditions exists:

(A) Funding would prevent or mitigate unfair economic hardship imposed by the clean-up liability;

(B) Funding would create new substantial economic development, public recreational, or habitat restoration opportunities that would not otherwise occur; or

(C) Funding would create an opportunity for acquisition and redevelopment of vacant, orphaned, or abandoned property under RCW 70.105D.040(5) that would not otherwise occur;

(ii) The use of outside contracts to conduct necessary studies;

(iii) The purchase of remedial action cost-cap insurance, when necessary to expedite multiparty clean-up efforts.

(d) To facilitate and expedite cleanups using funds from the local toxics control account, during the 2009-2011 fiscal biennium the director may establish grant-funded accounts to hold and disperse local toxics control account funds and funds from local governments to be used for remedial actions.

(4) Except for unanticipated receipts under RCW 43.79.260 through 43.79.282, moneys in the state and local toxics control accounts may be spent only after appropriation by statute.

(5) Except during the 2009-2011 fiscal biennium, one percent of the moneys deposited into the state and local toxics control accounts shall be allocated only for public participation grants to persons who may be adversely affected by a release or threatened release of a hazardous substance and to not-for-profit public interest organizations. The primary purpose of these grants is to facilitate the participation by persons and organizations in the investigation and remedying of releases or threatened releases of hazardous substances and to implement the state's solid and hazardous waste management priorities. No grant may exceed sixty thousand dollars. Grants may be renewed annually. Moneys appropriated for public participation from either account which are not expended at the close of any biennium shall revert to the state toxics control account.

(6) No moneys deposited into either the state or local toxics control account may be used for solid waste incinerator feasibility studies, construction, maintenance, or operation, or, after January 1, 2010, for projects designed to address the restoration of Puget Sound, funded in a competitive grant process, that are in conflict with the action agenda developed by the Puget Sound partnership under RCW 90.71.310.

(7) The department shall adopt rules for grant or loan issuance and performance.

(8) During the 2007-2009 and 2009-2011 fiscal biennia, the legislature may transfer from the local toxics control account to either the state general fund or the oil spill prevention account, or both such amounts as reflect excess fund balance in the account.

(9) During the 2009-2011 fiscal biennium, the local toxics control account may also be used for a standby rescue tug at Neah Bay, local government shoreline update grants, private and public sector diesel equipment retrofit, and oil spill prevention, preparedness, and response activities.

(10) During the 2009-2011 fiscal biennium, the legislature may transfer from the state toxics control account to the state general fund such amounts as reflect the excess fund balance in the account.

(11) During the 2011-2013 fiscal biennium, the local toxics control account may also be used for local government shoreline update grants and actions for reducing public exposure to toxic air pollution; funding to local governments for flood levee improvements; and grants to local governments for brownfield redevelopment.

**Sec. 6006.** RCW 79.17.010 and 2009 c 497 s 6024 are each amended to read as follows:

(1) The department, with the approval of the board, may exchange any state land and any timber thereon for any land of equal value in order to:

(a) Facilitate the marketing of forest products of state lands;

(b) Consolidate and block-up state lands;

(c) Acquire lands having commercial recreational leasing potential;

(d) Acquire county-owned lands;

(e) Acquire urban property which has greater income potential or which could be more efficiently managed by the department in exchange for state urban lands as defined in RCW 79.19.100; or

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(f) Acquire any other lands when such exchange is determined by the board to be in the best interest of the trust for which the state land is held.

(2) Land exchanged under this section shall not be used to reduce the publicly owned forest land base.

(3) The board shall determine that each land exchange is in the best interest of the trust for which the land is held prior to authorizing the land exchange.

(4) During the biennium ending June 30, ~~((2011))~~ 2013, for the purposes of maintaining working farm and forest landscapes or acquiring natural resource lands at risk of development, the department, with approval of the board of natural resources, may exchange any state land and any timber thereon for any land and proceeds of equal value, when it can be demonstrated that the trust fiduciary obligations can be better fulfilled after an exchange is completed. Proceeds may be in the form of cash or services in order to achieve the purposes established in this section. Any cash received as part of an exchange transaction shall be deposited in the resource management cost account to pay for administrative expenses incurred in carrying out an exchange transaction. These administrative expenses include road maintenance and abandonment expenses. The amount of proceeds received from the exchange partner may not exceed five percent of the total value of the exchange. The receipt of proceeds shall not change the character of the transaction from an exchange to a sale.

(5) Prior to executing an exchange under this section, and in addition to the public notice requirements set forth in RCW 79.17.050, the department shall consult with legislative members, other state and federal agencies, local governments, tribes, local stakeholders, conservation groups, and any other interested parties to identify and address cultural resource issues and the potential of the state lands proposed for exchange to be used for open space, park, school, or critical habitat purposes.

**Sec. 6007.** RCW 79.17.020 and 2009 c 497 s 6025 are each amended to read as follows:

(1) The board of county commissioners of any county and/or the mayor and city council or city commission of any city or town and/or the board shall have authority to exchange, each with the other, or with the federal forest service, the federal government or any proper agency thereof and/or with any private landowner, county land of any character, land owned by municipalities of any character, and state forest land owned by the state under the jurisdiction of the department, for real property of equal value for the purpose of consolidating and blocking up the respective land holdings of any county, municipality, the federal government, or the state of Washington or for the purpose of obtaining lands having commercial recreational leasing potential.

(2) During the biennium ending June 30, ~~((2011))~~ 2013, for the purposes of maintaining working farm and forest landscapes or acquiring natural resource lands at risk of development, the department, with approval of the board of natural resources, may exchange any state land and any timber thereon for any land and proceeds of equal value, when it can be demonstrated that the trust fiduciary obligations can be better fulfilled after an exchange is completed. Proceeds may be in the form of cash or services in order to achieve the purposes established in this section. Any cash received as part of an exchange transaction shall be deposited in the forest development account to pay for administrative expenses incurred in carrying out an exchange transaction. These administrative expenses include road maintenance and abandonment expenses. The amount of proceeds received from the exchange partner may not exceed five percent of the total value of the exchange. The receipt of proceeds shall not change the character of the transaction from an exchange to a sale.

(3) Prior to executing an exchange under this section, and in addition to the public notice requirements set forth in RCW 79.17.050, the department shall consult with legislative members, other state and federal agencies, local governments, tribes, local stakeholders, conservation groups, and any other interested parties to identify and address cultural resource issues, and the potential of the state lands proposed for exchange to be used for open space, park, school, or critical habitat purposes.

**Sec. 6008.** RCW 79.105.150 and 2011 2nd sp.s. c 9 s 6009 are each amended to read as follows:

(1) After deduction for management costs as provided in RCW 79.64.040 and payments to towns under RCW 79.115.150(2), all moneys received by the state from the sale or lease of state-owned aquatic lands and from the sale of valuable material from state-owned aquatic lands shall be deposited in the aquatic lands enhancement account which is hereby created in the state treasury. After appropriation, these funds shall be used solely for aquatic lands enhancement projects; for the purchase, improvement, or protection of aquatic lands for public purposes; for providing and improving access to the lands; and for volunteer cooperative fish and game projects. During the 2009-2011 and 2011-2013 fiscal biennia, the aquatic lands enhancement account may also be used for scientific research as part of the adaptive management process and for developing a planning report for McNeil Island. During the 2009-2011 and 2011-2013 fiscal biennia, the legislature may transfer from the aquatic lands enhancement account to the state general fund such amounts as reflect excess fund balance of the account. During the 2011-2013 fiscal biennium, the aquatic lands enhancement account may be used to support the shellfish program, the ballast water program, and the Puget Sound toxic sampling program at the department of fish and wildlife, ~~((and))~~ the knotweed program at the department of agriculture, and the Puget Sound Corps program.

(2) In providing grants for aquatic lands enhancement projects, the recreation and conservation funding board shall:

(a) Require grant recipients to incorporate the environmental benefits of the project into their grant applications;

(b) Utilize the statement of environmental benefits, consideration, except as provided in RCW 79.105.610, of whether the applicant is a Puget Sound partner, as defined in RCW 90.71.010, whether a project is referenced in the action agenda developed by the Puget Sound partnership under RCW 90.71.310, and except as otherwise provided in RCW 79.105.630, and effective one calendar year following the development and statewide availability of model evergreen community management plans and ordinances under RCW 35.105.050, whether the applicant is an entity that has been recognized, and what gradation of recognition was received, in the evergreen community recognition program created in RCW 35.105.030 in its prioritization and selection process; and

(c) Develop appropriate outcome-focused performance measures to be used both for management and performance assessment of the grants.

(3) To the extent possible, the department should coordinate its performance measure system with other natural resource-related agencies as defined in RCW 43.41.270.

(4) The department shall consult with affected interest groups in implementing this section.

(5) After January 1, 2010, any project designed to address the restoration of Puget Sound may be funded under this chapter only if the project is not in conflict with the action agenda developed by the Puget Sound partnership under RCW 90.71.310.

**NEW SECTION. Sec. 6009. FOR THE STATE TREASURER--TRANSFERS**



State Taxable Building Construction Account: For transfer to the Columbia River Basin Taxable Bond Water Supply Development Account, an amount not to exceed \$10,404,000.

**NEW SECTION. Sec. 6010.** A new section is added to 2011 1st sp.s. c 49 (uncodified) to read as follows:

**NONTAXABLE AND TAXABLE BOND PROCEEDS**

Portions of the appropriation authority granted by this act from the state building construction account, or any other account receiving bond proceeds, may be transferred to the state taxable building construction account as deemed necessary by the state finance committee to comply with the federal internal revenue service rules and regulations pertaining to the use of nontaxable bond proceeds. Portions of the general obligation bond proceeds authorized by chapter 49, Laws of 2011 1st sp. sess. for deposit into the state taxable building construction account that are in excess of amounts required to comply with the federal internal revenue service rules and regulations shall be deposited into the state building construction account. The state treasurer shall submit written notification to the director of financial management if it is determined that a shift of appropriation authority between the state building construction account, or any other account receiving bond proceeds, and the state taxable building construction account is necessary, or that a shift of appropriation authority from the state taxable building construction account to the state building construction account may be made.

**NEW SECTION. Sec. 6011.** The office of financial management, in consultation with the legislative fiscal committees, shall choose a consultant to identify and evaluate options for the efficient and cost-effective incarceration by the department of corrections of adult prison offenders forecasted over the next ten years. Options to be evaluated must include, but are not limited to: (1) Construction of one or more new prisons; (2) construction of new prison units at existing facilities; (3) replacement, remodeling, or repurposing of existing, aged, inefficient capacity; and (4) management and use of emergency beds. The study must include, for each option, the estimated capital, operating, and debt service costs for the next ten years. The study must also discuss the risks, advantages, and disadvantages of each option. In addition, the department must identify all emergency beds, their current status, and the cost to bring on-line and operate any currently empty emergency beds and projected needs. The report must be submitted to the governor and the fiscal committees of the legislature no later than October 1, 2012.

**NEW SECTION. Sec. 6012.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

**NEW SECTION. Sec. 6013.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately.

(End of Bill)

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Senators Kilmer and Parlette spoke in favor of adoption of the striking amendment.

The President declared the question before the Senate to be the adoption of the striking amendment by Senators Kilmer and Parlette to Senate Bill No. 6074.

The motion by Senator Kilmer carried and the striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 1 of the title, after "projects;" strike the remainder of the title and insert "amending RCW 43.155.050, 79.17.010, 79.17.020, and 79.105.150; amending 2011 1st sp.s. c 49 ss 1011, 1028, 1024, 1017, 1036, 1046, 1047, 1054, 2027, 2034, 3027, 3008, 3028, 3070, 3108, 5002, 5008, 5009, 5004, 5006, 5022, 5030, 5070, 5082, and 5088 (uncodified); amending 2011 1st sp.s. c 48 ss 1018, 2005, 2006, 3024, 3025, 3036, 3083, 5003, 5007, 5006, 5014, 5027, 5022, 5040, and 7011 (uncodified); reenacting and amending RCW 70.105D.070; adding new sections to 2011 1st sp.s. c 49 (uncodified); adding new sections to 2011 1st sp.s. c 48 (uncodified); creating new sections; making appropriations; and declaring an emergency."

MOTION

On motion of Senator Kilmer, the rules were suspended, Engrossed Senate Bill No. 6074 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Kilmer spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Senate Bill No. 6074.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 6074 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 1; Absent, 1; Excused, 3.

Voting yea: Senators Baumgartner, Becker, Benton, Brown, Carrell, Chase, Conway, Delvin, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hatfield, Haugen, Hill, Hobbs,

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Holmquist Newbry, Honeyford, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles, Litzow, McAuliffe, Murray, Nelson, Padden, Parlette, Prentice, Pridemore, Ranker, Regala, Roach, Rolfes, Schoesler, Sheldon, Shin, Swecker and Zarelli

Voting nay: Senator Pflug

Absent: Senator Tom

Excused: Senators Hewitt, Morton and Stevens

ENGROSSED SENATE BILL NO. 6074, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

THIRD ENGROSSED SUBSTITUTE HOUSE BILL NO. 2127, by House Committee on Ways & Means (originally sponsored by Representative Hunter)

Making 2011-2013 fiscal biennium supplemental operating appropriations.

The measure was read the second time.

MOTION

On motion of Senator Murray, the rules were suspended, Third Engrossed Substitute House Bill No. 2127 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Murray and Hargrove spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Third Engrossed Substitute House Bill No. 2127.

ROLL CALL

The Secretary called the roll on the final passage of Third Engrossed Substitute House Bill No. 2127 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 2; Absent, 0; Excused, 3.

Voting yea: Senators Baumgartner, Becker, Benton, Brown, Carrell, Chase, Conway, Delvin, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hatfield, Haugen, Hill, Hobbs, Holmquist Newbry, Honeyford, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles, Litzow, McAuliffe, Murray, Nelson, Parlette, Prentice, Pridemore, Ranker, Regala, Roach, Rolfes, Schoesler, Sheldon, Shin, Swecker, Tom and Zarelli

Voting nay: Senators Padden and Pflug

Excused: Senators Hewitt, Morton and Stevens

THIRD ENGROSSED SUBSTITUTE HOUSE BILL NO. 2127, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

PERSONAL PRIVILEGE

Senator Murray: "Thank you Mr. President. Well, we have had a challenging and difficult session. I think our staff has had a more challenging and difficult session and we have no better staff in Olympia than the Ways & Means staff for the Senate. They, I don't know if they're here or if they will come out. They probably won't but their hard work, working with us, both sides of the aisle, in the product that we see is just absolutely outstanding. I

personally can't thank them enough and I want to mention them all; Tim Yowell, Erik Sund, Richard Ramsey, Devon Nichols, Sherry McNamara, Steve Jones, Maria Hovde, Jenny Greenlee, Elise Greef, Diane Criswell, Megan Christophersen, Dean Carlson, Michael Bezanson, Megan Atkinson, Brian Sims and for me as Chair, most importantly, Bryon Moore and David Schumacher. Thank you to all of them for their excellent work."

MOTION

On motion of Senator Eide, the Senate reverted to the fourth order of business.

MESSAGE FROM THE HOUSE

April 11, 2012

MR. PRESIDENT:

The House has passed:

ENGROSSED SENATE BILL NO. 6635. and the same is herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

On motion of Senator Eide, the Senate advanced to the sixth order of business.

PERSONAL PRIVILEGE

Senator Fraser: "Well thank you Mr. President. Well, this is an historic end of session in many respects including that we're here still at 6:30 in the morning but it is particularly historic for four of our members of the Senate Democratic Caucus for whom this is their last day of service in an official, full, active legislative session assuming we are going to adjourn within an hour or so. So, we have four Senate Democrats who are have chosen to not run for re-election and they are people with considerable number of years of experience and have demonstrated considerable leadership here in the Senate. I'd just like to take a moment and acknowledge their service. Senator Margarita Prentice who has served in the Legislature twenty-five years, five in the House and twenty in the Senate; Senator Debbie Regala who has served eighteen years in the Legislature, six in the House and twelve in the Senate; Senator Jim Kastama who has served sixteen years in the Legislature, four in the House and twelve in the Senate and Senator Craig Pridemore who have served eight years here in the Senate. So, I think we owe them a debt of gratitude and you know we probably owe them a lot of speeches but I don't think we're up to it right now so I would ask everybody to express your appreciation on an interpersonal basis. Thank you to our Senators."

The Senate resumed consideration of Engrossed Senate Bill No. 5127 which had been deferred earlier in the day.

PERSONAL PRIVILEGE

Senator Parlette: "Thank you and I will be short. We have a member, Senator Val Stevens, who also is retiring this year and she chose to sneak out on us so we wouldn't do this to her. We are going to miss her jokes so much and her wisdom and good financial investment advice that she gave to us in our caucus at all times which I will not share on the floor of the Senate. But, talk about a classy lady who always knew the right thing to say in

tense moments that would bring normally laughter to all of us. We will miss her, she also too has served a long time just like we will miss all of you, including the city boy back there. Thank you.”

MOTION

On motion of Senator Kilmer, the rules were suspended, Engrossed Senate Bill No. 5127 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Kilmer and Parlette spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Senate Bill No. 5127.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5127 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 2; Absent, 0; Excused, 3.

Voting yea: Senators Baumgartner, Becker, Benton, Brown, Carrell, Chase, Conway, Delvin, Eide, Fain, Fraser, Frockt, Hargrove, Harper, Hatfield, Haugen, Hill, Hobbs, Holmquist, Newbry, Honeyford, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles, Litzow, McAuliffe, Murray, Nelson, Padden, Parlette, Prentice, Pridemore, Ranker, Regala, Roach, Rolfes, Schoesler, Sheldon, Shin, Swecker, Tom and Zarelli

Voting nay: Senators Ericksen and Pflug

Excused: Senators Hewitt, Morton and Stevens

ENGROSSED SENATE BILL NO. 5127, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Eide, the Senate reverted to the fourth order of business.

MESSAGE FROM THE HOUSE

April 11, 2012

MR. PRESIDENT:

The House has passed:

ENGROSSED SENATE JOINT RESOLUTION NO. 8221.  
and the same is herewith transmitted.

BARBARA BAKER, Chief Clerk

MESSAGE FROM THE HOUSE

April 11, 2012

MR. PRESIDENT:

The House has adopted:

HOUSE CONCURRENT RESOLUTION NO. 4413,  
HOUSE CONCURRENT RESOLUTION NO. 4414.  
and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

On motion of Senator Eide, the Senate advanced to the fifth order of business.

FOURTH SUPPLEMENTAL AND FIRST READING  
OF HOUSE BILLS

HCR 4413 by Representatives Sullivan and Kretz

Returning bills to their house of origin.

HCR 4414 by Representatives Sullivan and Kretz

Adjourning SINE DIE.

MOTION

On motion of Senator Eide and without objections House Concurrent Resolution No. 4413 and House Concurrent Resolution No. 4414 were placed on the second reading calendar under suspension of the rules.

MOTION

On motion of Senator Eide, the Senate advanced to the sixth order of business.

SECOND READING

HOUSE CONCURRENT RESOLUTION NO. 4413, by Representatives Sullivan and Kretz

Returning bills to their house of origin.

The measure was read the second time.

MOTION

On motion of Senator Eide, the rules were suspended, House Concurrent Resolution No. 4413 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the final passage of House Concurrent Resolution No. 4413.

HOUSE CONCURRENT RESOLUTION NO. 4413 was adopted on third reading by voice vote.

SECOND READING

HOUSE CONCURRENT RESOLUTION NO. 4414, by Representatives Sullivan and Kretz

Adjourning SINE DIE.

The measure was read the second time.

MOTION

On motion of Senator Eide, the rules were suspended, House Concurrent Resolution No. 4414 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the final passage of House Concurrent Resolution No. 4414.

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HOUSE CONCURRENT RESOLUTION NO. 4414 was adopted on third reading by voice vote.

SIGNED BY THE PRESIDENT

MOTION

On motion of Senator Eide and without objections, the measures on the second and third reading calendars were returned to the Committee on Rules.

MOTION

On motion of Senator Eide, the Senate reverted to the fourth order of business.

SIGNED BY THE PRESIDENT

April 11, 2012

The President signed:

ENGROSSED SUBSTITUTE SENATE BILL NO. 5940,  
ENGROSSED SENATE BILL NO. 6635,  
ENGROSSED SENATE JOINT RESOLUTION NO. 8221.

MESSAGE FROM THE HOUSE

April 11, 2012

MR. PRESIDENT:

The House has passed:

ENGROSSED SENATE BILL NO. 5127,  
ENGROSSED SENATE BILL NO. 6074.

and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:

ENGROSSED SENATE BILL NO. 5127,  
ENGROSSED SENATE BILL NO. 6074.

MESSAGE FROM THE HOUSE

April 11, 2012

MR. PRESIDENT:

The Speaker has signed:

THIRD ENGROSSED SUBSTITUTE HOUSE BILL NO. 2127,  
HOUSE CONCURRENT RESOLUTION NO. 4413,  
HOUSE CONCURRENT RESOLUTION NO. 4414.

and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MESSAGE FROM THE HOUSE

April 11, 2012

MR. PRESIDENT:

The Speaker has signed:

THIRD ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2565,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2823,  
HOUSE CONCURRENT RESOLUTION NO. 4412.

and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

The President signed:

THIRD ENGROSSED SUBSTITUTE HOUSE BILL NO. 2127,

THIRD ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2565,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2823,

HOUSE CONCURRENT RESOLUTION NO. 4412,

HOUSE CONCURRENT RESOLUTION NO. 4413,

HOUSE CONCURRENT RESOLUTION NO. 4414.

MESSAGE FROM THE HOUSE

MR. PRESIDENT:

The Speaker has signed:

ENGROSSED SENATE BILL NO. 5127,

ENGROSSED SUBSTITUTE SENATE BILL NO. 5940,

ENGROSSED SENATE BILL NO. 6074,

ENGROSSED SENATE BILL NO. 6635,

ENGROSSED SENATE JOINT RESOLUTION NO. 8221

and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

On motion of Senator Eide, the reading of the Journal of the 1<sup>st</sup> Day of the 2012 Second Special Session of the 62<sup>nd</sup> Legislature was dispensed with and it was approved.

MOTION

At 7:30 a.m., on motion of Senator Eide, the 2012 Second Special Session of the Sixty-Second Legislature adjourned SINE DIE.

BRAD OWEN, President of the Senate

THOMAS HOEMANN, Secretary of the Senate

**SENATE ROSTER**

**AND**

**COMMITTEE ASSIGNMENTS**

Name of Member	District	Party	County	Mailing Address	Birth Year Place	Occupation	Previous Years Served	
							House	Senate
Baumgartner, Michael	6	R	Spokane (P)	PO Box 40406 Olympia, WA 98504-0406	1975 - WA	Consultant		2011-
Becker, Randi	2	R	Pierce (P), Thurston (P)	PO Box 40402 Olympia, WA 98504-0402	1948 - WA	Health Care Administrator		2009-
Benton, Don	17	R	Clark (P)	PO Box 40417 Olympia, WA 98504-0417	1957 - CA	CIO - National Advtsg Constnt	1995-1996	1997-
Brown, Lisa	3	D	Spokane (P)	PO Box 40403 Olympia, WA 98504-0403	1956 - IL	Assoc. Prof. Economics	1993-1996	1997-
Carrell, Mike	28	R	Pierce (P)	10210 Lk Louise Dr SW Tacoma, WA 98498	1944 - WA	Teacher {retired}	1995-2004	Appt. 7/6/04-
Chase, Maralyn	32	D	King (P), Snohomish (P)	18560 1 <sup>st</sup> Ave. NE Ste E-750 Shoreline, WA 98155	WA	Legislator	Appt. 1/7/2002, 2003-10	2011-
Conway, Steve	29	D	Pierce (P)	PO Box 40429 Olympia, WA 98504-0429	1944 - OR	Labor Relations Specialist	Appt. 1/25/1993, 1994-2010	2011-
Delvin, Jerome	8	R	Benton (P)	PO Box 40408 Olympia, WA 98504-0408	1956 - WA	Retired	Appt. 11/28/94-2004	Appt. 5/12/04-
Eide, Tracey	30	D	King (P)	PO Box 40430 Olympia, WA 98504-0430	1954 - WA	Senator	1993-1994	1999-
Ericksen, Doug	42	R	Whatcom (P)	PO Box 40442 Olympia, WA 98504-0442	1969 - WA	Legislator	1999-2010	2011-
Fain, Joe	47	R	King (P)	PO Box 40447 Olympia, WA 98504-0447	1980 - WA	Legislator		2011-

Name of Member	District	Party	County	Mailing Address	Birth Year Place	Occupation	Previous Years Served	
							House	Senate
Fraser, Karen	22	D	Thurston (P)	PO Box 40422 Olympia, WA 98504-0422	1944 - WA	Senator	1989-1992	1993-
Froct, David	46	D	King (P)	PO Box 40402 Olympia, WA 98504-0402	1969 - OH	Attrny/Legislator	2011	11/14/2011-
Hargrove, James	24	D	Clallam, Grays Harbor (P), Jefferson	PO Box 40424 Olympia, WA 98504-0424	1953 - OR	Forester	1985-1992	1993-
Harper, Nick	38	D	Snohomish (P)	P. O. Box 40438 Olympia, WA 98504-0438	1979 - WA	Conservation Director		2011 -
Hatfield, Brian	19	D	Cowlitz (P), Grays Harbor (P), Pacific, Wahkiakum	PO Box 40419 Olympia, WA 98504-0419	1966 - WA	Ec Development Specialist	Appt. 9/26/94-2004	Appt. 11/17/06-
Haugen, Mary Margaret	10	D	Island, Skagit (P), Snohomish (P)	PO Box 40410 Olympia, WA 98504-0410	1941 - WA	Legislator	1983-1992	1993-
Hewitt, Mike	16	R	Benton (P), Columbia, Franklin (P), Walla Walla	PO Box 40416 Olympia, WA 98504-0416	1946 - WA	Legislator		2001 -
Hill, Andy	45	R	King (P)	PO Box 40445 Olympia, WA 98504-0445	1962 - CO	Consultant		2011 -
Hobbs, Steve	44	D	Snohomish (P)	PO Box 40444 Olympia, WA 98504-0444	1970 - WA	UW Facilities Manager		2007 -

Name of Member	District	Party	County	Mailing Address	Birth Year Place	Occupation	Previous Years Served	
							House Senate	
Holmquist Newbry, Janéa	13	R	Grant (P), Kittitas, Yakima (P)	PO Box 40413 Olympia, WA 98504-0413	1974 - AK	Self Employed	Appt. 12/7/2001 - 2006	12/6/06-
Honeyford, Jim	15	R	Clark (P), Klickitat, Skamania, Yakima (P)	PO Box 40415 Olympia, WA 98504-0415	1939 - OR	Farmer/Retired Educator	1995-1998	1999-
Kastama, Jim	25	D	Pierce (P)	PO Box 40425 Olympia, WA 98504-0425	1959 - WA	Legislator	1997-2000	2001 -
Keiser, Karen	33	D	King (P)	PO Box 40433 Olympia, WA 98504-0433	1947 - IA	Ret=d Comm. Dir.	1996-2000	2001 -
Kilmer, Derek	26	D	Kitsap (P), Pierce (P)	PO Box 40426 Olympia, WA 98504-0426	1974 - WA	Economic Dev. Manager	2005-2006	2007 -
King, Curtis	14	R	Yakima	PO Box 40414 Olympia, WA 98504-0414	1946 - WA	Business Manager		elected 11/6/07-
Kline, Adam	37	D	King (P)	PO Box 40437 Olympia, WA 98504-0437	1944 - NJ	Lawyer		Appt. 1/20/97-
Kohl-Welles, Jeanne	36	D	King (P)	PO Box 40436 Olympia, WA 98504-0436	1942 - WI	Sociologist Lecturer, UW	1992-1994	Appt. 10/14/94-
Litzow, Steve	41	R	King (P)	PO Box 40441 Olympia, WA 98504-0441	1961 - WI	Marketing Consultant		2010-
McAuliffe, Rosemary	1	D	King (P), Snohomish (P)	PO Box 40401 Olympia, WA 98504-0401	1940 - WA	Ownt/Mgr Hollywod Schoolhouse		1993-



Name of Member	District	Party	County	Mailing Address	Birth Year Place	Occupation	Previous Years Served
							House Senate
Morton, Bob	7	R	Ferry, Lincoln, Okanogan (P), Pend Oreille, Spokane (P), Stevens	PO Box 40407 Olympia, WA 98504-0407	1934 - NY	Legislator	1991-93 Appt. 1/5/94-
Murray, Ed	43	D	King (P)	3302 Fuhrman Ave E #103 Seattle, WA 98102	1955 - WA	Legislator	Appt. 11/4/1995, 1996-2006 2007-
Nelson, Sharon	34	D	King (P)	PO Box 40434 Olympia, WA 98504-0434	1951 - MN	Legislator	Appt. 11/5/2007-10 2010-
Padden, Mike	4	R	Spokane (P)	PO Box 40417 Olympia, WA 98504-0417	1946 - OR	Judge (retired)	1981-1993 Appt. 11/29/2011-
Parlette, Linda Evans	12	R	Chelan, Douglas, Grant (P), Okanogan (P)	PO Box 40412 Olympia, WA 98504-0412	1945 - WA	Pharmacist & Orchardist	1997-2000 2001-
Pflug, Cheryl	5	R	King (P)	PO Box 40405 Olympia, WA 98504-0405	1957 - WA	Registered Nurse	1999-2004 Appt. 1/5/04-
Prentice, Margarita	11	D	King (P)	PO Box 40411 Olympia, WA 98504-0411	1931 - CA	Registered Nurse, Retired	Appt. 5/31/88-1992 1993-
Pridemore, Craig	49	D	Clark (P)	PO Box 40449 Olympia, WA 98504-0449	1961 - CA	Legislator	2005-
Ranker, Kevin	40	D	San Juan, Skagit (P), Whatcom (P)	PO Box 40440 Olympia, WA 98504-0440	1970 - England	Coastal/Ocean Policy Consultant	2009-

Name of Member	District	Party	County	Mailing Address	Birth Year Place	Occupation	Previous Years Served	
							House	Senate
Regala, Debbie	27	D	Pierce (P)	PO Box 40427 Olympia, WA 98504-0427	1945 - WA	Community Volunteer	1995-2000	2001-
Roach, Pam	31	R	King (P), Pierce (P)	PO Box 40431 Olympia, WA 98504-0431	1948 - CA	Self-Employed	1993-2004	1991-
Schoesler, Mark	9	R	Adams, Asotin, Franklin (P), Garfield, Spokane (P), Whitman	PO Box 40409 Olympia, WA 98504-0409	1957 - WA	Self-Employed Farmer	1993-2004	2005-
Sheldon, Tim	35	D	Grays Harbor (P), Kitsap (P), Mason, Thurston (P)	PO Box 40435 Olympia, WA 98504-0435	1947 - WA	Tree Farmer	1991-1997	Elected 11/4/97-
Shin, Paull	21	D	Snohomish (P)	PO Box 40421 Olympia, WA 98504-0421	1935 - Korea	Professor-Retired	1993-1994	1999-
Stevens, Val	39	R	King (P), Skagit (P), Snohomish (P), Whatcom (P)	PO Box 40439 Olympia, WA 98504-0439	1939 - WA	Legislator	1993-1996	1997-
Swecker, Dan	20	R	Lewis, Thurston (P)	PO Box 40420 Olympia, WA 98504-0420	1947 - MT	Sec/Treas Wa. Fish Growers		Appt. 1/5/95-
Tom, Rodney	48	D	King (P)	PO Box 594 Medina, WA 98039	1963 - WA	Real Estate Agent	2003-2006	2007-

Name of Member	District	Party	County	Mailing Address	Birth Year Place	Occupation	Previous Years Served
						House	Senate
Zarelli, Joseph	18	R	Clark (P), Cowlitz (P)	PO Box 40418 Olympia, WA 98504-0418	1961 - WA	Business Devlpmnt & Risk Mngt	Elected 11/7/95-
Hoemann, Thomas				PO Box 40482 Olympia, WA 98504-0482	1952 - NE	Secretary of the Senate	2005-
Hendrickson, Brad				PO Box 40482 Olympia, WA 98504-0482	1960 - WA	Deputy Secretary of the Senate	(1993-1996,1999- 2002) 2005-
Ruble, Jim				PO Box 40482 Olympia, WA 98504-0482	1943 - WA	Sergeant At Arms	2005-

**Membership of  
Senate Standing Committees**

**2012**

**Agriculture & Rural Economic Development (8) -- Hatfield, Chair; Shin, Vice Chair; \*Honeyford; Becker; Delvin; Haugen; Hobbs; Schoesler**

**Early Learning & K-12 Education (11) -- McAuliffe, Chair; Rolfes, Vice Chair; \*Litzow; Eide; Fain; Harper; Hill; Hobbs; King; Nelson; Tom**

**Economic Development, Trade & Innovation (9) -- Kastama, Chair; Chase, Vice Chair; \*Baumgartner; Ericksen; Hatfield; Holmquist Newbry; Kilmer; Shin; Zarelli**

**Energy, Natural Resources & Marine Waters (9) -- Ranker, Chair; Regala, Vice Chair; \*Delvin; Fraser; Hargrove; Morton; Murray; Stevens; Swecker**

**Environment (9) -- Nelson, Chair; Rolfes, Vice Chair; \*Ericksen; Chase; Fraser; Honeyford; Morton; Pridemore; Sheldon**

**Financial Institutions, Housing & Insurance (7) -- Hobbs, Chair; Prentice, Vice Chair; \*Benton; Fain; Haugen; Keiser; Litzow**

**Government Operations, Tribal Relations & Elections (7) -- Pridemore, Chair; Prentice, Vice Chair; \*Swecker; Benton; Chase; Nelson; Roach**

**Health & Long-Term Care (9) -- Keiser, Chair; Conway, Vice Chair; \*Becker; Carrell; Frockt; Kline; Parlette; Pflug; Pridemore**

**Higher Education & Workforce Development (9) -- Tom, Chair; Shin, Vice Chair; \*Hill; Baumgartner; Becker; Ericksen; Frockt; Kastama; Kilmer; Stevens**

**Human Services & Corrections (7) -- Hargrove, Chair; Regala, Vice Chair; \*Stevens; Carrell; Harper; McAuliffe; Padden**

**Judiciary (9) -- Kline, Chair; Harper, Vice Chair; \*Pflug; Carrell; Hargrove; Kohl-Welles; Padden; Regala; Roach**

**Labor, Commerce & Consumer Protection (7) -- Kohl-Welles, Chair; Conway, Vice Chair; \*Holmquist Newbry; \*\*King; Hewitt; Keiser; Kline**

**Rules (21) -- Lieutenant Governor, Chair; Prentice, Vice Chair; \*Hewitt; Brown; Carrell; Conway; Eide; Fraser; Harper; Haugen; Keiser; King; Kline; Kohl-Welles; McAuliffe; Parlette; Pflug; Regala; Schoesler; Stevens; Zarelli**

**Transportation (16) -- Haugen, Chair; Eide, Vice Chair; \*King; \*\*Fain; Delvin; Ericksen; Frockt; Hill; Hobbs; Litzow; Prentice; Ranker; Rolfes; Sheldon; Shin; Swecker**

**Ways & Means (22) -- Murray, Chair; Kilmer, Vice Chair Capital Budget; \*Zarelli; \*\*\*Parlette; Baumgartner; Brown; Conway; Fraser; Harper; Hatfield; Hewitt; Holmquist Newbry; Honeyford; Kastama; Keiser; Kohl-Welles; Padden; Pflug; Pridemore; Regala; Schoesler; Tom**

**Membership Assignments to  
Senate Standing Committees**

**2012**

**Baumgartner, Michael** \*Economic Development, Trade & Innovation; Higher Education & Workforce Development; Ways & Means

**Becker, Randi** \*Health & Long-Term Care; Agriculture & Rural Economic Development; Higher Education & Workforce Development

**Benton, Don** \*Financial Institutions, Housing & Insurance; Government Operations, Tribal Relations & Elections

**Brown, Lisa** Rules; Ways & Means

**Carrell, Mike** Health & Long-Term Care; Human Services & Corrections; Judiciary; Rules

**Chase, Maralyn** Economic Development, Trade & Innovation, Vice Chair; Environment; Government Operations, Tribal Relations & Elections

**Conway, Steve** Health & Long-Term Care, Vice Chair; Labor, Commerce & Consumer Protection, Vice Chair; Ways & Means

**Delvin, Jerome** \*Agriculture & Rural Economic Development; \*Energy, Natural Resources & Marine Waters; Transportation

**Eide, Tracey** Environment; Early Learning & K-12 Education; Rules; Transportation, Vice Chair

**Erickson, Doug** \*Environment; Economic Development, Trade & Innovation; Transportation

**Fain, Joe** \*\*Transportation; Early Learning & K-12 Education; Financial Institutions, Housing & Insurance

**Fraser, Karen** Energy, Water & Energy; Natural Resources & Marine Waters; Rules; Ways & Means

**Frocht, David** Health & Long-Term Care; \*Higher Education & Workforce Development; Transportation

**Hargrove, James** Human Services & Corrections, Chair; Judiciary; Energy, Natural Resources & Marine Waters

**Harper, Nick** Judiciary, Vice Chair; Early Learning & K-12 Education; Human Services & Corrections; Rules; Ways & Means

**Hatfield, Brian** Agriculture & Rural Economic Development, Chair; Economic Development, Trade & Innovation; Ways & Means

**Haugen, Mary Margaret** Transportation, Chair; Agriculture & Rural Economic Development; Financial Institutions, Housing & Insurance; Rules

**Hewitt, Mike** \*Rules; Labor, Commerce & Consumer Protection; Ways & Means

**Hill, Andy** \*Higher Education & Workforce Development; Early Learning & K-12 Education; Transportation

**Hobbs, Steve** Financial Institutions, Housing & Insurance, Chair; Agriculture & Rural Economic Development; Early Learning & K-12 Education; Transportation

**Holmquist Newbry, Janéa** \*Labor, Commerce & Consumer Protection; Economic Development, Trade & Innovation; Ways & Means

**Honeyford, Jim** \*Agriculture & Rural Economic Development; Environment; Ways & Means

**Kastama, Jim** Economic Development, Trade & Innovation, Chair; Higher Education & Workforce Development; Ways & Means

\* Ranking Minority Member

\*\* Assistant Ranking Minority Member

**Keiser, Karen** Health & Long-Term Care, Chair; Financial Institutions, Housing & Insurance; Labor, Commerce & Consumer Protection; Rules; Ways & Means

**Kilmer, Derek** Ways & Means, Vice Chair Capital Budget; Economic Development, Trade & Innovation; Higher Education & Workforce Development

**King, Curtis** \*Transportation; \*\*Labor, Commerce & Consumer Protection; Early Learning & K-12 Education; Rules

**Kline, Adam** Judiciary, Chair; Health & Long-Term Care; Labor, Commerce & Consumer Protection; Rules

**Kohl-Welles, Jeanne** Labor, Commerce & Consumer Protection, Chair; Judiciary; Rules; Ways & Means

**Litzow, Steve** \*Early Learning & K-12 Education; Financial Institutions, Housing & Insurance; Transportation

**McAuliffe, Rosemary** Early Learning & K-12 Education, Chair; Human Services & Corrections; Rules

**Morton, Bob** \*Energy, Natural Resources & Marine Waters; Environment

**Murray, Ed** Ways & Means, Chair; Energy, Natural Resources & Marine Waters

**Nelson, Sharon** Environment, Chair; Early Learning & K-12 Education; Government Operations, Tribal Relations & Elections

**Padden, Mike** Human Services & Correction; Judiciary; Ways & Means

**Parlette, Linda Evans** \*\*\*Ways & Means; Health & Long-Term Care; Rules

**Pflug, Cheryl** \*Judiciary; Health & Long-Term Care; Rules; Ways & Means

**Prentice, Margarita** Financial Institutions, Housing & Insurance, Vice Chair; Government Operations, Tribal Relations & Elections, Vice Chair; Rules, Vice Chair; Transportation

**Pridemore, Craig** Government Operations, Tribal Relations & Elections, Chair; Environment; Health & Long-Term Care; Ways & Means

**Ranker, Kevin Energy**, Natural Resources & Marine Waters, Chair; Environment, Water & Energy; Transportation

**Regala, Debbie** Human Services & Corrections, Vice Chair; Energy, Natural Resources & Marine Waters, Vice Chair; Judiciary; Rules; Ways & Means

**Roach, Pam** Government Operations, Tribal Relations & Elections; Judiciary

**Rolfes, Christine** Early Learning & K-12 Education, Vice Chair; Environment, Vice Chair; Transportation

**Schoesler, Mark** Agriculture & Rural Economic Development; Rules; Ways & Means

**Sheldon, Tim Environment**; Transportation

**Shin, Paull** Agriculture & Rural Economic Development, Vice Chair; Higher Education & Workforce Development, Vice Chair; Economic Development, Trade & Innovation; Transportation

**Stevens, Val** \*Human Services & Corrections; Energy, Natural Resources & Marine Waters; Higher Education & Workforce Development; Rules

**Swecker, Dan** \*Government Operations, Tribal Relations & Elections; Energy, Natural Resources & Marine Waters; Transportation

**Tom, Rodney** Higher Education & Workforce Development, Chair; Early Learning & K-12 Education; Ways & Means

**Zarelli, Joseph** \*Ways & Means; Economic Development, Trade & Innovation; Rules

\* Ranking Minority Member

\*\* Assistant Ranking Minority Member

## MESSAGE FROM THE GOVERNOR

December 20, 2011

To the Honorable President and Members,  
The Senate of the State of Washington

Ladies and Gentlemen:

I have the honor to advise you that on December 20, 2011, Governor Gregoire approved the following Senate Bills entitled:

**Engrossed Substitute Senate Bill No. 5969**

Relating to procedures allowing certain military spouses to seek employment in state-licensed professional occupations after relocating to Washington.

**Engrossed Senate Bill No. 5974**

Relating to demonstrating college level skills.

**Substitute Senate Bill No. 5988**

Relating to making imperative changes to the foreclosure fairness act to ensure mediators' participation.

Sincerely,  
Jim Justin, Legislative Director

## MESSAGE FROM THE GOVERNOR

February 13, 2012

To the Honorable President and Members,  
The Senate of the State of Washington

Ladies and Gentlemen:

I have the honor to advise you that on February 13, 2012, Governor Gregoire approved the following Senate Bill entitled:

**Engrossed Substitute Senate Bill No. 6239**

Relating to providing equal protection for all families in Washington by creating equality in civil marriage and changing the domestic partnership laws, while protecting religious freedom.

Sincerely,  
Jim Justin, Legislative Director

## MESSAGE FROM THE GOVERNOR

March 1, 2012

To the Honorable President and Members,  
The Senate of the State of Washington

Ladies and Gentlemen:

I have the honor to advise you that on March 1, 2012, Governor Gregoire approved the following Senate Bill entitled:

**Substitute Senate Bill No. 5984**

Relating to local government financial soundness.

Sincerely,  
Jim Justin, Legislative Director

## MESSAGE FROM THE GOVERNOR

March 7, 2012

To the Honorable President and Members,  
The Senate of the State of Washington

Ladies and Gentlemen:

I have the honor to advise you that on March 7, 2012, Governor Gregoire approved the following Senate Bills entitled:

**Senate Bill No. 5259**

Relating to the tax payment and reporting requirements of small wineries.

**Engrossed Second Substitute Senate Bill No. 5292**

Relating to exempting certain structures that are constructed and maintained by irrigation districts and port districts from the definition of critical areas.

**Engrossed Substitute Senate Bill No. 5575**

Relating to promoting and sustaining investment and employment in economically distressed communities dependent on agricultural or natural resource industries by recognizing certain biomass energy facilities constructed before March 31, 1999, as an eligible renewable resource.

**Engrossed Second Substitute Senate Bill No. 5620**

Relating to the certification of dental anesthesia assistants.

**Substitute Senate Bill No. 5627**

Relating to service members' civil relief.

**Substitute Senate Bill No. 5631**

Relating to removing obsolete provisions in statutes administered by the department of agriculture.

**Senate Bill No. 5913**

Relating to increasing the permissible deposit of public funds with credit unions and authorizing the deposit of public funds at federally chartered credit unions.

**Substitute Senate Bill No. 6005**

Relating to the exemption of certain vehicles from the written estimate requirement for auto repair facilities.

**Senate Bill No. 6030**

Relating to license suspension clerical errors.

**Substitute Senate Bill No. 6100**

Relating to clarifying and updating the administration of sexual assault grant programs by the department of commerce.

**Senate Bill No. 6108**

Relating to clarifying the location at which the crime of theft of rental, leased, lease-purchased, or loaned property occurs.

**Substitute Senate Bill No. 6121**

Relating to financial aid counseling.

**Senate Bill No. 6133**

Relating to requiring training for eligibility for certain electrician certifications.

**Engrossed Senate Bill No. 6141**

Relating to a lifelong learning program.

**Substitute Senate Bill No. 6295**

Relating to exchange facilitator requirements.

Sincerely,  
Jim Justin, Legislative Director

MESSAGE FROM THE GOVERNOR



March 8, 2012

To the Honorable President and Members,  
The Senate of the State of Washington

Ladies and Gentlemen:

I have the honor to advise you that on March 8, 2012, Governor Gregoire approved the following Senate Bill entitled:

**Engrossed Substitute Senate Bill No. 5895**  
Relating to evaluating certificated employees.

Sincerely,  
Jim Justin, Legislative Director

MESSAGE FROM THE GOVERNOR

March 15, 2012

To the Honorable President and Members,  
The Senate of the State of Washington

Ladies and Gentlemen:

I have the honor to advise you that on March 15, 2012, Governor Gregoire approved the following Senate Bills entitled:

**Senate Bill No. 6289**  
Relating to facilitating self-employment training.

**Substitute Senate Bill No. 6315**  
Relating to the fair tenant screening act.

**Engrossed Substitute Senate Bill No. 6445**  
Relating to financing the Interstate 5 Columbia river crossing project.

Sincerely,  
Jim Justin, Legislative Director

MESSAGE FROM THE GOVERNOR

March 16, 2012

To the Honorable President and Members,  
The Senate of the State of Washington

Ladies and Gentlemen:

I have the honor to advise you that on March 16, 2012, Governor Gregoire approved the following Senate Bills entitled:

**Senate Bill No. 6059**  
Relating to veterans' raffle.

**Substitute Senate Bill No. 6167**  
Relating to criminal identification system information for entities providing emergency shelter, interim housing, or transitional housing.

**Senate Bill No. 6290**  
Relating to military spouses or registered domestic partners occupational licensing status during deployment or placement outside Washington state.

**Substitute Senate Bill No. 6371**  
Relating to extending the customized employment training program.

**Engrossed Substitute Senate Bill No. 6470**

Relating to benefit charges for the enhancement of fire protection services.

Sincerely,  
Jim Justin, Legislative Director

## MESSAGE FROM THE GOVERNOR

March 19, 2012

To the Honorable President and Members,  
The Senate of the State of Washington

Ladies and Gentlemen:

I have the honor to advise you that on March 19, 2012, Governor Gregoire approved the following Senate Bills entitled:

**Substitute Senate Bill No. 5412**

Relating to whistleblowing in the conveyance workplace.

**Engrossed Substitute Senate Bill No. 5991**

Relating to reporting child abuse or neglect.

**Engrossed Senate Bill No. 6155**

Relating to third-party account administrators.

**Senate Bill No. 6223**

Relating to repealing the early supplemental security income transition project.

**Substitute Senate Bill No. 6328**

Relating to the creation of a retired active license for mental health professionals.

**Substitute Senate Bill No. 6384**

Relating to ensuring that persons with developmental disabilities be given the opportunity to transition to a community access program after enrollment in an employment program.

Sincerely,  
Jim Justin, Legislative Director

## MESSAGE FROM THE GOVERNOR

March 20, 2012

To the Honorable President and Members,  
The Senate of the State of Washington

Ladies and Gentlemen:

I have the honor to advise you that on March 20, 2012, Governor Gregoire approved the following Senate Bill entitled:

**Senate Bill No. 5981**

Relating to seed dealer license fees.

Sincerely,  
Jim Justin, Legislative Director

## MESSAGE FROM THE GOVERNOR

March 23, 2012

To the Honorable President and Members,

The Senate of the State of Washington

Ladies and Gentlemen:

I have the honor to advise you that on March 23, 2012, Governor Gregoire approved the following Senate Bills entitled:

**Engrossed Senate Bill No. 5159**

Relating to transferring service credit and contributions into the Washington state patrol retirement system by members who served as commercial vehicle enforcement officers and communications officers and then became commissioned troopers in the Washington state patrol.

**Engrossed Second Substitute Senate Bill No. 5188**

Relating to harmonizing certain traffic control signal provisions relative to yellow change intervals, certain fine amount limitations, and certain signage and reporting requirements.

**Substitute Senate Bill No. 5246**

Relating to employer review of abstracts of driving records.

**Substitute Senate Bill No. 6073**

Relating to sales and use taxes related to the state route number 16 corridor improvements project.

**Substitute Senate Bill No. 6081**

Relating to the imposition of a vessel replacement surcharge on certain ferry fares.

**Substitute Senate Bill No. 6112**

Relating to the use of alternative traction devices on tires under certain conditions.

**Substitute Senate Bill No. 6138**

Relating to maximum vehicle lengths.

**Engrossed Substitute Senate Bill No. 6150**

Relating to supporting the driver's license, permit, and identicard system, including the administration of a facial recognition matching system.

**Senate Bill No. 6171**

Relating to the weight limitation for certain vessels exempt from the pilotage act.

**Engrossed Second Substitute Senate Bill No. 6284**

Relating to reforming Washington's approach to certain nonsafety civil traffic infractions by authorizing a civil collection process for unpaid traffic fines and removing the requirement for law enforcement intervention for the failure to appear and pay a traffic ticket.

**Senate Bill No. 6412**

Relating to applying for health insurance coverage when an insurance carrier discontinues all individual health benefit plan coverage.

**Substitute Senate Bill No. 6444**

Relating to eligible toll facilities.

**Substitute Senate Bill No. 6600**

Relating to extending property tax exemptions to property used exclusively by certain nonprofit organizations that is leased from an entity that acquired the property from a previously exempt nonprofit organization.

Sincerely,  
Jim Justin, Legislative Director

MESSAGE FROM THE GOVERNOR

March 29, 2012

To the Honorable President and Members,  
The Senate of the State of Washington

Ladies and Gentlemen:

I have the honor to advise you that on March 29, 2012, Governor Gregoire approved the following Senate Bills entitled:

**Substitute Senate Bill No. 5217**

Relating to appointing student members on the board of trustees for community colleges.

**Second Substitute Senate Bill No. 5355**

Relating to special meetings.

**Substitute Senate Bill No. 5381**

Relating to adjusting voting requirements for the renewal of emergency medical service levies.

**Engrossed Second Substitute Senate Bill No. 5539**

Relating to Washington's motion picture competitiveness.

**Engrossed Senate Bill No. 5661**

Relating to derelict fishing gear.

**Engrossed Substitute Senate Bill No. 5715**

Relating to adopting core competencies for early care and education professionals and child and youth development professionals.

**Substitute Senate Bill No. 5766**

Relating to fire protection district commissioners.

**Substitute Senate Bill No. 5966**

Relating to establishing the office of the health care authority ombudsman.

**Substitute Senate Bill No. 5995**

Relating to urban growth area boundary modifications for industrial land by certain counties.

**Substitute Senate Bill No. 6041**

Relating to lighthouse schools.

**Senate Bill No. 6046**

Relating to the powers and duties of the gambling commission.

**Senate Bill No. 6095**

Relating to making technical corrections to gender-based terms.

**Senate Bill No. 6098**

Relating to fingerprinting requirements for licensing of private investigators and private security guards.

**Engrossed Substitute Senate Bill No. 6103**

Relating to the practice of reflexology and massage therapy.

**Substitute Senate Bill No. 6105**

Relating to the prescription monitoring program.

**Substitute Senate Bill No. 6116**

Relating to on-site sewage program management plans.

**Senate Bill No. 6131**

Relating to clarifying certain issues with regard to the regulation of bulk mercury.

**Substitute Senate Bill No. 6135**

Relating to fish and wildlife enforcement.

**Second Substitute Senate Bill No. 6140**

Relating to local economic development financing.

**Senate Bill No. 6157**

Relating to juvenile detention intake standards for juveniles who are developmentally disabled.

**Senate Bill No. 6172**

Relating to franchise investment protection.

**Senate Bill No. 6175**

Relating to establishing a government-to-government relationship between state government and federally recognized Indian tribes.

**Substitute Senate Bill No. 6208**

Relating to license fees under the warehouse act.

**Engrossed Senate Bill No. 6215**

Relating to establishing an optional transportation benefit district rebate program for low-income individuals.

**Senate Bill No. 6218**

Relating to escrow licensing requirement exceptions.

**Engrossed Substitute Senate Bill No. 6237**

Relating to creating a career pathway for medical assistants.

**Substitute Senate Bill No. 6240**

Relating to orders of disposition for juveniles.

**Substitute Senate Bill No. 6242**

Relating to specialty producer licenses.

**Engrossed Substitute Senate Bill No. 6251**

Relating to advertising commercial sexual abuse of a minor.

**Engrossed Substitute Senate Bill No. 6252**

Relating to commercial sexual abuse of a minor, promoting commercial sexual abuse of a minor, and promoting prostitution in the first degree.

**Substitute Senate Bill No. 6253**

Relating to seizure and forfeiture.

**Engrossed Senate Bill No. 6254**

Relating to promoting prostitution.

**Engrossed Senate Bill No. 6255**

Relating to victims of human trafficking and promoting prostitution.

**Senate Bill No. 6256**

Relating to adding commercial sexual abuse of a minor to the list of criminal street gang-related offenses.

**Engrossed Senate Bill No. 6257**

Relating to a sexually explicit act.

**Substitute Senate Bill No. 6258**

Relating to unaccompanied persons.

**Substitute Senate Bill No. 6277**

Relating to creating authority for counties to exempt from property taxation new and rehabilitated multiple-unit dwellings in certain unincorporated urban centers.

**Engrossed Senate Bill No. 6296**

Relating to background checks.

**Substitute Senate Bill No. 6325**

Relating to exempting common interest community managers from real estate broker and managing broker licensing requirements.

**Substitute Senate Bill No. 6354**

Relating to filing of business forms with state agencies.

**Engrossed Substitute Senate Bill No. 6355**

Relating to associate development organizations.

**Substitute Senate Bill No. 6359**

Relating to modifying provisions related to the office of regulatory assistance.

**Engrossed Substitute Senate Bill No. 6383**

Relating to the Washington interscholastic activities association.

**Senate Bill No. 6385**

Relating to extending the habitat and recreation lands coordinating group until July 31, 2017.

**Substitute Senate Bill No. 6403**

Relating to removing financial barriers to persons seeking vulnerable adult protection orders.

**Substitute Senate Bill No. 6421**

Relating to the affidavit of wages paid on public works.

**Substitute Senate Bill No. 6423**

Relating to the definition of farm vehicle.

**Senate Bill No. 6465**

Relating to raffles exceeding five thousand dollars.

**Substitute Senate Bill No. 6472**

Relating to disclosure of carbon monoxide alarms in real estate transactions.

**Substitute Senate Bill No. 6494**

Relating to improving truancy procedures by changing the applicability of mandatory truancy petition filing provisions to children under seventeen years of age, requiring initial petitions to contain information about the child's academic status, prohibiting issuance of a bench warrant at an initial truancy status hearing, and modifying school district reporting requirements after the court assumes jurisdiction in a truancy case.

**Senate Bill No. 6545**

Relating to transferring the powers, duties, and functions of the developmental disabilities endowment.

**Senate Bill No. 6566**

Relating to when a judgment lien on real property commences.

**Substitute Senate Bill No. 6581**

Relating to eliminating accounts and funds.

**Engrossed Senate Bill No. 6608**

Relating to judicial stabilization trust account surcharges.

Sincerely,  
Jim Justin, Legislative Director

MESSAGE FROM THE GOVERNOR

March 30, 2012

To the Honorable President and Members,  
The Senate of the State of Washington

Ladies and Gentlemen:

I have the honor to advise you that on March 30, 2012, Governor Gregoire approved the following Senate Bills entitled:

**Second Substitute Senate Bill No. 5343**

Relating to air emissions from anaerobic digesters.

**Senate Bill No. 5365**

Relating to the purchase of retirement pension coverage by certain volunteer firefighters and reserve officers.

**Senate Bill No. 5950**

Relating to nonstate pension plans offered by towns.

**Engrossed Substitute Senate Bill No. 5978 (Partial Veto)**

Relating to medicaid fraud.

**Substitute Senate Bill No. 5982**

Relating to the joint center for aerospace technology innovation.

**Substitute Senate Bill No. 5997**

Relating to the Olympic natural resources center.

**Substitute Senate Bill No. 6002**

Relating to adjustments to the school construction assistance formula.

**Substitute Senate Bill No. 6038**

Relating to school construction assistance rules.

**Substitute Senate Bill No. 6044**

Relating to the supply of water by public utility districts bordered by the Columbia river to be used in pumped storage projects.

**Senate Bill No. 6082**

Relating to the preservation and conservation of agricultural resource lands.

**Senate Bill No. 6134**

Relating to allowing department of fish and wildlife enforcement officers to transfer service credit.

**Senate Bill No. 6159 (Partial Veto)**

Relating to a business and occupation tax deduction for amounts received with respect to dispute resolution services.

**Substitute Senate Bill No. 6187**

Relating to health care claims against state and governmental health care providers arising out of tortious conduct.

**Substitute Senate Bill No. 6226**

Relating to authorization periods for subsidized child care.

**Second Substitute Senate Bill No. 6263 (Partial Veto)**

Relating to facilitating marine management planning.

**Substitute Senate Bill No. 6386**

Relating to fraud in state assistance programs.

**Substitute Senate Bill No. 6387**

Relating to state parks, recreation, and natural resources fiscal matters.

**Substitute Senate Bill No. 6414**

Relating to creating a review process to determine whether a proposed electric generation project or conservation resource qualifies to meet a target under RCW 19.285.040.

**Substitute Senate Bill No. 6468**

Relating to policies governing investments by state research universities.

**Engrossed Substitute Senate Bill No. 6486 (Partial Veto)**

Relating to collective bargaining for postdoctoral researchers at certain state universities.

**Substitute Senate Bill No. 6492**

Relating to improving timeliness, efficiency, and accountability of forensic resource utilization associated with competency to stand trial.

**Substitute Senate Bill No. 6493**

Relating to sexually violent predator civil commitment cases.

**Substitute Senate Bill No. 6508 (Partial Veto)**

Relating to department of social and health services waivers of overpayment recoveries.

**Engrossed Substitute Senate Bill No. 6555**

Relating to child protective services.

**Substitute Senate Bill No. 6574**

Relating to authorizing certain cities in which stadium and exhibition centers are located to impose admissions taxes in limited circumstances.

Sincerely,  
Jim Justin, Legislative Director

## MESSAGE FROM THE GOVERNOR

April 23, 2012

To the Honorable President and Members,  
The Senate of the State of Washington

Ladies and Gentlemen:

I have the honor to advise you that on April 23, 2012, Governor Gregoire approved the following Senate Bills entitled:

**Engrossed Senate Bill No. 5127**

Relating to general obligation bonds and related accounts.

**Engrossed Senate Bill No. 6074**

Relating to funding capital projects.

Sincerely,  
Jim Justin, Legislative Director

## MESSAGE FROM THE GOVERNOR

May 2, 2012

To the Honorable President and Members,  
The Senate of the State of Washington

Ladies and Gentlemen:

I have the honor to advise you that on May 2, 2012, Governor Gregoire approved the following Senate Bills entitled:

**Engrossed Substitute Senate Bill No. 5940**

Relating to public school employees' insurance benefits.

**Second Engrossed Second Substitute Senate Bill No. 6204**

Relating to modifying community supervision provisions.

**Second Engrossed Senate Bill No. 6378**

Relating to reforming the state retirement plans.



**Second Engrossed Substitute Senate Bill No. 6406**

Relating to modifying programs that provide for the protection of the state's natural resources.

**Engrossed Senate Bill No. 6635**

Relating to improving revenue and budget sustainability by repealing, modifying, or revising tax preference and license fees.

**Substitute Senate Bill No. 6636**

Relating to requiring a balanced state budget for the current and ensuing fiscal biennium.

Sincerely,  
Jim Justin, Legislative Director

MESSAGE FROM THE GOVERNOR  
PARTIAL VETO ON ENGROSSED SUBSTITUTE SENATE BILL NO. 5978

March 30, 2012

To the Honorable President and Members,  
The Senate of the State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval as to Section 218, Engrossed Substitute Senate Bill 5978 entitled:

"AN ACT Relating to medicaid fraud."

Engrossed Substitute Senate Bill 5978 creates a new State Medicaid Fraud False Claims Act. The federal Deficit Reduction Act of 2005 provides that the federal government will give to the state ten percent of any funds recovered as part of Medicaid enforcement actions brought under a state law comparable to the federal False Claims Act.

The emergency clause in Section 218 providing for Engrossed Substitute Senate Bill 5978 to take effect immediately is not necessary. The bill will be effective ninety days after the adjournment of the session at which it was enacted, which will be June 7, 2012. There is no need to provide an earlier effective date. The Legislature has not yet provided funding to implement the provisions of this bill; the Health Care Authority and the Attorney General's Office will need time to prepare for implementation; and the State can request federal approval under the Deficit Reduction Act of 2005 in a timely manner without the emergency clause.

For these reasons, I have vetoed Section 218 of Engrossed Substitute Senate Bill 5978.

With the exception of Section 218, Engrossed Substitute Senate Bill 5978 is approved.

Respectfully submitted,  
Christine Gregoire, Governor

MESSAGE FROM THE GOVERNOR  
PARTIAL VETO ON SENATE BILL NO. 6159

March 30, 2012

To the Honorable President and Members,  
The Senate of the State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval as to Section 2, Senate Bill 6159 entitled:

"AN ACT Relating to a business and occupation tax deduction for amounts received with respect to dispute resolution services."

Senate Bill 6159 allows dispute resolution centers to deduct amounts they receive as contributions from federal, state, and local government or nonprofit organizations from the measure of the business and occupation tax. Nonprofit organizations may also deduct from the measure of tax amounts received from federal, state, or local governments for distribution to a qualified dispute resolution center.

Section 2 would apply this deduction from the measure of the tax both prospectively and retroactively. The retroactive application of the bill would reward delinquent taxpayers, while those who paid on time would not receive a refund under the prohibition on the gift of state funds in Article VIII, Section 5 of the Washington Constitution, as interpreted by the Washington Supreme Court.

For this reason, I have vetoed Section 2 of Senate Bill 6159.

With the exception of Section 2, Senate Bill 6159 is approved.

Respectfully submitted,

Christine Gregoire, Governor

MESSAGE FROM THE GOVERNOR  
PARTIAL VETO ON SECOND SUBSTITUTE SENATE BILL NO. 6263

March 30, 2012

To the Honorable President and Members,  
The Senate of the State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval as to Sections 5 and 6, Second Substitute Senate Bill 6263 entitled:

"AN ACT Relating to facilitating marine management planning."

Sections 5 and 6 of the bill would establish the membership and duties of a new Washington State Coastal Solutions Council. Among other duties, this Council would provide a forum to seek consistency in state, local, and tribal policies concerning coastal waters issues; engage other governments on behalf of the state; and provide policy recommendations to the governor, the Legislature, and state and local agencies on specific coastal waters resource management issues.

It is unclear how the Council would exercise these substantial duties in relation to the agencies with jurisdiction, which could participate only as nonvoting members. While the Council would be located within the Governor's Office, the Council would determine its own membership and be an autonomous body. As we look to regain our strength in the post-recession economy, now is not the time to be creating new state commissions. I remain committed to an efficient, lean government that will better serve the citizens of this state.

I fully agree with the legislative intent to directly engage our coastal communities and give them a stronger voice in shaping their future. To that purpose, I will assign a representative from my office to actively participate in the existing Coastal Advisory Board convened by the Department of Ecology.

For these reasons, I have vetoed Sections 5 and 6 of Second Substitute Senate Bill 6263.

With the exception of Sections 5 and 6, Second Substitute Senate Bill 6263 is approved.

Respectfully submitted,  
Christine Gregoire, Governor

MESSAGE FROM THE GOVERNOR  
PARTIAL VETO ON ENGROSSED SUBSTITUTE SENATE BILL NO. 6486

March 30, 2012

To the Honorable President and Members,  
The Senate of the State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval as to Section 2, Engrossed Substitute Senate Bill 6486 entitled:

"AN ACT Relating to collective bargaining for postdoctoral researchers at certain state universities."

Section 2 provides this act is null and void if specific funding is not provided in the omnibus appropriations act. A veto of this section is necessary to ensure collective bargaining rights for postdoctoral and clinical employees at the University of Washington and Washington State University. Further, if specific funding is not provided in the omnibus appropriations act, the administrative costs associated with the collective bargaining can be paid within existing funds or allocated to the funds that support the employees, many of which are not within the State General Fund.

For this reason, I have vetoed Section 2 of Engrossed Substitute Senate Bill 6486.

With the exception of Section 2, Engrossed Substitute Senate Bill 6486 is approved.

Respectfully submitted,  
Christine Gregoire, Governor

MESSAGE FROM THE GOVERNOR  
PARTIAL VETO ON SUBSTITUTE SEATE BILL NO. 6508

March 30, 2012

To the Honorable President and Members,  
The Senate of the State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval as to Section 3, Substitute Senate Bill 6508 entitled:

"AN ACT Relating to department of social and health services waivers of overpayment recoveries."

Section 3 requires the Office of Fraud and Accountability within the Department of Social and Health Services to collaborate with the Auditor's Office and the Department of Early Learning to identify, review, and provide the Legislature with recommendations for integrated monitoring and detection systems to prevent overpayments of public assistance. The Office of Fraud and Accountability was created for the specific purpose of focusing on the prevention and investigation of abuse and fraud in the use of public assistance benefits. To avoid diluting this focus, the Secretary of the Department of Social and Health Services should determine what resources of the Department are best used in advancing measures to prevent non-fraudulent overpayments of public assistance.

For this reason, I have vetoed Section 3 of Substitute Senate Bill 6508.

With the exception of Section 3, Substitute Senate Bill 6508 is approved.

Respectfully submitted,  
Christine Gregoire, Governor

MESSAGE FROM THE GOVERNOR  
PARTIAL VETO ON ENGROSSED SENATE BILL NO. 6074

April 23, 2012

To the Honorable President and Members,  
The Senate of the State of Washington

Ladies and Gentlemen:

I am returning, without my approval as to Sections 1020, 3017, 6001(5)(b), and 6002, Engrossed Senate Bill 6074 entitled:

"AN ACT Relating to funding capital project."

**Section 1020, pages 16-18, Office of Financial Management, Loan Program Consolidation Board**

This proviso creates a loan program consolidation board to recommend a plan to consolidate under a single financing authority all existing state lending programs, including infrastructure and student loan programs. There have been five prior studies reviewing consolidation of infrastructure programs within the last six years. The most recent study was completed by the Public Works Board following the 2011 legislative session and provides ample information for a potential consolidation. Additionally, I do not believe it is appropriate for student loan programs to be comingled with infrastructure programs targeted to local governments and community groups. The Student Achievement Council is tasked to convene a work group on the higher education loan program and can better focus on reforming that program to meet the needs of today's students. For these reason, I have vetoed Section 1020.

**Section 3017, page 36, and Section 6001(5)(b), page 55, State Parks and Recreation Commission, Lake Sammamish Concession and Event Facility**

The State Parks and Recreation Commission is provided \$1 million in general obligation bonds and authorization to enter into a certificate of participation financing contract for \$ 2.1 million to build a concession and event facility at Lake Sammamish. It is not anticipated that the revenue initially generated by the event center will be adequate to cover the associated debt and operating costs. Additionally, other revenue generated by the State Parks and Recreation Commission is not stable enough to cover these costs if facility revenues are inadequate. For these reason, I have vetoed Section 3017 and Section 6001 (5)(b), but I encourage the commission to resubmit this project for consideration for the next supplemental capital budget if the revenue outlook improves.

**Section 6002, pages 55-56, Department of Commerce**

The Department of Commerce is directed to work with stakeholders to develop recommendations for a complete grant program to assist zoos, aquariums and technology and science centers in acquiring, constructing or rehabilitating their facilities. A funding mechanism for these organizations was the subject of legislation that failed to pass this session.

For this reason, I have vetoed Section 6002, but I encourage the organizations to continue to work with legislators, rather than the department, to address their concerns with developing a capital funding program for their facility needs.

Although I am approving the remainder of the capital budget, I am concerned about the long-term implications of over-approaching the State and Local Toxics Control Accounts, the Aquatic Lands Enhancement Account, and other natural resource accounts in both the capital and operating budgets. I have directed the Office of Financial Management to work with the Department of Ecology and the Recreation and Conservation Office to develop a plan to manage these accounts to prevent a cash deficit. However, there is a risk that lower revenue collections or accelerated project costs could create the need to suspend project to balance the accounts. While I value the economic activity and jobs that are created in the capital budget, I ask the Legislature to return to budgeting practices that result in sustainable capital plans with positive fund balances.

With the exception of Sections 1020, 3017, 6001(5)(b), and 6002, Engrossed Senate Bill No. 6074 is approved.

Respectfully submitted,  
Christine Gregoire, Governor

MESSAGE FROM THE GOVERNOR  
PARTIAL VETO ON SECOND ENGROSSED SUBSTITUTE SENATE BILL NO. 6406

May 2, 2012

To the Honorable President and Members,  
The Senate of the State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval as to Sections 305 and 306 Second Engrossed Substitute Senate Bill 6406 entitled:

“AN ACT Relating to modifying programs that provide for protection of the state’s natural resources.”

This bill streamlines regulatory programs for managing and protecting the state’s natural environment while increasing the sustainability of program funding and maintaining current levels of natural resource protection.

Section 301 of the bill requires the Department of Ecology to prepare rules to update the categorical exemptions for environmental review under the State Environmental Policy Act (SEPA), revise the SEPA environmental checklist, and improve integration of SEPA with the provisions of the Growth Management Act. In updating the checklist, Section 301(2)(c) of the bill directs the Department of Ecology to “not include any new subjects into the scope of the checklist, including climate change and greenhouse gases.”

I have been assured that the intent of this language is confined to its plain meaning: This subsection addresses only how the Department of Ecology may modify the environmental checklist in its update of WAC 197-11-960. This language does not impact in any way the scope of the environmental analysis required at the threshold determination stage of the SEPA process or the scope of the environmental analysis required in an environmental impact statement. Letters I have received from legislators involved in the drafting of this language confirm that the Legislature’s intent was to address only the scope of the environmental checklist and not to amend any substantive SEPA requirements.

This understanding and interpretation of the bill are set forth in letters to me from legislators directly involved in passage of the legislation, including an April 23, 2012, letter from Senator Sharon Nelson and Representative Dave Upthegrove, respective chairs of the Senate and House Environment Committees; an April 26, 2012, letter from Representatives Richard DeBolt, Joel Kretz, Bruce Chandler, Shelly Short, David Taylor, J. T. Wilcox, and Ed Orcutt; and an April 27, 2012, letter from Senators Jim Honeyford and Mark Schoesler.

This is also the understanding and interpretation set forth in an April 19, 2012, letter to me from Representative Joe Fitzgibbon, the prime sponsor of House Bill No. 2253, where this language first appeared. I have also received letters from stakeholders who participated in legislative proceedings related to this provision. These stakeholders include the Association of Washington Cities, Washington State Association of Counties, Futurewise, Association of Washington Business, and the Washington Chapter of the American Planning Association. These letters affirm that the intent of Section 301 was to eliminate existing duplication between state natural resource programs, and not to amend any substantive SEPA requirements. An April 20, 2012, joint letter from representatives of four environmental organizations notes that ESSB 6406 was the product of “a long and ultimately constructive negotiation amongst a diverse set of stakeholders,” including their organizations” People for Puget Sound, Washington Conservation Voters, the Washington Environmental Council, and Climate Solutions. This letter quotes the language of Section 301(2)(c)(ii) and states: “Throughout the bill negotiations, there was agreement amongst all parties that the intent of this subsection was to ensure simply that no new line items were added to the SEPA checklist in the process of the checklist update directed by section 301.” However, the letter indicates that after the passage of this bill by the Senate and House, advisers to these organizations raised concerns that the language could be read to make broader changes in SEPA law.

After careful review, I have concluded that these assurances that the Legislature did not intend to limit the scope of SEPA review of adverse effects of climate change and greenhouse gases are fully supported. Section 1 of the bill expresses the Legislature’s intent to maintain current levels of natural resource protection. Additionally, Section 301(2)(c) specifically references the environmental checklist found in WAC 197-11-960. The Legislature did not reference other steps in the SEPA process such as the threshold determination addressed in different sections of chapter 197-11 WAC. Nothing in the letters I have received or in the legislative discussion of this provision negates this understanding.

My action in approving Section 301 is taken with the intent that it will operate only to prohibit inclusion of any new subjects in the scope of the checklist, and that the subjects of climate change and greenhouse gases will be considered in the environmental analysis required at the threshold determination stage of the SEPA process and in the environmental analysis required in a SEPA environmental impact statement. After consulting legal advisers, it is my understanding that this is the proper reading of this section of the bill and that this understanding will be considered by the courts when ascertaining legislative intent, as outline in *Lynch v. State*, 19 Wn.2d 802 (1944). Without this understanding, I would have vetoed Section 301.

Concern has also been raised that there is a need for a meaningful civil enforcement capacity to support the state’s Hydraulic Project Approval (HPA) program. I share this concern and have asked the Washington Department of Fish and Wildlife to clarify the current enforcement mechanisms through rule revision within the ongoing HPA rule update, and to implement an effectiveness survey to measure results.

I am also asking the Department to deliver the survey results to the Office of Financial Management, the Governor’s Office, and the Legislature, with the intent to inform actions needed to create a more effective civil enforcement HPA program.

Amendments to the bill in the final day of the 2012 1<sup>st</sup> Special Session removed the explicit authority for local governments to collect a fee to recover their costs for a SEPA environmental impact statement prepared in support of certain land use plans. However, remnants of the original fee proposal that are no longer meaningful were left in the bill. Section 305 allows local governments to recover the costs of a SEPA environmental impact statement for certain land use plans from either state funds or private donations. Local governments are already authorized to accept funding from these sources. Section 306 refers to fees that are no longer authorized in Section 305. These two sections of the bill have the potential to create confusion with the existing authorities of local governments.

For these reasons, I have vetoed Sections 305 and 306 of Second Engrossed Substitute Senate Bill No. 6406.

With the exception of Sections 305 and 306 of Second Engrossed Substitute Senate Bill No. 6406 is approved.

Respectfully submitted,  
Christine Gregoire, Governor

## HISTORY OF SENATE GUBERNATORIAL APPOINTMENTS

Appointee	Introduction	Committee Report	Confirmed	Appointment Number
Robert Anderson			450	SGA 9003
Harry Barber			454	SGA 9006
Sondra Clark			465	SGA 9017
James Cook		1038		SGA 9020
Lynne Delano		447		SGA 9023
Kim Ekker			1040	SGA 9029
Gary Harris			1040	SGA 9041
Kristin Haugen			218	SGA 9042
Tony Hey		1038		SGA 9043
Betsy Hollingsworth		447	1039	SGA 9044
Stephen Johnson		404	466	SGA 9053
Edmund Kiley			464	SGA 9057
Kristine Klaveano			219	SGA 9058
Karen Lee			218	SGA 9063
Robert Lenigan			282	SGA 9064
Shoubee Liaw			1126	SGA 9066
Mark Mays			220	SGA 9070
Steve Miller			1202	SGA 9078
Tom Sahlberg		447		SGA 9097
Rolland Schmitt			219	SGA 9099
Manford Simcock			1071	SGA 9104
Dennis Thaut		447		SGA 9113
Pamela Tietz		186		SGA 9115
Joyce Turner			282	SGA 9119
Stephen Warner			609	SGA 9124
Debrenea Jackson Gandy			450	SGA 9130
Elizabeth Bloomfield			490	SGA 9140
Judi Owens		169	1103, 1109	SGA 9144
Peter Mayer			609	SGA 9146
Mike Ragan		169		SGA 9153
Paul Ishii		136		SGA 9154
David Troutt		118	884	SGA 9155
Ellen Taussig		136		SGA 9156
Stuart Halsan		136	843	SGA 9160
Lindsay Fiker		137		SGA 9161
Gabe Spencer		186		SGA 9162
Elizabeth Jensen		398		SGA 9163
Debbie Ahl		137		SGA 9165
Donna Field		398		SGA 9166
Jeff Johnson			219	SGA 9168
Joshua Brown		119		SGA 9169
Elizabeth Willis		137	1071	SGA 9170
Anne Haley		435		SGA 9171
Lee Newgent		137		SGA 9172
Denise Portman		137		SGA 9173
Steven Adelstein	17	137	1202	SGA 9174
Elaine Akagi	17	75, 427		SGA 9175
Mark Asmundson	17	186		SGA 9176
Phillip Barrett	17	137		SGA 9177
Elizabeth Baum	17	105		SGA 9178

Appointee	Introduction	Committee Report	Confirmed	Appointment Number
Ariele Belo	18	427		SGA 9179
Brian Blake	25	119	451	SGA 9180
Arthur Blauvelt	18	137		SGA 9181
Jacob Bredstrand	18	138		SGA 9182
Mark E. Brennan	18			SGA 9183
Larry Brown	18	138	952	SGA 9184
Wayne Brown	18	138		SGA 9185
Geneanne Burke	18	138	1072	SGA 9186
Thomas Campbell	18	138	844	SGA 9187
Jorge Carrasco	18	138	953	SGA 9188
Diana Clay	18	138		SGA 9189
Marc Daudon	25	119		SGA 9190
Don Dennis	19	138	1015	SGA 9191
Joseph Dolezal	19	139		SGA 9192
Jack Eng	19	419		SGA 9193
Bill Frank	25	119	491	SGA 9194
Leonor Fuller		139	223	SGA 9195
Andrea Gamboa	19			SGA 9196
John Glenn	19	131		SGA 9197
Judy Guenther	19	67	225	SGA 9198
Alan Haight	19	67	1203	SGA 9199
Donald Hover	25	119		SGA 9200
Dwayne Johnson	19	139		SGA 9201
Lawrence Kenney	25	119	241	SGA 9202
Janet Kusler	20	139		SGA 9203
Jonathan Lane	20	139	241	SGA 9204
Jerald Litt	20	435		SGA 9205
Conrad Mahnken	26			SGA 9206
Wayne Martin	20	139	1112	SGA 9207
Michael Maxwell	20	139		SGA 9208
Kristina Mayer	20	427		SGA 9209
Louis Mendoza	20	140		SGA 9210
Salvador Mendoza	20	140	282	SGA 9211
Steve S. Milner	26			SGA 9212
Steven Moss	20	186		SGA 9213
Roger Olstad	21	140		SGA 9214
Jim Page	21	140		SGA 9215
Lisa Parker	21	140	608	SGA 9216
Charlotte Parsley	21	427		SGA 9217
Calvin Pearson	21	140		SGA 9218
Darlene Peters	21	140		SGA 9219
Gordon Piercy	21	140		SGA 9220
Wilbert Pina	21	141		SGA 9221
Royce Pollard	21	141	844	SGA 9222
Angela Roarty	21	141		SGA 9223
Phil Rockefeller	26	447		SGA 9224
Phil Rockefeller	26	204	255	SGA 9225
Nancy Smith	22			SGA 9226
Harriet Spanel	26	119	255	SGA 9227
Harriet Spanel	26	119	883	SGA 9228
Patrick Spanner	22	141		SGA 9229
Paul Tanaka	22	141		SGA 9230



Appointee	Introduction	Committee Report	Confirmed	Appointment Number
Barbara A. Taylor	22			SGA 9231
Jodi N. Thew	22			SGA 9232
Amadeo Tiam	22	141		SGA 9233
Joe Torelli	22	435		SGA 9234
Stephen Vincent	22	141		SGA 9235
Thuy Vo	22	141		SGA 9236
Jacob Whitish	23	142		SGA 9237
Lisa Woo	23	142		SGA 9238
Roger D. Woodworth	23			SGA 9239
Noah Zeichner	23			SGA 9240
Robert Whaley	26	142		SGA 9241
David Nicandri	26	142		SGA 9242
Marilyn Glenn Sayan	28	1038		SGA 9243
Anne Fennessy	29	142	1112	SGA 9244
Catherine Roth	29			SGA 9245
Mark Brown	31	119	290	SGA 9246
Don Brunell	37	142		SGA 9247
Amit Ranade	37	169	235	SGA 9248
Phyllis Gleasman	38	142	1016	SGA 9249
Frederick Mendoza	42	142	884	SGA 9250
Creigh Agnew	59	143		SGA 9251
Larry Carpenter	59	119		SGA 9252
Darcey Fugman-Small	59	143		SGA 9253
Jay T. Kehne	59			SGA 9254
Charles McFadden	59	143	1039	SGA 9255
Shawn M. Murinko	59			SGA 9256
Ron Sims	59	143	1109	SGA 9257
Ron Sims	60	119	1016	SGA 9258
Ted Willhite	60	447	952	SGA 9259
Janis Machala	61	143		SGA 9260
Tom McDonald	67	113	1244	SGA 9261
Edwin Morgan	61	143		SGA 9262
M. A. Leonard	67	420		SGA 9263
Gretchen Sorensen	68	143	320	SGA 9264
Bruce Reid	75	143		SGA 9265
Bernard Warner	87	447		SGA 9266
Ryan Durkan	110	144	1102	SGA 9267
Kelsey Knowles	120	144		SGA 9268
Herb Simon	120	144	451	SGA 9269
Lisa Chin	126	186		SGA 9270
William Ayer	131	186	1016	SGA 9271
Natasha Pranger	131	169		SGA 9272
Connie Fletcher	144	427		SGA 9273
Pete Lewis	144	186	609	SGA 9274
Patrick Shanahan	144	186	1015	SGA 9275
Mario Villanueva	144	420		SGA 9276
Brad Flaherty	153	404	1015	SGA 9277
Lewis Edelheit	169			SGA 9278
David Dicks	206	448		SGA 9279
Mark Martinez	206	427		SGA 9280
Kelsey Gray	234	435		SGA 9281
Philip N. Morrell	276			SGA 9282

<b>Appointee</b>	<b>Introduction</b>	<b>Committee Report</b>	<b>Confirmed</b>	<b>Appointment Number</b>
Carol Dahl	390			SGA 9283
Ralph Munro	390	427		SGA 9284
Bruce Montgomery	406	1038		SGA 9285
Mark Richard	490			SGA 9286
David Boerner	1165			SGA 9287
Chris Liu	1165			SGA 9288
Lenell Nussbaum	1165			SGA 9289
Dan Rubin	1165			SGA 9290
Daniel T. Satterberg	1165			SGA 9291
Emma Zavala-Suarez	1166			SGA 9292
Stephen J. Hunt	1167			SGA 9293
Sepi Soleimanpour	1168			SGA 9294
Charles Adams	1169			SGA 9295
Donald R. Mcquary	1173			SGA 9296
Robin Arnold-Williams	1174			SGA 9297
John G. Stewart	1174			SGA 9298
Anna C. Franz	1175			SGA 9299
Marta B. Powell	1202			SGA 9300

## SENATE BILLS PASSED REGULAR/SPECIAL SESSION BY BOTH SENATE AND HOUSE

CHAPT #	BILL NO.	TITLE	GOVERNOR SIGNED	VETO/ PV	EFFECTIVE DATES
1 E2	ESB 5127	State gen. obligation bonds	4/23/2012		4/23/2012
72	ESB 5159	State patrol retirement	3/23/2012		6/7/2012
85	E2SSB 5188	Traffic control signals	3/23/2012		6/7/2012
148	SSB 5217	Comm. college board members	3/29/2012		6/7/2012
73	SSB 5246	Driving record abstracts	3/23/2012		6/7/2012
20	SB 5259	Small wineries/tax & reports	3/7/2012		6/7/2012
21	E2SSB 5292	Irrigation & port districts	3/7/2012		6/7/2012
238	2SSB 5343	Anaerobic digester emissions	3/30/2012		6/7/2012
188	2SSB 5355	Special agency meetings	3/29/2012		6/7/2012
239	SB 5365	Retirement pension coverage	3/30/2012		6/7/2012
115	SSB 5381	Emer medical service levies	3/29/2012		6/7/2012
54	SSB 5412	Whistleblowers/conveyance	3/19/2012		6/7/2012
189	E2SSB 5539	Motion pictures	3/29/2012		6/7/2012
22	ESSB 5575	Biomass energy facilities	3/7/2012		6/7/2012
23	E2SSB 5620	Dental anesthesia assistants	3/7/2012		6/7/2012
24	SSB 5627	Service member civil relief	3/7/2012		6/7/2012
25	SSB 5631	Department of agriculture	3/7/2012		6/7/2012
190	ESB 5661	Derelict fishing gear	3/29/2012		6/7/2012
149	ESSB 5715	Core competencies	3/29/2012		6/7/2012
174	SSB 5766	Fire protection districts	3/29/2012		6/7/2012
35	ESSB 5895	Certificated employee evals	3/8/2012		6/7/2012
26	SB 5913	Public funds/credit unions	3/7/2012		6/7/2012
3 E2	ESSB 5940	School employee benefits	5/2/2012		7/11/2012
240	SB 5950	Nonstate pension plans	3/30/2012		6/7/2012
150	SSB 5966	Health care auth. ombudsman	3/29/2012		6/7/2012
241	ESSB 5978	Medicaid fraud	3/30/2012	PV	6/7/2012
61	SB 5981	Seed dealer license fees	3/20/2012		6/7/2012
242	SSB 5982	Aerospace technology center	3/30/2012		6/7/2012
4	SSB 5984	Local government finances	3/1/2012		3/1/2012*
55	ESSB 5991	Child abuse reporting	3/19/2012		6/7/2012
191	SSB 5995	Urban growth area boundaries	3/29/2012		6/7/2012
243	SSB 5997	Olympic nat. resources ctr	3/30/2012		6/7/2012
244	SSB 6002	School construction assist.	3/30/2012		3/30/2012
27	SSB 6005	Auto repair/written estimate	3/7/2012		1/1/2013
28	SB 6030	License suspension errors	3/7/2012		6/7/2012
245	SSB 6038	School construction assist.	3/30/2012		6/7/2012
151	SSB 6041	Lighthouse school programs	3/29/2012		6/7/2012
246	SSB 6044	PUDs bordered by Columbia	3/30/2012		6/7/2012
116	SB 6046	Gambling commission	3/29/2012		6/7/2012
43	SB 6059	Veterans' raffle	3/16/2012		6/7/2012
77	SSB 6073	SR 16 project/sales & use tx	3/23/2012		6/7/2012
2 E2	ESB 6074	Capital sup budget 2011-13	4/23/2012	PV	4/23/2012
78	SSB 6081	Ferry replacement surcharge	3/23/2012		6/7/2012
247	SB 6082	Agricultural resource lands	3/30/2012		6/7/2012
117	SB 6095	Gender-based terms	3/29/2012		6/7/2012

118	SB 6098	Private investigators	3/29/2012		6/7/2012
29	SSB 6100	Sexual assault grants	3/7/2012		6/7/2012
137	ESSB 6103	Reflexology & massage thrpy	3/29/2012		6/7/2012*
192	SSB 6105	Prescription monitoring prog	3/29/2012		6/7/2012
30	SB 6108	Theft of rental property	3/7/2012		6/7/2012
75	SSB 6112	Alternative traction devices	3/23/2012		6/7/2012
75	SSB 6116	On-site sewage mgmt plans	3/29/2012		6/7/2012
31	SSB 6121	Financial aid counseling	3/7/2012		6/7/2012
119	SB 6131	Bulk mercury	3/29/2012		6/7/2012
32	SB 6133	Electrician certifications	3/7/2012		7/1/2013
248	SB 6134	DFW enforcement officers	3/30/2012		6/7/2012
176	SSB 6135	Fish & wildlife enforcement	3/29/2012		6/7/2012
79	SSB 6138	Vehicle maximum lengths	3/23/2012		6/7/2012
193	2SSB 6140	Local econ devel. financing	3/29/2012		6/7/2012
33	ESB 6141	Lifelong learning program	3/7/2012		6/7/2012
80	ESSB 6150	Facial recognition matching	3/23/2012		6/7/2012*
56	ESB 6155	Third-party account admins	3/19/2012		6/7/2012
120	SB 6157	Juvenile detention intake	3/29/2012		6/7/2012
249	SB 6159	Dispute resolution/B&O tax	3/30/2012	PV	6/7/2012
44	SSB 6167	Criminal ID system info	3/16/2012		6/7/2012
81	SB 6171	Vessel weight limitations	3/23/2012		6/7/2012
121	SB 6172	Franchise investments	3/29/2012		6/7/2012
122	SB 6175	Indian tribes and state govt	3/29/2012		6/7/2012
250	SSB 6187	Tortious conduct by govt	3/30/2012		6/7/2012
6 E1	2E2SSB 6204	Community supervision	5/2/2012		**
123	SSB 6208	Warehouse act license fees	3/29/2012		6/7/2012
152	ESB 6215	Low-income individuals	3/29/2012		6/7/2012
124	SB 6218	Escrow licensing	3/29/2012		6/7/2012
57	SB 6223	Early supp security income	3/19/2012		6/7/2012
251	SSB 6226	Subsidized child care	3/30/2012		7/1/2012
153	ESSB 6237	Medical assistants	3/29/2012		6/7/2012*
3	ESSB 6239	Marriage & dom. partnerships	2/13/2012		6/7/2012***
177	SSB 6240	Juvenile disposition orders	3/29/2012		6/7/2012
154	SSB 6242	Specialty producer licenses	3/29/2012		6/7/2012
138	ESSB 6251	Commercial sex abuse/minor	3/29/2012		6/7/2012
139	ESSB 6252	Commercial sex abuse/minor	3/29/2012		6/7/2012
140	SSB 6253	Commercial sex abuse/minor	3/29/2012		6/7/2012
141	ESB 6254	Prostitution crimes	3/29/2012		6/7/2012
142	ESB 6255	Prostitution crimes	3/29/2012		6/7/2012
143	SB 6256	Gangs/commercial sex abuse	3/29/2012		6/7/2012
144	ESB 6257	Sexually explicit act	3/29/2012		6/7/2012
145	SSB 6258	Unaccompanied persons	3/29/2012		1/1/2013
252	2SSB 6263	Marine management planning	3/30/2012	PV	6/7/2012
194	SSB 6277	Multiple-unit dwellings	3/29/2012		6/7/2012
82	E2SSB 6284	Civil traffic infractions	3/23/2012		6/7/2012***
40	SB 6289	Self-employment training	3/15/2012		6/7/2012
45	SB 6290	Military spouses & partners	3/16/2012		6/7/2012
34	SSB 6295	Exchange facilitators	3/7/2012		6/7/2012

125	ESB 6296	Background checks	3/29/2012		6/7/2012
41	SSB 6315	Fair tenant screening act	3/15/2012		6/7/2012
126	SSB 6325	Common interest comm mgrs	3/29/2012		6/7/2012
58	SSB 6328	Mental health professionals	3/19/2012		6/7/2012
127	SSB 6354	Filing business forms	3/29/2012		6/7/2012
195	ESSB 6355	Associate development orgs	3/29/2012		6/7/2012
196	SSB 6359	Regulatory assistance office	3/29/2012		6/7/2012
46	SSB 6371	Customized emplymnt training	3/16/2012		6/7/2012
7 E1	2ESB 6378	State retirement plans	5/2/2012		7/10/2012
155	ESSB 6383	Interscholastic activities	3/29/2012		6/7/2012
49	SSB 6384	Persons w/devel disabilities	3/19/2012		6/7/2012
128	SB 6385	Habitat and recreation lands	3/29/2012		6/7/2012
253	SSB 6386	Public assistance fraud	3/30/2012		6/7/2012
262	SSB 6387	Parks, rec, & nat. resources	3/30/2012		6/7/2012
156	SSB 6403	Vulnerable adult protection	3/29/2012		6/7/2012
1 E1	2ESSB 6406	State's natural resources	5/2/2012	PV	7/10/2012
64	SB 6412	Health benefit plan coverage	3/23/2012		3/23/2012
254	SSB 6414	Review process/utilities	3/30/2012		6/7/2012
129	SSB 6421	Wage affidavits/public works	3/29/2012		6/7/2012
130	SSB 6423	Farm vehicle	3/29/2012		6/7/2012
83	SSB 6444	Eligible toll facilities	3/23/2012		6/7/2012
36	ESSB 6445	I-5 Columbia river crossing	3/15/2012		6/7/2012***
131	SB 6465	Raffles	3/29/2012		6/7/2012
231	SSB 6468	Research universities/funds	3/30/2012		**
47	ESSB 6470	Fire protection services	3/16/2012		6/7/2012
132	SSB 6472	Carbon monoxide alarms	3/29/2012		6/7/2012
255	ESSB 6486	Postdoctoral & clinical empl	3/30/2012	PV	6/7/2012
256	SSB 6492	Competency to stand trial	3/30/2012		5/1/2012
257	SSB 6493	Sexual predator commitment	3/30/2012		7/1/2012
157	SSB 6494	School truancy procedures	3/29/2012		6/7/2012
258	SSB 6508	DSHS overpayment recovery	3/30/2012	PV	6/7/2012
197	SB 6545	Devel disabilities endowment	3/29/2012		6/7/2012
259	ESSB 6555	Child protection	3/30/2012		6/7/2012*
133	SB 6566	Real property judgment lien	3/29/2012		6/7/2012
260	SSB 6574	Admissions taxes	3/30/2012		6/7/2012
198	SSB 6581	Accounts and funds	3/29/2012		7/1/2012
76	SSB 6600	Property tax exemptions	3/23/2012		6/7/2012
199	ESB 6608	Judicial stabil. trust acct.	3/29/2012		6/7/2012
6 E2	ESB 6635	Tax prefs and license fees	5/2/2012		7/1/2012***
8 E1	SSB 6636	Balanced state budget	5/2/2012		7/10/2012

## HOUSE BILLS PASSED REGULAR/SPECIAL SESSION BY BOTH SENATE AND HOUSE

CHAPT. #	BILL NO.	TITLE	GOVERNOR SIGNED	VETO/ PV	EFFECTIVE DATES
158	SHB 1057	Farm labor contractor acct	3/29/2012		6/7/2012
52	SHB 1073	Disposition of remains	3/7/2012		6/7/2012
6	SHB 1194	Bail for felony offenses	3/7/2012		6/7/2012
88	EHB 1234	Security alarms, crime watch	3/29/2012		6/7/2012
7	HB 1381	Water nonuse/suffic. cause	3/7/2012		6/7/2012
200	EHB 1398	Low-income housing/fee exemp	3/30/2012		6/7/2012
8	HB 1486	ARNP prescriptions	3/7/2012		6/7/2012
159	SHB 1552	Garnishment	3/29/2012		6/7/2012*
160	SHB 1559	Design professionals	3/29/2012		6/7/2012
212	ESHB 1627	Boundary review boards	3/30/2012		6/7/2012
9	2SHB 1652	Electronic impersonation	3/7/2012		6/7/2012
67	SHB 1700	Transportation projects	3/23/2012		6/7/2012
201	SHB 1775	Juvenile restorative justice	3/30/2012		6/7/2012
37	ESHB 1820	Blue alert system	3/15/2012		6/7/2012
89	E3SHB 1860	Partisan elections	3/29/2012		3/29/2012
134	ESHB 1983	Prostitution and trafficking	3/29/2012		6/7/2012
90	ESHB 2048	Housing assistance surcharges	3/29/2012		6/7/2012
10	SHB 2056	Assisted living facilities	3/7/2012		6/7/2012
7 E2	3ESHB 2127	Operating sup budget 2011-13	5/2/2012	PV	5/2/2012
11	HB 2138	Korean war vet armistice day	3/7/2012		6/7/2012
91	SHB 2139	Regional support networks	3/29/2012		6/7/2012
59	SHB 2149	Personal property tax admin	3/20/2012		3/20/2012
92	EHB 2152	Plats	3/29/2012		6/7/2012
50	2SHB 2156	Workforce training/aerospace	3/19/2012		6/7/2012*
135	SHB 2177	Child sexual exploitation	3/29/2012		6/7/2012
12	SHB 2181	Washington state guard	3/7/2012		6/7/2012
13	EHB 2186	Licensed midwives	3/7/2012		6/7/2012
93	SHB 2188	Air rescue and evacuation	3/29/2012		6/7/2012
86	ESHB 2190	Trans sup budget 2011-13	3/23/2012	PV	3/23/2012*
94	SHB 2191	Police dogs	3/29/2012		6/7/2012
213	SHB 2194	Manu & mobile home landlords	3/30/2012		6/7/2012
95	HB 2195	Depositions & discovery act	3/29/2012		6/7/2012
214	ESHB 2197	Uniform commercial code	3/30/2012		6/7/2012*
202	HB 2210	School board candidates	3/30/2012		6/7/2012
161	SHB 2212	RCW 90.90.030 expiration	3/29/2012		6/7/2012
14	HB 2213	Firefighting/unprotectd land	3/7/2012		6/7/2012
162	2SHB 2216	Vehicular homicide & assault	3/29/2012		6/7/2012
96	ESHB 2223	Undergr. utility damage act	3/29/2012		6/7/2012
97	HB 2224	Estate tax apportionment	3/29/2012		6/7/2012
98	ESHB 2229	Hospital employees	3/29/2012		6/7/2012
48	ESHB 2233	Indian country and tribes	3/19/2012		6/7/2012
62	E2SHB 2238	Environmental mitigation	3/23/2012		
215	SHB 2239	Social purpose corporations	3/30/2012		6/7/2012
15	HB 2244	Airstrips	3/7/2012		6/7/2012
16	HB 2247	School employees/medications	3/7/2012		6/7/2012

68	SHB 2252	Transportation fare payment	3/23/2012		6/7/2012
163	SHB 2254	Foster care outcomes	3/29/2012		7/1/2012
17	SHB 2255	Nondepository institutions	3/7/2012		6/7/2012
227	SHB 2259	Higher education reporting	3/30/2012		6/7/2012
203	SHB 2261	Eye glasses/donations	3/30/2012		6/7/2012
217	EHB 2262	WorkFirst and child care	3/30/2012		7/1/2012
204	SHB 2263	Child welfare system savings	3/30/2012		6/7/2012
205	E2SHB 2264	Child welfare/contracting	3/30/2012		6/7/2012
18	HB 2274	Tow truck operators' costs	3/7/2012		6/7/2012
216	HB 2293	Consumer cooperatives	3/30/2012		6/7/2012
65	SHB 2299	Special license plates	3/23/2012		1/1/2013
99	ESHB 2301	Boxing, mar. arts, wrestling	3/29/2012		6/7/2012
42	ESHB 2302	Being under the influence	3/16/2012		6/7/2012
19	HB 2304	Low-level radioactive waste	3/7/2012		7/1/2012
218	HB 2305	Public improvement contracts	3/30/2012		6/7/2012
100	HB 2306	Pathology services claims	3/29/2012		6/7/2012
165	HB 2308	Prof. peer review bodies	3/29/2012		6/7/2012
69	SHB 2312	Military serv. award emblems	3/23/2012		1/1/2013
228	SHB 2313	Higher ed/board meetings	3/30/2012		6/7/2012
164	ESHB 2314	Long-term care workers	3/29/2012		3/29/2012
101	ESHB 2318	Patient decisions/shared	3/29/2012		6/7/2012
87	E2SHB 2319	Affordable care act	3/23/2012	PV	3/23/2012*
219	SHB 2326	Solid fuel burning devices	3/30/2012		6/7/2012
102	EHB 2328	Job order contracting	3/29/2012		6/7/2012
166	HB 2329	Encumbered st. forest lands	3/29/2012		6/7/2012
178	E2SHB 2337	Open K-12 ed resources	3/29/2012		6/7/2012
103	ESHB 2341	Hospitals/community benefits	3/29/2012		6/7/2012
220	HB 2346	Correctional officer uniform	3/30/2012		6/7/2012
179	ESHB 2347	Spring blade knives	3/29/2012		6/7/2012
167	SHB 2349	Beavers	3/29/2012		6/7/2012
104	SHB 2352	Higher ed institutions/fees	3/29/2012		6/7/2012
105	SHB 2354	Stolen property trafficking	3/29/2012		6/7/2012
221	HB 2356	Agricultural fairs	3/30/2012		6/7/2012
180	SHB 2357	Sales & use tx/mental health	3/29/2012		6/7/2012
206	SHB 2360	Prearrangement trust funds	3/30/2012		6/7/2012
222	ESHB 2361	Usage-based auto insurance	3/30/2012		6/7/2012
106	HB 2362	Wine producer liens	3/29/2012		6/7/2012
223	ESHB 2363	Domestic violence victims	3/30/2012		6/7/2012
181	ESHB 2366	Suicide assessment, treatmnt	3/29/2012		6/7/2012
107	SHB 2367	Dairy products commission	3/29/2012		6/7/2012
261	E2SHB 2373	State recreational resources	4/6/2012		3/30/2012
108	ESHB 2384	Personal vehicle sharing	3/29/2012		6/7/2012
182	SHB 2389	Econ and revenue forecasts	3/29/2012		10/1/2012
109	HB 2393	New hire/support registry	3/29/2012		6/7/2012
207	HB 2420	Insurance comm/study, report	3/30/2012		6/7/2012
63	SHB 2422	Aviation biofuels production	3/23/2012		6/7/2012
38	HB 2440	Wildfire protection by DNR	3/15/2012		6/7/2012
183	2SHB 2443	Persons who drive impaired	3/29/2012		8/1/2012

224	2SHB 2452	State agency procurement	3/30/2012		1/1/2013
168	HB 2456	Ag & livestock information	3/29/2012		6/7/2012
70	HB 2459	Commer. vehicle lic. plates	3/23/2012		6/7/2012
169	EHB 2469	Boatyard stormwater treatmnt	3/29/2012		6/7/2012
208	ESHB 2473	Medication assist. endormnt	3/30/2012		6/7/2012*
225	HB 2482	Innovation partnership zones	3/30/2012		6/7/2012
229	E2SHB 2483	Higher ed coordination	3/30/2012	PV	6/7/2012*
209	HB 2485	School district warrants	3/30/2012		6/7/2012
2 E1	SHB 2491	Unemplymnt experience rating	5/2/2012		7/10/2012
210	SHB 2492	Board of education rules	3/30/2012		6/7/2012
226	HB 2499	Political ad disclosure	3/30/2012		6/7/2012
170	ESHB 2502	Forest land classification	3/29/2012		6/7/2012
	EHB 2509	Blueprint for safety program	4/3/2012	V	
211	HB 2523	Insurers & insurnce products	3/30/2012		6/7/2012
146	HB 2535	Juvenile gang court	3/29/2012		6/7/2012
232	E2SHB 2536	Children/services delivery	3/30/2012		6/7/2012
	SHB 2541	Sealing juvenile records	4/3/2012	V	
171	ESHB 2545	Local government fuel usage	3/29/2012		6/7/2012
4 E1	3E2SHB 2565	Roll your own cigarettes	5/2/2012		7/1/2012
60	ESHB 2567	Conservation districts	3/20/2012		3/20/2012
233	ESHB 2570	Metal property theft	3/30/2012	PV	6/7/2012
234	ESHB 2571	Medical services programs	3/30/2012		7/1/2012
71	SHB 2574	Persons w/disabilities tabs	3/23/2012		1/1/2013
184	ESHB 2582	Health care services billing	3/29/2012		1/1/2013
230	3SHB 2585	Higher ed institutions	3/30/2012	PV	6/7/2012
51	ESHB 2586	Kindergarten inventory	3/19/2012		6/7/2012
3 E1	SHB 2590	Pollution liability agency	5/2/2012		7/10/2012
52	ESHB 2592	Extended foster care	3/19/2012		6/7/2012
185	ESHB 2614	Homeowners in crisis	3/29/2012		6/7/2012*
186	SHB 2617	School district insolvency	3/29/2012		9/1/2012
187	EHB 2620	State funds investment	3/29/2012		6/7/2012*
235	SHB 2640	Housing trust fund	3/30/2012		6/7/2012
110	HB 2651	Industrial storm water	3/29/2012		6/7/2012
111	HB 2653	Infrastructure statutes	3/29/2012		7/1/2012
147	SHB 2657	Adoption support expnditures	3/29/2012	PV	6/7/2012
74	EHB 2660	Transportation revenue	3/23/2012		6/7/2012*
112	ESHB 2664	Qualified energy resources	3/29/2012		6/7/2012
172	EHB 2671	Local shoreline master progs	3/29/2012		6/7/2012
66	SHB 2673	Transportation workforce	3/23/2012		6/7/2012
136	ESHB 2692	Commercial sale of sex	3/29/2012	PV	6/7/2012
113	HB 2705	Legislative support services	3/29/2012		7/1/2012
173	ESHB 2747	Fire service training acct	3/29/2012		6/7/2012
114	SHB 2757	Accounts	3/29/2012		6/7/2012
39	HB 2758	Spirits taxes collection	3/15/2012		3/15/2012
236	EHB 2771	State retirement systems	3/30/2012		6/7/2012
53	ESHB 2799	Collaborative schools	3/19/2012		6/7/2012
237	HB 2803	Incarcerated offenders	3/30/2012		6/7/2012
84	EHB 2814	SR-520 corridor	3/23/2012		3/23/2012



9 E1	HB 2822	Local sales & use tx account	5/2/2012		7/10/2012
5 E2	ESHB 2823	State revenues/general fund	5/2/2012		7/1/2012*
10 E1	HB 2824	Education funding	5/2/2012		7/10/2012
4 E1	SHB 2828	Child care and child support	5/2/2012		6/7/2012
5 E1	HB 2834	Reporting requirements	5/2/2012	PV	7/10/2012

**SENATE MEMORIALS AND RESOLUTIONS PASSED  
BY BOTH SENATE AND HOUSE**

Sixty-Second Legislature  
2012 Regular and Special Sessions

Senate Bill No.	Status Title
<b>SENATE JOINT MEMORIALS</b>	
SSJM 8016	US and Canada action plans
<b>SENATE JOINT RESOLUTIONS</b>	
ESJR 8221	State debt
SJR 8223	Research universities/funds
<b>SENATE CONCURRENT RESOLUTIONS</b>	
SCR 8407	Legislature organized, ready
SCR 8408	Bill status for 2012 session
SCR 8410	Bills/house of origin
SCR 8411	Adjourning SINE DIE
SCR 8412	Bills/house of origin
SCR 8413	Adjourning SINE DIE

**HOUSE MEMORIALS AND RESOLUTIONS PASSED  
BY BOTH SENATE AND HOUSE**

Sixty-Second Legislature  
2012 Regular and Special Sessions

House Bill No.

Status Title

**HOUSE JOINT MEMORIALS**

No House Joint Memorials Passed by both Senate and House

**HOUSE JOINT RESOLUTIONS**

No House Joint Resolutions Passed by both Senate and House

**HOUSE CONCURRENT RESOLUTIONS**

HCR 4407	Joint session
HCR 4408	2012 session cutoff dates
EHCR 4409	Redistricting plan
HCR 4410	School funding committee
HCR 4411	Special session/bill status
HCR 4412	Special session/bill status
HCR 4413	Bills/house of origin
HCR 4414	Adjourning SINE DIE

HISTORY OF SENATE BILLS

Bill No.	Introduction & 1 <sup>st</sup> Reading	Committee Report	2 <sup>nd</sup> Reading Amendments	3 <sup>rd</sup> Reading Final Passage	Other Action	Action by Governor
5015						33
5019		16				
5022-S						35
5029-S						35
5030						35
5032						35
5039-S						35
5046						35
5049		198			34, 420	
5054		198			420	
5056		16				
5064						34
5069-S		67	148	148	34, 1162	
5075						35
5077-S						34
5079					35, 420	
5080						35
5082						34
5092						35
5113						34
5114-S						34
5126						35
5127			1280	1320	1204, 1265, 1293, 1321(S), 1321(P), 1321	C 1 L 12 E2
5128-S		95				34
5140						35
5142-S						33
5143						35
5148						35
5154-S			351	355	35, 351, 351, 355, 1162	
5159			256	257	814, 881(P), 1087(S)	C72
5161						35
5165						34
5169						35
5176						35
5183						34
5185-S						35
5188		124	224			34 C85
5188-S2			224	224	814, 881(P), 1087(S)	C85
5190		109	338			34
5190-S			338	338		1162
5191						33
5197		113	385			34
5197-S			385	385		1162
5201-S						35
5202-S						35
5205						35
5214		16				
5217			329			C148
5217-S			329	329	814, 881, 978(P), 1087(S)	C148
5222-S						35
5225						420

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5230-S					35	
5234					420	
5236					35	
5244-S		80			34, 420	
5246			384			C73
5246-S			384	384	822, 823, 824, 978(P), 1087(S)	C73
5247		181			420	
5250-S		95	907	907	34	
5250-S2			907		1162	
5251-S		130	291		34	
5251-S2			291	291	1162	
5259		95	146	146	34, 463, 465(P), 608(S)	C20
5260					35	
5261					33	
5264-S					33	
5265					34	
5283		16				
5292		109	222		34	C21
5292-S2			222	222	490, 506(P), 608(S)	C21
5296		113			420	
5298-S					35, 420	
5310		16				
5319					33	
5320		150			33, 420	
5321					33	
5322		16				
5324					34	
5327					35	
5332					34	
5341		198			34, 420	
5343-S		118	256		33	C238
5343-S2			256	256	954, 955, 1015(P), 1087(S),	C238
5355		80	247		34	C188
5355-S2			247	248	834, 1069, 1069, 1070, 1072(P), 1159(S)	C188
5356-S					33	
5362					35	
5363					33	
5365			246	246	697, 819(P), 882(S)	C239
5366-S		181	306		34	
5366-S2			306	306	1162	
5377					33	
5381		124	372			C115
5381-S			372	373	607, 616(P), 882(S)	C115
5387					33	
5401		150	242	242	33, 1162	
5403					35	
5404		16, 150	242	242	1162	
5405					35	
5406					34	
5411					420	
5412		198	336		34	C54
5412-S			336	336	607, 616(P), 882(S)	C54

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5413		80			34, 420	
5417-S		135			34, 420	
5432-S					36	
5433-S					33	
5438					33	
5439-S					36	
5446					33	
5448					33	
5449-S					36	
5458-S2					36	
5465					36	
5468		209				
5475		16				
5478					33	
5484					36	
5493-S					36	
5494					36	
5497					33	
5510		113			420	
5516					34	
5517					34	
5519-S					34	
5521					34	
5523					36	
5534-S		440			34	
5536		25				
5539-S2			358	358	358, 1112, 1159(P), 1162(S),	C189
5542-S					34	
5545-S					36	
5550					420	
5553-S		125	338		34	
5553-S2			338	339	1162	
5556-S			267	268	36, 268, 1162	
5566					36	
5571					36	
5575		118	312		33	C22
5575-S			312	315	314, 490, 506(P), 608(S)	C22
5576-S		150	307		35	
5576-S2			307	308	1162	
5586		109			34, 420	
5587-S					35	
5599					34	
5605-S		199			34, 420	
5607					33	
5620		61	331		34	C23
5620-S2			331	331	463, 465(P), 608(S)	C23
5627			148		35	C24
5627-S			148	148	463, 465(P), 608(S)	C24
5631		189	331		33	C25
5631-S			331	331	490, 506(P), 608(S)	C25
5634					34	
5647					36	
5649					35, 420	
5650		199			34, 420	
5661			342	343	824, 978(P), 1087(S),	C190

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5663					34	
5669-S2					33	
5671-S					36	
5674					36	
5676					420	
5676-S					36	
5684		199			420	
5694		104			420	
5695-S					36	
5697		181	263			
5697-S			263	264	264, 1162	
5706					34	
5715			243			C149
5715-S			243	244	697, 819(P), 882(S)	C149
5730		104	248		33	
5730-S2			248	249	1162	
5732		17, 150			153	
5735		17, 150			153	
5737		165			420	
5739		150			420	
5740-S					34	
5746					34	
5752					35, 420	
5757		25				
5766			360			C174
5766-S			360	360	1070, 1072(P), 1159(S),	C174
5771					34	
5779					33	
5785-S					36	
5790					36	
5796-S					36	
5798-S					33	
5808		157, 456				
5815					33	
5819					36	
5823					33	
5844-S					35	
5852					36	
5873			1044	1049	36, 1048, 1162	
5875					36	
5882					36	
5883		41			420	
5895		209	377			C35
5895-S			377	383	383, 607, 616(P), 882(S)	C35
5896		209			420	
5903					1204	
5911					36	
5913		104	250	250	463, 465(P), 608(S)	C26
5920					36	
5924-S					36	
5929					36	
5935-S					36	
5940		1188	1190			C 3 L 12 E2
5940-S			1190, 1294	1193, 1298	1193, 1264, 1265, 1294, 1298, 1300,	C 3 L 12 E2

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5950		440	704	704	1321(P), 1321(S), 1111, 1159(P), 1162(S),	C240
5952		104				
5960-S					36	
5965	3					
5966	26	151	262			C150
5966-S			262	262	607, 616(P), 882(S)	C150
5967	27		723, 724, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802	803	717, 719, 794, 795, 799, 803	
5968	27					
5969	28	41	43			C 5 L 11 E2
5969-S			43	45	44, 50(P), 50, 51(S)	C 5 L 11 E2
5970	28	135			420	
5971	28	199			420	
5972	28					
5973	32					
5974	32	41	42	43	50(P), 50, 51(S)	C 3 L 11 E2
5975	32					
5976	32					
5977	32	67, 104	147			
5977-S			147	147	1162	
5978	32	61, 165	295			C241PV
5978-S			296	304	1117, 1125, 1126, 1162(S)	C241PV
5979	32					
5980	32					
5981	32	104	356	356	697, 819(P), 882(S)	C61
5982	32	157, 209	283			C242
5982-S			283	283	824, 825, 978(P), 1087(S),	C242
5983	33					
5984	37	209	251			C4
5984-S			251	252	526(S), 526(P), 526	C4
5985	37					
5986	37					
5987	38	41			420	
5987-S			296		303	
5988	38	41	43			C 4 L 11 E2
5988-S			43	43	50(P), 50, 51(S)	C 4 L 11 E2
5989	38					
5990	38	157	359			
5990-S			359	360	1162	
5991	39	199	373			C55
5991-S			373	375	375, 697, 819(P), 882(S)	C55
5992	39	422				
5993	39					
5994	39	41			420	
5995	45	157	267			C191
5995-S			267	267	825, 826, 978(P), 1087(S),	C191
5996	45	189, 209	287			
5996-S			287	288	1162	
5997	45	109	339			C243
5997-S			339	339	835, 978(P), 1087(S),	C243



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5998	45					
5999	53					
6000	53	125			420	
6001	53					
6002	53	151	222			C244
6002-S			222	223	697, 819(P), 882(S)	C244
6003	53					
6004	53					
6005	53	118	357			C27
6005-S			357	357	463, 465(P), 608(S)	C27
6006	53				57	
6007	54					
6008	54					
6009	54	165	285			
6009-S			285	286	1162	
6010	54	199	337			
6010-S			337	338	1162	
6011	54					
6012	54					
6013	54					
6014	54					
6015	54					
6016	54				57	
6017	54	135			420	
6018	54					
6019	54					
6020	54					
6021	55	109			420	
6022	55					
6023	55	181, 209	269		186	
6023-S			270	270		
6023-S2			270		1162	
6024	55					
6025	55	151	257			
6025-S			257	257	1162	
6026	55	157			420	
6027	55	199	266			
6027-S			267	267	1162	
6028	55					
6029	55	181			420	
6030	55	151	270	270	463, 465(P), 608(S)	C28
6031	55					
6032	55					
6033	55	181			420	
6034	56	157			420	
6035	56					
6036	56					
6037	56	151			420	
6038	56	125	240			C245
6038-S			240	240	607, 616(P), 882(S)	C245
6039	56					
6040	56					
6041	56	125	240			C151
6041-S			240	240	814, 881(P), 1087(S)	C151
6042	56					
6043	56					
6044	56	113	147			C246

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6044-S			147	147	953, 954, 1015(P), 1087(S),	C246
6045	56					
6046	56	95	337	337	697, 819(P), 882(S)	C116
6047	56	135				
6048	57					
6049	57	118				
6050	57					
6051	57					
6052	57					
6053	57					
6054	57					
6055	61					
6056	61	189	387			
6056-S			387	387	1162	
6057	62					
6058	62					
6059	62	95	147	147	697, 819(P), 882(S)	C43
6060	62	165			420	
6061	68					
6062	68					
6063	68					
6064	68					
6065	68	151			420	
6066	68					
6067	68					
6068	68	151	248			
6068-S			248	248	1162	
6069	68	151			420	
6070	68	181	385			
6070-S			385	385	1162	
6071	68					
6072	68					
6073	69	95, 456	906			C77
6073-S			906	906	1112, 1159(P), 1162(S)	C77
6074	69		1300	1318	1204, 1265, 1318, 1321(S), 1321(P), 1321	C 2 L 12 E2
6075	69	210	350			
6075-S			350	350	1162	
6076	69	157			420	
6077	69	165, 210				
6078	69	109	239			
6078-S			239	239	1162	
6079	69	125	328	328	1162	
6080	69					
6081	69	125	292			C78
6081-S			292	292	816, 1013, 1015(P), 1087(S)	C78
6082	69	118	221	222	73, 955, 955, 1015(P), 1087(S),	C247
6083	69					
6084	69					
6085	69	135			420	
6086	70					
6087	70	104			420	
6088	70	210	284			

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6088-S			284	284	1162	
6089	70	125			420	
6090	70					
6091	70	440				
6092	70	104			420	
6093	70	210			420	
6094	70					
6095	70	105	149	149	607, 616(P), 882(S)	C117
6096	71	189				
6097	71					
6098	71	105	386	386	697, 819(P), 882(S)	C118
6099	71					
6100	71	118	259			C29
6100-S			259	259	463, 465(P), 608(S)	C29
6101	72					
6102	72	165			420	
6103	72	157	230			C137
6103-S			230	231	955, 960, 1015(P), 1087(S),	C137
6104	72					
6105	72	113	148			C192
6105-S			148	148	864, 978(P), 1087(S),	C192
6106	72					
6107	72	151				
6108	72	165	284	284	463, 465(P), 608(S)	C30
6109	72	189	330	330	1162	
6110	72					
6111	72					
6112	72	125	220			C75
6112-S			221	221	697, 819(P), 882(S)	C75
6113	72	158			420	
6114	72					
6115	73	130				
6116	73	135	220			C175
6116-S			220	220	835, 978(P), 1087(S),	C175
6117	73					
6118	73					
6119	73					
6120	73	113, 210	266			
6120-S2			266	266	1162	
6121	73	182	285			C31
6121-S			285	285	463, 465(P), 608(S)	C31
6122	73	199			420	
6123	75	182	359			
6123-S			359	359	1162	
6124	75					
6125	75	135			420	
6126	75	189			420	
6127	75	158			420	
6128	76					
6129	76					
6130	76	182, 210			420	
6131	76	151	220	220	607, 616(P), 882(S)	C119
6132	76					
6133	76	158	339	339	490, 506(P), 608(S)	C32
6134	76	152	246	246	841, 842, 978(P), 1087(S),	C248

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6135	76	199	350			C176
6135-S			350	350	927, 1017, 1052, 1069, 1072(P), 1159(S),	C176
6136	76					
6137	76	200			420	
6138	76	190	291			C79
6138-S			291	291	967, 1041(P), 1087(S),	C79
6139	76	190			420	
6140	77	166, 210	342		169	C193
6140-S2			342	342	864, 869, 978(P), 1087(S),	C193
6141	77	158	290	290	463, 465(P), 608(S)	C33
6142	77	166	239			
6142-S			239	239	1162	
6143	77	182			420	
6144	77	166			420	
6145	77	200				
6146	77	190			420	
6147	77	190	265			
6147-S			265	266	1162	
6148	77					
6149	77					
6150	77	211	336			C80
6150-S			336, 337, 340	341	337, 340, 341, 884, 1013, 1017, 1072, 1078, 1108(P), 1159(S)	C80
6151	77					
6152	77	190, 211			197	
6153	78	200			79, 420	
6154	78					
6155	78	130	292	294	293, 836, 837, 978(P), 1087(S),	C56
6155-S					292	C56
6156	78	158			420	
6157	78	152	386	386	490, 506(P), 608(S)	C120
6158	78					
6159	78	457	1036	1037	1072(P), 1088, 1159(S)	C249PV
6160	78	130			420	
6161	78					
6162	78	166	262, 263	263	263, 1162	
6163	78	166			169	
6164	78	135			420	
6165	80	190, 211	342		197	
6165-S2			342	342	1162	
6166	80					
6167	80	200	372			C44
6167-S			372	372	697, 819(P), 882(S)	C44
6168	80	166			420	
6169	80	200	384			
6169-S			384	385	1162	
6170	81	190	249			
6170-S			249	250	1162	
6171	81	125	383	384	697, 819(P), 882(S)	C81
6172	81	130	265	265	463, 465(P), 608(S)	C121

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6173	81	130				
6174	81					
6175	81	158	321	321	490, 506(P), 608(S)	C122
6176	81					
6177	81					
6178	82	182			420	
6179	82	182			420	
6180	82	190	347			
6180-S			347	348	1162	
6181	82	166			420	
6182	82					
6183	82					
6184	82					
6185	82	182			420	
6186	82	190			420	
6187	82	182	295			C250
6187-S			295	295	490, 507(P), 608(S)	C250
6188	82	166			420	
6189	83					
6190	83					
6191	83				84	
6192	83					
6193	83					
6194	83	95, 190			420	
6195	83					
6196	83	118			420	
6197	83	130	242			
6197-S			242	243	1162	
6198	83	166			420	
6199	83	182			420	
6200	83					
6201	83					
6202	84					
6203	84					
6204	87	200, 211	294			C 6 L 12 E1
6204-S					1186	C 6 L 12 E1
6204-S2			294, 1181	295, 1187	1162, 1181, 1234, 1234, 1263(P), 1264(S),	C 6 L 12 E1
6205	87					
6206	87	130			420	
6207	87					
6208	87	131	356			C123
6208-S			356	357	697, 819(P), 882(S)	C123
6209	87					
6210	87					
6211	87	200, 211	322			
6211-S2			322	324	1162	
6212	87					
6213	88	152			420	
6214	88	152			420	
6215	88	158	375	376	376, 814, 881(P), 1087(S)	C152
6216	88	131	243			
6216-S			243	243	1162	
6217	88	158	283	284	1162	
6218	88	152	320	321	697, 819(P), 882(S)	C124

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6219	88					
6220	88	166			420	
6221	88	126			420	
6222	88	152				
6223	88	152	224	224	966, 1015(P), 1087(S)	C57
6224	88					
6225	88	113				
6226	89	200	235			C251
6226-S			235	236	1010, 1011, 1041(P), 1087(S),	C251
6227	89	158	251			
6227-S			251	251	1162	
6228	89	200			420	
6229	89					
6230	89					
6231	89					
6232	89	191, 211	268			
6232-S2			268, 269	269	1162	
6233	89					
6234	89	152			420	
6235	89	167			420	
6236	89					
6237	89	131	247			C153
6237-S			247	247	869, 876, 978(P), 1087(S),	C153
6238	89	167			420	
6239	90	136	174, 175			C3
6239-S			174, 175, 178, 179	179	234, 240(P), 249(S)	C3
6240	90	201	331			C177
6240-S			332	332	967, 978, 1041(P), 1087(S),	C177
6241	90	191				
6242	90	183	385			C154
6242-S			385	386	837, 840, 978(P), 1087(S),	C154
6243	90					
6244	90				94	
6245	90					
6246	90					
6247	90					
6248	90					
6249	90	159			420	
6250	90	159, 457	1101	1101	1162	
6251	90	183	229			C138
6251-S			229	230	230, 463, 465(P), 608(S)	C138
6252	91	167	225			C139
6252-S			225	229	228, 463, 465(P), 608(S)	C139
6253	91	167	229			C140
6253-S			229	229	814, 881(P), 1087(S)	C140
6254	91	183	230	230	876, 877, 978(P), 1087(S),	C141
6255	91	183	305	305	697, 819(P), 882(S)	C142
6256	91	183	231	231	814, 881(P), 1087(S)	C143
6257	91	183	231	232	232, 1006, 1007, 1041(P), 1087(S),	C144

Bill No.	Introduction & 1 <sup>st</sup> Reading	Committee Report	2 <sup>nd</sup> Reading Amendments	3 <sup>rd</sup> Reading Final Passage	Other Action	Action by Governor
6258	91	201	232			C145
6258-S			232	232	463, 465(P), 608(S)	C145
6259	91					
6260	91	201	270			
6260-S			271, 274	275	275, 1162	
6261	91	152			420	
6262	91	397				
6263	91	167, 211	264			C252PV
6263-S2			264	264	819, 822, 978(P), 1087(S),	C252PV
6264	91					
6265	92	167			169, 420	
6266	92					
6267	92				94	
6268	92					
6269	92	183				
6270	92	159			420	
6271	93					
6272	93					
6273	93					
6274	93					
6275	93					
6276	93					
6277	93	105, 457	906			C194
6277-S			906	906	1159, 1160, 1161(P), 1162(S),	C194
6278	93					
6279	93	183			420	
6280	93	201	365			
6280-S			365	368	367, 1162	
6281	93					
6282	93	159			420	
6283	93					
6284	93	191, 212	308		197	C82
6284-S2			308	310	310, 1109, 1159, 1161(P), 1162(S)	C82
6285	94	183			420	
6286	94					
6287	94					
6288	96					
6289	96	159	286	286	463, 465(P), 608(S)	C40
6290	96	159	286	286	697, 819(P), 882(S)	C45
6291	96	126			420	
6292	96	201, 212			420	
6293	96					
6294	96	167			420	
6295	96	167	321			C34
6295-S			321	322	463, 465(P), 608(S)	C34
6296	96	152	244	246	246, 490, 507(P), 608(S)	C125
6297	96					
6298	96					
6299	96					
6300	96					
6301	97					
6302	97	191			420	
6303	97	159			420	

Bill No.	Introduction & 1 <sup>st</sup> Reading	Committee Report	2 <sup>nd</sup> Reading Amendments	3 <sup>rd</sup> Reading Final Passage	Other Action	Action by Governor
6304	97	201			420	
6305	97					
6306	97	159			420	
6307	97	201				
6308	97					
6309	97	191				
6310	97					
6311	97	191			420	
6312	97	191	325			
6312-S			325	328	328, 1162	
6313	98	191			420	
6314	98					
6315	98	183	266			C41
6315-S			266	266	463, 465(P), 608(S)	C41
6316	98					
6317	98					
6318	98					
6319	98					
6320	98					
6321	98	201			420	
6322	100	136, 212			420	
6323	100					
6324	100	167	250	250	1162	
6325	100	167	365			C126
6325-S			365	365	697, 819(P), 882(S)	C126
6326	100					
6327	100	192				
6328	100	201	351			C58
6328-S			351	351	878, 978(P), 1087(S),	C58
6329	100					
6330	101					
6331	101					
6332	101	192			197	
6333	101					
6334	101					
6335	101					
6336	101	201			420	
6337	101	168			420	
6338	101					
6339	101	136			420	
6340	101	192	325	325	1162	
6341	101	202				
6342	101					
6343	102	184			420	
6344	102					
6345	102	152, 212	305			
6345-S			305	306	305, 1162	
6346	102	192			420	
6347	102	202			420	
6348	102					
6349	102	184	291	291	1162	
6350	102	202	260	260	1162	
6351	102	192			420	
6352	105					
6353	105					
6354	105	153	237			C127
6354-S			237	237	878, 879, 978(P),	C127



Bill No.	Introduction & 1 <sup>st</sup> Reading	Committee Report	2 <sup>nd</sup> Reading Amendments	3 <sup>rd</sup> Reading Final Passage	Other Action	Action by Governor
6355	105	159	288		1087(S),	C195
6355-S			288, 289	290	903, 905, 978(P), 1087(S),	C195
6356	105	160	288			
6356-S			288	288	1162	
6357	105					
6358	106				108	
6359	106	168	287			C196
6359-S			287	287	827, 834, 978(P), 1087(S),	C196
6360	106					
6361	106					
6362	106					
6363	106	168			420	
6364	106	184			420	
6365	106	192	360			
6365-S			360	360	1162	
6366	106					
6367	106					
6368	106	153				
6369	106					
6370	106					
6371	106	153, 212	287		153	C46
6371-S			287	287	697, 819(P), 882(S)	C46
6372	107	192			420	
6373	107	160				
6374	107	184				
6375	107					
6376	107	184			420	
6377	107					
6378	107		804, 1195, 1196, 1204	804, 1210	717, 720, 1162, 1195, 1195, 1200, 1204, 1209, 1241, 1241(P), 1264(S)	C 7 L 12 E1
6379	107					
6380	107					
6381	107	192			420	
6382	107					
6383	107	160	311		108	C155
6383-S			311	312	312, 1070, 1072(P), 1159(S),	C155
6384	108	192	223			C49
6384-S			223	224	826, 978(P), 1087(S),	C49
6385	108	184	330	330	490, 507(P), 608(S)	C128
6386	108	202	304			C253
6386-S			304	304	1007, 1008, 1009, 1041(P), 1087(S)	C253
6387	108	184, 212	387			C262
6387-S			387	387	607, 616(P), 882(S)	C262
6388	110					
6389	110	202, 212			205	
6390	110					
6391	110	160			420	
6392	110	168	307		1228	
6392-S			307	307, 1233	1162, 1233, 1264	
6393	110	184			420	
6394	110					

Bill No.	Introduction & 1 <sup>st</sup> Reading	Committee Report	2 <sup>nd</sup> Reading Amendments	3 <sup>rd</sup> Reading Final Passage	Other Action	Action by Governor
6395	110					
6396	110					
6397	111					
6398	111					
6399	111	184				
6400	111					
6401	111	184, 213				
6402	111					
6403	111	193	350		112	C156
6403-S			350	350	905, 906, 978(P), 1088(S),	C156
6404	111					
6405	111	185				
6406	111	202, 457	845		698, 722, 879	C 1 L 12 E1
6406-S			845, 879, 880, 881, 1210, 1228	881, 1228	863, 879, 881, 1162, 1210, 1210, 1228, 1244, 1262, 1263, 1263(P), 1264(S)	C 1 L 12 E1
6407	112	202	386			
6407-S			386	386	1162	
6408	112					
6409	112					
6410	112					
6411	114	202, 213				
6412	114	193	250	250	816, 818, 819, 978(P), 1088(S)	C64
6413	114					
6414	114	202	351			C254
6414-S			351	351	840, 978(P), 1088(S),	C254
6415	114	193			420	
6416	114					
6417	114	193			420	
6418	114					
6419	114					
6420	114					
6421	114	193	265			C129
6421-S			265	265	607, 616(P), 882(S)	C129
6422	114					
6423	115	193	269			C130
6423-S			269	269	490, 507(P), 608(S)	C130
6424	115					
6425	115					
6426	115	185			420	
6427	115	203			117, 420	
6428	115					
6429	115	160			420	
6430	115	160				
6431	115	193			420	
6432	115					
6433	115					
6434	115					
6435	115					
6436	116					
6437	116					
6438	116				117	
6439	116					
6440	116	203, 213	356	356	1162	

Bill No.	Introduction & 1 <sup>st</sup> Reading	Committee Report	2 <sup>nd</sup> Reading Amendments	3 <sup>rd</sup> Reading Final Passage	Other Action	Action by Governor
6441	116	185, 213			420	
6442	116	193, 422	1071			
6442-S			1072			
6443	116	168			420	
6444	116	213	292			C83
6444-S			292	292	845, 978(P), 1088(S)	C83
6445	116	213	348			C36
6445-S			348, 349	349	348, 349, 607, 616(P), 882(S)	C36
6446	116	213			420	
6447	116					
6448	116	193			420	
6449	116					
6450	120					
6451	120	193			420	
6452	120	194, 214			420	
6453	120	194			420	
6454	120					
6455	121	214	332			
6455-S			332, 333	334	332, 890, 1017, 1078	
6456	121	185			420	
6457	121	203			420	
6458	121					
6459	121	194			420	
6460	121					
6461	121					
6462	121	203	304			
6462-S			304	304	1162	
6463	121					
6464	121	194			420	
6465	121	168	294	294	490, 507(P), 608(S)	C131
6466	121	194				
6467	126					
6468	126	136, 214	329			C231
6468-S			329	329	1009, 1041(P), 1088(S),	C231
6469	126					
6470	126	194, 214	371		197	C47
6470-S			371	372	697, 819(P), 882(S)	C47
6471	126					
6472	126	168	306			C132
6472-S			306	307	490, 507(P), 608(S)	C132
6473	126				128	
6474	127					
6475	127	194			420	
6476	127	194			420	
6477	127	194	360			
6477-S			360	364	364, 1163	
6478	127					
6479	127	203			420	
6480	127	195			420	
6481	127					
6482	127					
6483	127					
6484	127					
6485	127					
6486	128	195, 214	324			C255PV

Bill No.	Introduction & 1 <sup>st</sup> Reading	Committee Report	2 <sup>nd</sup> Reading Amendments	3 <sup>rd</sup> Reading Final Passage	Other Action	Action by Governor
6486-S			324	324	324, 1010, 1041(P), 1088(S),	C255PV
6487	128					
6488	132					
6489	132	203			420	
6490	132	195			420	
6491	132	185			420	
6492	132	203, 214	358		205	C256
6492-S			359	359	1103, 1113, 1117, 1161(P), 1162(S),	C256
6493	132	203	248		205	C257
6493-S			248	248	1025, 1030, 1041(P), 1088(S),	C257
6494	132	203	330			C157
6494-S			330	330	1017, 1052, 1072(P), 1088, 1159(S)	C157
6495	132					
6496	132					
6497	132					
6498	132	195	387	387	1163	
6499	133					
6500	133					
6501	133					
6502	133					
6503	133					
6504	133	195			420	
6505	133					
6506	133					
6507	133	195, 214	321		197	
6507-S			321	321	1163	
6508	133	204	376			C258PV
6508-S			376	377	826, 827, 978(P), 1088(S),	C258PV
6509	133					
6510	133					
6511	133					
6512	133	168	260			
6512-S			260	262	262, 1163	
6513	134					
6514	134					
6515	134	185			420	
6516	134					
6517	145	195				
6518	145	215			420	
6519	145					
6520	145					
6521	145	195				
6522	145					
6523	145	195	372	372	1163	
6524	145	204			205	
6525	145					
6526	145	160				
6527	145	160				
6528	145					
6529	145	195			420	
6530	146					
6531	146	204, 215				

Bill No.	Introduction & 1 <sup>st</sup> Reading	Committee Report	2 <sup>nd</sup> Reading Amendments	3 <sup>rd</sup> Reading Final Passage	Other Action	Action by Governor
6532	146					
6533	154					
6534	154					
6535	154	196			420	
6536	154	196			420	
6537	154					
6538	154	204			420	
6539	155	204, 215			420	
6540	155	196				
6541	155	185			420	
6542	155	168				
6543	155					
6544	155					
6545	155	215	384	384	966, 1015(P), 1088(S)	C197
6546	155	196				
6547	155	196			420	
6548	155					
6549	161					
6550	161					
6551	161					
6552	161					
6553	161					
6554	161					
6555	161	204, 215	295			C259
6555-S			295	295	944, 1017, 1025, 1030, 1041(P), 1088(S)	C259
6556	162	196				
6557	162					
6558	162					
6559	162	196			420	
6560	162					
6561	162	196			420	
6562	162					
6563	162					
6564	162	197				
6565	162					
6566	162	169, 185	328	328	463, 465(P), 608(S)	C133
6567	169					
6568	170	215			420	
6569	170					
6570	170					
6571	170	197, 215	283	283	197, 1163	
6572	170	216			170	
6573	170					
6574	170	197, 216	357			C260
6574-S			357	357	697, 819(P), 882(S)	C260
6575	170	204				
6576	170					
6577	170					
6578	187					
6579	187	216			420	
6580	187					
6581	187	440	907			C198
6581-S			907	907	1038, 1041(P), 1088(S)	C198
6582	187	216	334			

Bill No.	Introduction & 1 <sup>st</sup> Reading	Committee Report	2 <sup>nd</sup> Reading Amendments	3 <sup>rd</sup> Reading Final Passage	Other Action	Action by Governor
6582-S			334, 335	336	899, 1017, 1163	
6583	197					
6584	197					
6585	206					
6586	206					
6587	206					
6588	206					
6589	206	216	368	371	207, 371, 1163	
6590	206					
6591	208	216			420	
6592	218					
6593	218					
6594	235					
6595	316					
6596	345					
6597	345				347	
6598	398	440	704			
6598-S			704	704	1163	
6599	404					
6600	420	457	704			C76
6600-S			704	704	1072(P), 1088, 1159(S)	C76
6601	428					
6602	428					
6603	428					
6604	428					
6605	428					
6606	428					
6607	428	457	907			
6607-S			907	909	908, 1163	
6608	435	457	1011, 1012	1012	1012, 1038, 1041(P), 1088(S)	C199
6609	435					
6610	436					
6611	449					
6612	449					
6613	449					
6614	449					
6615	449		804, 805, 810, 812	813	717, 720, 805, 810, 812, 1163	
6616	449		809	809	717, 720, 1163	
6617	449					
6618	449					
6619	449					
6620	449					
6621	449					
6622	449					
6623	449		1235, 1240		1228, 1240	
6624	449					
6625	450					
6626	450					
6627	450					
6628	463					
6629	814					
6630	1171					
6631	1171					
6632	1172					

<b>Bill No.</b>	<b>Introduction &amp; 1<sup>st</sup> Reading</b>	<b>Committee Report</b>	<b>2<sup>nd</sup> Reading Amendments</b>	<b>3<sup>rd</sup> Reading Final Passage</b>	<b>Other Action</b>	<b>Action by Governor</b>
6633	1177					
6634	1177	1188				
6635	1177		1266, 1277	1280	1204, 1265, 1279, 1319, 1321(S), 1321(P)	C 6 L 12 E2
6636	1177	1188	1193			C 8 L 12 E1
6636-S			1193	1195	1195, 1241, 1243, 1264(S), 1264(P),	C 8 L 12 E1
6637	1180					
6638	1189					
6639	1202					
6640	1229					

## HISTORY OF SENATE JOINT MEMORIALS

<b>Bill No.</b>	<b>Introduction &amp; 1<sup>st</sup> Reading</b>	<b>Committee Report</b>	<b>2<sup>nd</sup> Reading Amendments</b>	<b>3<sup>rd</sup> Reading Final Passage</b>	<b>Other Action</b>
8009		42	45		35
8009-S			45	45	50(P), 50, 51(S)
8011					36
8012	94				
8013	94				
8014	108	197			420
8016	134	185	256		
8016-S			256	256	463, 465(P), 882(S)
8017	134	204			420
8018	187				
8019	1038				
8020	1171				



## HISTORY OF SENATE JOINT RESOLUTIONS

<b>Bill No.</b>	<b>Introduction &amp; 1<sup>st</sup> Reading</b>	<b>Committee Report</b>	<b>2<sup>nd</sup> Reading Amendments</b>	<b>3<sup>rd</sup> Reading Final Passage</b>	<b>Other Action</b>
8202					36
8215-S					36
8217	27				
8218	57				
8219	57				
8220	57				
8221	94	216	909	910, 1179, 1266	1163, 1179, 1264, 1265, 1266, 1320, 1321(P), 1321(S)
8222	102	216	341	342	1163
8223	128	136, 217	329	329	1009, 1010, 1041(P), 1088(S)
8224	134				
8225	155				
8226	155				
8227	206				

## HISTORY OF SENATE CONCURRENT RESOLUTIONS

<b>Bill No.</b>	<b>Introduction &amp; 1<sup>st</sup> Reading</b>	<b>Committee Report</b>	<b>2<sup>nd</sup> Reading Amendments</b>	<b>3<sup>rd</sup> Reading Final Passage</b>	<b>Other Action</b>
8405	49		50		49, 50(P), 50, 51(S)
8406	49		50		50, 50(P), 50, 51(S)
8407	57		58		57, 58, 58, 74(P), 131(S)
8408	57		58		58, 74(P), 131(S)
8409	155				156
8410	1107		1160		1108, 1160, 1161(P), 1161, 1162(S)
8411	1107		1160		1108, 1161(P), 1161, 1162(S)
8412	1229		1263		1229, 1263(P), 1263, 1264(S)
8413	1229		1263		1229, 1263(P), 1263, 1264(S)

## HISTORY OF SENATE FLOOR RESOLUTIONS

NUMBER	SUBJECT	PAGE #
8662	Standing committee names	4
8663	Human trafficking orgs	74
8664	Indigenous peoples	455
8665	Senator Scott White	85
8666	Senate rules	85
8667	Individuals with autism	259
8668	2011 Spokane Valley Bengals	112
8670	1st flight across North Pole	103
8671	Slade Gorton	128
8672	Br Columbia leg. intern prog	400
8673	Girls & women in sports day	172
8674	National Guard	198
8675	Frank Cunningham	188
8676	Margaret Anderson	208
8677	Transverse myelitis	407
8678	Steve Appel	221
8679	Daffodil festival	389
8680	Veterans	241
8681	Sequim lavender festival	411
8682	Goldendale Community Library	400
8683	Ducks Unlimited	430
8684	Kari Koski	412
8685	Tahoma High School	464
8686	Girl Scouting	404
8687	Catholic schools week	401
8688	Brigadoon Service Dogs	494
8689	Arts education month	412
8690	Civic education	407
8691	4-H youth development prog	413
8692	Olympia Symphony Orchestra	430
8693	Alcoa Wenatchee Works	429
8694	Blessing of the fleet 2012	429
8695	Norway	429
8696	Skagit Valley tulip festival	431
8697	Individuals w/ disabilities	436
8698	Benton REA	431
8699	C. Speck Motors	432
8700	Trooper Tony V. Radulescu	495
8701	Filipino-Americans	615
8702	LeMay Car Museum	707
8703	Apple blossom festival	877
8704	Paddle to Squaxin 2012	1015
8705	Douglas C. Elms	967
8706	Senate business, interim	1161

## HISTORY OF HOUSE BILLS

Bill No.	Introduction & 1 <sup>st</sup> Reading	Committee Report	2 <sup>nd</sup> Reading Amendments	3 <sup>rd</sup> Reading Final Passage	Other Action	Action by Governor
1050	98	440			95, 1163	
1057-S	162	433	695	696	161, 695, 882, 1088(S), 1108(P)	C158
1073-S	162	402	451	451	161, 607(S), 609(P)	C5
1081-S	98	441			95, 1163	
1144-S2	163				161, 1163	
1194-S	163	422	469	469	161, 607(S), 609(P)	C6
1207	122	402			120, 1163	
1217-S	163	422			161, 1163	
1221	98	422			95, 1163	
1234	99	402	613	613	96, 882(S), 883(P)	C88
1253-S	316				288, 1163	
1256-S	316				289, 1163	
1259-S	163	422			161, 1163	
1327	163	422			161, 1163	
1349-S	122	441			120, 1163	
1365-S	40				40, 51,	
1381	99	416	484	484	96, 607(S), 609(P)	C7
1398	155	422	618, 619, 1049	619, 1050	154, 619, 1049, 1050, 1088, 1159(S), 1160(P),	C200
1470-S	99	402			96, 1163	
1486	99	397	436	437	96, 607(S), 609(P)	C8
1508-S	390				344, 1164	
1518-S	317	402			289, 1163	
1552-S	317	441	663	682	288, 682, 882, 1088(S), 1108(P)	C159
1556-S	391				344, 1164	
1559-S	398	441	469	470	390, 470, 882, 1088(S), 1108(P)	C160
1568-S	122				120, 1164	
1615-S	99	423			96, 1163	
1627-S	254	409	496	497	234, 497, 882, 1088(S), 1108(P)	C212
1650-S	122	423, 458			120, 1163	
1652-S2	122	423	470	470	120, 607(S), 609(P)	C9
1669	122	402			120, 1163	
1699-S	99	458			96, 1163	
1700-S	122	409	472	473	120, 473, 814, 883(S), 883(P)	C67
1753-S	276	423			253, 1163	
1775-S	254	441	611	611	234, 882(S), 883(P)	C201
1820-S	697		715	717	607, 698, 716, 883(S), 883(P)	C37
1833	163	409			161, 1163	
1852-S	276	409			253, 1163	
1860-S3	391	416	466, 467, 468	469	344, 467, 468, 882, 1088(S), 1108(P)	C89
1865-S	187				173, 1164	
1900	156	441			154, 448, 1164	
1983-S	317	441	527	531	289, 531, 882, 1088(S), 1108(P)	C134
2010-S	317	416			289, 1163	
2048-S	276	423, 458	524	526	253, 526, 843, 1088(S), 1108(P)	C90
2056-S	276	402	451	452	253, 607(S), 609(P)	C10
2058-S	46		46	47	42, 46, 50(S), 50(P)	C 9 L 11 E2

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2127-S	697, 1180, 1300		1319	1319	607, 1164, 1180, 1204, 1264, 1300, 1321(S), 1321(P)	C 7 L 12 E2
2131-S	46		47	47	42, 46, 50(S), 50(P)	C 6 L 11 E2
2138	122	409	452	452	120, 607(S), 609(P)	C11
2139-S	1088		1110	1110	1071, 1089, 1159(S), 1160(P)	C91
2145	33				31, 51	
2148-S	46		47	47	42, 46, 50(S), 50(P)	C 7 L 11 E2
2149-S	276	458	1089	1089	253, 1159(S), 1160(P)	C59
2152	345	433	612	613	316, 612, 814, 883(S), 883(P)	C92
2156-S2	391	423, 458	610	611	344, 814, 883(S), 883(P)	C50
2159	46		47	48	45, 46, 50(S), 50(P)	C 1 L 11 E2
2160	46		48	48	45, 46, 50(S), 50(P)	C 2 L 11 E2
2169-S	46		48	48	42, 46, 50(S), 50(P)	C 8 L 11 E2
2170-S2	345	423			316, 427, 1164	
2176-S	391				344, 1164	
2177-S	345	441	661	663	316, 662, 814, 1088(S), 1108(P)	C135
2179	345				316, 1164	
2181-S	122	409	492	492	120, 607(S), 609(P)	C12
2186	156	397	438	438	154, 607(S), 609(P)	C13
2188-S	122	397	526	527	120, 882(S), 883(P)	C93
2190-S	953		978, 1004, 1005	1006	952, 953, 1006, 1037, 1159, 1162(S), 1162(P), 1162	C86PV
2191-S	254	441	486	487	234, 486, 814, 883(S), 883(P)	C94
2194-S	122	416	712	712	120, 883(S), 883(P)	C213
2195	123	423	712	712	120, 883(S), 883(P)	C95
2196-S	123	441			120, 1163	
2197-S	276	442	556	603	260, 603, 814, 1088(S), 1108(P)	C214
2205	317	423			289, 1163	
2210	156	433	682	682	154, 883(S), 883(P)	C202
2211-S2	345				316, 1164	
2212-S	156	416	616	616	154, 882(S), 883(P)	C161
2213	163	402	452	452	161, 607(S), 609(P)	C14
2216-S2	391	442, 458	682	683	344, 448, 883(S), 883(P)	C162
2218-S	156	417			154, 1163	
2219	156	433			154, 1163	
2223-S	254	406	498	498	234, 882(S), 883(P)	C96
2224	277	424	617	617	253, 882(S), 883(P)	C97
2228-S	317	442			289, 1163	
2229-S	277	442	713	713	260, 883(S), 883(P)	C98
2232	317	403			289, 1163	
2233-S	317	403	487, 488, 489, 911	489, 912	289, 489, 910, 911, 912, 1013, 1088(S), 1108(P)	C48
2234-S	277	458			253, 1163	
2235	187	397			173, 1163	
2238-S2	391	424	620	623	364, 622, 882(S), 883(P)	C62
2239-S	391	442	705	706	344, 883(S), 883(P)	C215
2240	391	433, 458			344, 1163	
2242	156	433			154, 1163	
2244	277	406	452	453	253, 607(S), 609(P)	C15
2247	163	424	437	437	161, 607(S), 609(P)	C16
2252-S	277	424	470	472	253, 472, 814, 1088(S),	C68

Bill No.	Introduction & 1 <sup>st</sup> Reading	Committee Report	2 <sup>nd</sup> Reading Amendments	3 <sup>rd</sup> Reading Final Passage	Other Action	Action by Governor
					1108(P)	
2253-S2	391	442, 459			344, 1163	
2254-S	345	424, 442	478	482	316, 481, 882, 1088(S), 1108(P)	C163
2255-S	187	397	438	438	173, 438, 454, 607(S), 609(P)	C17
2256	254	417			234, 1163	
2257	398				390, 1164	
2259-S	254	424	549	549	234, 882(S), 883(P)	C227
2261-S	277	397	704, 705	705	253, 705, 882, 1088(S), 1108(P)	C203
2262	1107		1110	1110	1108, 1109, 1159, 1162(S), 1162(P)	C217
2263-S	391	442, 459	683	684	344, 684, 882, 1088(S), 1108(P)	C204
2264-S2	398	442, 459	684, 685, 688, 1030	694, 1036	390, 688, 693, 1030, 1030, 1036, 1038, 1088(S), 1108(P)	C205
2265-S2	391				364, 1164	
2270-S	254				234, 1164	
2272-S	392	417			344, 1163	
2274	254	409	455	455	234, 607(S), 609(P)	C18
2275	277	459			253, 1163	
2280	317	459			289, 1163	
2283	163	409			161, 1163	
2285	254	403			234, 1163	
2287	277	443			253, 1163	
2289-S2	392	443			344, 1164	
2292	277				253, 1164	
2293	163	424	498	498	161, 882(S), 883(P)	C216
2296-S	392	443			344, 1163	
2297-S	392				344, 1164	
2299-S	254	410	474	478	235, 478, 814, 883(S), 883(P)	C65
2301-S	277	417	706	706	260, 883(S), 883(P)	C99
2302-S	392	443	498	504	344, 504, 814, 883(S), 883(P)	C42
2304	392	417	439	439	344, 607(S), 609(P)	C19
2305	187	410	613	613	173, 882(S), 883(P)	C218
2306	187	397	456	456	173, 607(S), 609(P)	C100
2308	163	443	703	703	161, 703, 882, 1088(S), 1108(P)	C165
2312-S	254	459	616	616	235, 882(S), 883(P)	C69
2313-S	255	424	484, 485	486	234, 882, 1088(S), 1108(P)	C228
2314-S	255	424	507	521	234, 521, 814, 1088(S), 1108(P)	C164
2318-S	398	443	712	712	390, 883(S), 883(P)	C101
2319-S2	345	424	624, 633, 638, 648	658	316, 633, 648, 657, 843, 1088(S), 1108(P)	C87PV
2326-S	317	417	698, 699, 701	702	289, 699, 701, 882, 1088(S), 1108(P)	C219
2328	398	433	658	659	390, 882(S), 883(P)	C102
2329	278	406	439	440	253, 882, 1088(S), 1108(P)	C166
2330-S	392	410, 459			364, 411, 721, 1163	
2331-S	278				260, 1164	
2335-S	278	433			260, 1164	

Bill No.	Introduction & 1 <sup>st</sup> Reading	Committee Report	2 <sup>nd</sup> Reading Amendments	3 <sup>rd</sup> Reading Final Passage	Other Action	Action by Governor
2337-S2	345	425, 460	543	544	316, 543, 882, 1088(S), 1108(P)	C178
2339	278	403			253, 1163	
2341-S	392	410	493	493	364, 882(S), 883(P)	C103
2343	398	443			390, 1163	
2344-S	278	403			260, 1163	
2346	346	443, 460	531, 533	535	316, 533, 535, 814, 883(S), 883(P)	C220
2347-S	278	425	617	618	253, 618, 882, 1088(S), 1108(P)	C179
2349-S	318	443	504	505	289, 505, 1013, 1088(S), 1108(P)	C167
2352-S	318	425	491	492	289, 607(S), 609(P)	C104
2353	392				344, 1164	
2354-S	278	425	535	535	253, 882(S), 883(P)	C105
2355-S	278				253, 1164	
2356	278	417	439	439	253, 607(S), 609(P)	C221
2357-S	1089		1110	1110	1088, 1089, 1159(S), 1160(P)	C180
2360-S	188	417	611	612	173, 882(S), 883(P)	C206
2361-S	318	425	659, 660	660	289, 660, 912, 1088(S), 1108(P)	C222
2362	188	417	466	466	173, 607(S), 609(P)	C106
2363-S	278	444	536, 539	542	253, 539, 542, 814, 1088(S), 1108(P)	C223
2365-S2	278	444			260, 1163	
2366-S	318	444	482, 483	484	289, 483, 814, 883(S), 883(P)	C181
2367-S	188	417	466	466	173, 607(S), 609(P)	C107
2368	279				253, 1164	
2370	318				288, 1164	
2372-S	393	460			344, 1163	
2373-S2	608		960, 961, 965	966	490, 608, 961, 966, 1038, 1087, 1088(S), 1108(P)	C261
2375-S	393	434			344, 1163	
2384-S	318	418	492	493	289, 607(S), 609(P)	C108
2389-S	318	418	506	506	289, 882(S), 883(P)	C182
2393	279	444	493	493	253, 607(S), 609(P)	C109
2395-S	346	434			316, 1163	
2396	279	434			253, 1163	
2400	393	410			344, 1163	
2401	393	444			344, 1163	
2405	393				344, 1164	
2407-S	346	434			316, 1163	
2416-S	393	434			344, 1163	
2417	163	444			161, 1163	
2420	399	444	620	620	390, 399, 882(S), 883(P)	C207
2421-S	346	418			316, 1163	
2422-S	279	406	437	437	253, 607(S), 609(P)	C63
2439-S	279	403			253, 1163	
2440	163	406	484	484	161, 608(S), 609(P)	C38
2441	399	418			390, 1163	
2442	318	444			289, 1163	
2443-S2	393	444, 460	1089	1101	344, 448, 1101, 1108, 1159(S), 1160(P)	C183
2449	279	425			253, 1163	
2452-S2	346	418	702	703	316, 1013, 1088(S),	C224

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					1108(P)	
2456	318	418	495	495	289, 882(S), 883(P)	C168
2457	318	418			289, 1163	
2458-S	318	434			289, 1164	
2459	279	425	614	614	253, 882(S), 883(P)	C70
2469	255	418	603	604	234, 603, 814, 883(S), 883(P)	C169
2471	399				390, 1164	
2473-S	318	444	535, 536	536	289, 536, 814, 883(S), 883(P)	C208
2474	346	460			316, 1163	
2476	279	460			253, 1163	
2482	279	425	551	554	253, 554, 882, 1088(S), 1108(P)	C225
2483-S2	1013		1041	1042	1013, 1014, 1071, 1159(S), 1160(P)	C229PV
2485	279	403	453	453	253, 453, 882, 1088(S), 1108(P)	C209
2488	393	445			344, 1163	
2491-S	279, 1189	403	1203	1203	253, 1163, 1189, 1233(S), 1234(P),	C 2 L 12 E1
2492-S	279	425, 460	542	543	253, 882(S), 883(P)	C210
2499	280	425	548	549	253, 882, 1088(S), 1108(P)	C226
2501-S2	399	445			390, 399, 1163	
2502-S	319	410, 460	707	707	289, 883(S), 883(P)	C170
2503-S	346	426			316, 1163	
2509	280	445	613, 1102	614, 1102	260, 614, 1101, 1102, 1108, 1159(S), 1160(P)	Vetoed
2510-S	399	445			390, 1163	
2512-S	280	445			253, 1163	
2513	280	434			260, 1163	
2523	319	397	619	620	289, 882(S), 883(P)	C211
2524	280	410			253, 1163	
2535	280	445	554, 555	556	253, 555, 556, 882, 1088(S), 1108(P)	C146
2536-S2	393	445, 461	694, 1050	695, 1052	344, 694, 1050, 1052, 1071, 1159(S), 1160(P),	C232
2541-S	280	445	495	495	253, 882(S), 883(P)	Vetoed
2545-S	280	445	660	661	260, 882(S), 883(P)	C171
2553-S	319				289, 1164	
2558	280	434			253, 1163	
2565-S2	1039, 1180, 1294		1299	1299	1013, 1164, 1180, 1204, 1264, 1293, 1321(S), 1321(P)	C 4 L 12 E1
2566	280	434			253, 1163	
2567-S	319	418	549, 550	550	289, 550, 882, 1088(S), 1108(P)	C60
2570-S	394	446	713, 715	715	344, 715, 882, 1088(S), 1108(P)	C233PV
2571-S	394	418	1126	1126	364, 1159(S), 1160(P)	C234
2574-S	280	461	551	551	253, 882(S), 883(P)	C71
2578-S	280	446			253, 1163	
2582-S	280	426	495, 496	496	260, 843, 1088(S), 1108(P)	C184
2585-S3	399	426, 446	544, 548	548	390, 548, 1038, 1088(S), 1108(P)	C230PV
2586-S	346	426, 461	708, 709	711	316, 709, 710, 882,	C51



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					1088(S), 1108(P)	
2587-S2	399				390, 1164	
2590-S	394, 1189	461	1203	1203	344, 1163, 1189, 1233(S), 1234(P),	C 3 L 12 E1
2592-S	319	446, 461	707	707	289, 448, 883(S), 883(P)	C52
2595	281	419			253, 1163	
2601-S	319	461			289, 1163	
2602	281				260, 1164	
2603-S	281	446			253, 1163	
2604	394				344, 1164	
2605-S	394	419			344, 1163	
2607-S	399	461			390, 1163	
2608-S	319	403			289, 1163	
2610	281				253, 1164	
2614-S	394	426	604, 913	606, 926	344, 604, 606, 913, 913, 926, 1013, 1088(S), 1108(P)	C185
2615-S	394	435, 461			344, 1163	
2617-S	319	426, 462	506	506	289, 506, 843, 1088(S), 1108(P)	C186
2620	1014		1042	1042	1013, 1014, 1088(S), 1108(P)	C187
2624	394	419			344, 1163	
2639	281	419			253, 1163	
2640-S	346	419	713	713	316, 913, 1088(S), 1108(P)	C235
2643	319	446			289, 1163	
2648-S	394				344, 1164	
2650-S	281				253, 1164	
2651	319	446	492	492	289, 608(S), 609(P)	C110
2653	281	419	438	438	254, 607(S), 609(P)	C111
2657-S	281	446	551	551	253, 882(S), 883(P)	C147PV
2658-S	281	446			253, 1163	
2660	1127		1127	1127	1126, 1127, 1162(S), 1162(P)	C74
2664-S	281	406	491	491	253, 608(S), 609(P)	C112
2668-S	319	446			289, 1163	
2669-S	394	435			344, 1163	
2671	394	447	683	683	364, 883(S), 883(P)	C172
2673-S	395	462	623	624	344, 623, 843, 1088(S), 1108(P)	C66
2692-S	320	447	521	524	289, 524, 843, 1088(S), 1108(P)	C136PV
2697	395	435			344, 1163	
2698	320	426			289, 1163	
2705	281	410	437	437	254, 608(S), 609(P)	C113
2717-S2	347	426			316, 1163	
2722-S	395				344, 1164	
2725	320				289, 1164	
2733-S	395	426			344, 1164	
2735	395	419			344, 1163	
2736-S	347	427			316, 1163	
2738	395				344, 1164	
2741	281				254, 1164	
2747-S	347	410	615	615	316, 882(S), 883(P)	C173
2748-S	320	419			289, 1163	
2757-S	395	411	454	454	344, 608(S), 609(P)	C114
2758	395	403	454	454	344, 608(S), 609(P)	C39

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2771	395	462	658	658	365, 658, 843, 1088(S), 1108(P)	C236
2799-S	953		1040	1041	952, 953, 1088(S), 1108(P)	C53
2803	1014		1042	1043	966, 1014, 1043, 1071, 1159(S), 1160(P)	C237
2814	697		711	712	607, 698, 883(S), 883(P)	C84
2821	1190	1201			1189, 1264	
2822	1180		1235	1235	1180, 1204, 1263(S), 1263(P)	C 9 L 12 E1
2823-S	1294		1299	1299	1293, 1321(S), 1321(P)	C 5 L 12 E2
2824	1189	1201	1229, 1232	1233	1189, 1204, 1233, 1264(S), 1264(P)	C 10 L 12 E1
2828-S	1180		1181	1181	1180, 1234(S), 1234(P),	C 4 L 12 E1
2830	1189, 1266				1189, 1264, 1266, 1266	
2834	1229		1243	1244	1229, 1264(S), 1264(P)	C 5 L 12 E1

## HISTORY OF HOUSE CONCURRENT RESOLUTIONS

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4407	58		59		58, 59, 131(S), 132(P)
4408	58		146		58, 146, 161, 208(S), 217(P)
4409	156		172	173	154, 156, 208(S), 217(P)
4410	399		454		398, 399, 455, 456, 607(S), 609(P), 1040
4411	1177		1177		1177, 1234(S), 1234(P)
4412	1265		1266		1265, 1266, 1321(S), 1321(P)
4413	1320		1320		1320, 1321(S), 1321(P)
4414	1320		1320		1320, 1321(S), 1321(P), 1321

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 Harassment, of criminal justice participants, definition to include defense and prosecuting attorneys: **\*E2SHB 1206, CH 64 (2011) PV**  
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Debt collection agencies, increasing exemptions from collection process and prohibited actions by licensed collection agencies: **\*ESHB 1864, CH 162 (2011)**

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Dispute resolution centers, donations to, business and occupation tax deduction for center and donating nonprofit organization: **\*SB 6159, CH 249 (2012) PV**

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- Small, appointment of small business advocate and development of customer survey: SB 6142
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- Small, increasing participation in state purchasing through model plan and web-based information system: **\*HB 1770, CH 358 (2011) PV**
- Small, innovate Washington role in a small business innovation assistance program: **\*2ESB 5764, CH 14 (2011) PV**
- Small, state agency and local government rule making to consider economic impact: **\*SB 5500, CH 249 (2011)**
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- Social card game businesses, in area annexed by city, conditions for allowing: **\*SHB 1402, CH 134 (2011)**, SB 5556
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- Tow truck operators, vehicle impoundment, reimposition of vehicle redeemed or purchased at auction: HB 2275
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- Vulnerable adult and elder referral agencies, regulation: **\*ESHB 1494, CH 357 (2011)**
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Abuse, commercial sexual abuse of a minor, advertising of, class C felony: SB 6251

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Adverse childhood experiences, nongovernmental public-private initiative: **\*E2SHB 1965, CH 32 (2011)**

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Child welfare services, dependency system, unannounced monthly visits to caregivers: **\*SHB 1697, CH 160 (2011)**, SB 5393

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Child welfare services, evidence-based and research-based programs: **\*E2SHB 2536, CH 232 (2012)**

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**\*E2SHB 2264, CH 205 (2012)**

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Custody, Braden and Charlie Powell act: SB 6640

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Fatality and near fatality reviews, in child welfare cases, role of department of social and health services: **\*SHB 1105, CH 61 (2011)**, SB 5043

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Immunization, exemption from public school requirements: HB 1015, **\*ESB 5005, CH 299 (2011)**

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Neglect, by supervised persons, reporting requirements for supervisors: SB 5971

Neglect, mandatory reporting requirements, clarifying abuse provisions and extending to include neglect: ESHB 2331

Neglect, mandatory reporting requirements, extending to specified higher education institution employees: SB 5991

Neglect, reports of, department of social and health services response, including family assessments and investigations: SB 6555

Negligent treatment or maltreatment of a child, expanding definition: SB 6258

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Sexual exploitation of children, child pornography evidence, prohibiting reproduction and restricting viewing and distribution: **\*SHB 2177, CH 135 (2012)**

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- Ambulance service utilities, city and town allocation of funds toward cost of utility: \***SHB 1596, CH 139 (2011)**, SB 5493
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- Annexation, population of annexed territory, determination through federal census data use: SHB 1336, \***ESB 5505, CH 342 (2011)**
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- Community municipal corporations, repealing and deleting provisions: HB 2610
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 State education council, establishment: ESHB 1849  
 STEM, national multidisciplinary STEM program examinations, adding to master list of examinations qualifying for college credit: **\*ESB 5974, CH 3 (2011)**  
 Student achievement council, creation as successor to higher education coordinating board: **\*E2SHB 2483, CH 229 (2012) PV**  
 Student achievement council, creation of: SB 6232  
 Student achievement council, office of the, creation as successor to higher education coordinating board: SB 6232  
 Student achievement, joint select legislative committee on, establishment: SB 6232  
 Student child care in higher education account, deposit of certain lottery moneys: SB 5795  
 Student financial assistance, office of, creation: SB 5182  
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University of Washington, forest resources institute and school, addressing forest sector issues: \***SHB 1254, CH 187 (2011)**, SB 5123

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Washington State University, branch campuses, development doctoral programs: \***HB 1586, CH 208 (2011)**, SB 5315

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Washington State University, development of forest biomass to aviation fuel: \***SHB 1422, CH 217 (2011)**

Washington State University, duties within Washington state college and university system: SB 5107

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 Sex offenders, registered, notice to college when offender will be attending or be an employee: SB 5203  
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 STEM, national multidisciplinary STEM program examinations, adding to master list of examinations qualifying for college credit: **\*ESB 5974, CH 3 (2011)**  
 Student achievement council, creation as successor to higher education coordinating board: **\*E2SHB 2483, CH 229 (2012)**

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Student achievement council, creation of: SB 6232  
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 Student achievement, joint select legislative committee on, establishment: SB 6232  
 Student child care in higher education account, deposit of certain lottery moneys: SB 5795  
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 Students with disabilities, creating legislative task force on improving higher education access for: SB 6267  
 Students with disabilities, creating statewide database of student disability accommodation resources: SB 6266  
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 Students, involvement in higher education institution governance: SB 6334  
 Students, rights when member of national guard or other military reserve component: HB 1221, SB 6164  
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 Travel arrangements by institutions, appropriate means for making and paying for: **\*3SHB 2585, CH 230 (2012) PV**  
 Tuition waivers, revising total gross authorized operating fees revenue amounts for waivers: SB 6617  
 Tuition, ensuring high-value return through higher education opportunity act: **\*E2SHB 1795, CH 10 (2011) PV**  
 Tuition, resident undergraduates, reductions or increases to be as provided in omnibus appropriations act: SB 5679, SB 5915  
 Tuition, setting tuition for each student at rate in effect on first day of their first term: SB 5719  
 Veterans, early registration: SHB 2503  
 Veterans, modifying definition of resident student to include veterans residing in state when separated from service: SB 6544  
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Self-defense, use of force in, provisions concerning lawful use: SB 5418  
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Sexual exploitation of children, child pornography evidence, prohibiting reproduction and restricting viewing and distribution: \***SHB 2177, CH 135 (2012)**  
Sexual exploitation of children, offenders to be charged fees in certain cases: \***ESHB 1983, CH 134 (2012)**, SB 6260  
Sexual exploitation of children, restricting defense possession and viewing of evidence: SB 5989  
Shark finning activities to constitute unlawful trade in shark fins, penalties: SB 5688  
Small loans, making unlicensed loans, increasing criminal penalty: HB 1805  
Statistics, exempting institutions of higher education from certain reporting requirements: \***SHB 2259, CH 227 (2012)**  
Tampering with a witness, unit of prosecution: \***HB 1182, CH 165 (2011)**  
Theft of metal property, in first and second degrees, to include theft of metal wire: \***ESHB 2570, CH 233 (2012) PV**  
Theft of rental, leased, lease-purchased, or loaned property, determining physical location of crime: \***SB 6108, CH 30 (2012)**  
Theft, organized retail theft, expanding definition: SB 6003  
Trafficking in stolen property in first and second degrees, statute of limitations: SB 6143

Trafficking in stolen property in first and second degrees, statute of limitations when property is motor vehicle: **\*SHB 2354, CH 105 (2012)**

Trafficking, first and second degrees, offenders to be charged fees in certain cases: **\*ESHB 1983, CH 134 (2012)**, SB 6260

Trafficking, first degree, adding sexually explicit act to: **\*ESB 6257, CH 144 (2012)**

Trespass in first degree, criminal, at rental properties, protections for tenants: SB 6483

Vehicle prowling, second degree, class C felony in certain cases: SB 5154

Vehicular assault, sentences: SB 6052

Vehicular homicide under the influence, convicted offender to pay child support to victim's minor children: HB 2405

Vehicular homicide, sentences: **\*2SHB 2216, CH 162 (2012)**, SB 6052

Voters' pamphlets, false statements of material fact in, violation and penalty: SB 5655

Weapons, juvenile firearms and weapons crimes, provisions: SB 5313

Wildlife, killing or harming with malice, class C felony: **\*SHB 1243, CH 67 (2011)**

#### **CRIMINAL JUSTICE TRAINING COMMISSION**

Motorcycles, profiling by law enforcement, defining and addressing: **\*ESB 5242, CH 49 (2011)**

#### **CRIMINAL OFFENDERS (See also BAIL AND BAIL BONDS; CRIMINAL PROCEDURE; INDETERMINATE SENTENCE REVIEW BOARD; JUVENILE COURT AND JUVENILE OFFENDERS; SENTENCING; SEX OFFENSES AND OFFENDERS)**

Adult offender supervision, interstate compact for, examination and addressing of issues: **\*SHB 1438, CH 135 (2011)**

Alien offenders, deportation: **\*ESHB 1547, CH 206 (2011) PV**, SB 5140

Animal abuser registry, requirements: SB 5144

Autopsy and postmortem reports and records, denying access to persons guilty of a crime resulting in decedent's death: SB 6037

Blue alert system, implementation as quick response to injuring or killing of law enforcement officers: **\*ESHB 1820, CH 37 (2012)**

Booking photographs and electronic images, at jails, to be open to the public: SB 5721

Booking photographs, at jails, to be open to the public: SHB 1689

Chemical dependency, helping persons with, improving collaboration between providers, service delivery, law enforcement, and criminal justice agencies: SB 5452

Civil actions by offenders in correctional facilities, restricting ability to initiate legal claims: **\*SHB 1037, CH 220 (2011)**, SB 5024

Commercial sexual abuse of a minor, requiring offender to make restitution: SB 6259

Community supervision, amending provisions: SB 6204

Criminal history record information, privacy of nonconviction records: SB 5019

Criminally insane, persons committed as, conditional release to county of origin: SB 5105

Deferred prosecution, criminal history or court record information, prohibiting dissemination after successful completion of program: SB 5591

Developmental disabilities, offender with, mental health courts and transfer communication requirements: **\*SHB 1718, CH 236 (2011)**

DNA identification system, collection of samples from adults arrested for a ranked felony or gross misdemeanor violation of an order: SB 6478

DNA identification system, collection of samples from adults arrested for a violent offense or sex offense: SB 5240

DNA identification system, collection of samples from sex and kidnapping offenders: SB 6437

DNA identification system, collection of samples from unlawful aliens: SB 6437

DNA identification system, offender payment of fee to help offset costs for collection of samples: **\*2SHB 1153, CH 125 (2011)**

Early release offenders, extraordinary medical placement for: SB 6575

Early release, reducing sentences for certain offenders to reduce correctional costs: SB 5866

Fees, offenders to be charged for trafficking, prostitution, and sexual exploitation of children in certain cases: **\*ESHB 1983, CH 134 (2012)**, SB 6260

Firearms, right to possess, petitioning to restore: **\*HB 1455, CH 193 (2011)**

First time offender waiver, offenders sentenced to, revising terms of supervision: SB 5875

Health care for incarcerated offenders, provisions concerning provider payments, copays, and medicaid applications: **\*HB 2803, CH 237 (2012)**, SB 6531

Housing, transitional reentry, for offenders through department of corrections: SB 6407

- Human trafficking, requiring offender to make restitution: SB 6259
- Identification of criminals, system for emergency shelter and transitional housing entities: SB 6167
- Inmate assault of correctional officer or department of corrections employee, civil judgments: **\*HB 1334, CH 282 (2011), SB 5030**
- Insanity, persons acquitted by reason of, exclusion from benefitting from unlawful killing: SB 5103
- Interstate compact for adult offender supervision, examination and addressing of issues: **\*SHB 1438, CH 135 (2011)**
- Law enforcement officers, killing or injuring, implementing blue alert system for apprehending offenders: **\*ESHB 1820, CH 37 (2012)**
- Legal financial obligations, court-ordered, collection by county clerks: SB 5533, SB 5880
- Legal financial obligations, nonrestitution debt, legal mechanism for elimination of interest: SB 5423
- Legal financial obligations, restitution debt, reduction of interest in certain cases: SB 5423
- Medical placement, extraordinary, for early release offenders: SB 6575
- Mental health disorders, helping persons with, improving collaboration between providers, service delivery, law enforcement, and criminal justice agencies: SB 5452
- Persistent offenders, authorizing community custody after fifteen years: SB 5053
- Persistent offenders, minimum term sentence when certain conditions are met: SB 5236
- Pretrial release, use of risk assessment tool prior to pretrial release or detention: SB 5056
- Prostitution, promoting in the first degree, requiring offender to make restitution: SB 6259
- Public records requests by correctional inmates, authority of court to enjoin: SB 5099, SB 6351
- Public records requests by correctional inmates, award of penalties in action challenging agency claim of exemption: SB 5025
- Records, criminal history record information, including background checks and conviction and nonconviction records: **\*ESB 6296, CH 125 (2012)**
- Records, privacy of nonconviction records: SB 5019
- Records, vacating in spite of conviction for new crime: SB 6071
- Registration, sex or kidnapping offender, notice to adult family home or boarding home: SB 5102
- Registration, sex or kidnapping offender, revising provisions to improve administration and efficiency: SB 5203
- Release, early release, reducing sentences for certain offenders to reduce correctional costs: SB 5866
- Release, notification of, after dismissal of charges based on incompetence to stand trial: SB 6261
- Release, youth who committed violent or sex offense or stalking, notice to certain schools: SHB 1549, SB 5428
- Slayer statute, including persons acquitted by reason of insanity: SB 5103
- Supervision, community supervision, amending provisions: SB 6204
- Supervision, department of corrections to charge offender the supervision intake fee: SHB 1632
- Transferring offenders out-of-state, constraining department of corrections authority: SHB 1019
- Traumatic brain injury, offender with, mental health courts and transfer communication requirements: **\*SHB 1718, CH 236 (2011)**
- Treatment programs for juvenile and adult offenders, reinvesting certain cost savings in evidence-based programs: SB 5866
- Veterans' courts, establishment and use, including offender participation requirements: SB 6404
- Wrongful conviction and imprisonment for a felony, claims for compensation and damages: SB 5139
- Wrongful conviction and imprisonment for a felony, claims for compensation and damages against the state: SB 5460

#### **CRIMINAL PROCEDURE (See also BAIL AND BAIL BONDS; SENTENCING)**

- Alcohol use, persons under twenty-one, limited immunity from prosecution when seeking medical attention for alcohol poisoning: HB 1166
- Braden and Charlie Powell act, prohibiting child custody award to suspect in active homicide investigation: SB 6640
- Chemical dependency, helping persons with, improving collaboration between providers, service delivery, law enforcement, and criminal justice agencies: SB 5452
- Competency to stand trial, determining, improving forensic resource utilization for: SB 6492
- Competency, evaluation, examination for developmental disability to take place in jail or detention facility: SB 5114
- Criminally insane, persons committed as, conditional release to county of origin: SB 5105
- Criminally insane, persons committed as, involuntary medication of: SB 6234
- Death penalty, eliminating in favor of life imprisonment without possibility of parole: SB 6283
- Death penalty, elimination: SB 5456
- Declarations, uniform unsworn foreign declarations act, provisions: **\*HB 1345, CH 22 (2011)**
- Deeds of trust, beneficiaries, penalties for false swearing by: SB 6199
- Defendants, provisions concerning pleading or being found "guilty and mentally ill": SB 5104

Deferred prosecution, criminal history or court record information, prohibiting dissemination after successful completion of program: SB 5591

Depositions and discovery, uniform interstate depositions and discovery act: **\*HB 2195, CH 95 (2012)**

Driving while license is suspended or revoked, driver being held to answer in any court upon filing of an information by prosecuting attorney: SB 5195

Evidence, confession or admission, clarifying when sufficient for convicting defendant: SB 6182

Felony offenses, bail, individualized determination by judicial officer: **\*SHB 1194, CH 6 (2012)**

Gangs, criminal street gangs, authorizing injunctive relief to enjoin, abate, and prevent criminal street gang activity: SB 6008

Guilty and mentally ill, defendants pleading or found to be: SB 5104

Harassment, no-contact orders and other protections for victims: **\*ESHB 2363, CH 223 (2012)**

Harassment, protection orders and other provisions, revising: SHB 1626, SB 5579

Homicide investigations, prohibiting child custody award to suspect in active investigation: SB 6640

Incompetent to stand trial, offenders found to be, notification of release after dismissal of charges: SB 6261

Informants who are alleged victims, use when investigating commercial sexual exploitation of children: **\*SHB 1874, CH 241 (2011)**, SB 5545

Informants, disclosure and regulation of evidence and testimony: SB 5004

Legal financial obligations, nonrestitution debt, legal mechanism for elimination of interest: SB 5423

Legal financial obligations, restitution debt, reduction of interest in certain cases: SB 5423

Mental health disorders, helping persons with, improving collaboration between providers, service delivery, law enforcement, and criminal justice agencies: SB 5452

Pretrial risk assessment tool, development and use for pretrial release and detention purposes: SB 5056

Pro se defendants, questioning of victims, procedures: SB 5014

Pro se defendants, sex offense cases, limiting possession and viewing of evidence by defendant: SB 5989

Pro se defendants, sex offense cases, restrictions on questioning of victim: SHB 1001

Prostitution, prosecution for, affirmative defense for victims of human trafficking or promoting prostitution: **\*ESB 6255, CH 142 (2012)**

Protection orders, hearings on, strict observation of rules of evidence: SB 6511

Protection orders, revising harassment provisions: SHB 1626, SB 5579

Protection orders, sealing in certain cases to protect a person's housing opportunities: SB 6321

Records, criminal history record information, including background checks and conviction and nonconviction records: **\*ESB 6296, CH 125 (2012)**

Records, juvenile, confidentiality, exceptions: SB 6292

Records, privacy of nonconviction records: SB 5019

Sexual exploitation of children, child pornography evidence, prohibiting reproduction and restricting viewing and distribution: **\*SHB 2177, CH 135 (2012)**

Sexual exploitation of children, restricting defense possession and viewing of evidence: SB 5989

Subpoenas, uniform interstate depositions and discovery act: **\*HB 2195, CH 95 (2012)**

Uniform interstate depositions and discovery act: **\*HB 2195, CH 95 (2012)**

Uniform unsworn foreign declarations act: **\*HB 1345, CH 22 (2011)**

Victims, questioning by pro se defendants, procedures: SB 5014

Victims, sex offense cases, restrictions on questioning by pro se defendants: SHB 1001

Witnesses, intimidating, unit of prosecution: **\*HB 1182, CH 165 (2011)**

Witnesses, tampering with, unit of prosecution: **\*HB 1182, CH 165 (2011)**

#### **DENTISTS AND DENTISTRY**

Dental anesthesia assistants, certification by dental quality assurance commission: SB 5620

Dental practitioners and dental hygiene practitioners, licensing and practice requirements: SB 6126

#### **DEVELOPMENTAL DISABILITIES, PERSONS WITH**

Adult patients with development disabilities, grant program to encourage training to work with: SB 5443

Applied behavior analysis services, provision of: SB 5642

Autism spectrum disorders, extension of coverage: SB 5059

Community access programs, transitioning to when receiving services through home and community-based medicaid waiver: SB 6384

Community residential service businesses, tax on, revenues to be deposited in account: SB 5465

Competency, evaluation, examination for developmental disability to take place in jail or detention facility: SB 5114  
 Confinement, places of detention and juvenile justice system, work group to study related issues: SB 5097  
 Criminal offenders with developmental disabilities, mental health courts and transfer communication requirements: **\*SHB 1718, CH 236 (2011)**  
 Detention facilities, assessment standards at intake for juveniles with developmental disabilities, development: **\*SB 6157, CH 120 (2012)**  
 Developmental disabilities endowment, transferring to department of commerce: HB 2604, **\*SB 6545, CH 197 (2012)**  
 Emergency shelter and transitional housing entities, criminal identification system for: SB 6167  
 Facilities, required procedures for facility closure and discharge and relocation of residents: SB 5429, SB 5943  
 Intensive behavior support services, including applied behavior analysis services: SB 5642  
 Luring, crime of, to include luring person with developmental disability away from transportation facilities: SB 6258  
 Out-of-home placement, children, shared parenting placement agreements: SB 5573  
 Prostitution, promoting in the first degree, adding compelling of person with mental incapacity or developmental disability to statute: **\*ESB 6254, CH 141 (2012)**  
 Residential habilitation centers, alternatives to operation of, department of social and health services to study: SB 5879  
 Residential habilitation centers, closing Frances Haddon Morgan center and Yakima Valley School: SB 5459  
 Residential habilitation centers, department to close Frances Haddon Morgan center and Rainier school: SB 5943  
 Residential habilitation centers, discharge plans and transition from institution to community setting: SB 5459, SB 5943  
 Residential habilitation centers, ensuring that residents are properly relocated prior to closing of facility: SB 5429, SB 5943  
 Residential habilitation centers, privatizing of, department of social and health services to study feasibility: SB 5878  
 Residential habilitation centers, various provisions, including age requirements: SB 5132, SB 5943  
 Services, property tax levy lid limits: SB 5567  
 Unsupervised access, employees who will have, allowing consumer reports by consumer reporting agencies: SB 5703

#### **DIKING AND DRAINAGE**

Drainage and irrigation, exemptions from definition of critical areas for purposes of comprehensive plans: SB 5292  
 Special districts, general and special district general elections: SB 6454

#### **DISABILITIES, PERSONS WITH**

Accommodation resources for college students with disabilities, statewide database of: SB 6266  
 Aged, blind, or disabled assistance program, creation in connection with termination of disability lifeline program: **\*ESHB 2082, CH 36 (2011)**  
 Disability lifeline program, reforms to include creation of new disability lifeline programs: SB 5938  
 Disability lifeline program, termination, new programs to be created: **\*ESHB 2082, CH 36 (2011)**  
 Higher education access for students with disabilities, improving, creating legislative task force on: SB 6267  
 Higher education, setting tuition for each student at rate in effect on first day of their first term: SB 5719  
 Instructional materials, specialized format version for higher education students with print access disabilities: **\*SHB 1089, CH 356 (2011) PV**  
 Insurance, group disability, issuance to certain groups: **\*HB 1709, CH 81 (2011)**, SB 5617  
 License plates, special year tab for persons with disabilities: **\*SHB 2574, CH 71 (2012)**  
 Medicaid personal care services program, modifying: SB 6609  
 Parking placards, display requirements: HB 2283  
 Prostitution, promoting in the first degree, adding compelling of person with mental incapacity or developmental disability to statute: **\*ESB 6254, CH 141 (2012)**  
 Service animals, interfering with, provisions and definition of service animal: **\*SHB 1728, CH 237 (2011)**, SB 5680  
 Special education, developing meaningful assessment for students with cognitive challenges: **\*2SHB 1519, CH 75 (2011)**

#### **DISCRIMINATION**

Aliens, employed, discharging legal alien or citizen in favor of illegal alien considered discriminatory practice: SB 6436  
 Civil marriage licenses, allowing all couples to obtain: SB 5793, SB 6239  
 Civil rights, history of, encouraging classroom instruction: **\*SB 5174, CH 44 (2011)**  
 Civil rights, office of, creation as an executive branch agency: SB 5557  
 Employment status discrimination, adding to list of unfair labor practices: SB 6228  
 Equity and access, commission on, creation within office of civil rights: SB 5557  
 Marriage, creating equality in civil marriage: SB 5793  
 Same-sex marriage, creating equality in civil marriage and changing domestic partnership laws: SB 6239

Service animals, interfering with, provisions and definition of service animal: \***SHB 1728, CH 237 (2011)**, SB 5680  
 Voting, Washington voting rights act of 2012, enacting: SB 6381

#### **DNA (DEOXYRIBONUCLEIC ACID)**

DNA identification system, collection of samples from adults arrested for a ranked felony or gross misdemeanor violation of an order: SB 6478  
 DNA identification system, collection of samples from adults arrested for a violent offense or sex offense: SB 5240  
 DNA identification system, collection of samples from sex and kidnapping offenders: SB 6437  
 DNA identification system, collection of samples from unlawful aliens: SB 6437  
 DNA identification system, offender payment of fee to help offset costs for collection of samples: \***2SHB 1153, CH 125 (2011)**

#### **DOMESTIC PARTNERS**

Address confidentiality program, disclosure of information in registered domestic partnership applications and related records: SB 6213  
 Health benefits, health care authority eligibility provisions, including domestic partner definitions: SB 5296  
 Marriage, creating equality in civil marriage: SB 5793  
 Marriage, creating equality in civil marriage and changing domestic partnership laws: SB 6239  
 Military spouses or domestic partners, occupational licensing, placing in inactive status: HB 2524, \***SB 6290, CH 45 (2012)**  
 Parentage, rights and obligations of domestic partners and other couples under uniform parentage act: \***E2SHB 1267, CH 283 (2011)**  
 Partnerships, reciprocity and statutory construction: \***HB 1649, CH 9 (2011)**  
 Same-sex marriage, allowing all couples to obtain a civil marriage license: SB 5793, SB 6239  
 Uniform parentage act, amending provisions: \***E2SHB 1267, CH 283 (2011)**

#### **DOMESTIC RELATIONS (See also ADOPTION; CHILDREN; DOMESTIC PARTNERS; DOMESTIC VIOLENCE; FOSTER CARE; GUARDIANSHIP; JUVENILE COURT AND JUVENILE OFFENDERS; PUBLIC ASSISTANCE)**

Adopted siblings and adoptive parents, recognition as relatives for certain public assistance purposes: SB 5692  
 Adoptive parent of child's blood sibling or half sibling, placement of child with: \***ESHB 1774, CH 292 (2011)**  
 Assisted reproduction, provisions of uniform parentage act: \***E2SHB 1267, CH 283 (2011)**  
 Braden and Charlie Powell act, prohibiting child custody award to suspect in active homicide investigation: SB 6640  
 Child support, for minor children of victim of vehicular homicide under the influence: HB 2405  
 Child support, noncompliance with support orders, requirements for mailing notices of possible license suspension: HB 2401, SB 6347  
 Child support, quadrennial review, deleting child support order summary report form requirements: \***HB 1298, CH 21 (2011)**  
 Child support, revising uniform interstate family support act: SHB 1253  
 Child support, state registry, revising requirements for new hire reporting to: \***HB 2393, CH 109 (2012)**, SB 6222  
 Child support, support obligation establishment or enforcement, removing requirement when certain child care applications received: \***SHB 2828, CH 4 (2012)**  
 Child support, veterans benefits apportioned to meet support obligation, crediting veteran for payment: HB 2287  
 Developmental disabilities, children with, shared parenting placement agreements for out-of-home placement: SB 5573  
 Family and medical leave, modifying family leave insurance program: SB 6570  
 Family court, appointment of guardian ad litem, special advocate, or investigator: HB 1021  
 Family leave insurance program, delaying implementation: SB 5091, \***ESSB 5091, CH 25 (2011)**  
 Family leave insurance program, repealing family and medical leave insurance act: SB 5276  
 Family leave, violations by employer, enforcement by department of labor and industries: SB 5263  
 Homicide investigations, prohibiting child custody award to suspect in active investigation: SB 6640  
 Indians, Washington state Indian child welfare act: SB 5656  
 Maltreatment of children, response system within child protective services to include family assessment response: 2SHB 2289  
 Marriage, civil marriage licenses, allowing all couples to obtain: SB 5793, SB 6239  
 Marriage, creating equality in civil marriage: SB 5793  
 Marriage, creating equality in civil marriage and changing domestic partnership laws: SB 6239  
 Marriage, dissolution, parenting arrangement report by court-appointed special advocate or investigator: HB 1021  
 Marriage, dissolution, residential provisions for children of parents with military duties: EHB 1050

Marriage, dissolution, shared parental responsibility: SB 6344  
 Military spouses or domestic partners, occupational licensing, placing in inactive status: HB 2524, \***SB 6290, CH 45 (2012)**  
 Parentage, rights and obligations of domestic partners and other couples under uniform parentage act: \***E2SHB 1267, CH 283 (2011)**  
 Parental rights, order terminating, instituting automatic stay of order: SB 5597  
 Parental rights, reinstatement, expanding opportunity to petition: SB 5690  
 Parenting plans, residential provisions for children of parents with military duties: EHB 1050  
 Same-sex marriages, allowing all couples to obtain a civil marriage license: SB 5793, SB 6239  
 Shared parental responsibility, promotion through youth school dropout reduction and crime prevention act: SB 5317  
 Sibling or half sibling of child, placement of child with person with whom sibling resides: \***ESHB 1774, CH 292 (2011)**  
 Support, child and spousal, revising uniform interstate family support act: SHB 1253  
 Uniform interstate family support act, revising: SHB 1253  
 Uniform parentage act, amending provisions: \***E2SHB 1267, CH 283 (2011)**

## DOMESTIC VIOLENCE

Address confidentiality program, disclosure of information in registered domestic partnership applications and related records: SB 6213  
 Fatality review panels, provisions: \***SB 5395, CH 105 (2011)**  
 Harassment in workplace, protection orders, restraining unlawful harassment affecting the workplace: SB 5552  
 Offender scores, repetitive domestic violence offenses: \***SHB 1188, CH 166 (2011)**  
 Protection orders, hearings on, strict observation of rules of evidence: SB 6511  
 Protection orders, information regarding, privacy under certain conditions: SB 5019  
 Protection orders, modification and termination: \***SHB 1565, CH 137 (2011)**  
 Suffocation, assault in second degree: \***SHB 1188, CH 166 (2011)**  
 Victims, protections for: \***ESHB 2363, CH 223 (2012)**

## DRIVERS AND DRIVERS' LICENSES (See also IDENTIFICATION; TRAFFIC; TRAFFIC OFFENSES)

Agribusiness drivers, exemption from certain commercial driver's license requirements: \***HB 1306, CH 153 (2011)**, SB 5215  
 Agricultural driving permit, applying for, verification that applicant is lawfully within U.S.: SB 5335, SB 5407, SB 6433  
 Chauffeur license issuance, department of licensing to convene internal work group regarding: SB 5502  
 Commercial drivers, exemption from commercial license requirements when transporting manure in a farm vehicle: \***SHB 1966, CH 142 (2011)**  
 Commercial drivers, license applicants, eliminating certain requirements: SB 6388  
 Commercial drivers, license holders and applicants, certification: \***HB 1229, CH 227 (2011)**, SB 5629  
 Commercial drivers, license holders, disqualification from driving commercial motor vehicle: \***HB 1229, CH 227 (2011)**  
 Commercial drivers, license holders, employer notification when license suspended: SHB 2234  
 Commercial drivers, license holders, lawful operation of vehicle and up to two trailers: SB 5415  
 Commercial drivers, licenses, increasing fee and extending expiration date in specified cases: SB 5993, SB 6149  
 Commercial vehicle drivers, marking of projecting loads for visibility: SHB 2736, SB 6534  
 Commercial vehicle drivers, revising penalties for out-of-service order violations: SB 5686  
 Commercial vehicle drivers, texting as traffic infraction: SHB 2736, SB 6534  
 Drayage truck operators, extending employment protections by defining as statutory employees: SHB 2395, SB 6461  
 Driver training schools, authority to administer portions of drivers' licensing examination: \***ESHB 1635, CH 370 (2011)**  
 Driving records, abstracts of, contractual arrangements with an employer for review of existing employees' records: SB 5246  
 Driving records, abstracts of, expanding subagent services to include abstracts: SB 5704  
 Driving records, abstracts of, increasing fee for furnishing: \***EHB 2660, CH 74 (2012)**  
 Driving under the influence, license suspension or revocation due to, blocking in certain cases involving clerical errors: \***SB 6030, CH 28 (2012)**  
 Driving while license is suspended or revoked, driver being held to answer in any court upon filing of an information by prosecuting attorney: SB 5195  
 Fees for licenses and permits, adjustments for transportation services cost recovery: ESHB 2053, SB 5925  
 For hire vehicle operators, industrial insurance and other provisions: \***ESHB 1367, CH 190 (2011)**, SB 5498  
 Ignition interlock drivers' licenses, allowing certain people to apply for, requirements: SB 6489  
 Instruction permits, applying for, federal selective service registration requirement: \***SHB 1237, CH 350 (2011)**



Instruction permits, applying for, providing social security number or proof of lawful presence in United States: SB 5138  
 Instruction permits, applying for, verification that applicant is lawfully within U.S.: SB 5335, SB 5407, SB 6433  
 Insurance for personal vehicle sharing programs, requirements: \***ESHB 2384, CH 108 (2012)**, SB 6426  
 Licenses, agribusiness driver exemption from certain commercial driver's license requirements: \***HB 1306, CH 153 (2011)**, SB 5215  
 Licenses, applying for, applicants to show proof of citizenship or lawful presence in U.S.: SB 5333, SB 5338, SB 6436  
 Licenses, applying for, federal selective service registration requirement: \***SHB 1237, CH 350 (2011)**  
 Licenses, applying for, ignition interlock drivers' licenses, requirements: SB 6489  
 Licenses, applying for, providing social security number or proof of lawful presence in United States: SB 5138  
 Licenses, applying for, various provisions: SB 5407  
 Licenses, applying for, verification that applicant is lawfully within U.S.: SB 5335, SB 5407, SB 6433  
 Licenses, examinations and renewals, alternatives to using drivers' licensing offices: \***ESHB 1635, CH 370 (2011)**  
 Licenses, fees for, adjustments for transportation services cost recovery: ESHB 2053, SB 5925  
 Licenses, implementing facial recognition matching system: SB 6150  
 Licenses, issuance and renewal, increasing fees and extending expiration dates: SB 5993, SB 6149  
 Licenses, issuance of licenses, permits, and identicards to persons not lawfully within United States: SB 5006  
 Licenses, notices of revocation, mailing to habitual traffic offenders by first-class mail: HB 2400  
 Licenses, renewal, expanding subagent services to include renewal, replacement, and address changes: SB 5704  
 Licenses, suspended or revoked, answering in any court for driving while license is suspended or revoked: SB 5195  
 Licenses, suspension or revocation due to driving under the influence, blocking in certain cases involving clerical errors: \***SB 6030, CH 28 (2012)**  
 Limousine carriers, regulation, operations, and safety: SB 5502  
 Limousine operators, industrial insurance and other provisions: \***ESHB 1367, CH 190 (2011)**, SB 5498  
 Motor vehicle subagencies, expanding services to include drivers' licenses, identicards, and driving record abstracts: SB 5704  
 Motorcycles, issuance of instruction permits: SHB 1543, \***SB 5141, CH 246 (2011)**  
 Motorcycles, special license endorsement for, increasing fees and extending expiration date in specified cases: SB 5993, SB 6149  
 Notice of outstanding violations, civil penalties, and infractions, sending prior to vehicle registration expiration date: SB 5716  
 Permits, implementing facial recognition matching system: SB 6150  
 Taxicab operators, industrial insurance and other provisions: \***ESHB 1367, CH 190 (2011)**, SB 5498  
 Traffic safety education in schools, authority to administer portions of drivers' licensing examination: \***ESHB 1635, CH 370 (2011)**

**DRUGS (See also ALCOHOL AND DRUG ABUSE; MEDICINE AND MEDICAL DEVICES; PHARMACIES AND PHARMACISTS; TRAFFIC OFFENSES)**

Antipsychotic medications, atypical, exemption from preferred drug substitution: SB 5229  
 Antipsychotic medications, involuntary medication of persons committed as criminally insane: SB 6234  
 Cancer drug repository program, establishment by department of health: SB 6049  
 Cannabimimetics, synthetic, placing in schedule I of uniform controlled substances act: SB 5954, SB 6007  
 Cannabinoids, synthetic, placing in schedule I of uniform controlled substances act: SB 5101  
 Cannabis, medical cannabis dispensing and registry provisions: SB 5955  
 Cannabis, medical use of, regulating through various avenues: SB 6265  
 Cannabis, regulation, sales, and taxation: SB 5598  
 Cathinones, substituted, placing in schedule I of uniform controlled substances act: SB 6007  
 Controlled substances, definition of, changing for purposes of uniform controlled substances act: SB 5729  
 Controlled substances, prescription information, authorizing electronic communication of: HB 2343, SB 6212  
 Hazardous drugs, including antineoplastic drugs, requirements for handling by health care personnel: SB 5594  
 Health care assistants, drug administration by, restrictions: \***SHB 1304, CH 70 (2011)**, SB 5454  
 Marijuana, decriminalizing production, possession, delivery, distribution, and sale: SI 502  
 Marijuana, dedicated marijuana fund, disbursements from fund by liquor control board: SI 502  
 Marijuana, licensing and regulation of producers, processors, and retailers: SI 502  
 Marijuana, medical, cannabis dispensing and medical cannabis registry provisions: SB 5955  
 Marijuana, medical, regulating through various avenues, department role: SB 6265  
 Marijuana, medical, Washington state medical use of cannabis act provisions: SB 5073

Marijuana, moving to schedule II under uniform controlled substances act: SB 5957  
 Marijuana, regulation, sales, and taxation of cannabis: SB 5598  
 Marijuana, requesting that drug enforcement administration reclassify as schedule II drug: SJM 8017  
 Marijuana, synthetic cannabimimetic alternatives, placing in schedule I of uniform controlled substances act: SB 5954, SB 6007  
 Marijuana, synthetic cannabinoid alternatives, placing in schedule I of uniform controlled substances act: SB 5101  
 Prescription drugs, donated, redistribution: ESHB 2228  
 Prescription drugs, donated, redistribution by health care facilities and participating practitioners: SB 6051  
 Prescription drugs, legend drug act, including pharmacists: SHB 2512, SB 6197  
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Biofuel crops, promoting production through water resource management on Columbia and Snake river mainstems: SB 6028  
 Dredge and fill material, discharge of, exemption from prohibition when due to certain agricultural practices: SB 6431  
 Employees, establishment of farm internship pilot project: SB 6392  
 Farm internship pilot project, establishment: SB 6392  
 Farm labor account, creation: SB 5069  
 Farm labor contractor account, creation: \***SHB 1057, CH 158 (2012)**  
 Farm vehicles, clarifying definition to include vehicles transporting agricultural products to or from farms: SB 6423  
 Farm vehicles, impoundment, prohibiting under certain conditions: SB 5570  
 Farmers markets, pilot project to allow beer and wine tasting: \***SHB 1172, CH 62 (2011)**, SB 5029  
 Fertilizers, turf, restricting definition to exclude biosolids: HB 2488  
 Livestock nutrient management, provisions concerning investigations and corrective actions: SB 5723  
 Organic crops, promoting production through water resource management on Columbia and Snake river mainstems: SB 6028  
 Pesticides, protections from pesticide drift for workers and community members: SB 6397  
 Property tax, current use valuation, extending to certain residential small farm property: SB 5814  
 Small scale farms, exemption from milk regulations for direct sales of milk: SB 5648  
 Vehicles, clarifying definition of "farm vehicle" to include certain vehicles using dyed, off-road diesel fuel: SB 5026  
 Water, department of ecology to convene stock water working group: SB 6200

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Advisory committees, expanding role of terminal area and ferry advisory committees and executive committee of state ferry users: SB 6518  
 Commercial ferries in Puget Sound, removing from jurisdiction of utilities and transportation commission: SB 5409  
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 Marine employees' commission, abolishing of, transfer of powers, duties, and functions to public employment relations commission: SB 5405, SB 5408  
 San Juan inner island ferry route, temporary home health care worker preferential boarding benefits: SB 5689  
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 Debt, state, committee to calculate amount required to pay principal of and interest on: SB 5181  
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 Financial information, disclosure, implementing sunshine committee recommendations: SB 5049  
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 Nondepository institutions, modernizing statutes concerning and streamlining enforcement authorities of: **\*SHB 2255, CH 17 (2012)**, SB 6173  
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Escrow agent licensing, exempting attorneys from requirements, conditions: **\*SB 6218, CH 124 (2012)**  
 Escrow, expanding definition for licensing purposes: HB 2256, SB 6235  
 Nondepository institutions, modernizing statutes concerning and streamlining enforcement authorities of: **\*SHB 2255, CH 17 (2012)**, SB 6173  
 Subpoenas, authority of department: HB 1039, **\*SB 5076, CH 93 (2011)**  
 Trust companies, department regulation of, conversion of trust company to limited liability company: HB 1466, **\*SB 5375, CH 52 (2011)**

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 Central services rate methodology, office and department of enterprise services to establish work group on: SB 6607  
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 Education data center, data collection for high school aerospace assembler and national STEM program STEM career courses: **\*EHB 2159, CH 1 (2011)**  
 Education data center, data collection for high school aerospace assembler and project lead the way STEM career courses: SB 5975  
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 Education research center, data collection for skill center enhanced manufacturing skills program STEM career courses: **\*EHB 2159, CH 1 (2011)**, SB 5975  
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 Higher education opportunity act, role of office: **\*E2SHB 1795, CH 10 (2011) PV**  
 Information technology advisory board, creation within office of the chief information officer: SB 5761, SB 5931  
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 Transportation planning, office role in connection with long-range statewide transportation plan requirements: SB 5128  
 Voters' pamphlets, general elections, office to prepare charts presenting certain tax information: SB 5832

Washington works indicators, establishment for four-year institutions of higher education, office role: E2SHB 2265  
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 Jurisdictions, provisions governing fire suppression efforts on unprotected land outside jurisdictions: **\*SHB 1506, CH 200 (2011), \*HB 2213, CH 14 (2012)**, SB 5373  
 Lands managed by state agencies, provision of wildfire protection by department of natural resources: **\*HB 2440, CH 38 (2012)**, SB 6144  
 Regional fire protection service authorities, provisions concerning commissioners and commissioner districts: **\*ESHB 1731, CH 141 (2011)**  
 Regional fire protection service authorities, transfer of jurisdiction powers, duties, and functions when annexed by authority: **\*SHB 1854, CH 271 (2011)**  
 School fire prevention activities, appropriation of funds from fire service training account for: **\*ESHB 2747, CH 173 (2012)**  
 State director of fire protection, administering new fire extinguisher statutes, including violations and penalties: SB 5543  
 State fire marshal, role in addressing licensing requirements for child care programs in buildings containing public or private schools: **\*E2SHB 1776, CH 359 (2011)**

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Ammunition, lead-containing, restricting authority of fish and wildlife commission to prohibit use or possession of: SB 6209  
 Community corrections officers, firearm restrictions, partial exemption under certain conditions: **\*ESHB 1041, CH 221 (2011)**  
 Concealed pistol license, increasing amount of certain licensing fees: SB 6628  
 Correctional personnel, firearm restrictions, partial exemption for completing firearms training: SB 5031  
 Correctional personnel, firearm restrictions, partial exemption under certain conditions: **\*ESHB 1041, CH 221 (2011)**  
 Juvenile firearms and weapons crimes, provisions: SB 5313  
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 Noise suppressors, legal use: **\*HB 1016, CH 13 (2011)**, SB 5112  
 Pistols, concealed pistol license, ineligibility due to possession prohibition under federal law: **\*SHB 1923, CH 294 (2011)**  
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 Sharks, shark finning activities to constitute unlawful trade in shark fins, penalties: SB 5688  
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**FISH AND WILDLIFE COMMISSION**

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 Conservation and recreation, department of, transfer of powers, duties, and functions of department of fish and wildlife to department: SB 5669  
 Derelict fishing gear, including commercial net fishing gear and shellfish pots, database and reporting requirements: \*ESB 5661, CH 190 (2012)  
 Discover pass and day-use permits, revising provisions: \*E2SHB 2373, CH 261 (2012)  
 Discover pass and day-use permits, sales of, distribution of moneys to state land trust beneficiaries: SB 5979  
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 Discover pass, creation: SB 5622  
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 Habitat conservation plans, with federal government, department authority to enter into: ESHB 1009  
 Hatcheries, salmonid, modifying department-partner management agreement provisions: ESHB 2650  
 Hydraulic permits and projects, charging project permit application fee: SB 6011  
 Hydraulic permits and projects, department to conduct streamlined permitting pilot project: SB 5529  
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 Hydraulic project approvals, integration into forest practices applications for forest practices-related hydraulic projects: SB 5862, SB 6406  
 Land managed by department, permitting recreational rock collecting without written authorization with certain restrictions: SB 6057  
 Land managed by department, recreation access, creation of discover pass and day-use permit: SB 5622  
 Land managed by department, recreation access, revising discover pass and day-use permit provisions: \*E2SHB 2373, CH 261 (2012)  
 Land managed by department, recreation access, use of single discover pass for two vehicles: SB 5977, SB 5985, SB 5998  
 Land managed by department, recreation access, vehicle access pass provisions: \*E2SHB 2373, CH 261 (2012)

Land managed by department, sale of timber: SB 5438  
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 Management of fish and wildlife, generally, various provisions: SB 5201  
 Mazama pocket gopher, department to conduct biological status update: SB 5264  
 Mazama pocket gopher, protection of, department to assist landowners with compliance with critical area ordinances: SB 6083  
 Natural environment programs, streamlining administration: ESHB 1885  
 Natural resources management, department to undertake interagency collaboration and office and facility colocation: SB 6078  
 Ocean beach small-scale prospecting and mining, exemption from certain hydraulic project requirements: SB 6132  
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 Pacific salmon enhancement, department to partner with qualifying organizations: SB 5453  
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 Puget Sound and Lake Washington, department role in improving recreational fishing opportunities: \***HB 1698, CH 266 (2011)**, SB 5291  
 Science, peer-reviewed studies, use by certain agencies prior to taking action: ESHB 2335  
 Shellfish, enforcement, revising provisions: \***SHB 1453, CH 194 (2011)**, SB 5369  
 Shrimp, spot shrimp pot fishery, license limitation program for shrimp from coastal or offshore waters: \***SHB 1148, CH 147 (2011)**  
 Spawning beds, salmon and steelhead, department to prohibit activities that disturb: SB 5854, SB 6297  
 Trout, stocking in freshwater areas, department to achieve efficiencies in: SB 6268  
 Wetlands and aquatic habitat, compensatory mitigation of, pairing with existing environmental programs: \***E2SHB 2238, CH 62 (2012)**, SB 6093  
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 Wildlife, feeding or attracting large wild carnivores, prohibitions and penalties: E2SHB 2365, SB 6139  
 Wolves, gray, affirmative defense for unlawful taking of endangered fish or wildlife in certain cases of gray wolf attacking livestock: SB 6137  
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#### **FISHING, COMMERCIAL (See also SALMON)**

Derelict fishing gear, including commercial net fishing gear and shellfish pots, database and reporting requirements: \***ESB 5661, CH 190 (2012)**  
 Nets, location of lost or abandoned Indian tribal fishery nets, developing program for recording: \***ESB 5661, CH 190 (2012)**  
 Salmon, Puget Sound, collection of Puget Sound salmon enhancement assessment: SB 5453  
 Shark finning activities to constitute unlawful trade in shark fins, penalties: SB 5688  
 Shellfish, enforcement, revising provisions: \***SHB 1453, CH 194 (2011)**, SB 5369  
 Shellfish, production, mitigating water pollution: SB 6279  
 Shrimp, spot shrimp pot fishery, license limitation program for shrimp from coastal or offshore waters: \***SHB 1148, CH 147 (2011)**  
 Violations, provisions regarding enforcement by department of fish and wildlife: SB 6135

#### **FISHING, RECREATIONAL (See also SALMON)**

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Derelict fishing gear, including commercial net fishing gear and shellfish pots, database and reporting requirements: **\*ESB 5661, CH 190 (2012)**

Lake Washington, improving opportunities through recreational salmon and marine fish enhancement program: **\*HB 1698, CH 266 (2011)**, SB 5291

Nets, location of lost or abandoned Indian tribal fishery nets, developing program for recording: **\*ESB 5661, CH 190 (2012)**

Puget Sound, improving opportunities through recreational salmon and marine fish enhancement program: **\*HB 1698, CH 266 (2011)**, SB 5291

Shellfish, production, mitigating water pollution: SB 6279

Trout, stocking in freshwater areas, department of fish and wildlife to achieve efficiencies in: SB 6268

Violations, provisions regarding enforcement by department of fish and wildlife: SB 6135

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Flood control zone districts, countywide, subzones in: SB 6535

Flood control zone districts, creating multijurisdiction flood control zone districts involving Indian tribes and counties: SB 5265

Flood control zone districts, exemption of certain districts from certain property tax levy limitations: **\*EHB 1969, CH 275 (2011)**, **\*2ESB 5638, CH 28 (2011)**

Flood control zone districts, transferring district functions and taxing authority to certain county legislative authorities: SHB 2748, SB 6536

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Eggs, commercial egg laying operations, certification: SB 5487

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Food banks, voluntary donations to, authority of public utility districts and other utilities to request and receive: **\*SHB 1211, CH 226 (2011)**

Food banks, voluntary donations to, authority of public utility districts to request and receive: SB 5499

Food service products, prohibiting use of certain polystyrene products by food service businesses: SB 5779

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Fruit, vegetable, dairy, and seafood businesses, extending business and occupation tax exemptions for: **\*ESB 6635, CH 6 (2012)**

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Milk, direct sales, exemption from regulations for small scale farms: SB 5648

Service animals in businesses selling food for human consumption, provisions and definition of service animal: **\*SHB 1728, CH 237 (2011)**, SB 5680

State agency purchasing, adoption of model food purchasing policy: SB 5653

Washington grown food and other goods, purchase by school districts, bid requirements: SB 6183

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Community forest land trust, creation and management by department of natural resources: **\*ESHB 1421, CH 216 (2011)**, SB 5272

Compensating tax for forest land when removed from forest land classification, modifying exceptions: **\*ESHB 2502, CH 170 (2012)**

Compensating tax for forest land, exempting certain counties: ESB 5169, SB 6097

Conservation districts, rates and charges for, authorizing optional system of: **\*ESHB 2567, CH 60 (2012)**, SB 6303

Conservation of forest land through transfer of development rights marketplace, provisions: ESHB 1469, SB 5145, SB 5253

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Landowners, liability for unintentional injuries to recreational users resulting from forestry and other primary land uses: SB 6080

Small forest landowners, compensation through forest riparian easement program: **\*ESHB 1509, CH 218 (2011) PV**, SB 5551

Small forest landowners, reducing forestry riparian easement program costs and ensuring landowner viability: SB 5783  
 State lands, state forest land pool, creation of: **\*HB 2329, CH 166 (2012)**, SB 6195  
 Timber land, current use property taxation, defining "contiguous" and "same ownership": SB 5359, SB 5996  
 Wetlands and aquatic habitat, compensatory mitigation of, pairing with existing environmental programs: **\*E2SHB 2238, CH 62 (2012)**, SB 6093

#### **FOREST PRACTICES AND PRODUCTS (See also FOREST LAND; FOREST PRACTICES BOARD)**

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 Institute of forest resources, University of Washington, addressing forest sector issues: **\*SHB 1254, CH 187 (2011)**, SB 5123  
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 Public buildings, reducing embodied energy of building materials by increasing use of wood and wood projects: SB 5485  
 Public speedway authority, exemption from forest practices act conversion moratoria: SB 5856  
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#### **FOREST PRACTICES BOARD**

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 Forestry riparian easement program, investigation of new long-term funding sources for program: **\*ESHB 1509, CH 218 (2011) PV**, SB 5551  
 Hydraulic project approvals, board role in integration of approvals into forest practices applications for forest practices-related hydraulic projects: SB 5862, SB 6406  
 Small forest landowners, board to revise rules while considering small landowner interests: SB 5783  
 Wetlands and aquatic habitat, compensatory mitigation of, board authorization of riparian and aquatic resources enhancement account expenditures: SB 6093

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 Educational success for youth and alumni of foster care act: **\*SHB 2254, CH 163 (2012)**, SB 6374  
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 Financial aid, state need grants, giving priority to students formerly in foster care: SB 6592  
 Foster care to 21 program, allowing current participants to continue until no longer eligible: **\*ESHB 2592, CH 52 (2012)**  
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 Aviation fuel, forest biomass to aviation fuel demonstration project: SB 5273  
 Aviation fuel, regulating aviation biofuels production and convening work group: **\*SHB 2422, CH 63 (2012)**, SB 6238  
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 Biofuel crops, promoting production through water resource management on Columbia and Snake river mainstems: SB 6028  
 Biofuel processing facilities, provisions concerning construction and enlargement: SHB 2296  
 Biofuel, regulating aviation biofuels production and convening work group: **\*SHB 2422, CH 63 (2012)**, SB 6238  
 Compressed and liquefied natural gas, use of, adding to local government fuel usage requirements: **\*ESHB 2545, CH 171 (2012)**  
 Diesel, clarifying definition of "farm vehicle" to include certain vehicles using dyed, off-road diesel fuel: SB 5026  
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**GAMBLING**

- Gambling and liquor commission, consolidating gambling commission and liquor control board to form: SB 6554
- Raffles, by bona fide charitable or nonprofit organizations, requiring license for raffles exceeding certain dollar amount: **\*SB 6465, CH 131 (2012)**
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- Scratch ticket devices, electronic, authorization and regulation for house-banked card room licensees: SB 6601
- Scratch ticket games, electronic, creation and regulation for nontribal gambling establishments: SB 5918
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**GAMBLING COMMISSION**

- Gambling and liquor commission, consolidating commission and liquor control board to form: SB 6554
- Licenses, issuing of, commission to transition to business licensing services program: HB 2219, **\*SB 6046, CH 116 (2012)**
- Raffles, by bona fide charitable or nonprofit organizations, requiring license for raffles exceeding certain dollar amount: **\*SB 6465, CH 131 (2012)**
- Scratch ticket devices, electronic, authorization and regulation for house-banked card room licensees, commission rule-making role: SB 6601

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- Food purchasing, department of health and department to adopt a model food purchasing policy for state agencies: SB 5653
- Fuel usage, state agency requirements, exemption for emergency vehicles: SB 5707
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- Civil rights, office of, creation as an executive branch agency: SB 5557
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- Education ombudsman, office of the, convening work group on school bullying and harassment prevention: **\*2SHB 1163, CH 185 (2011)**
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- Fund or account deficits, projections of, requiring across-the-board reductions by governor in agency allotments from fund or account: SB 6639
- Ocean policy advisory council, establishment in executive office of governor: SB 6169
- Public instruction, office of the superintendent of, creating as an executive branch agency: SB 5522
- Quality award council and quality awards, funding and role in government management accountability and performance program: SB 6594
- Rule making, significant legislative rules, requirement that governor sign: SB 6464
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- Comprehensive plans, delaying deadlines for certain plans and regulations to provide fiscal relief for counties and cities: **\*ESHB 1478, CH 353 (2011)**, SB 5360
- Comprehensive plans, expansion of urban growth areas into one hundred year floodplains: HB 1222
- Comprehensive plans, maximum residential density of unincorporated portion of urban growth area: SB 5421
- Conservation of agricultural and forest land through transfer of development rights marketplace, provisions: ESHB 1469, SB 5145, SB 5253
- Conservation of open space and resource lands through rural conservation development demonstration plan: SB 5425
- Critical areas, definition of, exemptions for irrigation and drainage: SB 5292
- Grants and loan programs, advantages for communities achieving progress under growth management act: SB 5243
- Growth management act, defining sprawl and low-density sprawl: SB 6192
- Hearings board, standard of review for appeals: SB 5012
- Hearings board, submission of appeal to, filing fee for: SB 6154
- Industrial/manufacturing facility construction in target urban areas, property tax exemption: SB 6583
- Land, agricultural, establishing agriculture and critical areas voluntary stewardship program: SB 5713
- Land, agricultural, establishing voluntary stewardship program: **\*ESHB 1886, CH 360 (2011)**
- Land, agricultural, maintaining certain land for future agricultural use: SB 5611
- Land, agricultural, removing certain wetlands converted to agricultural use from definitions of wetlands and waters of the state: SB 6026
- Land, zoned for industrial purposes, urban growth area amendment requests by cities to increase industrial land: SB 5995
- Manufactured home communities, new, siting requirements: SB 5496
- Mazama pocket gopher, applying critical area ordinances to protect, cities and counties prohibited until studies completed: SB 5264
- Mazama pocket gopher, protection of, assisting landowners with compliance with critical area ordinances: SB 6083
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- Mobile home parks, new, siting requirements: SB 5496
- Population projections, requiring counties to use middle range projections: SB 6193
- Shoreline master programs, local, clarifying certain appeal procedures by ensuring consistency with growth management act: **\*EHB 2671, CH 172 (2012)**, SB 6188
- State environmental policy act, local government agencies to share lead agency responsibilities in certain cases: ESHB 1265
- State environmental policy act, streamlining process through exemptions from certain requirements: E2SHB 1952
- Urban growth areas, amendment requests by cities to increase amount of land zoned for industrial purposes: SB 5995
- Urban growth areas, establishing certainty about urbanizing of land: SB 6190
- Urban growth areas, unincorporated, property tax exemption for new and rehabilitated multiple-unit dwellings: SB 6277
- Voluntary planning, removal of a county: ESHB 1094
- Wetlands, converted to agricultural use, removing in certain cases from definitions of wetlands and waters of the state: SB 6026

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- Guardian ad litem, amending various dependency provisions: **\*ESHB 1774, CH 292 (2011)**
- Guardian ad litem, appointment in adoption, family court, and dissolution of marriage cases: HB 1021
- Guardian ad litem, background information requirements: SB 6604
- Guardian ad litem, sunshine committee recommendations concerning disclosure of background information record: SB 5049
- Guardians or limited guardians, of incapacitated persons with estates, requirements: SB 6427, SB 6488
- Guardians, expanding duties for guardians and limited guardians in certain cases involving probate and trusts: SB 5819
- Guardians, professional and lay, court to provide information about guardians to persons filing petitions: SB 5740
- Guardians, professional and lay, revising various provisions to prevent predatory guardianships of incapacitated adults: SB 5740
- Human remains, disposition, designated agent of decedent to include court-appointed guardian at time of death: SHB 1564, SB 5804
- Incapacitated persons, guardians for, recommendations of bar association guardianship task force: **\*SHB 1053, CH 329 (2011) PV**

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- Batteries, small rechargeable battery stewardship act: SB 6148
- Brownfield properties, cleanup and reuse, providing state resources and oversight authority for local governments: SB 6211
- Brownfield renewal authorities, establishment by a city, county, or port district: SB 6211
- Mercury-containing lights, product stewardship organizations, environmental handling charges and antitrust law immunity: SB 6538
- Paint, architectural, producers to establish paint stewardship program: SB 6145
- Radioactive waste, low-level radioactive waste site use permit program, transfer of: **\*HB 2304, CH 19 (2012)**, SB 6491
- Toxics control accounts, local and state, discontinuing allocations for public participation grants: SB 6036

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- Abortions, prohibiting use of public funds for, exceptions: SB 5336
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- Alcohol poisoning, persons under twenty-one, limited immunity from prosecution when seeking medical attention: HB 1166
- Allergies, drug allergies, informed consent for medication administration when patient has known allergy: SB 5776
- Autism spectrum disorders, extension of insurance coverage: SB 5059
- Breast reconstruction, surgical facilities to provide information prior to mastectomy or related procedure: SB 5262
- Cancer, registry program, department of health authority to collect certain employment information: **\*SB 5149, CH 38 (2011)**
- Chemical dependency treatment, funding, spirits distributor licensees to pay license issuance fee: SB 6578
- Chemical dependency, programs, funding from local option sales tax to support: SB 5722
- Chronic care management, using the primary care health home model to restrain health care costs: SB 5394
- Defibrillators, automated external defibrillator program, establishment for each high school: SB 6562
- Defibrillators, automated external, as part of new medical emergency response program for each high school: SB 6631
- Diabetes action team public-private partnership and account, establishment: SB 6556
- Employees, health care facilities owned and operated by state, prohibiting mandatory overtime: **\*HB 1290, CH 251 (2011)**
- Employees, health care facilities, prohibiting mandatory overtime, exceptions: E2SHB 2501
- Epinephrine auto-injectors, placing in schools: SB 6593
- Evidence-based best practice guidelines and strategies, Robert Bree collaborative to identify: **\*ESHB 1311, CH 313 (2011)**
- Facilities, adverse health events and incident reporting system, internet-based system and reporting requirements: SB 5370
- Facilities, ambulatory surgical facilities, department of health licensing requirement: **\*SHB 1575, CH 76 (2011)**, SB 5619
- Facilities, cancer drug repository program, establishment by department of health: SB 6049
- Facilities, certificate of need review, eliminating for all facilities except hospitals: SB 6054
- Facilities, creating Washington health care cost commission: SB 6360
- Facilities, facility fee charged by, requiring notice of fee when facility is owned by a hospital or health system: **\*ESHB 2582, CH 184 (2012)**, SB 6362
- Facilities, freestanding emergency rooms, requirements: SB 5515
- Facilities, freestanding emergency rooms, study and evaluation of impact: SB 5515
- Facilities, health care facilities authority, provisions: SB 5514, SB 6517
- Facilities, hospital financing by health care facilities authority: SB 6517
- Facilities, hospital personnel, requirements for reporting to law enforcement: SB 5671
- Facilities, rural health clinics, public assistance reimbursement of prenatal and well-child visits: SB 5682
- Health care facilities authority, provisions concerning membership, rules, and bond financing requests: SB 5514
- Health care injuries due to tortious conduct by state and local government, claims for damages: SB 6187
- Health care personnel, hazardous drugs, requirements for handling by personnel: SB 5594
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- Health reform implementation, joint legislative select committee on, continuing work of committee: **\*ESHCR 4404 (2011)**, SB 5508
- Health sciences and services authorities, higher education coordinating board responsibilities: **\*HB 1425, CH 155 (2011)**, SB 5484
- Health security trust, creation: SB 5609
- HIV, personal health-related information, uniform protection: SHB 1563

- Incarcerated offenders, provisions concerning provider payments, copays, and medicaid applications: **\*HB 2803, CH 237 (2012)**, SB 6531
- Information, personal health-related, uniform protection: SHB 1563
- Informed consent for medication administration when patient has known drug allergy: SB 5776
- Insurance, anatomic pathology services, billing: **\*HB 1190, CH 128 (2011)**, **\*HB 2306, CH 100 (2012)**, SB 6236
- Insurance, apple health for kids program, premiums: **\*EHB 2003, CH 33 (2011)**
- Insurance, apple health for kids program, premiums for children not eligible for federally financed care: SB 5929
- Insurance, autism spectrum disorders, extension of coverage: SB 5059
- Insurance, basic health plan, funding enrollment by terminating certain tax preferences: SB 5816
- Insurance, basic health plan, managed health care systems' participation, certain payment provisions: SB 6481
- Insurance, basic health plan, restricting eligibility to certain persons: **\*HB 1544, CH 205 (2011)**
- Insurance, basic health plan, transitioning enrollees to medical assistance: **\*SHB 1312, CH 284 (2011)**, SB 5148
- Insurance, benefit plans for state employees in lieu of unused sick leave remuneration, reassigning administration of: HB 2624, SB 6194
- Insurance, comparable coverage for patients receiving self-administered oral anticancer medication: **\*EHB 1517, CH 159 (2011)**
- Insurance, coverage for voluntary termination of pregnancy, requirements for insurers: ESHB 2330, SB 6185
- Insurance, creating multistate consortium with licensing reciprocal agreement to make out-of-state plans available: SB 6440
- Insurance, discrimination against health care providers by insurance companies, harmonizing state law with federal: SB 6346
- Insurance, establishment of health benefit exchange and health benefit exchange board: SB 5445
- Insurance, establishment of health benefit exchange and public-private partnership: ESHB 1740
- Insurance, expanding coverage for neurodevelopmental therapies: SB 5756, SB 6530
- Insurance, health questionnaire, removing as a condition of coverage for certain people when carrier discontinues individual coverage: **\*SB 6412, CH 64 (2012)**
- Insurance, health savings account option and high deductible health plan availability for public employees: **\*2ESB 5773, CH 8 (2011)**
- Insurance, implementation of health benefit exchange and provisions of federal patient protection and affordable care act: **\*E2SHB 2319, CH 87 (2012) PV**, SB 6178
- Insurance, K-12 employees' health benefits pool: SB 5940
- Insurance, medicare supplement insurance, evidence of insurability requirements: HB 2442
- Insurance, persons under nineteen, requirements for health plans and enrollment: SB 5371
- Insurance, preexisting condition waiting period, crediting applicant's previous coverage when preceding carrier discontinues certain kinds of plans: **\*SB 6412, CH 64 (2012)**
- Insurance, prescription drug benefits, out-of-pocket expenses limit: SB 6241
- Insurance, primary care services through direct patient-provider practice for public employees: SB 6428, ESB 6589
- Insurance, prohibiting mandatory participation in any health care system: SJR 8208
- Insurance, public employees, wellness incentives: SB 5869
- Insurance, purchase of school district and educational service district employee insurance through health care authority: SB 5612, SB 5613
- Insurance, rates, determining through comparison of premiums and benefits: SB 5247
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- Insurance, school employees, creating consolidated purchasing system and community-rated risk pool: SB 6442
- Insurance, small employers health insurance partnership program, funding obtained through federal resources: **\*SHB 1560, CH 287 (2011)**
- Insurance, third-party reimbursement programs, prohibiting provider participation as a licensure condition: SB 6270
- Insurance, tobacco cessation treatment preventive benefit requirement: SB 5039
- Life-sustaining treatment order, impact on life insurance sale or issuance: SB 5008
- Limited service pregnancy center accountability act: SB 5274
- Marijuana, medical, cannabis dispensing and medical cannabis registry provisions: SB 5955
- Marijuana, medical, regulating through various avenues, department role: SB 6265

Marijuana, medical, Washington state medical use of cannabis act provisions: SB 5073  
 Medicaid, transfer of medical assistance and medicaid purchasing to health care authority: **\*2E2SHB 1738, CH 15 (2011)**, SB 5477  
 Medical services, donated by health care providers, business and occupation tax deduction: SB 6525  
 Multiple sclerosis, training and certification, licensing of foreign medical school graduates: **\*SHB 1595, CH 138 (2011)**  
 Music therapy, certification of music therapists: SB 6276  
 Organ donation, establishing work group to increase donation: SB 5386  
 Patient-provider primary care practices, direct, authorizing presenting claims for payment for anatomic pathology services to: **\*HB 2306, CH 100 (2012)**, SB 6236  
 Patients, shared decision making, provisions concerning patient decision aids: **\*ESHB 2318, CH 101 (2012)**, SB 6361  
 Pregnancy, limited service pregnancy centers, accountability of centers: SB 5274  
 Primary care health home model, using to restrain health care costs: SB 5394  
 Primary care, integration of behavioral health care into primary care: SB 5488  
 Providers, state and governmental, health care claims against, office of risk management role when due to tortious conduct: HB 2741  
 School districts, contracts with direct practice health providers: **\*ESHB 1790, CH 269 (2011)**  
 Spinal manipulation, definition of physical therapy, exclusion of chiropractic adjustments of the spine: SB 5549  
 Traumatic brain injury strategic partnership, advisory council, and account, revising provisions: **\*SHB 1614, CH 143 (2011)**  
 Washington health care cost commission, creation: SB 6360  
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 Basic health plan, funding enrollment by terminating certain tax preferences: SB 5816  
 Basic health plan, funding through sale of bonds by tobacco settlement authority: SB 6632  
 Basic health plan, managed health care system reimbursement of nonparticipating providers: SB 5927  
 Basic health plan, managed health care systems' participation, changing expiration of certain payment provisions: SB 6481  
 Basic health plan, restricting eligibility to certain persons: **\*HB 1544, CH 205 (2011)**  
 Basic health plan, transitioning enrollees to medical assistance: **\*SHB 1312, CH 284 (2011)**, SB 5148  
 Benefits for public employees, eligibility provisions, including domestic partner definitions: SB 5296  
 Direct patient-provider primary care practices, authority to develop plan to include in health benefit programs: **\*2ESB 5773, CH 8 (2011)**, SB 6428, ESB 6589  
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 Health and wellness program for state employees, requirements for wellness component: SB 6429  
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 Health care benefits, wellness incentives for public employees: SB 5869  
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 Health insurance partnership program, small employers, funding obtained through federal resources: **\*SHB 1560, CH 287 (2011)**  
 Health technology assessment program and clinical committee, provisions: SB 5640  
 Medicaid, managed care contracts, including preventative care and screenings for children: SB 6546  
 Medicaid, managed care, prescription review when enrollee has five or more prescriptions: SB 6107  
 Medicaid, transfer of medical assistance and medicaid purchasing to health care authority: **\*2E2SHB 1738, CH 15 (2011)**, SB 5477  
 Medical care services, funding through sale of bonds by tobacco settlement authority: SB 6632  
 Medical services programs, authority to implement solutions for waste, fraud, and abuse detection, prevention, and recovery: **\*ESHB 2571, CH 234 (2012)**  
 Neurodevelopmental therapies, expanding public employee coverage: SB 5756, SB 6530

Ombudsman, office of the, establishment within office of insurance commissioner: SB 5966  
 Plan year, revising definition of: SB 6516  
 Primary care health home model, using to restrain health care costs, authority duties: SB 5394  
 Public employees' benefits board, participation in health and dental plans for wrongly convicted and imprisoned persons: SB 5460  
 Public employees' benefits board, pilot project to offer primary care services through direct patient-provider practice: ESB 6589  
 Public employees' benefits board, revising definition of "plan year": SB 6516  
 Robert Bree collaborative, authority to convene: \***ESHB 1311, CH 313 (2011)**  
 School districts, purchase of employee health insurance through authority: SB 5612, SB 5613  
 School employees' benefits board, creation within authority: SB 6442  
 School employees, health benefits, consolidated purchasing system and community-rated risk pool: SB 6442  
 TRS plan 1, retired members ineligible for medicare, authority to provide optional health benefit premium subsidy: SB 5846  
 Wrongfully convicted and imprisoned persons, participation in health and dental plans: SB 5460

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 Adverse health events and incident reporting system, internet-based system and reporting requirements: SB 5370  
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 Chemical dependency, helping persons with, improving collaboration between providers, service delivery, law enforcement, and criminal justice agencies: SB 5452  
 Developmental disabilities, adult patients with, grant program to encourage medical training to work with: SB 5443  
 Disciplinary process for health professions, increasing transparency of disciplining authority actions: \***SHB 1493, CH 157 (2011)**, SB 5775  
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 Health care assistants, drug administration by, restrictions: \***SHB 1304, CH 70 (2011)**, SB 5454  
 Health care personnel shortage task force, convening and duties: SB 6115  
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 Health professional loan repayment and scholarship program, revising provisions: \***HB 1424, CH 26 (2011)**, SB 5483  
 Home care aides, community-based or in-home care settings, delegation of nursing care tasks to aides: SB 5197  
 Home health care workers, temporary preferential boarding benefits for San Juan inner island ferry route: SB 5689  
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 Marijuana, medical, protections for health care professionals under Washington state medical use of cannabis act provisions: SB 5073  
 Massage practitioners, display of license and name: \***SHB 1133, CH 223 (2011)**  
 Medical assistants, certification: SB 6237  
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 Mental health disorders, helping persons with, improving collaboration between providers, service delivery, law enforcement, and criminal justice agencies: SB 5452  
 Mental health professionals, retired active license, creation of: SB 6328  
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 Midwives, ability of licensed midwives to work with registered and practical nurses: \***EHB 2186, CH 13 (2012)**  
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Multiple sclerosis, training and certification, licensing of foreign medical school graduates: **\*SHB 1595, CH 138 (2011)**  
 Music therapists, certification: SB 6276  
 Naturopathic physicians, broadening the practice of naturopathy: SB 5152  
 Naturopathy, creating state board of naturopathy: **\*HB 1181, CH 41 (2011)**, SB 5037  
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 Nurses, advanced registered nurse practitioners, pharmacy authority to fill prescriptions written by out-of-state ARNPs: **\*HB 1486, CH 8 (2012)**, SB 5390  
 Nurses, community-based or in-home care settings, delegation of care tasks to home care aides: SB 5197  
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 Occupational therapists, wound care management: SB 5018  
 Physical therapist assistants, pre-licensure exemption when supervised by physical therapist assistant: SHB 2439  
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 Physician assistants, authority to perform ophthalmic-related services, conditions: SB 6395  
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 Physicians, conditions of employment by a nursing home: **\*SHB 1315, CH 228 (2011)**, SB 5396  
 Physicians, licensing and renewal, submission of current practice information as part of process: **\*SB 5480, CH 178 (2011)**  
 Physicians, licensing of foreign medical school graduates with multiple sclerosis training and certification: **\*SHB 1595, CH 138 (2011)**  
 Primary care health home model, using to restrain health care costs: SB 5394  
 Primary health care providers, increasing: **\*ESHB 1183, CH 150 (2011)**, SB 5548  
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 Suicide, assessment and treatment, education requirements for health care providers: **\*ESHB 2366, CH 181 (2012)**  
 Suicide, Matt Adler suicide assessment, treatment, and management training act of 2012: **\*ESHB 2366, CH 181 (2012)**  
 Technicians, medical, grant program to encourage training to work with adult patients with developmental disabilities: SB 5443  
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 Ambulatory surgical facilities, department of health licensing requirement: **\*SHB 1575, CH 76 (2011)**, SB 5619  
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 Cancer drug repository program, establishment by department: SB 6049  
 Cancer, registry program, department authority to collect certain employment information: **\*SB 5149, CH 38 (2011)**  
 Cannabis, eliminating penalties for possession and consumption: SB 5598  
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 Certificates of need, denial by department in certain cases: SB 5340  
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Developmental disabilities endowment, transferring from department to department of commerce: HB 2604, \***SB 6545, CH 197 (2012)**

Disciplinary process for health professions, increasing transparency of disciplining authority actions: \***SHB 1493, CH 157 (2011)**, SB 5775

Elder and vulnerable adult referral agency act: \***ESHB 1494, CH 357 (2011)**

Enforcement actions, public health or environmental, providing settlement notice to public: SB 5051

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Food purchasing, department of general administration and department to adopt a model food purchasing policy for state agencies: SB 5653

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Medical assistants, establishing career ladder for: SB 6237

Military spouses, expediting professional licensing process when relocating to Washington: SB 5969

Music therapy, certification of music therapists: SB 6276

Physicians and physician assistants, licensing and renewal, submission of current practice information as part of process: \***SB 5480, CH 178 (2011)**

Prescription drug recycling program, department role in establishing program for nursing homes: SB 6048

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Professional and business licensing, surcharges, funding state work-study program through: SB 6447

Radioactive waste, low-level radioactive waste site use permit program, transfer to department: \***HB 2304, CH 19 (2012)**, SB 6491

Reclaimed water program, transfer to department of ecology: SB 5669

Reflexologists, registration of, department role: SB 6103

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Shellfish, sanitation, including disposition of seized shellfish: \***SHB 1453, CH 194 (2011)**, SB 5369

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Social worker, definition and degree requirements, approval of educational program by department: SB 5020

Suicide assessment and treatment, evidence-based, secretary of health to conduct study of effect of: \***ESHB 2366, CH 181 (2012)**

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Tanning facilities, requirements, department role: SB 6249

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Water recreation facilities, department to assume responsibility from local health jurisdiction in certain cases: HB 1875

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Aerospace training student loan program, establishment and administration by board: **\*ESHB 1846, CH 8 (2011)**, SB 5674  
 Baccalaureate degree incentive program, establishment by board: SB 5717, SB 5915  
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 Higher education employees, annuities and retirement income plans: **\*ESHB 1981, CH 47 (2011)**, SB 5162, SB 5474  
 Launch year program, board role in allowing postsecondary credit for high school senior year coursework: **\*E2SHB 1808, CH 77 (2011)**, SB 5616  
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Korean War, establishing national Korean War veterans armistice day: **\*HB 2138, CH 11 (2012)**  
 Native American heritage day, recognizing as a legal holiday: SB 5183

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Disability lifeline program, termination, new programs to be created: **\*ESHB 2082, CH 36 (2011)**  
 Emergency shelter and transitional housing entities, criminal identification system for: SB 6167  
 Essential needs and housing support program, establishment: **\*ESHB 2082, CH 36 (2011)**  
 Housing and assistance for the homeless, telephonic consent for homeless client management information system: **\*SHB 1811, CH 239 (2011)**, SB 5646  
 Housing for homeless persons, providing very low-income and homeless housing assistance: **\*ESHB 2048, CH 90 (2012)**, SB 5952  
 Local homeless housing and assistance surcharge, increasing: **\*ESHB 2048, CH 90 (2012)**, SB 5645, SB 5952  
 Victimization of homeless persons, sentences outside standard range when certain crimes involve: **\*SB 5011, CH 87 (2011)**

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- Assisting homeowners in crisis, including alternatives, remedies, and assistance: \***ESHB 2614, CH 185 (2012)**
- Carbon monoxide alarms, residential and commercial property, seller disclosure requirements: SB 6472
- Condominium associations, budget disclosure and reserve account and study requirements: \***ESHB 1309, CH 189 (2011)**, SB 5223
- Condominium associations, common interest community managers, exempting from real estate broker and managing broker licensing requirements: EHB 2513, SB 6325
- Condominiums, resale certificates, preparation charge limit: \***SB 5224, CH 48 (2011)**
- Disability lifeline program, termination, new programs to be created: \***ESHB 2082, CH 36 (2011)**
- Efficiency, urban energy efficiency upgrades pilot program, authorizing grants to successful programs: SB 6441
- Elder and vulnerable adult referral agency act: \***ESHB 1494, CH 357 (2011)**
- Essential needs and housing support program, establishment: \***ESHB 2082, CH 36 (2011)**
- Fire sprinkler systems, residential, installation standards and impact fee exemption for installer: \***ESHB 1295, CH 331 (2011)**, SB 5206
- Foreclosure fairness act: \***2SHB 1362, CH 58 (2011)**
- Foreclosure fairness act, amending: SHB 2421, \***ESHB 2614, CH 185 (2012)**, SB 6364
- Foreclosure, trustee's foreclosure sale, rescission of: SB 6515
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- Foreclosures, mediators, amending foreclosure fairness act to ensure mediator participation: SB 5988
- Foreclosures, owner-occupied real property sales, publishing notice on internet: SB 6514
- Homeless housing and assistance, telephonic consent for homeless client management information system: \***SHB 1811, CH 239 (2011)**, SB 5646
- Homeowners' associations, budget disclosure and reserve account and study requirements: \***ESHB 1309, CH 189 (2011)**, SB 5223
- Homeowners' associations, common interest community managers, exempting from real estate broker and managing broker licensing requirements: EHB 2513, SB 6325
- Homeowners' associations, meetings notice requirement: SHB 1259, SB 5798
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- Homeowners' associations, quorum requirements for meetings: SB 6294
- Homeowners' associations, release of motor vehicle owner's name and address to association: HB 1281, SB 5701
- Homeowners' associations, statutory provisions governing developer control of association: ESB 5377
- Housing organization, nonprofit, incentives for participation in renewable energy investment cost recovery program: 2E2SHB 1144
- Housing trust fund, emphasizing cost-effectiveness: \***SHB 2640, CH 235 (2012)**
- Housing trust fund, revising provisions concerning administrative costs: SHB 1699
- Human trafficking, victims and their families, using existing funding to provide housing: \***SB 5482, CH 110 (2011)**
- Loans for housing, low-income borrowers, loans made under certain programs not subject to consumer loan act: \***2SHB 1405, CH 191 (2011)**, SB 5303
- Local homeless housing and assistance surcharge, increasing: \***ESHB 2048, CH 90 (2012)**, SB 5645, SB 5952
- Low-income housing, exemption from impact fees: \***EHB 1398, CH 200 (2012)**, SB 5524
- Low-income housing, loans from housing programs for, not subject to consumer loan act: \***2SHB 1405, CH 191 (2011)**, SB 5303
- Low-income housing, providing very low-income and homeless housing assistance: \***ESHB 2048, CH 90 (2012)**, SB 5952
- Low-income housing, resources for, cost-saving measures and allocation of vouchers: SB 5283
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Special MLK workforce housing, arts and preservation, convention and trade center, and community development fund, use of revenue: SHB 1997

Transitional reentry housing for offenders through department of corrections: SB 6407

Vulnerable adult and elder referral agencies, regulation: \***ESHB 1494, CH 357 (2011)**

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Fishing nets, location of lost or abandoned Indian tribal fishery nets, developing program for recording: **\*ESB 5661, CH 190 (2012)**

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State government, establishment of government-to-government relationship with Indian tribes: HB 2232, **\*SB 6175, CH 122 (2012)**

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- Health care, benefit plans for state employees in lieu of unused sick leave remuneration, reassigning administration of: HB 2624, SB 6194
- Health care, comparable coverage for patients receiving self-administered oral anticancer medication: **\*EHB 1517, CH 159 (2011)**
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 Pollution liability insurance program and agency, extending expiration of agency's authority and funding source: **\*SHB 2590, CH 3 (2012)**, SB 6335  
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Firearm restrictions, partial exemption for correctional personnel completing firearms training: SB 5031

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State hospital patients, prohibiting jail refusal to book: SB 6010

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Gray wolf, urging delisting from federal endangered species act: SJM 8002

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 Dependency proceedings, amending various provisions: \***ESHB 1774, CH 292 (2011)**  
 Dependency proceedings, placement of child with adoptive parent of blood sibling or half sibling of child: \***ESHB 1774, CH 292 (2011)**  
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 Detention facilities, assessment standards at intake for juveniles with developmental disabilities, development: \***SB 6157, CH 120 (2012)**  
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 Juvenile offenders, records, prohibiting consumer reporting agency dissemination of records unless de-identified: SB 5558  
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Language access providers, definition for collective bargaining purposes: HB 2830, SB 6634

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Service animals, interfering with, provisions and definition of service animal: **\*SHB 1728, CH 237 (2011)**, SB 5680

Social networking accounts and profiles, access to, prohibiting requirement that employees provide to employers: SB 6637

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Work permits, for employers of minors, submission of master applications: SB 5743

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Family leave, violations by employer, enforcement by department: SB 5263

Farm internship pilot project, establishment: SB 6392

Farm labor contractor licensing program, creation of farm labor account: SB 5069

Farm labor contractor licensing program, creation of farm labor contractor account: **\*SHB 1057, CH 158 (2012)**

Industrial safety and health act, violations under, role of director in abatement: ESHB 1676, SB 5068

Language access provider services, for department medical appointments, collective bargaining rights: HB 2830, SB 6634

Language access providers, definition for collective bargaining purposes: HB 2830, SB 6634

Leave from employment, sick and safe leave, establishing minimum standards: SB 6229

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- Mailing notices from department, changing certified and registered mail requirements: HB 1677, SB 5067
- Military spouses, expediting professional licensing process when relocating to Washington: SB 5969
- Minimum wage, department rate calculations to reflect changes in consumer prices: SB 5839
- Plumbing contractors, provisions: SB 6476
- Prevailing wages, public works, basing on industrial statistician's previous written determination: SB 6480
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- Washington stay-at-work account, creation by department: **\*EHB 2123, CH 37 (2011)**, ESB 5566
- Washington stay-at-work program, creation: **\*EHB 2123, CH 37 (2011)**
- Work permits, for employers of minors, submission of master applications to department: SB 5743
- Workers' compensation system, various changes and additions: **\*EHB 2123, CH 37 (2011)**
- Workers' compensation, administrative efficiencies for program: **\*ESHB 1725, CH 290 (2011)**, SB 5582
- Workers' compensation, assistance for employees of self-insured employers entering into structured settlement agreements: SB 6505
- Workers' compensation, authorizing structured settlements: **\*EHB 2123, CH 37 (2011)**
- Workers' compensation, claims, performance audit of claims management system: **\*EHB 2123, CH 37 (2011)**
- Workers' compensation, claims, provisions concerning claim files and documentation: SB 6302
- Workers' compensation, claims, retrospective rating plan employer and group claims management authority: ESHB 1487, SB 5461
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- Workers' compensation, department to adjust rates annually: SB 5277
- Workers' compensation, department to maintain copies of structured settlement agreements: **\*EHB 2123, CH 37 (2011)**
- Workers' compensation, department to maintain copies of voluntary settlement agreements: SB 5280
- Workers' compensation, exempting franchisees from definition of worker for workers' compensation purposes: SB 6506
- Workers' compensation, industrial insurance rainy day account, creation: ESHB 2026
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- Workers' compensation, information to be included in rate notices: **\*SB 5278, CH 175 (2011)**
- Workers' compensation, mailing of notices or orders by department: **\*ESHB 1725, CH 290 (2011)**, SB 5582
- Workers' compensation, mandatory industrial insurance coverage for various for hire vehicle business operations: SB 5498
- Workers' compensation, negotiations for self-insured claims, developing informational document for use during: SB 6415
- Workers' compensation, permanent partial disability, revising certain provisions: **\*EHB 2123, CH 37 (2011)**
- Workers' compensation, recommendations of vocational rehabilitation subcommittee: **\*HB 1726, CH 291 (2011)**, SB 5583
- Workers' compensation, reducing long-term disability and workers' compensation system costs: **\*EHB 2123, CH 37 (2011)**, ESB 5566
- Workers' compensation, safety and health investment projects, authorizing funding to reduce future costs: **\*EHB 2123, CH 37 (2011)**
- Workers' compensation, stay-at-work program, creation: **\*EHB 2123, CH 37 (2011)**
- Workers' compensation, studies of, department to contract for occupational disease claim study: **\*EHB 2123, CH 37 (2011)**
- Workers' compensation, studies of, department to contract for three independent studies: ESB 5566
- Workers' compensation, using occupational health best practices through provider network and health and education centers: ESHB 1869, SB 5801

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- Lake Tapps water supply, watershed management partnership, eminent domain authority: HB 1014, **\*SB 5241, CH 97 (2011)**
- Lake Washington, improving recreational fishing opportunities: **\*HB 1698, CH 266 (2011)**, SB 5291
- Sediment removal by citizen volunteers, streamlining hydraulic project approval: SB 6006
- Sullivan Lake, use of available waters to supply or offset out-of-stream water uses in certain counties: ESB 5647

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 Commercial sexual exploitation of children, investigating, use of informants who are alleged victims: \*SHB 1874, CH 241 (2011), SB 5545  
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- Dogs, police dogs, adding civil penalties for harming or killing and removing liability for dog bites: **\*SHB 2191, CH 94 (2012)**
- Emergency service personnel, requirements for reporting to law enforcement: SB 5671
- Endangered persons, missing, adding to missing children clearinghouse: ESB 6162
- Enhanced intelligence act, restricting collection of protected information about individuals or groups by law enforcement agencies: SB 5048
- Firearm restrictions, partial exemption for community corrections officers under certain conditions: **\*ESHB 1041, CH 221 (2011)**
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- Firearm restrictions, partial exemption for correctional personnel under certain conditions: **\*ESHB 1041, CH 221 (2011)**
- Firearm safety devices and gun safes, use or issuance by government agencies and agents, standards and related provisions: SB 5697
- Fish and wildlife law enforcement bureau, vehicles owned by, exempting from state motor vehicle transportation service: SB 6316
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- Fish and wildlife officers, enforcement, transfer of fish and wildlife enforcement to state patrol: SB 5249
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- Fish and wildlife officers, enforcement, various provisions: SB 5201
- Fish and wildlife, enforcement by department of, revising provisions concerning fish and wildlife violations: SB 6135
- Gangs, criminal street gang activity at rental properties, law enforcement agency provisions: SB 6483
- Harassment, of criminal justice participants, definition to include law enforcement: **\*E2SHB 1206, CH 64 (2011) PV**
- Higher education institution police officers, using interest arbitration panels to settle labor disputes: SB 5606
- Hospital personnel, requirements for reporting to law enforcement: SB 5671
- Human trafficking, at rental properties, law enforcement agency provisions: SB 6483
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- Protected information, individuals or groups, enhanced intelligence act to restrict collection by law enforcement agencies: SB 5048
- Regional public safety authorities, establishment and functioning, including tax levies and benefit charges: SB 5155
- Reserve officers, background investigations as a condition of employment: **\*SHB 1567, CH 234 (2011)**, SB 5435
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- State patrol, background checks of peer counselors with access to children or vulnerable adults: SB 5681
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 State patrol, transfer of fish and wildlife enforcement to state patrol: SB 5249  
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 Joint legislative task force on juvenile record sealing, establishment: \***SHB 1793, CH 333 (2011)**  
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Loans for housing, low-income borrowers, loans made under certain programs not subject to consumer loan act: \***2SHB 1405, CH 191 (2011)**, SB 5303

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Special MLK workforce housing, arts and preservation, tourism, convention and trade center, and community development fund, establishment: ESB 5958, SB 5961

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Cosmetology, barbering, manicuring, and esthetics, department of licensing to adopt rules for online training: HB 2242

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Suicide, Matt Adler suicide assessment, treatment, and management training act of 2012: \***ESHB 2366, CH 181 (2012)**

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Financial education public-private partnership, membership: **\*HB 1594, CH 262 (2011)**

Financial education, adoption of jumpstart coalition national standards in K-12 personal finance education: **\*HB 1594, CH 262 (2011)**

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Suicide prevention, role of office in developing youth suicide prevention pilot projects: **\*2SHB 1163, CH 185 (2011)**

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Teachers and principals, evaluation systems, office of superintendent to develop online training package for new system: SB 6318

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Same-sex domestic partners, registered, secretary to notify of change in domestic partnership laws: SB 6239

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Disability lifeline program, reforms to include creation of new disability lifeline programs: SB 5938

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Elder and vulnerable adult referral agency act: \***ESHB 1494, CH 357 (2011)**

Liquor, creating senior center liquor license: SB 6076

Vulnerable adult and elder referral agencies, regulation: \***ESHB 1494, CH 357 (2011)**

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Assault, inmate assault of correctional officer or department of corrections employee, civil judgments: \***HB 1334, CH 282 (2011)**, SB 5030

Assault, second degree, suffocation as: \***SHB 1188, CH 166 (2011)**

Assault, third degree, assault of various court-related employees to be class C felony: \***HB 1794, CH 238 (2011)**, SB 5046

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Commercial sexual abuse of a minor, advertising of, class C felony: SB 6251

Commercial sexual abuse of a minor, including in definition of criminal profiteering: SB 6252

Commercial sexual abuse of a minor, promoting of, adding knowingly advancing sexually explicit act to: \***ESB 6257, CH 144 (2012)**

Commercial sexual abuse of a minor, requiring offender to make restitution: SB 6259

Commercial sexual abuse of a minor, seizure and forfeiture of property in cases of: SB 6253

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Harassment, of criminal justice participants, description and definition: **\*E2SHB 1206, CH 64 (2011) PV**

Homeless persons, victimization of, sentences outside standard range: **\*SB 5011, CH 87 (2011)**

Human trafficking, offenders to be charged fees in certain cases: **\*ESHB 1983, CH 134 (2012)**, SB 6260

Human trafficking, requiring offender to make restitution: SB 6259

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Prostitution, patronizing a prostitute, offenders to be charged fees in certain cases: **\*ESHB 1983, CH 134 (2012)**, SB 6260

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Prostitution, permitting, offenders to be charged fees in certain cases: **\*ESHB 1983, CH 134 (2012)**

Prostitution, promoting in the first degree, adding compelling of person with mental incapacity or developmental disability to statute: **\*ESB 6254, CH 141 (2012)**

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Prostitution, promoting in the first degree, seizure and forfeiture of property in cases of: SB 6253

Prostitution, promoting, offenders to be charged fees in certain cases: **\*ESHB 1983, CH 134 (2012)**, SB 6260

Prostitution, prosecution for, affirmative defense for victims of human trafficking or promoting prostitution: **\*ESB 6255, CH 142 (2012)**

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 Abuse, commercial sexual abuse of a minor, advertising of, class C felony: SB 6251  
 Abuse, commercial sexual abuse of a minor, including in definition of criminal profiteering: SB 6252  
 Abuse, commercial sexual abuse of a minor, promoting of, adding knowingly advancing sexually explicit act to: **\*ESB 6257, CH 144 (2012)**  
 Abuse, commercial sexual abuse of a minor, requiring offender to make restitution: SB 6259  
 Abuse, commercial sexual abuse of a minor, seizure and forfeiture of property in cases of: SB 6253  
 Commercial sexual abuse of a minor, adding to list of criminal street gang-related offenses: **\*SB 6256, CH 143 (2012)**  
 Commercial sexual abuse of a minor, advertising of, class C felony: SB 6251  
 Commercial sexual abuse of a minor, including in definition of criminal profiteering: SB 6252  
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 Human trafficking, requiring offender to make restitution: SB 6259  
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 Human trafficking, victims, affirmative defense in prosecution for prostitution: **\*ESB 6255, CH 142 (2012)**  
 Pro se defendants, questioning victim, restrictions: SHB 1001  
 Prostitution crimes, offenders, increasing fee assessments: **\*ESHB 1983, CH 134 (2012)**, SB 5813  
 Prostitution, patronizing a prostitute, offenders to be charged fees in certain cases: **\*ESHB 1983, CH 134 (2012)**, SB 6260  
 Prostitution, patronizing a prostitute, requiring offenders to fulfill terms of program about negative costs of prostitution: **\*ESHB 2692, CH 136 (2012) PV**  
 Prostitution, permitting, offenders to be charged fees in certain cases: **\*ESHB 1983, CH 134 (2012)**  
 Prostitution, promoting in the first degree, action for damages when injury sustained due to: SB 6252

Prostitution, promoting in the first degree, adding compelling of person with mental incapacity or developmental disability to statute: **\*ESB 6254, CH 141 (2012)**

Prostitution, promoting in the first degree, requiring offender to make restitution: SB 6259

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Prostitution, promoting in the first degree, victims of, affirmative defense in prosecution for prostitution: **\*ESB 6255, CH 142 (2012)**

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Prostitution, prosecution for, affirmative defense for victims of human trafficking or promoting prostitution: **\*ESB 6255, CH 142 (2012)**

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Registration, sex or kidnapping offender, revising provisions to improve administration and efficiency: SB 5203

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Sexual exploitation of children, offenders to be charged fees in certain cases: **\*ESHB 1983, CH 134 (2012)**, SB 6260

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- Assistance recipients, requiring parents or legal guardians to ensure regular school attendance by their children: SB 6153
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- Child support, support obligation establishment or enforcement by department, removing requirement when certain child care applications received: **\*SHB 2828, CH 4 (2012)**
- Child welfare services, dependency system, unannounced monthly visits to caregivers: **\*SHB 1697, CH 160 (2011)**, SB 5393
- Child welfare services, establishment of secure and semi-secure crisis residential centers and HOPE centers: **\*SHB 1858, CH 240 (2011)**
- Child welfare services, fatality and near fatality reviews, role of department of social and health services: **\*SHB 1105, CH 61 (2011)**, SB 5043
- Child welfare services, organizations providing, modifying business and occupation tax deduction: **\*ESHB 1902, CH 163 (2011)**
- Child welfare services, reforming delivery through community-based system using performance-based contracting: **\*E2SHB 2264, CH 205 (2012)**
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- Educational success for youth and alumni of foster care act, role of department: **\*SHB 2254, CH 163 (2012)**, SB 6374
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- Evidence-based programs for juvenile justice, child welfare, and children's mental health, expending state funds on: SB 6205
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- Foster care, department to authority to provide extended foster care services for youth up to age twenty-one: **\*2SHB 1128, CH 330 (2011)**
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- Long-term care, department role in increasing protections for vulnerable adults in long-term care settings: **\*ESHB 1277, CH 3 (2011)**, SB 5092
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- Medical assistance, transfer of medical assistance and medicaid purchasing to health care authority: **\*2E2SHB 1738, CH 15 (2011)**, SB 5477
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- Nursing homes, employment of physicians by, conditions: **\*SHB 1315, CH 228 (2011)**
- Pharmacy payments, audit of, including systematic program improvement data gathering method: ESHB 1737
- Postacute care program certification standards, department to adopt: SB 5708
- Pregnant women assistance program, creation in connection with termination of disability lifeline program: **\*ESHB 2082, CH 36 (2011)**
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Cell phone use, chief information officer to develop state policy: SB 6527

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Children and family services, department of, creating and transferring certain DSHS powers and duties to: SB 6606

Civil rights, office of, creation as an executive branch agency: SB 5557

Commissions and boards, elimination and alteration of various: \***E2SHB 1371, CH 21 (2011)**

Commissions and boards, elimination of various: SB 5469

Commissions, agency reallocation and realignment of Washington commission on restructuring state government, establishment: SB 5322, SB 6345

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Commissions, human rights commission, transfer of power, duties, and functions to office of civil rights: SB 5557

Commissions, investment trust commission, creation: SB 5238, SB 6310

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Commissions, parks and recreation commission, transfer of powers, duties, and functions to department of conservation and recreation: SB 5669

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Early learning, department of, abolishing and transfer of powers, duties, and functions to department of education: SB 5639

Economic policy, state agency and local government rule making to consider economic impact: **\*SB 5500, CH 249 (2011)**

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Emergency management council, establishment of intrastate mutual aid committee as subcommittee of council: **\*SHB 1585, CH 79 (2011)**, SB 5420

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Enterprise services, department of, creation of department and transfer of powers and duties from other agencies: SB 5503, SB 5931

Ethics in public service, legal defense funds act: SB 6056

Ethics in public service, violations, including provisions governing investigations, disciplinary actions, and agency ethics advisors: SB 6009

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Facilities, acquisition for agencies, analysis of alternative methods: SB 5876

Firearm safety devices and gun safes, use or issuance by government agencies and agents, standards and related provisions: SB 5697

Fish and wildlife, department of, transfer of powers, duties, and functions to department of conservation and recreation: SB 5669

Food purchasing, department of general administration and department to adopt a model food purchasing policy for state agencies: SB 5653

Forecast councils, office of, creation: SB 5468

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Fund or account deficits, projections of, requiring across-the-board reductions by governor in agency allotments from fund or account: SB 6639

General administration, department of, abolishing department: SB 5503, SB 5931

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Habitat conservation plans, with federal government, state agency authority to enter into: ESHB 1009

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Indian tribes, state agencies to designate tribal liaisons and establish government-to-government relationship: HB 2232,  
**\*SB 6175, CH 122 (2012)**

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Information services, department of, transfer of various powers, duties, and functions to department of commerce: SB 5931

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Investment trust blue ribbon task force, creation: SB 5238

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Motor vehicle transportation service, state, exempting fish and wildlife department law enforcement bureau vehicles from:  
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Natural resource agencies, selling land no longer needed for departmental purposes: SB 5376

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Natural resources partnership office, creating to encourage natural resources related partnerships: SB 5481

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Passengers in government or private employer's vehicle, unauthorized, limiting employer liability: **\*SHB 1719, CH 82 (2011)**

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SB 5931

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Private property regulation, property fairness act to compensate owners for agency damage to property: SB 5267

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Public instruction, office of the superintendent of, creating as an executive branch agency: SB 5522

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Puget Sound partnership, abolishing partnership and transferring powers, duties, and functions to conservation commission:  
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Purchasing by state, centralizing within department of enterprise services, procedures and other requirements: **\*2SHB 2452, CH 224 (2012)**, SB 6198

Purchasing by state, increasing small business participation and maintaining records to measure effects of assistance: **\*HB 1770, CH 358 (2011) PV**

Purchasing by state, revising provisions: SB 5519

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Regulatory assistance, office of, modifying certain provisions: SB 6359

Regulatory assistance, office of, repealing certain statutes pertaining to office: **\*HB 1178, CH 149 (2011)**, SB 5318

Regulatory assistance, office of, report concerning state rule-making process and regulatory system: **\*HB 1178, CH 149 (2011)**, SB 5318

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Rule making, emergency, using to implement fiscal reductions: **\*EHB 1248, CH 2 (2011)**

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Science, peer-reviewed studies, use by certain agencies prior to taking action: ESHB 2335, SB 5644

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Tortious conduct by state government, claims for damages, expanding application to include health care injuries: SB 6187

Violations, small businesses, extending period for correction without penalty: **\*HB 1150, CH 18 (2011)**

Washington health security trust, creation: SB 5609

Washington investment trust, creation: SB 5238, SB 6310

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Debt, state, implementing recommendations of commission: SB 6262

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- Actions and claims against state, claim or judgment amount liability limits: SB 6458
- Archives and records management division, fee and charge exemption for higher education institutions not using division services: SB 5517
- Archivist, state, sole authority for archival and records storage, excepting legislative records: SB 6522, SB 6588
- Buildings, major facility projects, using Washington state-based resources in constructing public buildings: SB 5300
- Central services costs of state government, reducing: SB 6607
- Central services, conforming amendments prompted by reorganization of state government: SHB 2375
- Chief information officer, office of the, creation and duties within office of financial management: SB 5761, SB 5931
- Civil rights, office of, creation as an executive branch agency: SB 5557
- Conservation and recreation, department of, creation as executive branch agency: SB 5669
- Consolidated technology services agency, establishment and collective bargaining provisions: SB 5761, SB 5931
- Consolidated technology services board, establishment: SB 5761, SB 5931
- Debt reduction act, constitutional definitions of "debt service limit" and "debt service limit percentage": SJR 8215
- Debt, limitation on state debts, including bonds and notes: SB 5181
- Debt, state, constitutional amendment to include recommendations of commission on state debt: SB 6262, **\*ESJR 8221 (2012)**
- Debt, state, creating debt advisory council: SB 6262
- Debt, state, implementing recommendations of commission on state debt: SB 6262
- Department of education, creation as an executive branch agency: SB 5639
- Economic policy, state agency and local government rule making to consider economic impact: **\*SB 5500, CH 249 (2011)**
- Education, department of, creation as an executive branch agency: SB 5639
- Elected and appointed officials, allowing salary reductions: SJR 8209
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- Equity and access, commission on, creation within office of civil rights: SB 5557
- Ethics in public service, violations, including provisions governing investigations, disciplinary actions, and agency ethics advisors: SB 6009
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- False claims against the government, procedures and responsibilities for civil actions for commission of wrongful act: SB 5379
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- Forecast councils, office of, creation: SB 5468
- Governmental services, interstate provision of, uniform law commission drafting of law enabling contracts among states: SB 5739
- Health care facilities owned and operated by state, prohibiting mandatory overtime for facility employees: **\*HB 1290, CH 251 (2011)**
- Higher education, council for, creation as primary successor to higher education coordinating board: SB 6269
- Impact fees, crediting certain public facilities against fees: SB 5131
- Indian tribes, establishment of government-to-government relationship with state: HB 2232, **\*SB 6175, CH 122 (2012)**
- Indian tribes, state or municipal sale or lease of public property to tribes: **\*EHB 1409, CH 259 (2011)**, SB 5208

Indians and Indian territory, retrocession of civil and criminal jurisdiction over Indian tribes in Indian country: **\*ESHB 2233, CH 48 (2012)**, SB 6147

Indians and Indian territory, state to retrocede civil jurisdiction: SB 5332

Information technology advisory board, creation within office of the chief information officer: SB 5761, SB 5931

Interpreter services, spoken language, contracts for state executive agencies: SB 6572

Investment trust blue ribbon task force, creation: SB 5238

Investment trust, creation of Washington investment trust: SB 5238, SB 6310

Language, English to be official state language: SB 6053

Legislative support services, office of, creation: **\*HB 2705, CH 113 (2012)**, SB 6509

Lieutenant governor, office of the, transferring powers, duties, and functions of department of archaeology and historic preservation to office: SB 5835

Outsourcing state commercial activity to private sector, competition council to oversee: SB 5316

Property, state or municipal, sale or lease to Indian tribes: **\*EHB 1409, CH 259 (2011)**, SB 5208

Public facilities, crediting certain facilities against impact fees: SB 5131

Public instruction, office of the superintendent of, creating as an executive branch agency: SB 5522

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Quality award council and quality awards, funding and role in government management accountability and performance program: SB 6594

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Social and health services, splitting department into smaller executive agencies: SB 6606

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Student achievement council, office of the, creation as successor to higher education coordinating board: SB 6232

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Tortious conduct by state government, claims for damages, expanding application to include health care injuries: SB 6187

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Financial aid counseling curriculum, creation by office for higher education institutions: SB 6121

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Student achievement council, placing office within: **\*E2SHB 2483, CH 229 (2012)** **PV**

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- Domestic violence, institute for public policy to study recidivism by and treatment of perpetrators: **\*ESHB 2363, CH 223 (2012)**
- Freestanding emergency rooms, study and evaluation of impact: SB 5515
- Health care insurance, direct practices, repealing requirement for study and report by insurance commissioner: **\*HB 2420, CH 207 (2012)**, SB 6391
- Mazama pocket gopher, department of fish and wildlife to conduct biological status update: SB 5264
- Nuclear-generated power, a joint legislative task force on nuclear energy to study feasibility of pursuing: SB 5564
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- Suicide assessment and treatment, evidence-based, secretary of health to conduct study of effect of: **\*ESHB 2366, CH 181 (2012)**
- Tax exemptions study, temporary narrowing of study: **\*ESHB 1346, CH 20 (2011)**
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- Workers' compensation, independent entity to study occupational disease claims: **\*EHB 2123, CH 37 (2011)**, ESB 5566
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- Plats, modifying provisions concerning advance property tax payments for recording: HB 2639

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- Federal earned income tax credit, unfunded state remittance for eligible persons, repealing: SB 5588
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- Health security trust, use of tax revenues for health care services and maintenance of trust: SB 5609
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- Higher opportunity promise for education act, including repeal of business and occupation tax, reduction and extension of retail sales tax, and imposition of income tax: SB 6550
- Impact fees, exemption, for low-income housing: **\*EHB 1398, CH 200 (2012)**, SB 5524
- Income tax, constitutional amendment to allow: SJR 8224, SJR 8226
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Exemptions, nonprofit public hospitals, documentation requirements: SB 6517

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Fruit, vegetable, dairy, and seafood businesses, extending exemptions for: \***ESB 6635, CH 6 (2012)**

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Health security trust, repealing certain tax provisions in connection with creation of trust: SB 5609

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Mental health services, providing of, deduction for regional support networks: \***2ESHB 1224, CH 19 (2011)**

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Preferences, extending for fruit, vegetable, dairy, and seafood businesses: SB 6342

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Preferential tax rates, partial roll-back of various: SB 5945

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Solar energy systems, using stirling converters, tax on manufacturers: \***SB 5526, CH 179 (2011)**

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 Computer data centers, sales and use tax exemption for certain equipment: 2ESB 5873, \***ESB 6635, CH 6 (2012)**  
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 Exemptions, use of tangible personal property for certain state transportation projects: SB 6191  
 Expenditures, requiring net benefit to state in order to claim: SB 5923  
 Fishing charter vessels, bait used by, sales and use tax exemption: SB 5290  
 Fuel, use of motor vehicle and special fuel, exemption for fuel purchased for state-owned ferries: SB 5742

Joint municipal utility services authorities, exemption for certain sales, uses, and transfers: **\*ESHB 1332, CH 258 (2011)**  
 Local sales and use tax account, deposits and distributions, modifying procedures: **\*HB 2822, CH 9 (2012)**, SB 6633  
 Local sales and use, authorizing city utility infrastructure tax for certain small cities: SB 5683  
 Local sales and use, certain retail sales and uses of food and beverages, deposit of proceeds in special MLK fund: ESB 5958, SB 5961  
 Local sales and use, county or city imposition: SB 6521  
 Local sales and use, county, using for chemical dependency treatment, mental health services, and therapeutic courts: **\*SHB 2357, CH 180 (2012)**  
 Local sales and use, distressed public facilities district indebtedness default finance plan, taxation provisions: EHB 2145  
 Local sales and use, distressed public facilities districts, extending authority to submit tax to voters: SHB 2458  
 Local sales and use, funding for parks, recreation, trails, and open space allocation: SB 5786  
 Local sales and use, hospital benefit zone provisions: SB 5525  
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 Local sales and use, improvement, rehabilitation, or expansion of regional centers: SB 6638  
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 Local sales and use, manufacturing machinery and equipment tax deferral, including net benefit to state requirement: SB 6610  
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 Local sales and use, public facilities districts, taxing authority of: SB 6638  
 Local sales and use, retail car rentals, deposit of proceeds in special MLK fund: ESB 5958, SB 5961  
 Local sales and use, retail car rentals, deposit of revenue in special account: SHB 1997, ESB 5958, SB 5961  
 Local sales and use, special stadium taxes, deposit of revenues in special MLK fund: ESB 5958, SB 5961  
 Local sales and use, taxation of vessels: SB 5372  
 Local sales and use, voted tax to fund cultural access authorities: SB 5626  
 Main street fairness act, federal, requesting adoption: SJM 8009  
 Manufacturing machinery and equipment exemption, changing to tax deferral and requiring net benefit to state to claim: SB 6610  
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 Mental health treatment, use of certain county sales and use taxes: **\*SHB 2357, CH 180 (2012)**  
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 Preferences, requiring net benefit to state in order to claim: SB 5923  
 Public facilities districts, distressed, extending authority to submit tax to voters: SHB 2458  
 Remote collection of sales and use taxes, requesting adoption of federal legislation: SJM 8009  
 Restaurants, meals supplied to employees without charge, exemptions: HB 1498, **\*SB 5501, CH 55 (2011)**  
 Running events, eligible, exemption for entry fees when operated by nonprofit organization: SB 6510  
 Snohomish Polytechnical College, creation, funding through voter-approved sales and use tax: SB 5287  
 State agency annual assessment and performance grading program, certain retail sales and use tax revenues to fund: SB 6594  
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 Therapeutic courts, use of certain county sales and use taxes: **\*SHB 2357, CH 180 (2012)**  
 Transportation projects, deferred sales and use taxes due in certain cases, ending repayment requirement: SB 6191  
 Vessel sales, to nonresident persons, sales and use tax exemption in certain cases: SB 5372, SB 6248  
 Vessels, taxation: SB 5372  
 Zoological facilities, exemption for use of certain objects by zoological facilities: SB 5391

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- Innovation database and newsletter, state technology center solicitation of contributions to support: SB 5736
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Spokane intercollegiate research and technology institute, abolishing, transfer of powers, duties, and functions to innovate Washington: **\*2ESB 5764, CH 14 (2011) PV**  
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Driving under the influence, damages caused by impaired drivers, extending time to enforce civil judgments: SHB 2176, SB 6001

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Driving under the influence, first-time offenders, increasing penalties: SHB 1556

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Driving under the influence, license suspension or revocation due to, blocking in certain cases involving clerical errors: **\*SB 6030, CH 28 (2012)**

Driving under the influence, prior offenses, ignition interlock devices, and related matters: **\*E2SHB 1789, CH 293 (2011)**

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Driving while license is suspended or revoked, driver being held to answer in any court upon filing of an information by prosecuting attorney: SB 5195

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Smoking in vehicles containing children, prohibition: SB 5016

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Budget, 2009-2011 and 2011-2013: **\*ESHB 1175, CH 367 (2011) PV**

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Bus rapid transit, local planning requirements when part of high capacity transportation system planning: **\*EHB 1171, CH 127 (2011)**

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Evergreen Point bridge, state route number 520, permitting and construction for replacement of certain elements of bridge: **\*EHB 2814, CH 84 (2012)**

Evergreen Point bridge, state route number 520, permitting for replacement of certain elements of bridge: SB 6599

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Projects, pairing compensatory mitigation of wetlands and aquatic habitat with existing environmental programs: \***E2SHB 2238, CH 62 (2012)**, SB 6093  
Public transportation grant program and account, creation: \***EHB 2660, CH 74 (2012)**  
Rail fixed guideway systems, local planning requirements when part of high capacity transportation system planning: \***EHB 1171, CH 127 (2011)**, ESB 5205  
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Railroad cranes and crane operators, revising safety regulations: SB 5760  
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Transit service mitigation account and grant program, establishment: SB 6455  
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Renewable resources, energy independence act targets, temporarily suspending certain provisions: SB 5563  
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 Sewer utility charges, collection of delinquent charges by county, alternative lien procedures: SHB 1852  
 Tax, authority of county to impose county utility tax: SB 5441  
 Thermal energy recovery, transmission, and distribution as part of projects for carbon dioxide mitigation: SB 5509, SB 6012  
 Thermal energy, qualifying as alternative energy resource, electric utility customer option to purchase: **\*ESHB 2664, CH 112 (2012)**, SB 6450  
 Underground utility damage prevention act, establishing excavation procedures and reducing facility damage: **\*E2SHB 1634, CH 263 (2011) PV**  
 Underground utility damage prevention act, modifying effective date for RCW 19.122.130: **\*ESHB 2223, CH 96 (2012)**, SB 6220  
 Wastewater companies, regulation by utilities and transportation commission: SB 5034  
 Wastewater companies, regulatory fees, technical statutory cross-reference corrections: **\*HB 2653, CH 111 (2012)**, SB 6214

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 Electric utilities, integrated resource plans, consistency with statute to be acknowledged by commission order: SB 5424  
 Ferries, commercial, removing Puget Sound commercial ferries from commission jurisdiction: SB 5409  
 Local exchange companies, commission role in regulatory parity: SB 5615  
 Railroad safety, advisory committee on, creation within commission: SB 5847  
 Railroad safety, commission to develop rules to improve safety and operations: SB 5847  
 Underground utility damage prevention act, commission role in establishing excavation procedures and reducing facility damage: **\*E2SHB 1634, CH 263 (2011) PV**  
 Underground utility damage prevention act, modifying effective date for RCW 19.122.130: **\*ESHB 2223, CH 96 (2012)**, SB 6220  
 Wastewater companies, regulation by commission: SB 5034

#### **VETERANS**

Child support, veterans benefits apportioned to meet support obligation, crediting veteran for payment: HB 2287  
 Courts, veterans' courts, establishment and use: SB 6404  
 Department of veterans affairs, veteran-owned businesses, transfer of program to office of civil rights: SB 5557  
 Employment, permitting private employers to exercise permissive preference for certain veterans: **\*HB 1432, CH 144 (2011)**, SB 5841  
 Higher education institutions, certain colleges to participate in program that leverages leadership of returning veterans: SB 5608  
 Higher education, early registration for eligible veterans and national guard members: SHB 2503  
 Higher education, priority registration for eligible veterans and national guard members: SB 6288  
 Higher education, resident student, modifying definition to include veterans residing in state when separated from service: SB 6544  
 Korean War, establishing national Korean War veterans armistice day: **\*HB 2138, CH 11 (2012)**  
 Military service award emblems for display on license plates: **\*SHB 2312, CH 69 (2012)**  
 Preferential hiring of veterans by department of transportation's marine division: SB 6457  
 Public employment, examinations for, use of veterans' scoring criteria status: SB 5861, SB 5970  
 Raffle, veteran's raffle to be offered by state lottery: **\*SB 6059, CH 43 (2012)**  
 Real estate brokers and firms, fingerprint and background checks, exempting veterans from requirements: SB 6533  
 Traumatic brain injury strategic partnership, advisory council, and account, revising provisions: **\*SHB 1614, CH 143 (2011)**  
 Veterans innovation program, funding through state lottery raffle: **\*SB 5806, CH 352 (2011)**  
 Veterans' assistance fund, property tax levy lid limits: SB 6452  
 Veterans' relief, property tax levy lid limits for services: SB 5567, SB 6452  
 Walla Walla state veterans' home, establishment: SB 6507

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- Cats, feral and free-roaming, spaying and neutering program: SB 5151
- Choke chains, leaving pet animal unattended with, prohibiting: SB 6122
- Companion animals, assistance for low-income owners through companion animal safety, population control, and spay/neuter assistance program: SB 5151
- Prescription monitoring program, data submission requirements, exemption for veterinarians: SB 6105

**VICTIMS OF CRIMES (See also CRIMINAL PROCEDURE)**

- Address confidentiality program, disclosure of information in registered domestic partnership applications and related records: SB 6213
- Crime victims advocacy, office of, establishment of sex offender policy board by office: SB 5790
- Crime victims' compensation program, separating administration from workers' compensation program: SB 5691
- Crime victims' services account, creation: SB 6389
- Domestic violence, protections for victims: \***ESHB 2363, CH 223 (2012)**
- Driving under the influence, maintaining registry of qualified victim impact panels: SHB 1167, \***E2SHB 1789, CH 293 (2011)**
- Harassment, no-contact orders and other protections for victims: \***ESHB 2363, CH 223 (2012)**
- Human trafficking, victims and their families, using existing funding to provide housing: \***SB 5482, CH 110 (2011)**
- Human trafficking, victims, affirmative defense in prosecution for prostitution: \***ESB 6255, CH 142 (2012)**
- Informants who are alleged victims, use when investigating commercial sexual exploitation of children: \***SHB 1874, CH 241 (2011)**, SB 5545
- Questioning by pro se defendant in sex offense cases, restrictions: SHB 1001
- Questioning by pro se defendants, procedures: SB 5014
- Sentencing of felony offenders, provision of restitution and support for victim: SB 5880
- Sexual assault, grant programs and services for victims, administration: SB 6100
- Victim impact panels, maintaining registry of qualified panels for driving under the influence: SHB 1167, \***E2SHB 1789, CH 293 (2011)**

**VOCATIONAL EDUCATION**

- Career pathways act, encouraging multiple career pathways: 2SHB 2170, SB 6119
- Health care personnel shortage task force, convening and duties: SB 6115
- Internships, workforce training and education coordinating board to create profile-based web application to connect students and employers: SB 5637
- Lifelong learning program, establishment within workforce training and education coordinating board: \***ESB 6141, CH 33 (2012)**
- Opportunity internship program, revising provisions: SHB 1608
- Workforce investment funds, using for layoff aversion: SB 6541

**VULNERABLE ADULTS**

- Elder and vulnerable adult referral agency act: \***ESHB 1494, CH 357 (2011)**
- Emergency shelter and transitional housing entities, criminal identification system for: SB 6167
- Exploitation, defining financial exploitation of a vulnerable adult: SHB 1104, SB 5042
- Health care professionals, prohibited from practicing if disqualified from unsupervised access to vulnerable adults: SHB 2578
- Long-term care and nursing facilities, waivers of resident rights, adding provision concerning vulnerable adults statute: SB 5047
- Long-term care, protecting vulnerable adults through changes to adult family home and long-term care provisions: \***ESHB 1277, CH 3 (2011)**, SB 5092
- Peer counselors, background checks: SB 5681
- Protection, orders for, prohibiting agencies from charging fee for filing or service: SB 6403
- Protection, role of department of social and health services in protecting vulnerable adults: SHB 1104, SB 5042
- Unsupervised access to vulnerable adults, employees who will have, allowing consumer reports by consumer reporting agencies: SB 5703
- Vulnerable adult and elder referral agencies, regulation: \***ESHB 1494, CH 357 (2011)**

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- Community and technical college employees, academic, authorizing additional compensation: SB 5434

Community and technical college employees, academic, awarding salary increments: HB 1631, SB 5507  
 Cost-of-living increases, ongoing suspension of increases for educational and academic employees: \***2SHB 1132, CH 18 (2011)**, SB 5470  
 Elected and appointed officials, state, county, and municipal, allowing salary reductions: SJR 8209  
 Elected and appointed officials, state, county, and municipal, salary reduction when public employee salaries are reduced: SJR 8202, SJR 8203  
 Elected officials of executive branch, voluntary three percent salary reduction: SB 5860  
 Elected officials, cities, towns, and counties, when salary changes become effective: SB 5126  
 Elected officials, citizens' commission on salaries for, membership provisions: \***SHB 1008, CH 254 (2011)**, SB 5064  
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 Prevailing wages, public works, requirement no longer applicable to building service maintenance contracts: SB 5358  
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Agricultural commodities, warehousing, increasing licensing fees under warehouse act: SB 6208

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Energy code, state, delaying implementation of 2009 adopted changes: SB 5751  
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 Rule making, board of education to provide fiscal impact statements: \***SHB 2492, CH 210 (2012)**  
 Rule making, board of education, rules not fully funded by legislature to be voluntary, conditions: SB 6320  
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 Rule making, significant legislative rules, report by office of regulatory assistance: \***HB 1178, CH 149 (2011)**, SB 5318  
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Columbia and Snake river mainstems, water resource management, using to promote production of biofuel and organic crops: SB 6028

Columbia river, public utility districts bordering, supplying water and electric energy for or from pumped storage generating facility: SB 6044

Fire hydrant services, requirements for water-sewer districts, cities, and towns: SB 6469

Geothermal resources, development of and conforming federal and state statutes: SB 6285

Home construction, human domestic water access in rural areas, requirements: SB 6312

Irrigation and rehabilitation districts, administration: SB 6512

Irrigation districts, hydroelectric generation on district facilities, qualifying for renewable energy credit: SB 6224

Irrigation districts, lease of district property, duration to be determined by district board of directors: HB 1392, **\*SB 5295, CH 50 (2011)**

Irrigation districts, revising certain administrative provisions: ESB 6217

Irrigation, exemptions from definition of critical areas for purposes of comprehensive plans: SB 5292

Joint municipal utility services act: **\*ESHB 1332, CH 258 (2011)**, SB 5198

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Public water systems, creation of joint municipal utility services authorities: **\*ESHB 1332, CH 258 (2011)**, SB 5198

Public water systems, establishment of fluoridation levels by state board of health: SB 5772

Public water systems, liability after shutting off water to a residential home with a fire sprinkler system: **\*ESHB 1295, CH 331 (2011)**, SB 5206

Public water systems, operating permits, revising provisions: SB 5364

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Stock water working group, department of ecology to convene: SB 6200

Storm water pollutants, toxic, imposing fee on first possession, exceptions: SB 5604

Storm water, improving water quality during charitable car washes and prescribing penalty for violations: SB 5777

Storm water, new requirements, delaying to provide fiscal relief to cities and counties: SB 6207

Wastewater, companies, regulation by utilities and transportation commission: SB 5034

Wastewater, companies, regulatory fees, technical statutory cross-reference corrections: **\*HB 2653, CH 111 (2012)**, SB 6214

Wastewater, publicly owned industrial treatment facilities, department of ecology authority to provide funding: SB 6027

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Water commission, state, creation: SB 5210

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Wells, additional construction fee to fund groundwater management activities: SB 5757

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Wells, municipal water supplier well construction notification requirements: SB 5684

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Coal tar asphalt sealant, prohibiting sale and use: **\*ESHB 1721, CH 268 (2011)**

Dredge and fill material, discharge of, exemption from prohibition when due to certain agricultural practices: SB 6431

Facilities for water pollution control, department of ecology authority to provide funding to publicly owned industrial wastewater treatment facilities: SB 6027

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Livestock nutrient management, provisions concerning investigations and corrective actions: SB 5723

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Pollution liability insurance program and agency, extending expiration of agency's authority and funding source: **\*SHB 2590, CH 3 (2012)**, SB 6335

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 Storm water, improving water quality during charitable car washes and prescribing penalty for violations: SB 5777  
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 Storm water, new requirements, delaying to provide fiscal relief to cities and counties: SB 6207  
 Storm water, permit issuance, low-impact development principles and practices: SB 6372  
 Storm water, rates and charges for facilities, provisions: SHB 2733  
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Columbia and Snake river mainstems, water resource management, using to promote production of biofuel and organic crops: SB 6028  
 Columbia basin project, federal, superseding water right permit requirements for water delivered from project: **\*HB 1391, CH 72 (2011)**, SB 5293  
 Columbia river basin management program, modifications to prospectively maximize investment tools: **\*2SHB 1803, CH 83 (2011)**, ESB 5647  
 Columbia river basin water supply, voluntary regional agreements, amending RCW 90.90.030: **\*SHB 2212, CH 161 (2012)**  
 Columbia river, public utility districts bordering, supplying water and electric energy for or from pumped storage generating facility: SB 6044  
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 Minimum flows and related terms, defining for consistency: SB 6313  
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 Permits, surface water right permits, change in point of diversion: SB 5635  
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 Relinquishment of water rights, beneficial use time extension: SB 5209  
 Relinquishment of water rights, sufficient cause for nonuse to include waiting for a final change application determination: **\*HB 1381, CH 7 (2012)**  
 Relinquishment of water rights, sufficient cause for nonuse, provisions: SB 5962  
 Terminology and related policy, defining "minimum flows" and related terms: SB 6313  
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 Water resources, limitations on withdrawing various waters from additional appropriations: SB 5750  
 Water resources, mitigation alternatives for human domestic needs in rural areas: SB 6311  
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Fire hydrant services, requirements for districts: SB 6469  
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 Joint municipal utility services act: **\*ESHB 1332, CH 258 (2011)**, SB 5198  
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 Property of district, estimated value when selling: HB 1075, **\*SB 5033, CH 90 (2011)**

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Watershed management partnerships, Lake Tapps water supply, eminent domain authority: HB 1014, **\*SB 5241, CH 97 (2011)**

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Noxious weed control boards, state and county, authority in connection with plant species not on noxious weed list: **\*SHB 1169, CH 126 (2011)**, SB 5087  
 Noxious weeds, noxious weed list, restricting addition of plant species to list: **\*SHB 1169, CH 126 (2011)**, SB 5087

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Beavers, management, including relocation and release, department of fish and wildlife role: **\*SHB 2349, CH 167 (2012)**  
 Carnivores, large wild, commercial livestock injury or loss due to: E2SHB 2365, SB 6139  
 Carnivores, large wild, feeding or attracting, prohibitions on and penalties for: E2SHB 2365, SB 6139  
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 Endangered fish or wildlife, unlawful taking, affirmative defense when involving gray wolf attacking livestock: SB 6137  
 Endangered fish or wildlife, unlawful taking, allowing killing of gray wolf when livestock being attacked: E2SHB 2365  
 Habitat conservation plans, with federal government, state agency authority to enter into: ESHB 1009  
 International wildlife urban interface code, adoption as part of state building code: SB 5207  
 Killing or harming with malice, criminal and civil provisions: **\*SHB 1243, CH 67 (2011)**  
 Mazama pocket gopher, department of fish and wildlife to conduct biological status update: SB 5264  
 Mazama pocket gopher, protection of, assisting landowners with compliance with critical area ordinances: SB 6083  
 Mazama pocket gopher, removing state and local protections: SB 6271  
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 Predatory wildlife, prohibiting feeding or negligently attracting: SB 5201  
 State wildlife account, increasing revenue through collection of fees: SB 5385  
 Taxidermy, business records requirements for taxidermists: SB 5201  
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 Wolves, affirmative defense for unlawful taking of endangered fish or wildlife in certain cases of gray wolf attacking livestock: SB 6137  
 Wolves, gray wolves, urging delisting from federal endangered species act: SJM 8002  
 Wolves, gray, allowing killing of gray wolf when livestock being attacked: E2SHB 2365

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Abortion, health coverage for voluntary termination of pregnancy, requirements for insurers: ESHB 2330, SB 6185  
 Breast reconstruction, surgical facilities to provide information prior to mastectomy or related procedure: SB 5262  
 Gender-based terms in RCW, technical corrections: **\*SB 5045, CH 336 (2011) PV, \*SB 6095, CH 117 (2012)**  
 Pregnancy, limited service pregnancy centers, accountability of centers: SB 5274  
 Pregnant women assistance program, creation in connection with termination of disability lifeline program: **\*ESHB 2082, CH 36 (2011)**

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 Audit, claims management system, performance audit by joint legislative audit and review committee: **\*EHB 2123, CH 37 (2011)**  
 Benefits, claims, structured settlement agreements: **\*EHB 2123, CH 37 (2011)**  
 Benefits, claims, voluntary settlement agreements: SB 5280  
 Benefits, compensation and death benefits, freezing and delaying cost-of-living adjustments: **\*EHB 2123, CH 37 (2011)**  
 Claims management entities, penalties for violations: SB 5753  
 Claims management system, performance audit by joint legislative audit and review committee: **\*EHB 2123, CH 37 (2011)**  
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 Claims, retrospective rating plan employer and group claims management authority: ESHB 1487, SB 5461  
 Contractors, misclassification of workers as independent contractors, violations and penalties: E2SHB 1701, SB 5599  
 Disability, long-term for injured workers, reducing disability and workers' compensation system costs: **\*EHB 2123, CH 37 (2011)**, ESB 5566  
 Disability, permanent partial, revising certain provisions: **\*EHB 2123, CH 37 (2011)**  
 Farm internship pilot project, establishment and relationship to workers' compensation: SB 6392  
 Firefighters, strokes, presumption of occupational disease: SB 5212, SB 5354  
 For hire vehicle operators, industrial insurance provisions: **\*ESHB 1367, CH 190 (2011)**, SB 5498  
 Franchisees, exempting from definition of worker for workers' compensation purposes: SB 6506  
 Industrial insurance rainy day account, creation: ESHB 2026  
 Industrial insurance rainy day fund, creation: **\*EHB 2123, CH 37 (2011)**  
 Industrial insurance, employer wage subsidies and reimbursements for providing light duty or transitional work in certain cases: ESHB 2002, **\*EHB 2123, CH 37 (2011)**, ESB 5566  
 Law enforcement officers, death from heart attack or stroke in line of duty, presumption of occupational disease: SB 5212

Law enforcement officers, death from heart problems or stroke in line of duty, presumption of occupational disease: SB 5354

Legal actions, defining "recovery" for purposes of actions under industrial insurance statutes: SB 5279

Occupational disease claims, study of: \***EHB 2123, CH 37 (2011)**, ESB 5566

Occupational health best practices, use of, creating provider network and expanding health and education centers: ESHB 1869, SB 5801

Rate notices, information to be included in notices: \***SB 5278, CH 175 (2011)**

Rates for workers' compensation, annual adjustment: SB 5277

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Safety and health investment projects, authorizing funding to reduce future costs: \***EHB 2123, CH 37 (2011)**

Self-insured claims, negotiations for, developing informational document for use during: SB 6415

Self-insured employers, handling of claims and issuance of orders: \***ESHB 1725, CH 290 (2011)**, SB 5582

Self-insured employers, penalties for violations by certain self-insurers: SB 5753

Self-insured employers, requiring notice to injured workers, violations and penalty: SB 5341

Settlement agreements, structured, assistance for employees of self-insured employers when entering: SB 6505

Settlement agreements, structured, entering into by parties to a benefits claim: \***EHB 2123, CH 37 (2011)**

Settlement agreements, structured, exemption from public inspection and copying: SHB 2407

Settlement agreements, voluntary, authorization and study of: ESB 5566

Settlement agreements, voluntary, entering into by parties to a benefits claim: SB 5280

Stay-at-work program, creation: \***EHB 2123, CH 37 (2011)**

Studies, independent, department of labor and industries to contract for three studies: ESB 5566

System, workers' compensation system, various changes and additions: \***EHB 2123, CH 37 (2011)**

Third-party administrators, penalties for violations: SB 5753

Vocational rehabilitation subcommittee for workers' compensation, recommendations: \***HB 1726, CH 291 (2011)**, SB 5583

#### **WORKFORCE TRAINING AND EDUCATION COORDINATING BOARD**

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Aerospace and advanced materials manufacturing training programs, evaluation by board: \***2SHB 2156, CH 50 (2012)**, SB 5976

Career exploration partnership zone program, establishment as part of career pathways act: 2SHB 2170, SB 6119

Career pathways act, board role: 2SHB 2170, SB 6119

Health care personnel shortage task force, board to convene: SB 6115

Higher education coordinating board, elimination of, transfer of functions to board: SB 5182

Internships, board to create profile-based web application to connect students and employers: SB 5637

Lifelong learning program, establishment within board: \***ESB 6141, CH 33 (2012)**

Opportunity internship program, revising provisions: SHB 1608

Workforce investment funds, using for layoff aversion: SB 6541

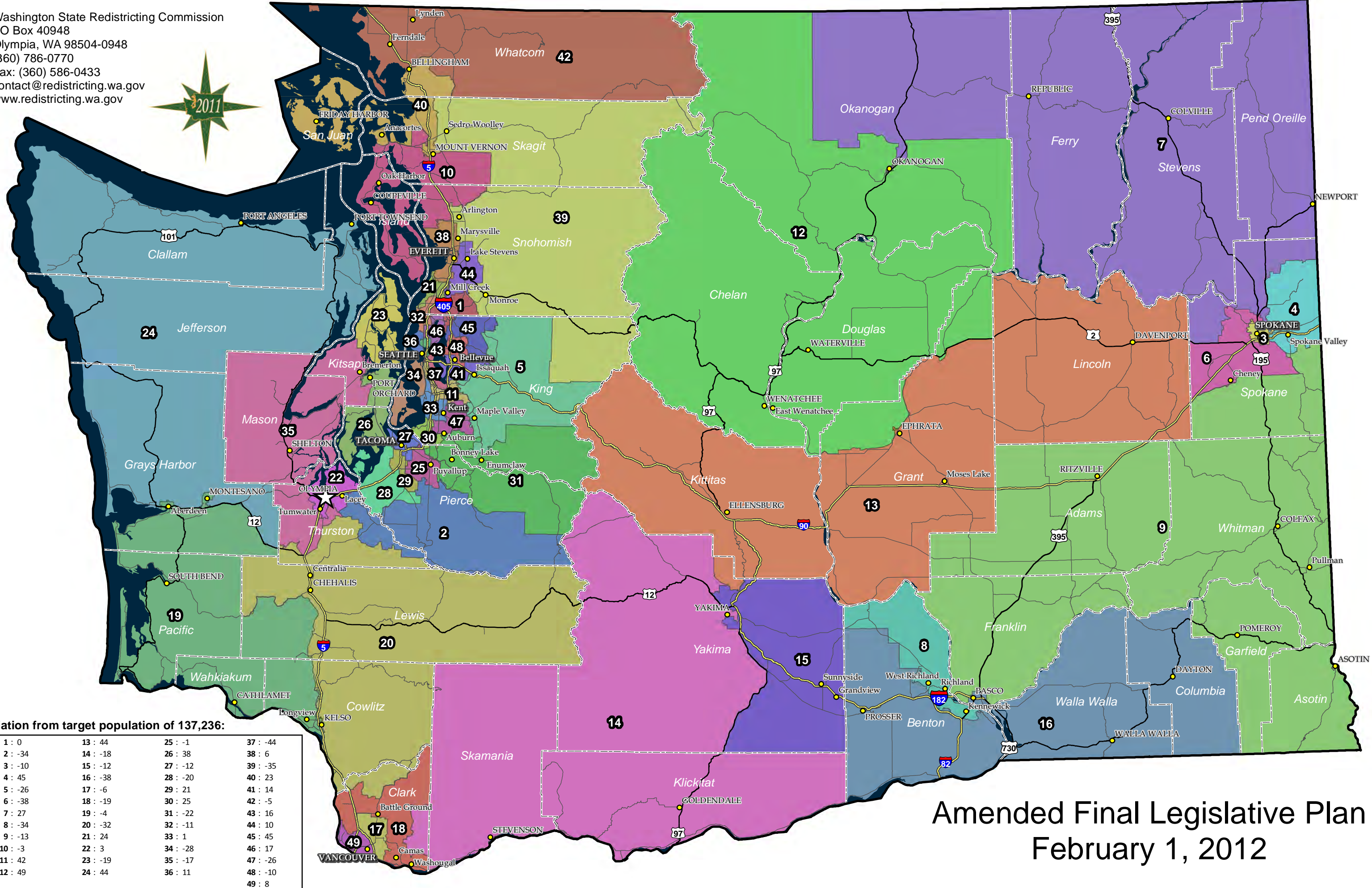
#### **ZOOS AND AQUARIUMS**

Arts and cultural facilities competitive grant program, expanding to include zoos, aquariums, and science and technology centers: E2SHB 2587, SB 6332

Cultural access authorities, creation, organization, and funding: SB 5626

Zoological facilities, tax deduction and exemptions for certain objects: SB 5391

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**Deviation from target population of 137,236:**

1 : 0	13 : 44	25 : -1	37 : -44
2 : -34	14 : -18	26 : 38	38 : 6
3 : -10	15 : -12	27 : -12	39 : -35
4 : 45	16 : -38	28 : -20	40 : 23
5 : -26	17 : -6	29 : 21	41 : 14
6 : -38	18 : -19	30 : 25	42 : -5
7 : 27	19 : -4	31 : -22	43 : 16
8 : -34	20 : -32	32 : -11	44 : 10
9 : -13	21 : 24	33 : 1	45 : 45
10 : -3	22 : 3	34 : -28	46 : 17
11 : 42	23 : -19	35 : -17	47 : -26
12 : 49	24 : 44	36 : 11	48 : -10
			49 : 8

Amended Final Legislative Plan  
 February 1, 2012